

PART TWO

The Territorial and Early Commissioner Governments (1871-1912)

Going up into the town [we passed] by private homes where green benches invited to a dreary rest, by dogs pursuing pigs in sheer maliciousness, and brutal roosters crowing at the sport, and by negro kitchens in the rear of every dwelling. (George Alfred "Gath" Townsend, Washington, Outside and Inside. James Betts & Co., Hartford CN. c. 1873, p. 303)

*Mary had a little lamb,/And it went straying round,/Till Wheelock's fellows gobbled it,/And put it in the pound.
(Evening Star, 24 July 1871, p. 4)*

In former years . . . the men employed were paid a fee for each animal impounded, which led to great abuses . . . The pound men were called thieves and robbers, and often richly deserved the name. (Nat. Republican, 15 June 1874, p. 4)

In 1871 Congress consolidated the two municipal Corporations and one County government into the Territorial government of the District of Columbia. This new entity famously began an ambitious building and upgrade program that created the modern city of Washington and also swamped the government itself in a flood of corruption and debt, leading to imposition of the Commissioner government in 1874.

In this period animal control continued to follow two somewhat separate tracks, as before, but these had now changed focus:

- Concerns relating to farm animals gradually disappeared as the animals themselves disappeared from the city. Although the pound handled cases of these larger beasts, they did not figure greatly in city concerns both because of their decreasing numbers and because, as before, being valuable they were likely to be redeemed by their owners;
- Control of nuisance animals – primarily dogs – became a much more organized and efficient operation and completely under the control of the District government, i.e., the pound and its staff;
- A new area of concern – the humane treatment of animals – came to the fore but with enforcement undertaken not by the pound but by SPCA, leading to something like parallel though not really competing agents of animal control.

Sources: For this later period there is a wonderful body of documentary material. Besides the rather dry trail of legal materials (now better preserved in the records of the U.S. Congress, which passed the laws, and the orders of the Commissioners), we have annual reports (Commissioners, Poundmaster, SPCA/WHS), Congressional hearing transcripts, and also newspaper articles so numerous that no researcher can read them all. The subject lent itself to clever and memorable writing (including that of Poundmaster Einstein) and one could write at least three narratives all covering the same ground for this period and not duplicate the quoted material.

CHAPTER SEVEN

The Contractor Pound

Among the famous works of improvement to the District of Columbia by the Territorial government, the establishment of an effective pound operation can easily be overlooked, but to the city's population it (in time) made a distinct improvement in the quality of urban life.

Previous measures having failed to curb animal-nuisances in Washington, the Corporation Council in 1870 re-organized the Board of Health and gave it responsibility for solving the problem.¹ The clearest-eyed account of this action was given in a newspaper article of the following year:²

The Corporation act of 1870 gave the Board [of Health] certain powers 'to determine what it may regard as nuisances or sources of disease in the city and to direct the abatement thereof.' The act also required the Police Department to co-operate in the abatement of nuisances.

Under the provisions of this act, the Board, previously a mere nullity for want of power, entered upon the work of correcting various evils that have given our city a bad name throughout the country. They found poudrette [fertilizer] factories within city limits;³ hogs, goats, cows and geese roaming the streets; and many other nuisances tolerated in no well-regulated community and they proceeded, with more or less opposition from interested parties, to correct these abuses. Among the most troublesome they found the strongly entrenched animal nuisance.

The Board of Health undertook to do what the Corporation authorities had failed to do, and resolutely set about the abatement of the nuisance. The result was a great hubbub amongst the pig-owners, thus disturbed in their vested right of free pasturage, and the Board extended the time for enforcement of the order [from June] until January [1871] to give opportunity for 'killing and curing' the animals.⁴

The following January, 1871] these parties immediately hurried to the councils [and had the Board's powers rescinded.⁵ The Star saw] no remedy for this disgraceful state of things but through the establishment of a

¹ The Board's minutes seldom mentioned stray animals, although stray animals fell under its purview after 1819 (see Appendix D1). Clearly the Police did this work. The Board's earlier organizational history is briefly sketched in the preceding section Dead Animals. The following narrative depends greatly on contemporary news accounts, the Board minutes being either unhelpful or non-existent for most of this period.

² Evening Star, 14 Jan 1871, p. 2, abridged here. See also Evening Star, 4 Jan 1871, p. 2, amusingly describing an earlier (apparently recent) campaign by the police ("The police . . . taking precious good care not to get very near the animals lest they . . . dirty their good clothes") and recounting the lobbying of the pig-men.

³ For an interesting profile of the poudrette industry, see a detailed report in the Board minutes of 27 Oct 1855.

⁴ See Bd of Health minutes, 13 Sept 1870.

⁵ A notice of January 1871 from the Secretary of the Board ordered all owners of cows to enclose their animals (Evening Star, 7 Jan 1871, p. 2); a separate announcement on the same page by the City Manager reminded the public that a variety of licenses, including those for dogs, needed to be renewed. The outcome of this activity was summarized by Sen. George Edmunds two weeks later in debate: "The other day the Board of Health voted to abolish the nuisance, and the Councils abolished the Board of Health" (Evening Star, 24 Jan 1871, p. 4).

Metropolitan Board of Health by Congress, outside the control and influence of local politicians.⁶ [After all,] the members [of Congress] are all interested in the health of the city, and many have property here detrimentally affected by [these] nuisances.⁷

And that is exactly what happened – the Congressional act creating the Territorial Government of February 1871 specifically assigned responsibility “to make and enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown” to the re-established Board of Health.⁸ In early May the Board adopted a comprehensive code regarding Nuisances in the District, which included restrictions on strays and dogs. As anticipated, the Territorial Council challenged the Board’s authority; the newly constituted House of Delegates (the lower chamber) officially inquired of the Board in May under what authority it had begun construction of a municipal pound,⁹ but the Federal Government supported the Board.

“The Board of Health held a meeting last evening [May 1871] and . . . the secretary was authorized to . . . have distributed a poster warning all persons that they must enclose all domestic animals in and after June 15, 1871.” This order anticipated a Board ordinance: “An Ordinance to Prevent Domestic Animals from Running at Large within the Cities of Washington and Georgetown” of 19 May 1871.¹⁰ The May announcement, generally banning all types of farm animals from running at large in the two municipalities, made the first mention of “the public pound in Washington and Georgetown.”

The new pound, as the old one, operated as a private, contractor service, judging from newspaper accounts of the arrangements and from its actual operations. The operative ordinance envisioned two pounds but we learn very little of the one in Georgetown. It was “on the corner of Washington Street [30th Street] and the canal” and was physically similar to the one in Washington. That more famous establishment stood at 1st and Q Streets NW, “consisting of a palisade covering a space of ground fifty yards square” with enclosures for horses, cattle, geese and dogs, as well as a house for the night watchman. The law required “that no suffering is occasioned” to impounded animals.¹¹

⁶ This account is confirmed by the anonymous “Affairs in the District of Columbia,” p. 727: “The Board of Health we had was without authority and without means.”

⁷ See *Evening Star*, 15 June 1871, p. 1, which notes that “some . . . senators, wrathful about the manner in which their premises have been overrun by Washington’s sacred porkers and bovines,” specified the animal-clause in the Territory legislation.

⁸ Sen. Edmunds declared during the debate that “one feature . . . in the present municipal government was infamous, and that was the abominable nuisance of cows, sheep, goats, and pigs running at large. There were not two trees in the city that did not show marks of injury from animals.” He feared the deplorable state of the city would lead “Western men” to propose moving the Capital (*Evening Star*, 24 Jan 1871, p. 4).

⁹ See the House’s journal of 23 May 1871 (the first page for that day – the pages are unnumbered here). The response forwarded by the Governor was received on 15 June (p. 177) but unfortunately not copied into the book; it is probably the official opinion of Assistant Attorney-General Hill printed in the *Evening Star*, 17 June 1871, p. 1. The same entry records receipt of a request from President Gatchel of SPCA for erection of public drinking fountains “for the use of man and beast.”

¹⁰ *Evening Star*, 12 May 1871, p. 4; 7 June 1871, p. 1. The text is lost but we have the revised version of 1872; I summarize the 1872 ordinance in the later section “Legalities”. Congress “legalized” this ordinance, and a number of other earlier Board ordinances, on 24 April 1880, and again on 7 Aug 1894. Some vestige of the 1871 ordinance might be found in the comprehensive “nuisance” ordinance of 19 Nov 1875, sec. 25, which consolidated earlier Bd of Health regulations. When Emil Kuhn was appointed poundmaster in 1911 the Commissioners order cited the 1871 ordinance as its authority.

¹¹ *Evening Star*, 8 June 1871, p. 4 gives a very detailed description of the facility.

Provisions for redemption – public advertisement, a holding period of six days, payment of a fine and charges – and for sale of unclaimed animals were similar to earlier ordinances.¹² As with the 1863 attempt, the poundmaster built and maintained the facility (and presumably expenses of his staff) himself, receiving a daily boarding-stipend from the city¹³ and keeping half of all fines and charges. Unclaimed animals (except dogs) were sold after five days and those proceeds taken by the city. The poundmaster was bonded. His contract required that operations be ready to start on 15 June 1871.

As first poundmaster the Board made the mistake of appointing **T. Zell Hoover**,¹⁴ “who has an unsavory police record here”; “who has been before the courts so often on charges of swindling,” fired as poundmaster “because of his notoriously bad character”¹⁵ – a type of dishonest and incompetent contractor common then and now. Hoover was listed in the 1869 and ’71 City Directories as a “provisions-broker”. He seems to have lived on the edges of municipal contracts: in 1868 he ran for the Board of the Washington Asylum; in 1869 he bid for contracts to transport “paupers to the alms-house” and convicts to labor sites.¹⁶ He had worked as a broker and real estate agent, and he published the short-lived *Daily Evening Dispatch* in 1867.¹⁷

As the stated 15 June round-up of animals approached excitement grew. The joy of the *Evening Star*¹⁸ was too delicious to let pass:

Blessed Hope and Relief! From and after tomorrow the cities of Washington and Georgetown will cease to be common pasturage and browsing ground for vagrant animals. Roaming droves of porkers will no longer be permitted to ravage our yards, root up our grass-plats, and carry destruction to our flower and kitchen gardens. No longer will they be allowed to make a hog-wash of every gutter, and afterwards to paint our palings with mud. No longer will the exuberant cows have the run of our shrubberies and parked streets. No longer will the musical geese contest with pigs for the possession of the puddles and the sidewalks. No longer will the frisky goats carry on their pugnacious frays on the footways, or make lively butting raids on juveniles. Thus pass away time-honored institutions under the ruthless hand of modern innovation.

Like many successful frauds, Hoover began his tenure impressively – crack at 12:01 AM, 15 June, Hoover, “eager to make hay while the sun shines,” “promptly entered on the work of capturing and impounding all stray animals.”¹⁹ His catch totaled 45 cows, over 15 hogs and several dogs. “As may be imagined, the precincts of Swampoodle, Goose Level, et al. were in a blaze of excitement” – so much so that a mob of 300-400 gathered at the new pound “some threatening to tear down the . . . building, and others imploring the inexorable poundmaster to deliver up their property.” Police held off the mob until,

¹² The financial arrangements were a complicated matter, to say the least: the *Critic-Record* (7 June 1871, p. 2) complained that the Board had decided for the poundmaster’s remuneration to equate with the pound’s fines (“This does not ‘enrich the State,’ which, by the way, is not exactly in the condition of the Rothchilds or the Bank of England”), and on the very day of opening a judge ordered seizure of the entire building “and things appertaining thereto . . . unless the Board comes to the rescue” (*Critic-Record*, 15 June 1871, p. 3). The following summary of pound regulations is taken from: *Evening Star*, 20 May 1871, p. 4; 8 June 1871, p. 4; *Daily Nat. Republican*, 20 May 1871, p. 4.

¹³ Horses, mules, cows – 75 cents/day; sheep, goats, hogs – 50 cents, according to the *Republican* (above), but 50 and 25 cents respectively to the *Star*.

¹⁴ Often also seen as “T. Z. Hoover”; the T stood for Thomas.

¹⁵ Respectively: *Evening Star*, 14 Oct 1895, p. 2; *Critic-Record*, 23 Feb 1884, p. 2; *Evening Star*, 6 Feb 1873, p. 1.

¹⁶ (*Asylum*) *Nat. Republican*, 18 July 1868, p. 3; (paupers) 9 Feb 1869, p. 4; (convicts) 2 Feb 1869, p. 4.

¹⁷ For exactly two weeks; see Bryan, “Bibliography”; *Evening Star*, 6 Feb 1873, p. 1 for the other two professions.

¹⁸ *Op. cit.*, 14 June 1871, p. 2 (abridged here).

¹⁹ This account taken from *Evening Star*, 15 June 1871, p. 4; and *Critic-Record*, 16 June 1871, p. 3.

at 10 AM, word came from the Board of Health that the ban began at midnight of that evening. “The animals were promptly released, and to those who had paid the fees the money was returned, and in a short time all became quiet.” Not only had Hoover jumped the gun, but his contract had not yet been signed nor his bonding approved.

The next morning Hoover made his next foray, “out with a wagon and several assistants,” netting cows, hogs, goats, one horse and mule, and dogs. The animals were mostly redeemed except the “mean ‘yaller dogs’,” which would “doubtless at the end of 24 hours . . . have forfeited their lives.” Again, the pound crew “did not have a very agreeable time,” smuggling eleven geese past an angry crowd in 14th Street NW only “by fast driving.” This day Dr. Verdi,²⁰ Secretary of the Board, visited the pound and informed all pleaders that Hoover’s actions were lawful and they would in fact have to pay the redemption fine. “In consequence . . . Goose Level, Swampoodle, and Cow Town are in commotion . . . and on the commons there are numbers of boys and girls watching the cows.”²¹

In spite of this apparently strong start, Hoover was soon in hot water. Some of the complaints against him no doubt stem from the predicted resistance of lax owners, but the persistence of the complaints and his disreputable later career point to (at the least) an imperious and impolitic nature.²² Just two days later²³ the Board felt the need to lay out specific procedures for pound operations, including some protections for legal horses (giving the idea that Hoover had been taking them willy-nilly). Others of these instructions imply that Hoover had been padding his charges.

Further “armed resistance” met the poundmen that week, when a mob of 40, including several Marines, sought to block capture of some sheep outside the Navy Yard, again necessitating police intervention. The Board debate on this matter “showed anything but unanimity upon the pound-question.” The adopted resolution tightened Hoover’s scope of animal-capture (he now needed a written permit signed by the President and Secretary of the Board for each animal), but also touched on police protection of pound employees and the question of very young children claiming to supervise cattle.²⁴ The following week the Board continued this desultory discussion, generally tending favorable to the injured animal owners.²⁵

Hoover’s end came quickly. The Board of Health, meeting on 3 July 1871, heard a report that the poundmaster’s bonding was not sufficient. “Mr. Langston offered resolutions which were adopted, that T. Z. Hoover has failed to keep his contract with the Board . . . and that said contract be annulled.”²⁶ **Von**

²⁰ Tullio S. Verdi, later President of the Board. He joined the reconstituted SPCA in 1884. The Secretary, successor to the Commissioner of Health established by the 1856 act, was the only full-time employee of the Board; he handled all administrative affairs and made most on-the-ground decisions.

²¹ Evening Star, 16 June 1871, p. 4. See also 17 June 1871, p. 8 for a brief account of the next day’s haul and specifics of pound procedures.

²² The press made much of “The Goose War”, in which Hoover and his men roughed up a lady while impounding her goose. He “told his men to knock the cat down, tie her legs, and throw her in the wagon with the dogs” (Evening Star, 23 June 1871, p. 4).

²³ Evening Star, 20 June 1871, p. 1.

²⁴ Evening Star, 22 June 1871, p. 1; Critic-Record, 23 June 1871, p. 3 (two articles).

²⁵ Critic-Record, 27 June 1871, p. 3, demanding prosecution of “parties who had attempted to interfere with the Poundmaster”; Evening Star, 3 July 1871, p. 4, recounting the Board’s discussion, generally unfavorable to Hoover.

²⁶ Hoover sued the Board for damages “on account of his removal from . . . office” (Daily Nat. Republican, 28 Sept 1872, p. 4).

Essex Essex was then elected poundmaster of Georgetown, and **M. M. Wheelock** poundmaster of Washington.”²⁷

We cannot overlook Hoover’s later career, sordid as it was. That very November (1871) he was convicted of defrauding female employees of the Treasury Department, and two years later was caught up in the Credit Mobilier scandal. In 1875 he was passing himself off as a kind of lobbyist-for-hire (“Special Attention given to any Bills or Claims that may need legislation by Congress. No Commission until Claim or Bill has passed.”). The only notice of him in the next decade related to his conviction for “false pretenses,” promising to procure government jobs for dupes. Hoover hit his ludicrous bottom in 1895, when he claimed to have learned of a plot to dynamite the British embassy. Predictably “T. Zell Hoover was the only man who could frustrate the plot.” The conclusion of this farce was too ridiculous to copy here, but the article boldly reported: “Hoover claims he has reformed.”²⁸

The Board’s next choice of poundmaster was M. M. Wheelock. Unlike Hoover, Wheelock was not hopelessly dishonest, but simply the wrong man for the job. He has left less record. The 1864 City Directory listed him as “Huckster, Cent. Mkt.”²⁹ In the 1871 directory he was a patent agent. After his stint as poundmaster news items indicate he served as a notary and had various business dealings, including managing the Lenox Hotel. He died in 1891.³⁰

Wheelock also started his duties with a bang. He left Hoover’s pound at 1st Street for a new one at 17th and Massachusetts Avenue NW, in a former cavalry stable. “The building is about 40 feet wide, 175 long and 16 high, . . . and is furnished with large doors and windows, making quite a comfortable place.” Separate compartments housed horses, cows (these two “provided with stables”), goats, geese and dogs. “With a plentiful supply of water at hand, and attentive assistants, the animals will fare well.”³¹ He also planned a facility near the Capitol but nothing came of this. “It will be well for owners to look out for their cows, horses, goats, hogs and geese.”³²

By late July the new poundmaster and his crew were in full operation. The Evening Star announced a few livestock available at the pound, but “most of [the stock] has been redeemed. He has no end of dogs, however, but will not have so many tomorrow morning. Nothing but stamps [?] will save them from destruction.”³³ The following month Wheelock “gobbled” three of President Grant’s escaped horses, which a presidential staffer properly redeemed the next day.³⁴

Wheelock’s problems to some degree mirrored Hoover’s – the active resentment of owners, invariably those of swine, and an uncontrolled crew. Within a month of starting operations, the new poundmaster was accused of “following the ways of the old one who had been dismissed.” His employees were “a set of ruffians and cut-throats” who “brought disgrace upon the Board by their

²⁷ Evening Star, 5 July 1871, p. 1; Critic-Record, 5 July 1871, p. 3. This is the only reference I find either to Essex or the Georgetown pound except for that establishment’s abolition soon after this. For a clue to Essex, who seems to have come from a wealthy family, see the Evening Star, 14 July 1866, p. 2 (perhaps relating to his father); 25 Sept 1893, p. 9.

²⁸ Critic-Record, 13 Dec 1875, p. 1; Daily Critic, 8 July 1884, p. 4; Evening Star, 15 Nov 1871, p. 1; 6 Feb 1873, p. 1; 23 Feb 1884, p. 2; 14 Oct 1895, p. 2.

²⁹ He was the “Marcus M. Wheelock, provisions” of the 1862 directory. See also Evening Star, 19 May 1863, p. 1.

³⁰ Evening Star, 28 Jan 1891, p. 8.

³¹ Evening Star, 14 July 1871, p. 4. It was a frame building earlier used by the 5th U.S. Cavalry, and after its pound use a local man stored lumber there, according to an account of its accidental burning in 1873 (Nat. Republican, 18 Oct 1873, p. 5).

³² Critic-Record, 12 July 1871, p. 3.

³³ Op. cit., 29 July 1871, p. 4.

³⁴ Critic-Record, 25 Aug 1871, p. 3.

outrageous behavior.”³⁵ Through 1872 newspaper accounts of assaults on the pound’s staff mounted – and also of them attacking citizens.³⁶ The irrepressible President Gatchel of SPCA (see below) once arrested pound driver Henry Harris for “overloading and cruelly beating his horse.”³⁷ Poundmen became so identified with aggressive behavior that in October 1871 several “well-known thieves” (including Jerry Wormley and “Tom Cat” Mokin) posed as agents of the pound and began rounding up domestic animals in southwest Washington. Angry residents beat off the raid but a number of warriors had to visit the local hospital.³⁸

During this period the Board of Health took some steps to support its poundmaster. In July 1871 the Board discussed improved regulations for both redemption and disposal of stray dogs,³⁹ and in March 1872 authorized the poundmaster to take all animals “running at large.” The re-organized Board of the Territorial period, which the *Evening Star* approvingly noted was independent of “the hog vote” (in contrast to the old Corporation Council), again outlawed hogs running at large in August 1871.⁴⁰ Several articles refer to a prohibition against unmuzzled dogs.⁴¹ Furthermore, in August 1871 the Board united pound operations of Washington and Georgetown under Wheelock. “Our citizens are rejoiced . . . His advent will be hailed with delight.”⁴²

In less than a year Wheelock followed Hoover into private life. “At the meeting of the Board of Health last evening, Dr. [D. W.] Bliss . . . reported [that] the poundmaster does not devote that personal attention to his duties which is necessary, and that he had employed irresponsible boys to take up animals at so much per head, [so that] these parties have invaded private property for the purpose of seizing animals, and then obtaining a fee, [while] some sections are overrun by animals at large.”⁴³

Bliss recommended that Wheelock’s contractor pound be replaced with “a public pound” – or actually two: eastern (Washington) and western (Georgetown). The new poundmasters would be salaried city employees, receiving \$1,000 per annum (the same as inspectors), and the city would build the new facilities. The Board approved this plan by revising the 1871 ordinance (in March 1872) and hired **A. L. G. Mason** as the eastern and **J. H. Smith** as the western poundmasters.⁴⁴ This new approach marked the

³⁵ *Critic-Record*, 15 Aug 1871, p. 3; *Evening Star*, 8 June 1872, p. 4. The latter comment came during a Council debate; replied another member: “It is impossible to get gentlemen with kid gloves to attend to the business of hog and cow catching.” The police arrested the “pound-master” in 1871, according to their annual report of that year, whether Hoover, Wheelock or one of their men we do not know.

³⁶ For example, see: (attacking the poundmen) *Evening Star*, 9 Sept 1871, p. 4 “Assault on a Dog-Catcher”; 8 May 1872, p. 4; 2 June 1873, p. 4 “A Pound Man Shot Yesterday”; (they attack owners) *Critic-Record*, 30 June 1871, p. 3; *Evening Star*, 28 May 1872, p. 4. (This last, in an echo of the Goose War, involved a poundman who “threw his lasso at [the owner], saying he would take her too.” She lost two teeth. For a much-later replay of this sort of kerfuffle, see *Wash. Post*, 16 Oct 1936, p. X19.)

³⁷ *Daily Critic*, 23 Aug 1871, p.3.

³⁸ *Evening Star*, 16 Oct 1871, p. 4. Local criminal Bill Burke “was arrested some days ago upon the charge of representing himself as a poundmaster”; *Evening Star*, 20 July 1872, p. 4.

³⁹ *Evening Star*, 6 July 1871, p. 4. This article only reports the proposal, which presumably was voted on at a later meeting. “Mr. Marbury said the law against dogs had not been enforced because there was no law providing compensation for killing them” (suggested here at 25 cents each).

⁴⁰ *Critic-Record*, 13 Mar 1872, p. 3; *Evening Star*, 18 Aug 1871, p. 4; 13 Nov 1871, p. 2.

⁴¹ E.g., *Evening Star*, 17 Aug 1871, p. 4.

⁴² *Evening Star*, 2 Aug 1871, p. 4.

⁴³ *Evening Star*, 2 Mar 1872, p. 4; *Daily Nat. Republican*, 2 Mar 1872, p. 5. For Bliss, see *Daily Nat. Republican*, 13 July 1871, p. 1.

⁴⁴ *Evening Star*, 2 Mar 1872, p. 4; see *Evening Star*, 13 Mar 1872, p. 4 for further discussion of the new policies. *Daily Critic*, 15 June 1872, p. 3 mentions a fresh Board report on the duties of the poundmaster, which we find

beginning of the city-operation that characterized Washington’s animal control efforts for the next hundred years.⁴⁵

Once again citizens waited for new management to bring improvement to their animal-harried lives. A facility was planned at 4th and Massachusetts Avenue NW (“a fence 8 feet high of boards, enclosing a space 40 feet square, covered with a suitable roof, which would not cost over \$200”), but “not a single dog or hog had been taken up for the last month [February-March] and it was folly to be paying the poundmasters . . . for doing nothing.”⁴⁶ Mason advertised a few animal sales – on the grounds of the Washington Asylum – in May and July,⁴⁷ but of Smith’s work not a word remains. Wrote a frustrated resident in late March: “Hurry Up the Georgetown Pound . . . West Georgetown is overrun with an army of half-starved and mangy curs, and the citizens are praying for relief.”⁴⁸

Pound operations continued under regular criticism. In one meeting (May 1872) the Board heard “innumerable complaints” about animals wrongly taken. “Mr. [John] Marbury . . . did not blame the poundmaster, but thought his employees were unfit for business.” Some blamed imprecise laws for the problems and others unfriendly courts: “Dr. Verdi said as the law was now the poundmen would be convicted every time they were arraigned.” In August several Board members explicitly stated that the U. S. Attorney was hostile to its employees, proven by the number of prosecutions.⁴⁹

In October of that year an advertisement for an animal sale was signed by “**Henry Young, Poundmaster**” of the western pound. The address given – 23rd Street and New York Avenue – is the first indication of the new facility which would (unhappily) continue in use for forty years.⁵⁰

Amid these woes the Board of Health fought back, issuing a report by the omnipresent “T. F. Gatchell [sic; also the SPCA president], esq., the present superintendent of pounds.” Gatchel found that the pounds presented a “successful operation, [in spite of] no little opposition on the part of interested persons . . . arraigned against the poundmaster and his agents.” He concluded that “under all the disadvantages and obstructions interposed to prevent the proper execution of the law, the pound could not have been more economically conducted,” an assessment repeated in the Board’s first annual report (1872). Mr. Langston, of the Board, reported the same early the following year.⁵¹

In spite of these rosy encomiums, the pound and Board continued under attack. A writer of January 1873 suggested turning over Board functions to the Metropolitan Police, which handled things more

would have. Smith was active in the local Republican party (Daily Nat. Republican, 8 Apr 1872, p. 4, et al.); of Mason I find no information.

⁴⁵ Mr. Marbury: “If the Board was to run this pound business they should first annul the law which makes it obligatory on the poundmaster to do all this work himself”; Evening Star, 13 Mar 1872, p. 4.

⁴⁶ Ibid.

⁴⁷ Daily Nat. Republican, 9 May 1872, p. 2 was the earliest.

⁴⁸ Evening Star, 20 Mar 1872, p. 4.

⁴⁹ (Laws) Evening Star, 15 May 1872, p. 4; (hostile) 10 Aug 1872, p. 4; 16 Nov 1872, p.4, gives the Attorney’s response.

⁵⁰ Evening Star, 4 Oct 1872, p. 3. With such a common name it is impossible to identify this poundmaster among the Henry Youngs in newspaper articles of the period – the lawyer? the party activist? the drunken thief? The only other notice I find of him is a very early profile of the pound (Critic-Record, 24 July 1873, p. 1), in which he toured a reporter around the new operation, describing himself as “in charge of the pound,” but a list of Board employees of May 1873 shows him making the same \$2/day as the other five (all named) poundmen (Daily Nat. Republican, 9 May 1873, p. 4). Interestingly, the Board of Health Ann Rpt for that year (Evening Star, 1 Dec 1873, p. 5) says nothing about either a pound or dead animal removal.

⁵¹ (Gatchel) Evening Star, 18 Dec 1872, p. 1; Nat. Republican, 18 Dec 1872, p. 1. Unfortunately we have only these summaries of Gatchel’s report. He was described as “Superintendent” at a Board meeting of the previous week (Evening Star, 13 Dec 1872, p. 4); (Langston) 14 Apr 1873, p. 4.

efficiently. A bill introduced that May in the House of Delegates proposed exactly the same thing.⁵² At just this time we find the first reference to “Samuel Einstein, Poundmaster”, and as of his first day – 23 March 1873 – a new era had begun for pound operations.

(A wonderfully detailed act of the fourth session of the Territorial Legislature, 1874, bound into the official compilation of acts but marked: “Passed by the legislature but did not become law,” proposed to ban all farm animals from running at large in **the County** and to **establish one or more pounds there**. The general outline of procedures follows that of the City pound above but allowed the poundmaster to keep all pound fees – which are specified individually --, pay certain sums to the animal’s finder, and turn over the remainder to the District treasury. No further remuneration for the poundmaster was described, nor whether he was a direct County employee or contractor. Redemption and other pound fees, and fines would have been somewhat higher than in the City. Although this law did not take effect, at 28 sections over eight ms. pages, its many details fill in specifics of procedure and policy otherwise lost.)⁵³

⁵² Evening Star, 22 Jan 1873, p. 4 (two pound-related articles on the page; the other reports that citizen complaints were “referred to the sanitary police committee,” a name familiar from many Board meetings); 9 May 1873, p. 4.

⁵³ It is the last item in the second volume; a copy is deposited in the Washingtoniana Division. No exact date is given. A bit of preliminary debate is preserved in Evening Star, 19 May 1874, p. 4, where we learn that the chief concern of legislators was whether to make a new, independent institution to take up county animals or give the responsibility to the established Board of Health, which some feared would be more costly. Perhaps there was also some territoriality at work: “The county desired to keep aloof from the Board . . . and the city as much as possible. . . . People there had much rather have the cattle run at large than the Board of Health.” Their chief complaint related to cows.

CHAPTER EIGHT

Samuel Einstein¹

Socially I am fond of dogs, but in my official capacity I am their sworn enemy – that is, if they don't abide by the law. (Wash. Times, 13 Apr 1902, Ed/Drama p. 17)

Although the poundmaster's name probably appeared over a thousand times in Washington newspapers we have only a sketchy history of his personal life. He was born in 1848² in Bittenhausen, Germany and moved to Alexandria, Virginia at age 18. He was active in that city's business and social life.³ Perhaps he met his future wife Jennie there (born in 1859, also of a German family though hailing from Indiana), since she had an unclaimed letter in the Alexandria post office in 1874. They married in 1876.⁴ His brother, Ferdinand J. Einstein (1861-1946) and his daughter Lillie (Boswell) received regular notice from the newspapers, the former for his business dealings and the latter for her social engagements. He also had two sisters – “all of Washington.”⁵

Einstein moved to Washington in 1873 to assume his pound duties and died still serving. After a period on New Jersey Avenue NW, the family settled in Georgetown. In an age of pervasive social/service organizations, Einstein showed the usual “joining” enthusiasm, particularly for organizations related to Germany and Judaism: the Schuetzen Verein, B'nai B'rith, Sons of Benjamin, B'rith Abraham, Scottish Rite, Eastern Star, Knights of Labor. He belonged to the Washington Hebrew Congregation and was on the board of Hebrew Charities.⁶ He was at least somewhat active in local politics and civic events.⁷ Mrs. Einstein's activities mirrored those of her husband.⁸

¹ Spelled Einstine in a few early accounts

For pictures of Einstein, see: Wash. Times, 13 Apr 1902, Ed/Drama p. 17; Evening Star, 20 Sept 1908, pt. 4 p. 4 (both at the pound); 21 Mar 1909, pt. 7 p. 6; and 10 July 1911, p. 3 (the same image); a nice drawing of a somewhat younger Einstein is in 30 Aug 1890, p. 12.

² Both birth dates taken from their gravestones. His death certificate showed him as 63 years, two months and one day old on 9 July 1911. I thank Mr. Ali Rahmann of the D.C. Archives for this document. The 1900 census entry is clearly in error.

³ We don't know his business but he helped organize the 1871 Eintracht ball (Alex Gazette, 31 June 1871, p. 2) and the Concordia L. A. (Ladies Association?) masquerade ball (29 Nov 1871, p. 3).

⁴ Alex Gazette, 5 Sept 1874, p. 2 for the letter. The other information comes from the 1900 census, Einstein's obituary, and an account of the couple's twelfth anniversary party (Evening Star, 16 Oct 1888, p. 6; see also 10 Apr 1900, p. 5; 16 Oct 1901, p. 5), which mentions friends coming from Philadelphia and Newark for the event.

⁵ Lillie is identified in the Evening Star's and Wash. Post's obituaries and mentioned in the papers, but the Wash. Herald said the couple was childless. For one of his sisters see Nat. Republican, 25 Dec 1885, p. 4. The two brothers and their wives are buried together in the Washington Hebrew Congregation Cemetery as is Einstein's niece Fannie (1879-1903), also born in Germany and clearly very close to the couple (she is buried in the same gravesite).

⁶ (Schuetzen) Daily Critic, 30 July 1877, p. 4; (B'nai B'rith) Evening Star, 9 July 1883, p. 3; (Benjamin) 5 Jan 1891, p. 3 – he frequently served as an officer; (Abraham) 14 Aug 1893, p. 8; (Scottish Rite) 24 Oct 1895, p. 13 – he apparently achieved the 33rd degree; (Eastern Star) 10 July 1911, p. 3; (Knights) 18 July 1896, p. 11.

Although holding a position “which [as his obituary commented] does not tend to increase the popularity of those engaged in it,” Einstein seems to have been personally and professionally popular all of his long life. The near total absence of newspaper items describing any sort of personal or professional dispute (except with recalcitrant dog owners) says much.⁹ He regularly showed concern for the welfare of his pound staff, of the animals under his care, and of the community. “He performed the duties of his office with conspicuous tact and fairness. I shall always recall his genial personality with pleasure and regret,” eulogized a city official at his funeral.¹⁰

He once stopped a man from committing suicide, and served as pallbearer for a friend who died in that way. When smallpox struck the city he organized the quarantine efforts, personally moving stricken persons and disinfecting their quarters. He helped evaluate the sanitary conditions of public schools, and the quality of river water, and donated to the relief of C&O Canal flood victims. “During the big blizzard a number of years ago the poundmaster had to engage in a severe struggle in the southeast section in an effort to furnish food to several poor families.” Summarized the *Washington Bee*: “Mr. Einstein is always on the alert for the good of the city.”¹¹

Although conscientious and somewhat strict in his professional duties, Einstein infused his work with the tact and humanity noted at his funeral. A few anecdotes (abridged) among the many must suffice:

- The animal was playing with a little child on the steps of a modest house. “Hold!” [Einstein] cried, “Don’t throw the nets, men! I won’t have it said that Samuel Einstein destroyed the happiness of an innocent child. I’ll get that dog some day next week when the kid’s asleep.” All of which goes to show Samuel Einstein’s kindness of heart and inflexible devotion to duty. (*Wash. Times*, 13 Apr 1902, p. 17)¹²
- Sixty-five dogs, apparently of sixty-five different breeds, were howling the crescendo strains of the damned in chorus yesterday afternoon. “Poor Fido!” said Mr. Einstein to a little red dog with a sacrificial blue ribbon around his neck. This little dog was shedding tears as he peered longingly through the iron grating. “Poor Fido,” repeated Mr. Einstein, but Fido could not be cajoled into taking his watery eyes off the butcher’s post. He fell back on his haunches and howled like [a] pipe organ. (*Wash. Times*, 11 Aug 1897, p. 8)

Records of the Washington Hebrew Congregation indicate that he held no position of responsibility there. In 1896 the congregation formally thanked the Einsteins for their “valuable assistance and self-sacrificing display of spirit” in the recent fund-raising fair; the president, H. King, added his personal tribute: “I shall ever hold you in grateful remembrance for your kindness and friendship to me.” Such displays were unusual in the normally staid financial reports of the synagogue. (My thanks to Dr. Michael Goldstein of the Congregation’s Archives Committee for his research into Einstein’s documentation.)

⁷ He attended the Congressional nominating convention (in Alexandria) of the Conservative Party (Nat. Republican, 30 Aug 1878, p. 1). For more general civic work see, inter al., *Evening Star*, 15 Jan 1897, p. 7; 23 Nov 1899, p. 16; 16 Jan 1902, p. 5.

⁸ A member of ladies’ branch of the Sons of Abraham (*Evening Star*, 11 Nov 1901, p. 6); at a society function (31 Dec 1892, p. 3; *Evening Critic*, 15 Feb 1882, p. 4).

⁹ For one amusing example see *Evening Star*, 12 Nov 1884, p. 3. The National Archives holds a multi-volume index of every letter received by the Commissioners from 1874 to 1897 including a one-line summary of the contents; in reviewing all entries 1874-95 I found only four that distinctly complained about the poundmaster or poundmen.

¹⁰ *Evening Star*, 10 July 1911, p. 3.

¹¹ (Stopping suicide) *Critic-Record*, 7 Aug 1877, p. 4; *Evening Star*, 29 May 1883, p. 3; (pallbearer) *Evening Star*, 19 Apr 1894, p. 8; (smallpox) 21 Nov 1894, p. 11; (schools) 22 Sept 1891, p. 8; (river) *Wash. Critic*, 13 June 1889, p. 1; (flood) *Wash. Post*, 11 June 1889, p.1; (blizzard) *Evening Star*, 21 Mar 1909, pt. 7 p. 6; (quotation) *Wash. Bee*, 3 Oct 1891, p. 2.

¹² “That morning there was a near mistake: . . . one of [the poundmen] told us that the dog they’d been chasing belonged to a little girl. He nodded toward a golden-skinned child nearby, holding onto a large black retriever. Her brown eyes were afraid. Later, one of the . . . dog-baggers told me that they never took a dog from a kid if the kid had control over it” (*Evening Star*, 16 Nov 1969, *Sunday Magazine* p. 22).

- While on the way to the pound an owner of one of the dogs hailed the poundmaster and demanded her dog. As a matter of course the request was not complied with unless the money to redeem the animal was brought forth. A good tongue lashing was given the poundmaster, all of which he bore like a veteran, and finding she would be obliged to bow to the will of the poundmaster, she produced the necessary amount and the dog was released. (*Nat. Republican*, 18 June 1874, p. 4)
- General Eynestyne [sic] came smilingly to the front and explained to the lady how it would have been impossible for the festive goats to have made their way [out of her yard legally]. “Och, it’s a lie, sure,” exclaimed the Emerald Islander, “Ye are all a lot of thieves together, and –“ “Madam,” gravely broke in the philosopher, “you are past the time of life for using such language in such a reckless manner.” (*Nat. Republican*, 14 May 1875, p. 4)
- As we journeyed through the outskirts of the city, “General” Einstein observed a horse grazing on a vacant lot. For a moment it seemed as if he were almost to turn and go after the beast, but he pushed resolutely forward, glancing back now and then with regret and bewailing the fact that he was unable to take [it] up. “If I put the horse in the wagon with the dogs,” he said, “there would be an awful row and probably everything would be smashed to pieces. Too bad, too bad,” he muttered ruefully with another farewell glance at the grazing horse. (*Wash. Times*, 13 Apr 1902, p. 17)
- Poundmaster Einstein is frequently asked what becomes of the dogs that are so unfortunate as to fall into the hands of the “dog-catchers,” to which he invariably replies: “Oh, we just get rid of them.” (*Wash. Post*, 22 July 1906, p. F9)

The great pleasure of his life was fishing, and he served many years as an officer of the Old Anglers’ Association.¹³ Einstein died in 1911 from tubercular meningitis, and was buried in the Washington Hebrew Congregation Cemetery in Anacostia. One year later appeared in the Evening Star his wife’s memorial: “In sad but loving tribute to my dear devoted husband, Samuel Einstein, who died one year ago, July 9, 1911. By his devoted lonely wife, Jennie Einstein.” Mrs. Einstein moved from the N Street house soon after his death. She died in 1923, struck by an automobile.¹⁴

¹³ Which he joined in 1882. Evening Star, 26 June 1886, p. 2; 20 Mar 1890, p. 5; 11 May 1895, p. 18. Notes on his fishing expeditions appeared regularly. See 18 Mar 1895, p. 10 for his opinion on flies. He also belonged to the Washington Angling Association – perhaps the same organization? (Evening Star, 14 Jan 1891, p. 6); and was a founding member of the Anglers’ Association (Wash. Times, 25 Oct 1895, p. 2).

¹⁴ (Death/obituary) Evening Star, 10 July 1911, p. 3; Wash. Post, 10 July 1911, p. 2; Wash. Herald, 10 July 1911, p. 10; (tribute) 9 July 1912, p. 7; (moving) 23 Sept 1911, p. 9; (J’s death) records of the Washington Hebrew Congregation.

CHAPTER NINE

Legalities of the Pound Operations

The immediate importance of the mad-dog problem has encouraged some citizens to traverse the confusing labyrinth of Congressional statutes regarding dogs, as found in the District of Columbia Code of Laws. (Evening Star, 31 Oct 1943, p. 42)

Before describing Einstein's pound and its operations it will be good to sketch the laws under which he worked. After the abolition of the bankrupt Territorial government in 1874 Congress imposed the temporary administration of three presidentially-appointed commissioners. This system was made permanent in 1878.¹ While dismantling the free-spending Board of Public Works in 1874, Congress continued the Board of Health. That ineffectual body was replaced in 1878 with a single Health Officer.² Under the Commissioner government, legislated laws emanated only from Congress. Congressional act of 1879 gave the appointed Commissioners authority "to prescribe rules for . . . animals found running at large in the District of Columbia."³ The Board (or Health Officer), however, effectuated most mundane procedures of animal control through its ordinances, which we must hunt up singly in the Commissioners minutes, police regulations, and in news reports.

The District pound service was under the oversight of the Health Officer's Office of the Chief Clerk, who otherwise supervised such operations as record-keeping and finances.⁴

The poundmaster was bonded both by the DC government (to protect the city from neglect of duties) and the federal government (as a notary, a necessity for sales and other pound transactions). He was not allowed to charge for notarizations, and furthermore had to pay for both bonds himself.⁵

In 1872 the Territorial Board of Health replaced the former contractor-operated pound with an operation financed and administered by the District government. This 1872 ordinance gives a good idea of the basic procedures under which Einstein operated. It relates only to farm animals.

¹ Acts of: (Territorial govt) 21 Feb 1871; (temp Commissioner) 20 June 1874; (perm Commissioner) 11 June 1878.

² This was after years of complaining that it got no respect, no cooperation and no appropriations, and after regular re-organizations. In fact, the well-meaning but clueless Board (it only met twice in some years) would remind modern Washingtonians of the recently neutered Board of Education. It was changed to the Health Department in 1903, though still headed by the Health Officer.

³ This act is titled "An Act Authorizing the Commissioners . . . to Extend the Area for the Taking Up and Impounding of Domestic Animals", and so it seems to both place the Commissioners above the Health Officer and to specifically allow them to take animal control into the county.

⁴ At least in its early years the responsibility was not welcomed by the Board: "By some accident, or strange association of ideas, the 'prevention of animals running at large . . .' was enacted by Congress to be the duty of the Board of Health" (Bd of Health Ann Rpt, 1875). Later reports indicate considerable pride in the pound's success.

⁵ This, at least, was true in a later period (Senate Comm on DC, "Giving Police Power"). The bond was set at \$1,000 by the Board (Bd of Health minutes, 19 May 1876).

No **farm animals** (horses, mules, bulls, steers, cows, calves, heifers, sheep, goats, hogs, geese) were to roam free in the cities of Washington or Georgetown; those that did would be impounded. Animals not claimed and paid for would be sold after 48 hours, with proper advertising beforehand. The poundmaster acted as auctioneer. All money from the sale went to the District government. Verifiable owners could collect this sale price from the city within one year, less applicable boarding expenses (carefully listed by species) and fines.

The ordinance seems to assume one facility and one poundmaster. Although it does not directly address responsibility for building, staffing, etc., the poundmaster and the pound are both spoken of as employees/property of the city rather than outside contractors. The poundmaster turned all received money over to the Health Officer and had no provision for keeping any part of it as was the case with the earlier contractors. He had to be bonded.

Specific provisions prohibited “breaking open [the] pound [to] take or let any animal out of said pound” or interfering with pound staff “engaged in . . . carrying to such pound any animal” (fine: \$5-25). The poundmaster was enjoined against turning over animals without adequate proof of ownership, perhaps fearing potential corruption.

Hogs and diseased animals of any sort were banned from the two municipalities and their “more densely populated suburbs” in an omnibus ordinance of 1875 relating to all kinds of nuisances.⁶

The Territorial Legislature prohibited all animals from public parks in 1873, attaching a fine of \$5-20 to the owners. Life for farmers and dealers was restricted further in 1875 when the Commissioners prohibited driving “cattle and other livestock” through the city “to protect the trees, shrubbery and parking [public space] along the streets.” An 1887 order enlarged the prohibition to other farm animals and specified times allowed, number of animals per herd and other details (including that drivers must be at least 16 years old). This order was extended to paved suburban streets in 1891, and again in 1910 (this last time from a concern for traffic).⁷

Dogs represented a more complicated legal challenge to District leaders because of their ambiguous love/hate place in the community. In 1873 the District’s Supreme Court heard the appeal in the case of *Mayor of Washington v. Meigs*, relating to the 1869 arrest of Return J. Meigs for keeping an unlicensed dog. Meigs argued his own plea (he later served as clerk of the court), claiming property rights over the animal. The court agreed (after a long discourse about the role of dogs in history) and voided the 1858 licensing act.⁸ This decision surely explains the lacuna in revenue reported from the dog tax in 1872-78 by the District government (Appendix C4).

Perhaps in view of this case, the Territorial legislature in 1872 made a basic change in the status of dogs in the District: “From and after the passage of this act dogs shall be deemed and held to be personal property.” Specifically, properly licensed and restrained canines were protected, and could be recovered

⁶ This ordinance perhaps incorporates earlier declarations.

⁷ Einstein discussed this problem in his 1878 report and again in 1883. The 1875 order was “revived” in 1881, which supplies the original text; see also *Evening Star*, 22 Sept 1875, p. 4. The 1891 order listed approved routes, hours, number of animals allowed and other specifics; later police regulations extended the list of acceptable routes. The 1910 order prohibited lame or diseased animals on the road. See also the police regulations of 1894 and 1906, Section 6.

⁸ *Mayor of Washington v. Meigs* (MacArthur, pp. 53-60). This was confirmed by the Corporation Counsel in 1911 (Counsel Opinions, 25 Sept 1911; Vol. 22, p. 43).

by their owners (by application to the Police Court – there was still some confusion about MPDC/pound responsibilities and jurisdiction), and theft of a dog carried a fine of \$5-50. It also opened owners to liability if their animal harmed a person or property. This law eliminated the earlier distinction between “useful” farm animals and “nuisance” dogs, which we will now speak of as one. It reflects a growing shift in urbanizing Washington society away from the keeping of farm and work animals and toward the view of dogs as valued pets. This provision was repeated in the 1878 Congressional act.

Dog-related laws as of the Territorial period are well summarized in the D.C. Assembly Commission’s 1872 compilation Laws of the District of Columbia.⁹

The District’s (federal) animal control laws were assembled in the Compiled Statutes . . . 1887-‘89¹⁰ (supplemented by the 1887 Police regulations¹¹) and will bear summarizing here. They deal only with dogs and are mostly directly copied from the landmark Congressional act of 1878.

All dogs required tax tags worn on collars; tagged animals could run at large.

Dogs running at large were to be muzzled during the summer for fear of rabies (discussed at length later). The Commissioners could declare a rabies emergency and prohibit all unmuzzled dogs from the streets for that period. Uncontrolled and dangerous dogs brought a fine of \$10 for the first offense and would be killed after the third. “Barking, biting, howling” or other annoying dogs were prohibited, and dangerous ones had to be leashed on the streets.

Removing tags from licensed dogs for the purpose of taking up the animal was fined up to \$20. This seems to have been directed at those – including bad poundmen? – who wanted to claim a finder’s fee, though the act does not authorize such a payment. Directly stealing another’s dog was fined at \$5-50.

Another legality to note is that of **jurisdiction**: the 1871 pound law specified its effectiveness only within the two municipalities, and the 1874 attempt to create a pound for the County proved abortive. The Attorney for the District (the legal office of the local government) issued an opinion in the 1874 or ’75 summarized in its index: “Cattle, Swine and Geese – Running at large in the county – There is no remedy to prevent this.” Benjamin P. Davis, county school trustee, complained in 1878 that “the school children are frightened by the cows, the grass [is] uprooted by the swine and the geese make it particularly disagreeable.”¹² The index of orders of the Temporary Commissioners lists two undated orders prohibiting “Animals Running at Large in the County” and declaring that they will be impounded, but the second volume of orders is missing and we cannot recover the text.

⁹ It is not easy to find, residing on a microfilm roll with other Territorial government documents, including the Legislative Journal, in the Washingtoniana Division of the ML King Library. A copy is deposited with other papers from this project.

¹⁰ Op. cit., ch. 3 “Animals”, and ch. 66 “Washington Humane Society”, with all relevant acts and court decisions carefully cited. Some colonial-era laws relevant to farmsteads are included after this, hardly applicable by the 1880s. WHS and animal cruelty laws will be discussed in a later section.

¹¹ The first year of such regulations, per a Congressional act of 26 Jan 1887.

¹² Listed in the Index of Counsel Opinions as in Vol. 1, p. 56 ½, but that earliest volume (beginning with 1874) is missing and so we cannot read the report. See also Evening Star, 10 Apr 1878, p. 4; Critic-Record, 11 Apr 1878, p. 2.

A Commissioners order of 1879 (following the Congressional act “to Extend the Area for Taking Up Domestic Animals”)¹³ took the regulation on stray animals to certain areas in the county: “the villages of Mount Pleasant and Anacostia,” areas north of Columbia, Brown’s and Gleason’s Roads, west of Seventh Street Road (now Georgia Ave), and “any point in the County of Washington within one mile of the cities of Washington and Georgetown.” This was further extended in 1891 to “all improved subdivisions within the District,” and two years later to the entire District.¹⁴ The prime target of this expansion was farm animals, which “were running at large on several of the new subdivisions and destroying the sodding.”¹⁵

Neither the pound crew nor police intervened in tangential animal-related situations that today would be called in to the District shelter, viz.:

- They did not take cats from trees or other such minor services;
- They did not rescue larger animals from emergencies such as fires or falls into wells, which continued to be dealt with by whoever was at hand – police, firemen, owners, bystanders (discussed also in the Corporations section);
- They did not take intruding or even dangerous wild animals (e.g., snakes, foxes) from private property.

These problems in time became the province of WHS agents and thence passed to the current shelter workers. Furthermore:

- Diseased farm animals fell under the authority of the Board of Health’s inspector of animals after 1868. The Commissioners gave this responsibility to the Bureau of Animal Industry in 1887. In earlier years the actual killing seems to have been done by contractor, but passed to approved abattoirs after 1896, when the District’s Health Department re-established its inspection service.¹⁶
- District- and federally-owned animals were the exclusive charge of their various government owners. The city employed a Municipal Veterinarian.

¹³ According to Health Officer Smith Townshend: “Since the enactment of the [1870] law the suburbs have become very thickly populated, and the people throughout the county of Washington, . . . suffering from the depredations of domestic animals, are calling [for] protection” (Congressional Record, 46th Cong/1st Sess, Senate, 24 June 1879). Discussed in Bd of Health minutes, 29 Jan 1878.

¹⁴ According to Evening Star, 9 Jan 1891, p. 3; I could not find the 1891 order in the Comm Minutes/Orders. The authority of the Commissioners to issue the 1893 extension was undergirded by the Corporation Counsel (Counsel Opinions, 15 Aug 1893; Vol. 2, p. 833). Ordinances of the earlier Board of Health, and thus effective only in the Corporation of Washington, were legalized by Congressional resolution on 24 Aug 1880 and extended throughout the District in the appropriations bill of 7 Aug 1894.

¹⁵ Evening Star, 9 Jan 1891, p. 3.

¹⁶ Comm Minutes/Orders, 21 Aug 1888; 5 Sept 1893; Evening Star, 17 Mar 1868, p. 4; 16 Nov 1894, p. 2; 6 May 1896, p. 13; 17 June 1907, p. 8; Daily Nat. Republican, 26 Feb 1876, p. 1. The District and federal agencies’ efforts were intertwined beyond the scope of this study (see, e.g., Evening Star, 18 Jan 1884, p. 1); the Health Officer Ann Rpts, with regular reportage of the inspectors, tell the story.

CHAPTER TEN

Corralling the Population of Farm Animals

We have many complaints from citizens respecting cows coming close to their dwellings, dropping their filth, and frightening children. (Poundmaster Report, 1882)

Our Poundmaster and his men have pursued their calling with a doggedness of purpose worthy of the cause . . . The only . . . arguments brought by the people . . . in their visits to the outskirts of the city have been sticks and stones, and other missiles propelled by the indignant mob, . . . but our representatives . . . were neither cowed nor rendered hors de combat. (Bd of Health Annual Report, 1875)

When Einstein commenced his duties he rode astride a tremendous public cry against the stray dog population; only the occasional aggrieved owner dared stand against his forces. The same was hardly true of his efforts to clear the public ways of more-valuable farm animals: “At the time the pound service was established . . . the city was overrun with animals of all kinds . . . When Poundmaster Einstein and his . . . assistants started upon their crusade they found **their task was a troublesome one**. Clubs, brickbats and stones greeted them daily, the appearance of the pound wagons never resulting in anything but trouble, more especially in the sections known as ‘Foggy Bottom’ and ‘Swampoodle’ . . . No owner of a goat was ever known to surrender his . . . animal without a fight, and assistance was never lacking.”¹

Here is a typical account of such a fracas, in this case on Sherman Avenue NW in 1882, somewhat abridged: “General Einstein and his gallant men no sooner approach the neighborhood than the news of their arrival spread in every direction, and an immense crowd, principally Irish women with a sprinkling of negroes of both sexes, gather to resist the intruders and protect their pigs, sheep, etc. from the inroads of the poundmaster. Between 5 and 6 o’clock this morning the dog-catchers visited this section when they were overtaken by the mob, and stones and clubs and missiles of every kind began to fly thick and fast, and a very spirited battle began, which raged for several minutes during which Albert Fortune, one of the poundmaster’s colored assistants, was struck with some stones and severely bruised. The poundmaster was stabbed [by] a drunken Irish woman but escaped with a slight scratch and a long rent in his coat and shirt.” Several rioters were arrested and fined.²

In 1874 the poundmen were surrounded by an angry mob (claimed to number 400-500) in Swampoodle and had to take cover in their wagon while Einstein hurried to secure police protection; a similar attack near Lincoln Park (memorialized as “The Battle of Lincoln Park”) resulted in the wagon’s

¹ Evening Star, 10 July 1911, p. 3. Blue-collar Swampoodle, north of Union Station and long destroyed (now site of the glitzy NoMa neighborhood), was a particular *bête noire* for Einstein, as it was the police: “In the delectable region called Swampoodle,” begins a complaint in his 1877 report; and two years later he named it “the goatland of the District” (Einstein hated goats).

² Evening Critic, 19 Aug 1882, p. 4. The most fruitful runs were made at night, when many animals were left out to graze (Wash. Post, 10 Apr 1904, p. B6). See also Evening Star, 28 Jan 1951 [sic], p. 47 for another detailed account.

complete destruction; in 1882, a horse-owner shot Einstein in the shoulder.³ Rioters usually received fines in the \$5-10 range for “assault and interfering with the poundmaster.”⁴ Citizens took the poundmen to court, charging them with use of profane language, unnecessary roughness, cruelty to animals, trespassing, or (in one case) carrying a concealed weapon – all unsuccessfully.⁵ Einstein held a special commission from MPDC allowing him to arrest miscreants, which he did regularly.⁶

Impounded farm animals could be claimed only at the pound or, if not, then sold at auction, as described below. Very seldom was a larger animal destroyed.

An obvious question presents itself: how was Einstein able to succeed in ultimately taming the city’s farm animal population when his predecessors could not? Five factors come to mind:

- The Commissioners were less susceptible to influence by the animal owners than had been the Corporation or Territorial assemblies, which was, after all, the hope of Congress in creating the Commissioner government in the first place;
- Pound operations remained free from political manipulation and patronage appointment. The long-serving Einstein and his hand-picked men were none of them political hacks, their appointments resting on the next election results; the Commissioners were non-political;⁷
- Poundmaster Einstein enjoyed the solid and continuous support of the re-organized Metropolitan Police Department, something his predecessors could not claim;
- Einstein showed a careful balance of tact and determination lacking in his predecessors. His professional yet sympathetic approach contrasted strongly with the hot-headed Hoover or Wheelock (as far as we know him); the later poundmasters seem to have hardly tried;
- Most importantly, by the 1880s the city was clearly moving past the time when such animals roaming the streets and uprooting trees and shrubs in yards and the new public squares was considered a normal if somewhat inconvenient aspect of urban life. The keeping of farm animals gradually became associated with blue-collar communities (so frequently described as representing “all colors of people, white, black and Irish”)⁸ as Swampoodle and the eastern edges of Capitol Hill near the city jail and Asylum.

As early as 1874 the Health Officer’s annual report claimed: “The comparative freedom of the two cities from animals running at large marks how well the work [of the pound service] is done.”⁹ Violent resistance to the poundmaster’s forays largely ended by the late 1880s. (Remember that this was a full fifteen years after Einstein took up his job) “It was almost as much as a man’s life was worth to go to

³ (Swampoodle) *Nat. Republican*, 10 Aug 1874, p. 1; *Evening Star*, 10 Aug 1874, p. 4; (Lincoln Park – a favorite story of Einstein’s) *Wash. Times*, 7 Aug 1904, p. 4; *Evening Star*, 16 July 1905, pt. 4 p. 1; 10 July 1911, p. 3; (shooting) *Evening Star*, 10 July 1911, p. 3.

⁴ E. g., *Daily Critic*, 6 June 1881, p. 4; *Wash. Critic*, 22 Sept 1888, p. 4.

⁵ (Profanity) *Evening Critic*, 31 Mar 1882, p. 4; (roughness) *Evening Star*, 21 May 1873, p. 4; (cruelty) *Evening Critic*, 16 Oct 1882, p. 2; (trespassing) *Wash. Critic*, 7 July 1885, p. 4; (weapon) *Evening Star*, 10 Aug 1874, p. 4. See also *Evening Star*, 28 May 1873, p. 4, in which the Chairman of the Sanitary Police Committee stated that Einstein was justified in all complaints made against him – welcome support, no doubt!

⁶ Renewed regularly; see, e.g., *Wash. Post*, 30 Mar 1897, p. 10.

⁷ This observation comes from a reading of Jessica Wang’s monograph “Dogs and the Making of the American State”, cited in the appendix D14, which I gratefully acknowledge.

⁸ *Wash. Critic*, 22 Sept 1888, p. 4.

⁹ Quoted in *Nat. Republican*, 15 June 1874, p. 4.

some sections and pick up a goat or horse,” he recalled at the end of his career. “It has been only during the past few years that my assistants have experienced practically no trouble.”¹⁰

Of course, the chief cause of the decline of farm animals in the District was the decline in the number of farms; the Bureau of Census figures given in Appendix C1 demonstrate this, and indeed, one is surprised how much acreage remained in this use into the early twentieth century.¹¹ The annual statistics of animals impounded by type tell the same story: the number of larger animals impounded held at 350-500/year in the 1870s to the mid-1880s, when the number drifted to a lower 150-250/year. At the end of the 19th century farm animals totaled 100 or fewer each year, and with so many dogs occupying pound space Einstein regularly (regretfully) passed by lone strays if they were not making trouble.¹²

As the city increased in density the number of singly-owned animals must have also declined. The Commissioners in 1897 prohibited the keeping of cow-yards and stables within 200 feet of a neighbor’s residence, exempting “persons keeping one or two cows for their own use [or] the selling of milk” by their owners; this restriction was elaborated by an order of 1902.

“Hog-pens have disappeared entirely from the city; cow-stables are fast following;” only horses, used in transport, maintained their numbers.¹³ “The capture of goats and cows is falling off annually [Poundmaster Report, 1884]. The march of improvements forces these animals from their former feeding grounds, the ‘commons’ and open squares, to the fenced pasture ground beyond the city limits.” “Goats are seldom taken now, and the poundmaster says there are not many of them in the city.¹⁴ Cows were caught in great number years ago, but the city is comparatively free of them now [1899].”¹⁵ And in 1913 the poundmaster noted: “The impounding of the larger domestic animals now forms an inconsequential part of the pound work.” Concluded Einstein correctly: “The growth of the city is responsible for the change. There is no more pasture to be found in the streets.”¹⁶ Most of the city ordinances restricting pasturing, raising and transitting of farm animals in the District (Appendix B) had been anticipated by the poundmaster as early as his 1875 annual report.

By 1890 the public had become so accustomed to its new peace free of strolling pigs and goats that citizens could turn their attention to another annoyance hitherto considered too minor and common to merit notice: roving **chickens**.¹⁷ Police regulations of 1887 prohibited at-large fowl in the two former Corporations and directed the poundmaster to seize such free-wheeling miscreants and redeem them for

¹⁰ Evening Star, 10 July 1911, p. 3.

¹¹ Institutions such as St. Elizabeths Hospital, the Industrial Home School (the reform school), the Asylum (poorhouse), the Home for the Aged and Infirm, the District Workhouse at Occoquan, the Reformatory at Lorton (both in Virginia), and the Soldiers Home kept horses, hogs and cattle for commercial purposes.

¹² Wash. Times, 13 Apr 1902, Ed/Drama p. 17. Einstein, citing applications for permits to keep dairy farms, stated that the District held 1,356 cows in 1897; “no estimate of the number of other domestic animals can be made” (Poundmaster Ann Rpt, 1897).

¹³ Health Officer Ann Rpt, 1884.

¹⁴ Einstein’s 1878 Ann Rpt gave his opinion of goats: “pestiferous animals” which “will positively hesitate at nothing which they can masticate.” Nat. Republican, 14 May 1875, p. 4 includes a humorous account of his encounter with an Irish goat-owner

¹⁵ Evening Star, 13 Oct 1899, p. 16; “Poundmaster Einstein expresses the opinion that in all of Washington there are not two dozen goats at the present time. Occasionally a horse, having broken loose from some country pasture, starts for its city home.” Cows and geese had disappeared (Wash. Post, 8 July 1901, p. 10).

¹⁶ Poundmaster Ann Rpt, 1884; Evening Star, 13 Oct 1899, p. 16; Poundmaster Ann Rpt, 1913; (quote) Wash. Times, 7 Aug 1904, p. 4.

¹⁷ I have found one earlier complaint: “Old Tax-Payer” wrote the Board of Health in 1874: “I like chickens and eggs, especially about Christmas, but I say . . . they that have chickens should keep them in their yards” (Evening Star, 11 Apr 1874, p. 4).

50 cents each or sell them; offending owners were fined \$2-5 for each animal. The regulations also outlawed “crowing, cackling” or otherwise annoying fowl, which could be killed by the police on sight. Einstein lamented the new regulations in his report for that year and baldly stated that he could not comply for lack of resources.¹⁸

In spite of such (largely ignored) regulations, the Rev. Dr. Chester of the Stanton Square neighborhood complained: “The chickens have torn up my grass and flowers and dropped litter on the pavement which is tracked into the house. The question . . . is whether we are to be permitted to keep our parks and flower beds in order and to beautify the city or whether the chickens are . . . permitted to dig up such places and make them eye-sores.” Protested Charles Neurath, a boy charged with failing to supervise his flock: “I ain’t the only one who owns chickens that go in the park, but lots of other people have got them too.” Poundmaster Einstein continued his refusal to collect chickens, saying the pound had no area for them.¹⁹

Raising chickens and pigeons in any square over 75% improved without a permit was banned in 1906,²⁰ and two years later no fowl allowed to roam the streets at all and other regulations strengthened (no fowl to be kept within 100 feet of any dwelling or building of assembly) by order of the Commissioners. The law exempted grocers and public marketers keeping fowl in coops for 24 hours, and allowed homing pigeons. Later orders further tightened these restrictions, which were all entered as Police regulations. Negligent owners faced a fine of \$2-5, and on the second offense the bird was killed.²¹ On the other hand, an 1898 revision to the police regulations required that complaints about crowing roosters come not from one person but “the neighborhood” (i. e., at least two).²²

A Commissioners order of 1909 laid out specific conditions for raising “any kind of domestic fowl or pigeons”: houses (coops) had to be “dry, well ventilated, . . . with window . . . to admit sunlight,” and cleaned weekly in the winter and biweekly in the summer; perches and nests also had to be kept “cleaned, aired and sunned,” and the birds required fresh water at all times.

The testimony preceding the 1906 order sounds wonderfully contemporary and demands to be summarized: Anti-chicken – they are unsanitary and a nuisance, especially the crowing roosters; Pro-chicken – they are educational, good pets, can be kept cleanly, represent a bastion of property rights (including as a source of income), can be of distinguished breed (this from the Homing Pigeon Club), are of better nutritional quality if raised at home (i.e., they’re organic), and raised in more natural conditions (i.e., free-range, this from the Retail Grocers’ Protective Association). Huffed one chicken-raiser: “The insanitary condition in this city comes more from the people than from chickens.” And an ever-true observation responding to the rooster complaint: “Unfortunately . . . we have a great many chronic

¹⁸ And repeated this the following year. A MPDC precinct log-book of 1869 refers to police capturing chickens (Evening Star, 11 Jan 1959, p. A1). The Washington Humane Society, attempting to prosecute a case of cruelty to a chicken in 1891, was refused on the grounds that the law did not recognize chickens as animals – they had never been listed in relevant ordinances (WHS Ann Rpt, 1891).

¹⁹ Evening Star, 13 Mar 1890, p. 3. See also Poundmaster Ann Rpt, 1888, where he makes the same statement. The animals were killed on the second complaint, “but few arrests have been made” (Evening Star, 23 Apr 1909, p. 24).

²⁰ The troublesome Police Court voided this law the following year (*D.C. v. Albert M. Keen*, #306,679; found in National Archives, RG 351, Item 21, file 1-113a “Fowls”) on the basis that it unfairly favored merchants (who did not face such restrictions) over householders, leading to the 1909 re-write.

²¹ Evening Star, 23 Apr 1909, p. 24. The article points out that the law did not specify who got the carcass. The problem persisted: in 1915 a US Representative requested an investigation into illegal chicken farms in the District (H Resolution 648, 62nd Cong).

²² Counsel Opinions, 16 Dec 1898 (Vol. 9, p. 269).

kickers who complain against the ringing of church bells and the laughter and frolic of the child on the street.”²³

Not only chickens attracted complaints: the National Republican in 1874 published a series of frantic complaints regarding a noisy pet mocking bird living on the 1300 block of F Street NW, eliciting report of a similar guinea hen on Corcoran Street NW (“The question is for how long? – Oh, for how long? – one of those aforesaid guinea-hens, that is at it all night, all day, all the next night . . .”).²⁴

As the number of impounded farm animals shrank, so did a parasitic type of human whose living depended on these animals: the con man. It will be recalled that in the 1860s and ‘70s hooligans stole domestic animals claiming to be poundmen. Now, with a better organized and recognizable force, accounts of these frauds disappeared. Only one such made the papers in Einstein’s time: James Foley, arrested in 1884 for “playing the confidence game on a credulous community [including an MPDC officer] by representing that General Einstein had impounded several of his cows and he needed fifty cents . . . to get his cows out of hock.” A clever lawyer got him off the charge.²⁵

²³ Comm Minutes/Orders, 9 Nov 1906.

²⁴ (Mocking birds) Daily Nat. Republican, 20 Aug 1874, p. 4; 21 Aug 1874, p. 4; (guinea hens) 26 Aug 1874, p. 4.

²⁵ Critic-Record, 5 Sept 1884, p. 1.

CHAPTER ELEVEN

The Dog War

General Einstein begins on Monday to wage war upon the Washington dogs. He will make his headquarters as usual under the shadow of the Observatory. This is not a notice of Einstein. This is a notice to dogs. (Nat. Republican, 12 May 1876, p. 4)

About this time of year the mad-dog scare begins, and continues throughout the summer. (Evening Star, 18 May 1899, p. 2)

Few efforts could bring Einstein's pound (and the Board of Health) more good will from the citizenry than control of the stray dog population. Although hardly free of risks ("Being shot at, knocked down, hit with stones and bricks are but a few ways . . . enraged dog owners have of showing their disapproval"),¹ the poundmen taking stray, unclaimed dogs did not meet the aggressive community resistance that protected goats and hogs, which were always owned by someone.

Preparatory to sending the poundmen out to engage the canine population in battle the Territorial Council had a legal question to resolve, one reminiscent of the absurd issue of the 1860s whether or not it had active laws allowing it to take up swine: in this case, did the local government have the power to collect dogs at all?² The crux of this matter lay with the undoubted authority conferred by Congress on the newly-reconstituted Board of Health in 1871 to "make and enforce regulations to prevent domestic animals from running at large" – simply put, were dogs "domestic animals"? If there was some question about this (a problem "in consequence of the defective laws on the subject"), couldn't the Council or the Board simply issue a clarification and take them up at its pleasure?

The Board's Committee on Ordinances reported "that it was unwise and impracticable . . . either to amend the ordinances or to engraft a new one in regard to the matter," whether from practical restraints ("the poundmaster would have a nice time of it rushing about after the dogs") or legal ones ("the Board had not the power to go further at this time") was not reported. Dr. Verdi favored using existing legislation to extend muzzling year-round. This desultory debate continued through the spring of 1874. The issue was somehow resolved by July when the Board authorized the campaign. During this entire period, the poundmen continued to pick up stray dogs.³

¹ Wash. Post, 24 Mar 1908, p. 16.

² There had perhaps been a harbinger of this question: the first draft bill to establish a Corporation pound (Simaker's operation; Daily Nat. Intelligencer, 28 Aug 1862, p. 1) included an explicit clause (sect. 12) requiring impounding of dogs, which was dropped from the final version. A similar question arose the following year (1875) in regard to the Board's authority to regulate cattle herded through city streets (Evening Star, 22 Sept 1875, p. 4). In both cases Congressional legislation ultimately authorized the restrictions but also served to cripple the District's own decision-making power.

³ "Continued to pick up" but perhaps at decreased rates – the newspapers from exactly this time carried numerous complaints about lax attention to dogs ("Pretty soon the poundmen paid no attention to dogs, but were zealous in

A Board of Health ordinance passed in 1871 required all dogs running at large to be muzzled from 15 June to 15 September, and set the redemption period at 24 hours and the fee at \$1. The period of muzzling was extended in 1874 and again in 1875.⁴ This regulation was made in response to fear of rabies, which is discussed below. Einstein's maneuvers in the Dog War originally occurred only during the summer when the city required dogs at large to be muzzled. Following the passage of the Congressional dog-tax law in 1878, which re-instated the levy, the campaign extended throughout the year.⁵ In its earliest years the first foray began precisely on 15 June and became something of an annual event for newspaper reporters.

Here is a **picture of an expedition** in Einstein's Dog War (as it was regularly called), pieced together from newspaper accounts of the 1870-90s:⁶

Dog runs (one or two daily, depending on the season) began at 4 AM and commonly ended at 8 AM, although in the earliest years they could continue to mid-evening. The National Republican (1875) explained that the pound crew started so early "chiefly to avoid the inconvenience of a crowd of officious and zealous followers," (it was also when the dogs were most active, looking for breakfast)⁷ but all accounts describe the pound wagon surrounded by "a crowd of boys, white and black" shouting "Dog-catcher! dog-catcher!" and chasing away their canine friends. After the hunting season was extended, in cooler weather the run began about 9 AM, since the dogs came out later and the annoying boys were then in school.⁸

Einstein rode first, in a buggy, followed by the "iron-caged wagon," equipment – mostly nets – secured under the vehicle, and three or four poundmen. After 1878 a police officer was assigned to accompany the crew.⁹ Einstein himself seldom engaged in the actual work of capturing animals – he had an eagle eye for dogs with no or expired tags, and also dealt with angry owners. "Whether it carries a tag or not, no dog that appears to be following an owner is seized." The wagon on these rounds looked exclusively for dogs and took up other animals separately.¹⁰

gobbling up horses and cows"; Evening Star, 18 Mar 1874, p. 2). This legal tale can be followed in: Evening Star, 18 Mar 1874, p. 4; 1 Apr 1874, p. 4; 8 Apr 1874, p. 4; 1 July 1874, p. 4.

⁴ The specifics will be discussed in the section on Muzzling/Rabies.

⁵ The Wash. Post's 1897 report (see sources below) explained that the busy season for catches was April-June, and that the crew made no rounds in July so that owners could procure new annual tags.

⁶ Nat. Republican, 15 June 1874, p. 4; 18 June 1874, p. 4; 19 May 1875, p. 4; 7 July 1876, p. 4; 25 June 1877, p. 4; Evening Star, 19 Sept 1885, p. 2; 30 Aug 1890, p. 12; Wash. Post, 30 Aug 1891, p. 9; 9 May 1897, p. 21; 18 Dec 1899, p. 12; Morning Times, 28 July 1895, pt. 2, p. 9; Wash. Times, 27 Sept 1916, p. 5. In-text citations refer to these accounts. A brief but useful overview of the pound will be found in the 1883 annual report of the Washington Humane Society – useful because this source could well have been antagonistic to the operation but was not.

⁷ Einstein himself claimed that at this time "the dog went to sleep in the barrel in the back yard, after howling himself hoarse and scratching half the night at the back door" (Nat. Republican, 1875). He regularly claimed that dogs could not be caught at night but began a night run for the big sweep of 1908 and it was quite successful (Wash. Times, 4 July 1908, p. 12). Runs occurred on rainy days but were unproductive; for one thing, the cotton nets became wet and therefore too stiff to use (Wash. Post, 1899).

⁸ See Appendix D3 for some account of the boys. The Evening Star, 17 July 1922, p. 6 printed an idyllic editorial on this eternal relationship and included some interesting information on practices of dog-catching in other cities.

⁹ Poundmaster Ann Rpt, 1878.

¹⁰ Wash. Post, 1897. One of the chief responsibilities of both the poundmaster and police attendant was to ensure that all catches were made correctly, and thus to protect the dog-catchers from later legal complaints; see Wash. Post, 1897; Hearings . . . 1907 (House), 7 Mar 1906, pp. 734-736.

Reporters delighted in detailing the techniques of capture: “The hunter’s net is attached to a long and heavy pole. It requires not only good judgment, but considerable strength to throw it effectively . . . A man born to the business handles the net from the start with peculiar dexterity. It is almost useless for a young man to adopt dog-catching as a means of livelihood unless he displays this aptitude and feels some enthusiasm” (Evening Star, 1885). A gentle, deceptively reassuring voice,¹¹ a good back-up man to handle the net, quick legs and the spirit of the chase characterized Einstein’s men. His best man (unnamed) spurned the net and took his prey by hand. “He has been bitten time without number . . . without . . . suffering any after consequences from such bites. The mere lacerations of the bites he does not mind” (Wash. Post, 1897).¹²

The wagon returned to the pound when it had captured its capacity – a typical take could run to two dozen, but one article counted 37. Each new animal was recorded by breed and color and a dated tab put around its neck “to know when his time for death comes.”¹³ Dogs were also delivered to the pound by owners or frustrated citizens, and the wagon picked up unwanted animals from homes, receiving 20-50 (telephone) calls each day for such service.¹⁴

All accounts agree both on the inherent melancholy of the place (or occasionally joy when a child or elderly owner recovered his pet) and on the thoughtful care Einstein gave his condemned guests. “Mr. Einstein . . . is very kind to the animals while in his charge, and during the period of grace . . . allows the dogs, before shooting them, . . . every comfort” (Nat. Republic, 18 June 1874).

Needless to say, owners of all classes badgered, argued or pleaded with, and sometimes attacked or sued the poundmaster and his men if they caught him taking their guard dog or pet. Citizens had to visit Foggy Bottom to claim their dogs. “There is a small, unpretending inclosure just outside the . . . Observatory grounds containing an office, a stall for horses and a shed or two. This is the pound. The poundmaster, Mr. Einstein, will welcome you, thinking you have come to reclaim some unfortunate” (Nat. Republican, 1875). If not redeemed within the specified 48 hours the dogs were sold or destroyed, as described below.

(Details of the pound and its equipment, staff and – yes – methods of destroying unredeemed animals will be treated separately.)

¹¹ “He puts out his hand, calls softy, ‘Doggy, doggy; come yer, doggy.’ . . . After a little more coaxing [the dog] advances with a playful bound and looks into the man’s face. He don’t [sic] find the same cheery smile after he has once come within reach. Smiles are precious and the dog-catcher can’t waste any on a dog after he is once captured” (Nat. Republican, 1875).

¹² In 1921 veteran dog-catcher Joe Burrell described in detail the techniques of throwing the net and bringing in the captives to a Washington Post reporter (op. cit., 25 Sept 1921, p. 10). In 1915 poundman Washington Jones was held liable for injuring a dog: “It appears that the net and handle were thrown at the dog and not dropped over him” (Counsel Opinions, 29 July 1915; Vol. 26, p. 27).

¹³ The tab was blue (Wash. Times, 11 Aug 1897, p. 8).

¹⁴ Einstein: “These [dogs] are brought here at the request of their owners, who for some reason wish to be rid of them” (Morning Times, 1895). Sometimes they were sick, but more frequently the owner couldn’t afford the tax. See a touching example in Wash. Times, 11 Aug 1897, p. 8 (“The boy pushed his only friend in [the enclosure], not, however, before the only friend had licked him on the cheek.”). (Pick-up) Wash. Times, 7 Aug 1904, p. 4.

The city's policies toward dogs revolved around three issues: dog licenses/tags; muzzling; and fear of rabies.

It will be remembered that both Washington and Georgetown had from very early days a **dog tax**, requiring payment to the Corporation treasurer annually in exchange for a receipt and, in time, a **tax-tag** (as it was called) for the animal's collar. My own guess is that this tax was originally imposed as much to control the number of dogs as to raise revenue, something that did not work because the Corporations had no effective way to take up unlicensed curs. The 1873 *Mayor v. Meigs* decision voided this tax until the Congressional act of 1878. Let Einstein speak, looking back from 1904: "There was no tax in those days . . . The only law regarding dogs was that they must wear a muzzle during June, July, and August, months when they are likely to go mad. The fine for the violation of this was \$1. Later, this restriction was extended to May and September. This condition remained until 1878, when the present laws were enacted."¹⁵

Congress's act of 1878 was named "An Act to Create a Revenue in the District of Columbia by Levying a Tax upon All Dogs Therein . . ." and (re-)created an annual tax procedure for all dogs in the District.¹⁶ "Formerly, unmuzzled dogs were hunted as a matter of precaution against biting . . . and hydrophobia. Now [1885] dogs are hunted for revenue only."¹⁷ The pound (as specified in the 1878 act) paid all of its proceeds – fines, boarding charges – to the city treasurer. Owners paid their \$2 dog tax (now for both males and females) to the Collector of Taxes, Dog License and Tag Branch (although statistics on sales of licenses were generally released by the Health Officer).¹⁸

In the early Commissioner period citizens could pro rate their dog tax on the claim of having moved into the District or acquired a dog part way into a fiscal year, and the Index to Letters Received by the Commissioners shows numerous such requests to 1881, when the procedure was presumably shifted to the Collector of Taxes. How common such a practice remained we do not know, but the Corporation Counsel wrote in 1897 that it remained legal (but not for dogs planned to be moved out of the city later in the year). In 1906 the Counsel reversed itself and declared the pro rata dog tax invalid.¹⁹

However, as Einstein stated in his annual report of 1878 (the year of the act): "There is one defect in this law which demands a remedy . . . Why is the dog law not enforced? is a question asked me daily. . . The defect . . . is that it is frequently impossible to collect the fine imposed, and there is no other penalty attached to the keeping of an unlicensed dog excepting possible capture by the poundmen." He asked permission to hunt unlicensed dogs on private land.²⁰

In 1893, "with a firm conviction that there were many who escaped the tax, and with a desire to increase the coffers of the District," Einstein obtained aid from the city police in canvassing for illegal mutts. "The result was astonishing to everyone save the poundmaster. . . Suspected houses were visited by the blue coats and the owners of dogs warned to take out a license. Several arrests followed. The next

¹⁵ Wash. Post, 10 Apr 1904, p. B6. His assertion of a June-August muzzling seems an example of Einstein's faulty memory, something seen in his later interviews.

¹⁶ It generally followed the procedures of an 1874 Maryland state law (*Evening Star*, 8 Apr 1874, p. 2).

¹⁷ *Evening Star*, 19 Sept 1885, p. 2. Reported the District Treasurer in 1877: "The old Corporation law in relation to dogs, if revived by . . . Congress, would bring considerable revenue to the District government, besides relieving the community from the surplus of worthless and dangerous animals" (*Evening Star*, 17 Nov 1877, p. 4). This echoes the current debate over the purpose of parking meters and traffic cameras.

¹⁸ Wash. Post, 9 July 1909, p. 16. The original Congressional proposal had suggested \$1.50 (*Evening Star*, 14 Mar 1878, p. 1).

¹⁹ Counsel Opinions 2 Aug 1897 (Vol. 8, p. 78); 30 Apr 1906 (Vol. 16, p. 256).

²⁰ This is discussed in detail in Counsel Opinions, 9 Oct 1897 (Vol. 8, p. 164). For an earlier discussion see *Evening Star*, 10 Aug 1878, p. 4.

day Dr. Clark, the dog-tax clerk, was confronted by a small army of dog owners.” The city took in \$6,000 the first day – “clear profit to the District.”²¹

In 1897 another snag developed. “Attention is invited to the diminution in the amount of pound fees, and probably in the amount of receipts for dog licenses, through the ruling of the attorney for the District that the requirement . . . that the poundmaster seize all dogs . . . without the tax tag . . . is void” (Poundmaster Report, 1897).²² As Einstein reported, his men regularly collected dogs without tags that owners reclaimed with their tax receipt but without paying the fee. Furthermore, many owners paid for one dog and used the receipt to rescue others. And indeed, on 25 March 1897 the Commissioners ordered that the \$2 redemption charge be suspended pending legal review.

Not until 1899 was the charge re-instated. Einstein made a special report on the improved situation: “Up to December 11, 1899 . . . the purchasing of dog tags was almost at a standstill . . . but after December 11, when four dog wagons made their appearance in all parts of the District, . . . the demand for tags commenced anew and continued until we had . . . more than ever issued in any license year since 1878.”²³ There was a similar disruption of licensing in 1912 when the Police Court inexplicably ruled that a restrained dog did not require tags.²⁴

Owners renewed dog tags every July and they expired promptly on 30 June. During the entire month of July the pound crew refrained from taking tagless animals – “a month of grace”²⁵ – and police canvassed residents to remind them of their obligation.²⁶ The tags themselves were made of aluminum or, after 1902, of German silver (nickel).²⁷ The shape changed each year and was decided by a committee. The tag carried a number corresponding to the entry number in the tax clerk’s register; in 1893 one man’s dog still had the number issued it (or its predecessor) in 1878. The largest number licensed to one owner was eight. With a self-addressed, stamped envelope it would be mailed, and one could request a specific number. Replacement tags cost 25 cents and required an affidavit that the original had in fact been “absolutely lost.”²⁸

²¹ Evening Star, 9 Oct 1893, p. 8. The District’s bill for new tags jumped from \$91 in 1884 to \$433 the following year as a result. For an amusing account of a later run on the tax office see Evening Star, 15 Aug 1936, p. 7: “Lots of folk arrive . . . with excited pets in tow . . . Dog fights enliven the corridors . . . Trick dogs sometimes approach the tag windows with the \$2 . . . in their mouths, their fond masters bursting with pride.”

²² Unhappily I could not find this among the Corporation Counsel’s papers.

²³ Commissions order, 16 Dec 1899; Evening Star, 15 Mar 1900, p. 9. This coincided with the more stringent enforcement of laws due to the unfolding mad-dog scare.

²⁴ Evening Star, 18 May 1912, p. 6.

²⁵ This policy seems to have changed by 1909, when runs began in mid-July (Wash. Post, 9 July 1909, p. 16).

²⁶ Reminding us that in their very early days the Corporations of both Washington and Georgetown conducted similar house-to-house efforts; Evening Star, 10 July 1910, pt. 2 p. 6.

²⁷ In the early 1880s the District paid \$100-200/year to purchase tags, and \$225-375/year in the 1910s (Supt of Property Ann Rpt). Herman Baumgarter won the contract in 1892 – the first year recorded – for \$14.50/thousand and supplied the tags (at a diminishing cost) until Lamb & Tilden took it in 1903 (\$9.95/thousand, delivered to the Collector of Taxes); Baumgarten won it back the following year (Comm Minutes/Orders, 3 June 1892 and subsequent years; 29 Apr 1903; 23 Sept 1904). The Comm Minutes/Orders for 1941, index, tells us that they were then made at the Tag Shop of the D.C. Penal Institute for \$10/thousand. They were called “tags” as early as the 1870s.

²⁸ (Tag numbers) Nat. Republican, 26 May 1879, p. 4; Evening Star, 9 Oct 1893, p. 8; (other details) Wash. Post, 9 May 1897, p. 21; (number, mailed) Evening Star, 15 Aug 1936, p. 7; (replacements) Evening Star, 9 Oct 1893, p. 8.

Replacement must have been common – a review of letters received by the Commissioners during 1878-1881 (when replacements were requested in this way; after that date such letters probably went to the Tax Office) show literally hundreds of such missives. This might be an indication of wide-spread theft.

The 1903 contract for dead-animal removal required the company to hold dog tags recovered on carcasses for one year and inform the Commissioners of all particulars – the same procedure applied to “articles of special value, as silverware” found in garbage. After a year, the contractor could keep the tags (for whatever use it could find for them).²⁹

The necessity of tax-tags led to crimes which would not occur to present-day owners: substitution and theft of tags. When Einstein reported on the 1899 upsurge in captures (and tag sales) he found that “comparing the numbers of the tags worn by said dogs with the register at the tax office it appears that a large number of lost or stolen tags were on dogs that apparently were lawfully licensed [but were not].” Most of these dogs remained unclaimed and so were killed. “The owners of said dogs, Mr. Einstein thinks, probably did not care to risk coming to the pound and explaining how the dog came to be wearing a tag that was purchased for a different kind of a dog than the one impounded.” Some folk took their dogs into the suburbs (the working class) or their summer houses on the ocean (the wealthy) during the summer months, when they were most liable to be captured.³⁰

Einstein’s 1879 testimony about these ruses is amusing: “People borrow licenses from their neighbors when they want to get their dogs out of the pound.” Q: “Have you found any dogs wearing spurious tags?” A: “We have had a great many dogs of that kind. One had a trunk check; . . . another was wearing a Centennial badge. We caught one religious dog with a Catholic medal on its collar. Another dog had a beer check.”³¹

Owners claiming untagged pets pleaded that the tag had been stolen.³² “It certainly works a hardship [complained one such] to be afforded no better protection against ill-disposed persons, who are making a business of stealing tags and collars from dogs.” The account continued: “Numerous persons residing in the same neighborhood [very near the Capitol, NE] have been puzzled to find the tags missing from their dogs, and believe they have been stolen.” Claimed Clark, the license clerk: “Perhaps there are more dog tag thieves in this city than there are thieves of all kinds,” and recounted “a prominent army officer” whose dog wore a metal collar with the tag welded to it. As early as 1879 Einstein figured he had taken near 300-400 properly licensed dogs whose tags had been stolen.³³

And finally, we should note that not all dogs required a tax paid, a fact gleaned mostly from orders of the Commissioners, who decided on the minutest affairs. These free tags included dogs owned by: the Wholesale Market Master (but only “as long as the dog remains with him in his present position,”

²⁹ Street Cleaning Dept Ann Rpt, 1903. Another curiosity: why did the Health Office spend \$15 in 1884 for “repairing dog tags” (Supt of Property Ann Rpt, 1884)?

³⁰ (Switching tags) Evening Star, 15 Mar 1900, p. 9; (suburbs) Wash. Post, 8 July 1901, p. 10. “One of the interesting sidelights of the crusade against the tramp dogs was the great exodus of Washington’s fashionable population. To the seashore and country resorts went thousands of prized dogs which in former seasons . . . were left behind in charge of housekeepers and attendants” (Wash. Post, 20 Sept 1908, pt. 4 p. 4). Indignant owners pointed out the loss of tax revenue to the city as they removed their pets (“hundreds of dogs”) to safer locales (Wash. Post, 19 June 1908, p. 11).

³¹ Nat. Republican, 26 May 1879, p. 4.

³² “Practically everyone who goes to the pound to [retrieve] their pets insists that their dog’s collar and tag were lost or stolen, and in writing to the Commissioners the owners invariably demand the refund of the sum paid. This is likewise invariably refused, upon the recommendation of the Health Officer” (Wash. Post, 8 July 1901, p. 10). See also Einstein’s very amusing imitation of such pleaders in Evening Star, 10 July 1910, pt. 2 p. 6. Such petty theft, as well as hustling dogs out of town, continued into the 1930s (Evening Star, 15 Aug 1936, p. 7).

³³ Respectively: Wash, Post, 4 Dec 1900, p. 10; Evening Star, 9 Oct 1893, p. 8; Nat. Republican, 26 May 1879, p. 4.

Minutes/Orders, 18 Mar 1898), the Fire Department (first noted 17 July 1901, and regularly thereafter),³⁴ the Naval Battalion National Guards (“Sausage”, 16 Sept 1913), the Southeast Street Cleaning Stables (“Mat”, 2 Dec 1914 and later years), the Engineers Stables (19 June 1931), the Electrical Department Storehouse (“Blackie”, 22 July 1932), the Garbage Transfer Station (a black and white bulldog “Jack Rags”, 19 June 1931), the Home for Aged and Infirm (“in connection with rat extermination”; 1941, index) and the pound’s own mascot dog (2 May 1916). Kennels were not required to license their dogs; the Board of Health discussed exempting hunting dogs in 1876 but seems not to have acted.³⁵

After years of granting tags gratis to foreign legations (e.g., to the Spanish and German embassies in 1915), the Commissioners made this a blanket courtesy in 1921. In 1934 the Corporation Counsel reversed itself and decided that diplomats must pay the tax like everyone else unless the question was specifically addressed in the nation’s convention with the U.S., as was the case with Mexico.³⁶

And, following some legal jousting, dogs used by visiting theatrical troupes were exempted from the tax inasmuch as they were only in the District temporarily in 1904. (The Health Officer had given allowance for dogs travelling with their owners to remain tagless in 1901.)³⁷ On the other hand, in 1904 the Assistant Corporation Counsel ruled that even puppies required tags, the 1878 act not specifying otherwise.³⁸

The issues of **muzzles and rabies** were closely intertwined. It will be recalled that both Corporations had regularly issued rabies emergencies into the 1860s. How often these reflected true outbreaks of the disease we have no way to know.³⁹ Muzzling of dogs off of private property⁴⁰ was from the beginning viewed as a measure related to rabies rather than simply vicious animals. (“Hydrophobia” was the usual term into the early twentieth century, although I have encountered “rabies” at least from the 1860s; “dog-madness” appeared at least once.)

The District began to experience a sustained fear of rabies in the mid-1850s, when the number of press articles describing tragic deaths from the disease, and police (or public) shooting of apparently

³⁴ Students of Fire Department history should note that these orders generally list the station and describe and name the animal: Tom, Jack, Babbles, Bruiser, Billicken, etc. Fairly extensive lists will be found in orders of 16 May and 10 July 1912, and 27 July 1915.

³⁵ Evening Star, 15 Aug 1936, p. 7. According to the index of letters received by the Commissioners, Freedman’s Hospital requested a complimentary tag in the early 1880s but we don’t know the reply. See Comm Minutes/Orders, 22 June 1910 for a discussion of taxing kennels, and Bd of Health minutes, 17 May 1876 for hunting dogs.

³⁶ Comm Minutes/Orders, 8 July 1921; 27 July 1934. Such requests began in 1880, according to the records of the Commissions letters. A particular friend of diplomats’ dogs was Countess Cassini, daughter of the Russian ambassador, who regularly visited Einstein’s little kingdom (Wash. Times, 7 Aug 1904, p. 4; Evening Star, 16 July 1905, pt. 4 p. 1).

³⁷ Comm Minutes/Orders, 23 Sept 1904. “Many acrobats, billed at the local variety houses, where they were assisted . . . by diminutive dogs, have been forced to visit the pound and sadly put up the required ‘two’ for the release of their theatrical partners” (Wash. Post, 5 Feb 1901, p. 12); (travelers): Wash. Post, 23 Apr 1901, p. 12.

³⁸ Counsel Opinions 2 Jan 1904 (Vol. 14, p. 189). On the other hand, they could not be impounded: “This is due solely to the fact that, ‘at the earliest moment of life,’ puppies are physically incapable of doing that which is a *sina qua non* of lawful seizure and impoundage, to wit, ‘running at large without the tax-tag.’” Such is the close reasoning of the legal mind!

³⁹ A cursory review of 500 District newspaper items between 1800-1850 that include the word “hydrophobia” show only a very small number actually reporting cases in this city – the majority relate to deaths in other places or to purported cures.

⁴⁰ Muzzling acts frequently omit this distinction but it was always assumed in execution. This was not the case with unlicensed (untagged) dogs, which were seized anywhere.

diseased dogs began to steadily increase.⁴¹ This might have been a nationwide phenomenon – the same local newspapers reported similar news from many other places.

Understandably, the public became nervous and demanded government action: “Much alarm has been produced in this city by those aristocratic, or privileged classes, the dogs . . . Is it not time that something was done to guard the inhabitants of Washington from the dog nuisances, and possibly hydrophobia?”; “I take the liberty of calling your attention to the alarming increase of hydrophobia, and the apparent indifference of our authorities in providing against this evil” (from “A Citizen of Washington”); “A few days ago the Star reported two cases of persons bitten by rabid dogs within the city . . . If there were no dogs, would there be hydrophobia among us?” (from “Anti-Dogs”); “Washington . . . has more dread probably from hydrophobia than from cholera.”⁴²

Under the Corporations, citizens raised a constant cry over the non-enforcement of dog muzzling laws.⁴³ The public, justifiably or not, had come to think of summer as the season of hydrophobia. “Hydrophobia is coming into fashion again [May]. The curs should be killed.”⁴⁴ Clearly the expectations – or demands – on the new poundmaster were high.

A Board of Health ordinance of 1871 required muzzling from 15 June to 15 September and the execution of all mad dogs at any time. In its 1874 annual report the Board endorsed summer muzzling of dogs, and issued an ordinance in the same year requiring muzzling in 15 June-15 October on a regular basis (i.e., not as a temporary measure), and extended it to 15 May the following year.⁴⁵

Protests arrived from “the Boards of Health in several of the northern cities” that the plan was both ineffective and inhumane. The boards stated vaguely that closer owner supervision, encouraged by licensing and public education, would work better.⁴⁶ Muzzling as a protection against dog bites, whether diseased or simply painful, had been controversial since first proposed, though more so with owners than the victim-public. The District Board itself debated the matter at its September 1874 meeting.⁴⁷

The 1878 Congressional act establishing the dog tax also empowered the Commissioners to enforce temporary muzzling during declared hydrophobia emergencies, as had been done by the Corporations. The old Board’s summer muzzling edict was restated by Congress in 1880, but, as the Corporation

⁴¹ Typical examples: (deaths) *Daily Nat. Intelligencer*, 29 Dec 1855, p. 3; (a particularly touching account of the death of Richard Staples, perhaps because of its detail) *Evening Star*, 29 March 1873, p. 1; (shooting) *Evening Star*, 1 May 1854, p. 3; 20 Mar 1860, p. 2.

⁴² Respectively: *Daily Union*, 21 July 1857, p. 3; *Evening Star*, 30 June 1854, p. 3; 26 Sept 1868, p. 4; 5 June 1873, p. 2.

⁴³ “Since the publication of the Mayor’s [muzzling] proclamation I have seen . . . hundreds of dogs, and not one with a muzzle or collar” (*Daily Nat. Intelligencer*, 8 Aug 1861, p. 1); “Will you please explain . . . the use of having laws if they are not enforced?” (*Evening Star*, 12 Aug 1862, p. 3). One letter-writer explained that the Aldermen had not voted funds for enforcement (“They should at least pay for the powder and ball to kill them”; *Evening Star*, 30 June 1854, p. 3).

⁴⁴ *Critic-Record*, 11 May 1871, p. 4. *Daily Nat. Intelligencer*, 2 May 1856, p. 3 gives another example.

⁴⁵ The full text of the May-October ordinance of 1875 is included in *Counsel Opinions* 14 June 1899 (Vol. 9, p. 643). The periods were: 1871 – 15 June-15 Sep; 1874 – 15 June-15 Oct; 1875 – 15 May-1 Oct. This summary comes from *Nat. Republican*, 18 June 1874, p. 4. Sometime in 1875, “upon my [Einstein’s] recommendation,” the period was extended to 15 May-15 October (*Evening Star*, 30 Dec 1885, p. 5; *Wash. Times*, 7 Aug 1904, p. 4; the first May run was reported 1875, but the ordinance is dated to November, possibly picking up an earlier regulation). See also *Evening Star*, 1 Apr 1874, p. 4, for a useful discussion of this situation (the proposed ordinance failed; 8 Apr 1874, p. 2). It is a bit tricky to work out these details, but this is my best conclusion.

⁴⁶ *Nat. Republican*, 18 June 1874, p. 4, which gives considerable contemporary scientific observations on the disease.

⁴⁷ *Evening Star*, 23 Sept 1874, p. 4. The Board reiterated the importance of the muzzling ordinance at its 29 June 1877 meeting (Bd of Health minutes).

Counsel noted, “judging from the almost universal failure to observe it, this important ordinance cannot be generally known by the public.” And so, with no effective standing muzzling provision the law loosed citizens from that requirement unless an emergency was declared.⁴⁸ And indeed, Washington’s dogs remained muzzleless from then until the Commissioners ordered their temporary measure of 1899, at the beginning of a second protracted rabies scare.

Dogs taken on the street and showing signs of rabies could, if necessary, be immediately shot (in which case the head was kept for examination) or were taken to the pound for ten-days’ observation.⁴⁹ Once at the pound suspected dogs were separated from the others as could best be done.⁵⁰ Examination of diseased animals was handled by the District’s Health Officer until 1887. In that year the Commissioners designated the Chief of the Department of Agriculture’s Bureau of Animal Industry (later Animal Husbandry) to serve as veterinarian for the District, giving official opinions regarding the presence of “dangerous communicable diseases.”⁵¹ Animals found to be healthy could be returned to their owners; diseased dogs were destroyed.⁵²

The Evening Star elaborated in 1910: “Oftentimes the family of the person bitten, usually a child, had a warrant made out for the owner for allowing a vicious dog to run at large. The case would then be tried in a court and if . . . the dog [was] of a vicious nature an order was issued for his death, following which his body would be examined.”⁵³

Although Einstein spoke of rabid dogs held in the pound, in fact as time went by he became increasingly confident that the disease hardly existed. One source of his skepticism was observation of his own men, who were frequently bitten but never caught the illness. “I have had employed since [1873] 20 or 25 different men as laborers. Every one of them, without exception, has been bitten by dogs, not once but several times . . . Several of the men . . . employed at the pound are dead, but all have died from

⁴⁸ Counsel Opinions 14 June 1899 (Vol. 9, p. 643). This is helpfully explained in the (otherwise carelessly written) article of Wash. Post, 18 Dec 1899, p. 12, and confirmed by Einstein’s comments at the time (Q: “Will dogs have to wear muzzles this summer”; A: “Not unless the . . . Commissioners issue a proclamation to that effect”; Nat. Republican, 26 May 1879, p. 4).

⁴⁹ (Heads) Evening Star, 28 June 1910, p. 15. I have found no reports of other animals impounded with the disease, although the later Health Officer rabies reports give statistics for cats, horses and cows examined. We don’t know if they were immediately shot or held somewhere. A police officer accompanied the wagon after its earliest years; perhaps he did the shooting. Einstein ceased to carry a pistol on runs early on (after the Lincoln Park riot; Evening Star, 10 July 1910, pt. 2 p. 6), and his men never had them.

⁵⁰ “Care is taken to keep the vicious separated from the amiable dogs, and a watchman is in constant attendance to prevent the dogs from fighting” (Wash. Post, 27 May 1908, p. 12). Dedicated quarantine pens were not constructed until 1908. (Wash. Post, 18 June 1908, p. 16).

⁵¹ Comm Minutes/Orders, 18 July 1887. Wash. Times (7 Aug 1904, p. 4) gives a rather gruesome account of the testing method, conducted on guinea pigs. Rabies patients were treated at the Marine Hospital, atop the hill adjacent to the pound, and the Pasteur Institute in Baltimore.

⁵² Evening Star, 10 July 1910, pt. 2 p. 6. Whenever a reclaimed dog had bitten a poundman, Einstein reported this to the owner with a warning. “The owner generally seems glad of it, and sometimes says he is glad” (Evening Star, 30 Dec 1885, p. 5).

⁵³ Evening Star, 10 July 1910, pt. 2 p. 6. The cases were tried in police court and the fine was \$2/day “for every day the brute was allowed to live” (Evening Star, 3 June 1872, p. 2).

We might note here that then, as now, certain species of dogs were generally considered especially prone to attack. In an earlier time spitz dogs were universally considered prone to rabies, and a proposed Congressional bill of 1878 would have banned them completely from the District. Later it was bulldogs (“bullies”), and the Commissioners considered special restrictions on them in 1904 (Counsel Opinions 22 Sept 1904, Vol. 15, p. 63; Evening Star, 7 Oct 1904, p. 2), although eventually taking no action.

natural [other] causes.”⁵⁴ He also kept abreast of current studies in his field.⁵⁵ And, of course, he was a keen and perceptive observer of dogs, both in the pound and on the street.

When Einstein stated that “I never knew of a case of hydrophobia here,” and “I never saw but one mad dog in my life”⁵⁶ he was exaggerating, perhaps for effect, but his analysis of the origin of many reports of rabid dogs on the street is touchingly sympathetic: “I think dogs without a home and kicked about the streets and always scared and sick are more likely to have hydrophobia than licensed dogs that are well cared for.” And again: “Once a mad-dog scare is started, every dog that is suffering from the heat or other ailment is looked upon as mad and is killed.”⁵⁷ The distinguished Henry Bergh, of New York, agreed with him.⁵⁸

Did the public sometimes see ill-cared-for dogs and panic at the possibility of rabies? Here are items taken from the local newspapers (abridged):

- Some little excitement was created in the northeastern part of the city yesterday evening by the cry of “mad dog”. The unfortunate specimen of the canine race was speedily chased by a crowd of men and boys, who eventually succeeded in destroying him. (*Evening Union*, 9 July 1864, p. 3)
- In the continuance of my daily walks I have observed that there are still a great many dogs running at large, a number of which look as though they were in the first stages of hydrophobia. (*Evening Star*, 12 Aug 1862, p. 3)
- Within the past week several dogs have been killed in the eastern part of the city that exhibited some very suspicious symptoms. It was thought that one or two were afflicted with hydrophobia, but it is probable the symptoms were mistaken. (*Evening Star*, 17 June 1867, p. 3)

These excitements probably explain the persistence of citizens shooting dogs themselves (and leaving them on the street “a prize for the big blue flies” for the street-cleaners to pick up – or throwing them into the river.)⁵⁹

From the early 1870s until the mad-dog scare of 1899 the city of Washington seems to have become gradually more relaxed about the danger of hydrophobia. Part of this must be credited to Einstein’s pound operations, but other factors contributed also. Pasteur’s treatment was much discussed in the Washington press, and commonly with a sense of relief, but also intensifying interest in the disease.⁶⁰ This was accompanied by an increasingly sophisticated understanding not only of rabies and diseases with similar symptoms, but also of canine diseases in general. The press took a more measured view of purported outbreaks, now considering that the complaint might be a misdiagnosis or psychosomatic

⁵⁴ *Evening Star*, 30 Dec 1885, p. 5.

⁵⁵ “On the table in his office are piles of legal documents which he reads to the accompaniment of the strongest potpourri [hubbub] ever arranged for voices” (*Wash. Times*, 26 July 1903, Magazine p. 5). He regularly spoke in interviews of current theories regarding hydrophobia.

⁵⁶ *Evening Star*, 30 Dec 1885, p. 5, which goes into length on his theories as to why Washington was safe from the scourge; *Nat. Republican*, 26 May 1879, p. 4.

⁵⁷ *Evening Star*, 30 Dec 1885, p. 5; *Wash. Post*, 27 May 1908, p. 12. The second article continues that of 27 dogs examined for rabies by the Bureau in seven months of 1908 only about half had the disease.

⁵⁸ *Critic-Record*, 28 Aug 1871, p. 3. A similar protest was raised in 1818 (!) by a Washington letter-writer (*City of Washington Gazette*, 12 Nov 1818, p. 2) and again in 1861 (*Daily Nat. Intelligencer*, 31 Aug 1861, p. 3).

⁵⁹ “It is not uncommon to find the body of a dog, attracting a swarm of flies, lying in the gutter or roadway” (*Nat. Republican*, 25 June 1879, p. 4; also, 19 May 1975, p. 4).

⁶⁰ A “cure” given much ink in the pre-Territorial period was the Mad Stone, an amulet of seemingly magical powers. Its discovery will be found described in *Daily Union*, 22 Apr 1853, p. 3 and its later career in *Evening Star*, 28 Jan 1899, p. 14. Government scientist Dr. Melvin felt compelled to discuss (dismiss) the talisman in 1908 and explained what it actually was (*Wash. Post*, 16 Apr 1908, p. 13).

(“spurious hydrophobia”) or even the result of mental illness or fraud.⁶¹ Articles about rabies in larger animals almost disappeared in favor of infected cats.⁶²

Local newspapers continued to report cases of rabid dogs, but also contrary situations as well: the “worthless cur frothing at the mouth and snapping at pedestrians” which was almost attacked by a crowd until Agent Key of the Humane Society moved the animal to a shady place and poured water over it (the dog was suffering from sunstroke); Mrs. Tyler’s pet dog which “snapped and growled every time anyone attempted to pick it up” – again, Key intervened (she had asked the police to shoot it) and found a large bone lodged in the animal’s mouth. An article of 1887 felt the need to specify in its headline: “Genuine Hydrophobia”. The *Evening Star* stated the improved mood succinctly in 1887: “As summer heat, dog-days, and hydrophobia are closely connected, though probably without good reason, in the public mind, the magnificent and deserved advertisement of Pasteur . . . comes at a timely season. . . Pasteur will rank among the world’s greatest discoverers.”⁶³

The question of how widespread the incidence of rabies in the 19th century was must be left to medical historians. Certainly there was (and is) a disease of rabies, and very likely its frequency was exaggerated in the public mind, as we see with faddish fears today.

General perception of the danger responded to Einstein’s efforts as well as the more moderate attitude toward the disease. In commenting on a verified case of rabies in Georgetown in 1877, the *Evening Star* observed: “Cases of hydrophobia are so rare in Washington that when one occurs it becomes a matter of public interest. Within the last twenty years this disease has appeared in this city . . . in only six instances. The interval of time between the cases has become less as the population of the city has increased, and as the disease has become more prevalent in all parts of our country, and the average interval at present is about two years.” An article of 1885 noted that “no case of hydrophobia has occurred in the city so far this season.” An official of the Health Department commented soon afterward: “I do not believe that there has been but one clearly-defined case of hydrophobia in Washington in ten years. . . Since the Pasteur treatment has been receiving so much attention about the country this hydrophobia craze has been given lots of publicity by the press.”⁶⁴

⁶¹ *Evening Star* (13 May 1898, p. 16) reprinted an article from the *Wilkesbarre Leader*: “Frightened to Death” pointing out “the evils resulting from hysterical ideas concerning what is actually a rare disease and yet one that popular imagination has invested with the most horrifying attributes” and much more in that line. *Morning Times*, 3 July 1896, p. 4: “As a matter of fact, it is pretty certain that what is called hydrophobia is simply an acute nervous malady.” In an amusing exchange at the 1909 Senate hearings on the District’s budget, Sen. Gallinger asked Commissioner Macfarland: “Did you ever notice in the dictionary the word ‘hydrophobophobia’? . . . the fear of hydrophobia. That is what exists. It is not hydrophobia; it is the fear of it” (*Hearings . . . 1910 (Senate)*, 23 Jan 1909, p. 203).

DC’s Dr. Greenfell, “considered an authority on such subjects,” proposed a counter-hypothesis: “dumb [latent] rabies”, which “symptoms . . . are never shown until after some person has been bitten,” and which he thought afflicted 4/5 of the city’s canines. Dr. D. E. Salmon, of the Bureau of Animal Industry, called this “absurd” (*Evening Times*, 23 July 1897, p. 3; 25 July 1897, p. 4). See *Evening Star*, 28 June 1922, p. 6 for more of this.

⁶² Occasional reports of hydrophobia in larger animals – usually from other cities – are unconvincing. An early local instance of these will be found in *National Messenger* (Georgetown), 14 Aug 1818, p. 2.

⁶³ (Sunstroke) *Evening Star*, 26 June 1890, p. 2; (bone) 8 Nov 1889, p. 5; (“genuine”) 15 Nov 1887, p. 6; (quote) 18 July 1887, p. 2.

⁶⁴ Respectively: *Evening Star*, 24 Dec 1877, p. 2; *Critic-Record*, 25 Aug 1885, p. 4; 7 Aug 1890, p. 3. Of course, public concern continued. A letter-writer of 1885 opined that “now that hydrophobia is appearing in so many places” the police night-patrols should begin summarily shooting strays – “these creatures are as wild as wolves” (*Evening Star*, 21 Dec 1885, p. 5). One source mentions “a big mad-dog scare” in 1893 (*Wash. Post*, 10 Apr 1904, p. B6).

And indeed, the long-serving Health Officer, Dr. William C. Woodward, stated in 1900 that – in spite of regular (if infrequent) press reports of rabid dogs captured and Washingtonians catching or dying from the disease – only seven persons had actually succumbed to hydrophobia between 1874 and that year.⁶⁵ The Health Officer’s annual reports corroborate this. (See Appendix C6 for statistics.)

The **Mad-Dog Scare of 1899** was preceded by a lesser fright in 1897, fed by the tragic and well-publicized death of 18-year-old Charles Springmann. The man’s demise prompted a run of fearful bite-victims on District hospitals. The local Veterinary Association urged the Commissioners to instigate muzzling but city’s attorney declared there was no authority for such a measure in spite of the “emergency muzzling” clause of the 1878 act.⁶⁶

In 1899 a much heavier authority weighed in on the question of hydrophobia in the District: the Bureau of Animal Industry. D. E. Salmon, chief of the Bureau, stated in 1897 that “during the past few years [the Bureau had] demonstrated the existence of hydrophobia in about twenty dogs found in the District of Columbia.” The Bureau reported in early December 1899 that eleven city dogs had proven to be infected.⁶⁷

The District’s Health Officer, William Woodward, initially acknowledged the numbers but persuaded the commissioners to state that they “know of no mad dog being at large [currently], nor have they reason to believe that any animal so afflicted is now at large.” In just over a week Woodward issued a second statement explaining that his own figures could be low (due to unreported cases) and giving much higher instances of infection (rising from four in 1896 to ten in the second half of 1899 – this refers to dogs with rabies, not people).⁶⁸ Given the steady increase in infected animals and that each was potentially part of a network of spreading infection, Woodward now concurred that “actual cases of rabies exist in this District at the present time, and it is certainly beyond question that there is good reason for believing so.” Such authoritative evidence of a hydrophobia epidemic led immediately to a vigorous discussion in the city newspapers about the danger/illusion of the disease and the usefulness/cruelty of muzzling as a preventative.⁶⁹

In the face of official evidence of a rabies outbreak but not wanting to take unwarranted and unpopular actions, the Commissioners on 7 Dec 1899 authorized Poundmaster Einstein to hire extra men (paid from the Emergency Fund), but only to pick up untagged dogs. “This action . . . is not based on the alleged prevalence of hydrophobia . . . but is due to the fact that at the present time there is . . . an unusually large number of dogs running at large without the required tags and collars.” District police

⁶⁵ Evening Star, 28 Apr 1900, p. 15.

⁶⁶ (Springmann) Evening Times, 22 July 1897, p. 1; Wash. Post, 22 July 1897, p. 3; (hospitals) Wash. Post, 24 July 1897, p. 2; (muzzling) Counsel Opinions, 14 Aug 1897 (Vol. 8, p. 104). This proposal was opposed by Cecil French of the Washington Canine Infirmary, who will be encountered regularly hereafter. The Counsel concluded that responsibility regarding rabies/muzzling had passed from the Commissioners to the Health Officer and Poundmaster.

⁶⁷ Wash. Post, 28 Feb 1897, p. 16; 9 Dec 1899, p. 12. Another report of December 1899 (Wash. Times, 28 Dec 1899, p. 4) said fourteen – either this was an error or the extra three cases represent the nearby suburbs. The Bureau reported 17 cases cumulatively in March 1900 (Wash. Post, 30 Mar 1900, p. 10).

⁶⁸ Evening Star, 8 Dec 1899, p. 16; 19 Dec 1899, p. 11. It is not clear if Woodward’s statistics were taken from the Bureau or independently developed.

⁶⁹ Some examples: (take action) Evening Star, 22 July 1899, p. 8; 12 Aug 1899, p. 12; (there is no problem) Wash. Post, 11 June 1899, p. 6; 8 Dec 1899, p. 6 (which compares the hysteria to fears of yellow fever or smallpox); Wash. Times, 28 Dec 1899, p. 4. The fear was particularly acute at Dupont Circle, where the British ambassador’s dog was bitten (Wash. Post, 7 Dec 1899, p. 8).

were ordered to aid this project and the same of Police Court, which heard such cases.⁷⁰ These efforts failed to reassure the hydrophobia-panicked public but did greatly increase the number of (and therefore revenue from) properly licensed dogs, as discussed earlier.

The Bureau of Animal Industry's report of rabid animals in the city and its suburbs declared the region an "infected district" and forbade the transport of unmuzzled dogs in or out of the District – a hardship on Washington's hunters ("local nimrods"), who would then have to hire packs of hunting dogs for their country sports, as one newspaper noted.⁷¹

The Commissioners wrote Department of Agriculture Secretary James Wilson asking for further information and proclaiming their eagerness to stamp out an epidemic that they had very recently said did not exist. Upon receipt of the Secretary's reply, the Commissioners, Deputy Health Officer and city attorney huddled to decide on a course of action. Attorney Duvall gave his opinion that the 1878 act empowered the Commissioners to declare a rabies emergency and order temporary muzzling.⁷²

And so, on 19 December 1899 the Commissioners announced the first hydrophobia emergency in over twenty years, and with it required all dogs not confined on private property to be muzzled. The order was made "with a full appreciation of the unfortunate conditions attaching to the muzzling of dogs, but realizing the responsibility of protecting not only dogs but children and persons from the possibility of being bitten by mad dogs." The muzzling period lasted six months.⁷³ In fact, enforcement of this provision was delayed to 26 December due to an unlooked-for problem: a near absence of muzzles in local stores. Almost immediately advertisements for the articles proliferated.⁷⁴

In the midst of this legal activity Poundmaster Einstein and his men had been busy. "A few days ago [7 December, Thursday] the District Commissioners summoned Mr. Samuel Einstein . . . to the municipal building. They told him that it was their intent to authorize the procuring of three additional wagons for the work and additional men. He was asked how long it would take to complete the necessary arrangements. Mr. Einstein said one week would be the shortest time possible. The Commissioners declared that the work must be ready to start on the following Monday morning. By working night and day for 72 hours the wagons were procured and rebuilt so as to accommodate the canine prisoners. The

⁷⁰ (Quote) Evening Star, 8 Dec 1899, p. 16; (police) 12 Dec 1899, p. 8; Wash. Post, 9 Dec 1899, p. 12. "Health officials in the past have been rather indignant because of the tendency of the Police Court judges to dismiss cases of persons . . . charged with keeping unlicensed dogs by advising them to go across the street . . . and procure the required license" (Wash. Post, 9 Dec 1899, p. 12). A Commissioners order of 1911 assigned cases involving unlicensed dogs to the same Police Court; perhaps the responsibility had been shifted elsewhere for a while.

⁷¹ Wash. Post, 18 Dec 1899, p. 12. One man inquired if his dogs would have to stay muzzled during the hunt (Wash. Post, 23 Dec 1899, p. 12).

⁷² Wash. Post, 16 Dec 1899, p. 12. They also wrote American embassies asking about muzzling regulations overseas; some replies are summarized in Evening Star, 19 June 1900, p. 3. And see Evening Star, 11 Nov 1893, p. 20 for a lengthy description of the Paris pound.

⁷³ Evening Star, 19 Dec 1899, p. 11; Wash. Post, 20 Dec 1899, p. 12. A good official account of this process was given by Commissioner Ross (Wash. Post, 27 Dec 1899, p. 10).

⁷⁴ Evening Star, 15 Mar 1900, p. 9. "So the muzzle order was drawn up and promulgated, and the hardware dealers, who had been especially disturbed by the fear that a great army of biting, snapping canines might unexpectedly invade their emporiums, breathed a concerted sigh of relief and immediately proceeded to celebrate by ordering signs bearing the device 'Muzzles for sale'" (Wash. Times, 28 Dec 1899, p. 4; see also Wash. Post, 22 Dec 1899, p. 12). One enterprising shopkeeper left a stack of advertising cards at the Tax Assessor's office for the benefit of owners wondering where to find the devices; the practice was soon stopped (Wash. Post, 23 Dec 1899, p. 12).

extra men were engaged and nine extra nets were woven. Last Monday morning, bright and early, the war against unlicensed dogs . . . was begun in earnest.”⁷⁵

Health Officer Woodward issued a lengthy and detailed statement describing the types and symptoms of rabies (“hydrophobia . . . is another name for it”). Einstein reported that from 11 December (when his enlarged crew hit the streets – recall that they only took unlicensed dogs until the muzzling order took effect on 26 December) to early March of 1900 he had impounded 2,171 dogs, of which 1,933 were destroyed. “Since the issuance of the Commissioners proclamation . . . the officers have been on the alert for dogs that appear to be affected [with] said disease . . . They discovered several [such] dogs . . ., killed them at once and sent the bodies to the Agriculture Department, the reports . . . proving [that] the dogs were suffering from paralytic rabies.”⁷⁶

The Commissioners’ muzzling order drew forth a vigorous and informed opposition. Unlike the blue-collar sheep and goat owners of twenty years earlier, who defended their animals with bricks and fists, however, the city’s dog owners organized and wrote-wrote-wrote – to the newspapers, to the Commissioners, to Congress. The Washington Times and Washington Post were the great champions of this cause, editorializing early against the alleged seriousness of the rabies threat.⁷⁷ Running through these discussions is the assumption that “well-cared for dogs” of the middle- and upper-classes were less likely to contract rabies than “yaller dawgs” and “tramp dogs.” (“He [an irate speaker] thought the muzzle cruel and unnecessary for high-class dogs, which are well cared for by their owners.”)⁷⁸ Health officials admitted that this might be true but they and Einstein aggressively reminded the public that all dogs of any social status would be taken, and then followed up on that threat.⁷⁹

The muzzling order raised a number of interesting legal questions, some related to muzzles themselves: was a dog “with the muzzle attached . . . but not in the proper position” legally muzzled? what about the man who could not find a muzzle that would stay on his flat-faced pug? A visitor from Idaho encountered a miserable dog whose mouth had frozen over because of the muzzle, which he removed: “I suppose I ought to have . . . given myself up to the police as a muzzle thief and a law-breaker.”⁸⁰

⁷⁵ Wash. Post, 18 Dec 1899, p. 12. “The work of the pound was increased very much during the year by the presence of rabies and by the resulting . . . proclamation requiring all dogs to be muzzled and the corresponding necessity for impounding unmuzzled dogs” (Health Officer Ann Rpt, 1900, p. 28).

⁷⁶ (Woodward) Evening Star, 28 Dec 1899, p. 5; (Einstein) 15 Mar 1900, p. 9.

⁷⁷ Wash. Times, 31 Dec 1899, p. 4; Wash. Post, 22 Mar 1900, p. 6. The arguments, although not new, are well-presented; e.g., “There are some people who can hypnotize themselves into thinking that they have any disease on earth” (Times). And, indeed, the contemporary press reported cases of persons literally dying of fright at the possibility that they had contracted hydrophobia. Both publications later changed their opinions.

⁷⁸ Wash. Post, 18 July 1908, p. 2.

⁷⁹ Among the prominent citizens to deal with Einstein were Admiral George Dewey, whose dog Prince developed rabies and led the poundmaster a lengthy chase (Wash. Post, 8 Nov 1902, p. 2, and an admiring editorial in the next day’s edition), and Sen. Henry Cabot Lodge, whose two untagged Scotch terriers he impounded over the Senator’s strong protests (Wash. Times, 24 Mar 1895, p. 12). A letter – presumably from Lodge – regarding this matter appears in the index of in-coming correspondence to the Commissioners (Commissioners letter #209799, n.d.; National Archives, RG 351, Entry 17 “Register of Letters Received”).

⁸⁰ (Position) Evening Star, 21 Mar 1900, p. 7; (pug) Wash. Post, 13 June 1900, p.10; (frozen) Wash. Post, 4 Feb 1900, p. 6.

Two other legal complications deserve mention. In 1899 Attorney for the District Andrew B. Duvall opined “that policemen are not only justified in using their revolvers to kill dogs displaying evidence of hydrophobia, but it is their duty to destroy the animal.”⁸¹

And secondly, there was the very local issue of diplomatic dogs. It will be recalled that the city furnished tags free to pets of embassy personnel. The 1899 muzzling order, transmitted to diplomatic representatives through the Department of State, asked them “to co-operate in its observance.” The British ambassador immediately muzzled all his dogs – he had been a vocal complainer about roving canines – but some others apparently demurred. To round out this matter, Einstein refused to give immunity to such animals, and caused a minor international row trying (unsuccessfully) to capture Klaxin, the Turkish ambassador’s pet.⁸²

However, written opinions of the Corporation Counsel excused the Argentine legation from the policy (over the protest of an injured neighbor) on the grounds of extraterritoriality, and forced the return of the Belgian minister’s unmuzzled pet without payment, using the convoluted reasoning that the normal pound fee was a form of tax (rather than penalty for breaking the law), from which a foreign government was exempt. A 1905 article states: “When a dog belonging to a foreign legation is captured the canine is always returned to its owner free of charge.”⁸³

At a public meeting on 20 January, citizens organized the **Dog-Owners’ Association of the District of Columbia**, the chief opponent of muzzling.⁸⁴ Accounts of the meeting summarize their arguments against the practice, some of which echo those of Henry Bergh so many years earlier: muzzling was cruel and even dangerous to the dog; owners had already paid a dog tax and muzzling constituted an infringement of their property rights; rabies (“as it is . . . correctly called”) in fact rarely occurred; if the city properly curtailed the population of “tramp dogs” then muzzling would not be necessary; the Commissioners order was not legally supportable.⁸⁵ A later (20 March) and more heated meeting added less reasoned complaints: the “youthful” and unqualified Health Officer was “no friend of dogs”; the poundmaster was “an inhuman creature devoid of any feeling”; one Commissioner “despised the sight of a dog”; the British ambassador had instigated the order; a “young scientist” at the Bureau of Animal Industry “was seeking fame,” and so forth. The following day the Post begged for calm and defended Einstein as a “mere instrument of the District government” who should not be shot (as one speaker threatened to do).⁸⁶

⁸¹ Counsel Opinions 14 June 1899 (Vol. 9, p. 643); Evening Star, 14 June 1899, p. 2. A recent ruling against an officer in such a case (he had, however, used a baton to kill the animal) had had a depressing effect on police actions of this sort.

⁸² “I shall take every unmuzzled dog, . . . whether . . . it hails from the Court of St. James or . . . the Crown Prince of Backarawitz – royal blood must produce a muzzle or down to the pound the mutt will go” (Evening Star, 15 Aug 1910, p. 13); see also Evening Star, 19 Dec 1899, p. 11; Wash. Post, 8 Jan 1900, p. 6; 15 Aug 1910, p. 1.

⁸³ Respectively, Counsel Opinions 25 June 1900 (Vol. 10, p. 688); 4 Aug 1908 (Vol. 19, p. 47); Evening Star, 16 July 1905, pt. 4 p. 1.

⁸⁴ The name is variously given Dogowners’, Dog Owners’, and the form I use here.

⁸⁵ For the organization of the Association and extracts of its charter, see: Wash. Times, 21 Jan 1900, p. 5; Wash. Post, 21 Jan 1900, p. 10; the arguments given here are taken from: Wash. Times, 21 Jan 1900, p. 5; 4 Apr 1900, p. 8. Some of them are very similar to ones used in the current gun-control debate.

⁸⁶ Wash. Post, 21 Mar 1900, p. 2; 22 Mar 1900, p. 6; 13 May 1900, p. 13. Sen. Gallinger, always skeptical of the scare, agreed about the Bureau’s scientists: “We have too many scientists in the Department of Agriculture. If we could get rid of some of them, we would not have this trouble about hydrophobia. They have to have something to do. They . . . examine the brains of dogs or they would be out of work” (Hearings . . . 1910 (Senate), 23 Jan 1909, pp. 203-204).

The guiding force in the Association was **George W. Evans**, a local civic figure and the Association chairman, who in his intensity and single-mindedness seems a rougher version of SPCA's Theodore Gatchel.⁸⁷ "The dog question is on again at the District Building, and Mr. George W. Evans . . . has forged to the front with colors snapping from the forepeak. A few days ago Health Officer Woodward, in a report on one of Mr. Evans' frequent communications, states . . ." ran a typical account of his approach.⁸⁸

In February 1900, **T. Edward Clark**,⁸⁹ chief organizer of the Association, brought a test case against the order, arguing that it was illegal; the court ruled against him the following month.⁹⁰

After the failure of Clark's challenge, the Association made both a frontal assault on the Commissioners and a flanking attack through Congress. A mass meeting (75 attendees plus several pet fidos) was held and regulations passed and petitions signed (with 2,400 signatures!). One of these resolutions supported an attempt by the Washington Humane Society to assume management of the pound, an issue that will be dealt with later in this study.⁹¹ Letters of complaint, argument and suggestion poured upon the city offices: "The daily communications relative to the dog-muzzling order turn up at the District Building with never-failing regularity."⁹² The District Medical Society weighed in on the side of muzzling.⁹³

In the U.S. Senate, muzzling's great foe, Jacob Gallinger of New Hampshire, presented the Association's petition and declared that, speaking as a licensed physician, he had "never seen one case of hydrophobia," that it was of "rare occurrence," and that "the community is being constantly fooled by imaginary reports of it."⁹⁴ Nothing came of the petition.

If the issuance of the muzzling order in December 1899 aroused the better class of dog owners, its possible renewal in six months drove them to frenzy. During this period, in fact, only one instance of popular fear of hydrophobia appeared in the press: the widely supported campaign of Associated Charities to fund treatment of a little girl from Tenleytown bitten by a mad dog.⁹⁵

⁸⁷ He was described as prominent, and so was possibly the same Evans who served so outstandingly in the financial office of the Department of Interior from 1864 (at age 16) to his retirement in 1923 (Wash. Post, 1 July 1923, p. 6). He was active in other civic activities and organizations (he later made something of a pain of himself to the city government as President of the West End Citizens' Association), and was regularly asked to recount the assassination of President Lincoln, which he himself witnessed (Wash. Post, 14 May 1905, p. E12; 1 July 1923, p. 6). Evans was also active in local business pursuits, assuming that I am not confusing two men of the same name.

⁸⁸ Wash. Post, 13 May 1900, p. 13.

⁸⁹ A local businessman (construction/lumber), member of the Board of Education and generally active in civic affairs (Evening Star, 30 Mar 1917, p. 2). He and Evans were both members of the Association of Oldest Inhabitants. He became unbalanced in his last years, and compulsively kept his setter Rhino beside him (Evening Star, 16 Oct 1911, p. 20). The AOI archives contain a very good photo of him (Container 8A/folder 259).

⁹⁰ Wash. Post, 24 Feb 1900, p. 5; 13 Mar 1900, p. 12, which quotes all the substance of the ruling.

⁹¹ In regard to muzzling, WHS made an "inquiry" by letter to the Commissioners but took no stand (WHS Ann Rpt, 1899).

⁹² Evening Times, 28 Mar 1900, p. 2; Wash. Times, 4 Apr 1900, p. 8; Wash. Post, 31 Mar 1900, p. 8; (quote) 15 June 1900, p. 10.

⁹³ Wash. Times, 19 June 1900, p. 8.

⁹⁴ Evening Times, 28 Mar 1900, p. 2; 9 Apr 1900, p. 1. The complete discussion, including the petition and Gallinger's spirited views on the exaggeration of the rabies threat, will be found in the Congressional Digest, 56th Cong/1st Sess, Senate, 9 Apr 1900. The Washington Humane Society recorded its condolences on Gallinger's 1918 death (WHS Ann Rpt, 1918); the District's municipal hospital was named Gallinger in his honor.

⁹⁵ Evening Star, 3 May 1900, p. 16 and several later articles. City officials noted that the disease appeared more in suburban areas than in-town, probably because of "the greater liberty permitted dogs" there. The quarantine areas of 1902 were Brookland, Mt. Pleasant and Congress Heights (Health Officer Ann Rpt, 1902).

And then, on Tuesday, 19 June 1900, the muzzling order expired. No doubt the continuous protests of a distinctly influential interest group were a large factor in this non-action, but two other players had roles also: Dr. Salmon, of the Bureau of Animal Industry, declared that the epidemic had been controlled at least to the extent that it showed no increase, and that “the Department [of Agriculture] is leaving the work of stamping out rabies . . . to the Commissioners”;⁹⁶ and new Commissioner Henry B. F. Macfarland joined the District’s ruling triumvirate. Macfarland, a newspaperman,⁹⁷ largely agreed with the “Friends and Owners of the Dog”, who submitted the April petition – the fear of rabies was exaggerated, muzzles were harmful to dogs, and problems came largely from tramp dogs. He felt that the scare was fanned by “institutions established ostensibly for the cure of hydrophobia in the name of humanity, but which will not treat a case unless a payment of from \$100 to \$150 at least is forthcoming.” The Friends and Owners’ petition was denied but Macfarland prevented the extension of the order two weeks later.⁹⁸

And what of the triumphant Dog-Owners’ Association? “The Dog-Owners’ Association can now take plenty of time to lay plans for a defensive campaign next season [hydrophobia season].” And George Evans, the victorious general? He quit abruptly, most likely for some internal political/personal imbroglio – such intense and egotistical persons often dramatically jump ship. “I am entirely out of the affair and am no longer connected with the Dog-Owners’ Association,” he told a reporter. “While my views on the subject have not changed and I have no apologies to make for my past efforts in the matter, I do not care to discuss it further.”⁹⁹

With the end of the rabies emergency and discontinuance of muzzling, public concern about both issues waned. The local newspapers saw a distinct drop-off of articles about the disease after mid-1901. Dr. Woodward, the Health Officer, returned to his earlier stance of downplaying the danger.¹⁰⁰ Of the items that made print, some expressed alarm and others skepticism.¹⁰¹ During these years the District concentrated on elimination of “tramp dogs,” as Commissioner Macfarland advised.

Muzzling became quasi-permanent with a series of Commissioners orders beginning **in 1908**. In mid-January, new director of the Bureau of Animal Industry, Dr. Alonzo D. Melvin, reported an alarming increase in confirmed cases of rabies – 86 animals since 1 January – and urged muzzling, something he consistently advocated. Agriculture Secretary Wilson informed President Roosevelt, who wanted to know the Commissioners’ planned response. Macfarland vigorously defended his tramp-dog eradication approach. Accounts of attacks by mad dogs proliferated.¹⁰²

The mad-dog scare of 1908 followed the model of its 1899 predecessor with the addition of a presidential directive. The chief of the Bureau’s Division of Pathology, Dr. John Mohler, proved the strongest and most persistent advocate of muzzling; support came from the Veterinary Association of D.C., the Marine Hospital Service, and the local Humane Society. Most importantly, on 16 June President Theodore Roosevelt wrote the Commissioners that, based on information from Secretary

⁹⁶ Evening Star, 19 June 1900, p. 3, with much interesting public reaction.

⁹⁷ An active member, with his wife, of the Washington Humane Society.

⁹⁸ Comm Minutes/Orders, 3 Apr 1900 and 2 June 1900; Wash. Times, 3 June 1900, p. 4 (with a full account of the three Commissioners’ views).

⁹⁹ (Association) Evening Star, 6 Oct 1900, p. 6; (Evans) 19 June 1900, p. 3.

¹⁰⁰ Wash. Post, 3 July 1901, p. 6.

¹⁰¹ E.g., (alarm) Suburban Citizen, 30 Aug 1902, p. 2; Evening Star, 14 Dec 1903, p. 10; (skepticism) Evening Times, 23 July 1902, p. 4; Wash. Herald, 2 Aug 1908, p. 10, in which the case is made humorously as a conversation between several dogs, including a French poodle with a cheesy accent.

¹⁰² Wash. Times, 15 Jan 1908, p. 1; Wash. Post, 16 Jan 1908, p. 9.

Wilson, he strongly urged passage of a six-month muzzling order. “Will you let me know if the Commission intends to pass such a resolution, and if . . . not, what are the reasons? Action in my judgment should be taken without a day’s delay.” In spite of its earlier resistance, the Commissioners passed such an order that same day, to take effect immediately.¹⁰³

Two days later the Commissioners approved construction of extra pens at the pound, and funds for another wagon and more men. In the next week they for some reason felt the need to formally re-state their muzzling order, and the following month a new police regulation established a fine of \$5-20 for owners of unlicensed dogs.¹⁰⁴

Dog-owners reacted predictably. “Once a dog-muzzling law is passed dog-owners are up in arms, using their time, influence and money to secure its repeal or prevent its enforcement.” correctly observed Dr. Melvin.¹⁰⁵ Indignant citizens met in July and formed the Licensed Dog Owners’ Association, which heard speeches and formed committees. The moribund Dog-Owners’ Association, under its president T. Edward Clark, met a week later, merged with the new group, heard more speeches, formed new committees and planned further meetings. A week later the Dog-Owners’ Association morphed into the Citizens’ Protective League, dedicated to protection of “the much-abused dog” but which would also “branch out into other matters of interest to citizens of Washington.” Clark continued as president.¹⁰⁶

The new organization was disinclined to a(nother) legal challenge, but veterinarian **Cecil French**¹⁰⁷ refused to muzzle his Great Dane, Capitulus, and forced the issue. He lost his case and suffered the new \$5 fine.¹⁰⁸ No Washingtonians followed the example of the “society women . . . prominent in the fashionable set” of Baltimore’s Dog Lovers’ Association, who at a hearing on a similar measure in that city “hissed the [city] councilmen, denounced Mayor Mahool, and raised such a rumpus [attacking the legislators with hatpins] that the chairman . . . adjourned the meeting.”¹⁰⁹

During the six-month period of the order Einstein’s men busily collected unmuzzled curs of all classes. “The pound capacity has been doubled. Ten men are specifically employed to scour the city day

¹⁰³ (Mohler) Wash. Post, 17 June 1908, p. 1, among others; (Veterinary) 29 May 1908, p. 3; (Marine) Wash. Times, 18 June 1908, p. 14; Evening Star, 2 July 1908, p. 19, which describes in detail the treatment used at the hospital; (Humane; President) Wash. Times, 17 June 1908, p. 3.

¹⁰⁴ (Pens) Comm Minutes/Orders, 18 June 1908; (wagon) Wash. Herald, 18 June 1908, p. 12; (reinstatement) Comm Minutes/Orders, 25 June 1908; (fine) see text in Health Officer Ann Rpt, 1908, and also in 1909; Wash. Post, 4 July 1908, p. 10, says \$5-10. The District’s veterinarian visited the pound 81 times in 1909 and 150 the next year (HO Ann Rpt, 1909 and 1910).

¹⁰⁵ Wash. Post, 16 Apr 1908, p. 13.

¹⁰⁶ The Lic. D-O Assn was a southeast DC group, while the D-O Assn was a northwest group; they agreed to hold future meetings in a central location (Wash. Times, 12 July 1908, p. 4; Evening Star, 12 July 1908, p. 22, “Dog Owners on Warpath”; Wash. Post, 18 July 1908, p. 2, “then came the speechmaking, and there was much of it”; Wash. Herald, 18 July 1908, p. 2). For the Cit. Prot. Lg: Evening Star, 24 July 1908, p. 18; Wash. Post, 25 July 1908, p. 3; Wash. Herald, 25 July 1908, p. 1. The Washington Post thought the broadening of goals (“Now . . . it is the citizen and not the dog who is to be protected”) a “terrible mistake” (26 July 1908, p. E4, “Gone to the Bow Wows”); the writing is full of wince-inducing but irresistible puns: “It is barking up the wrong tree”; “dog owners have a real bone of contention,” and so forth. Clark apparently thought the new name would have wider appeal.

¹⁰⁷ Prominent local veterinarian, zoologist and environmentalist, at various times active in the Kennel Club, Washington Humane Society, Washington Cat Club, and Fish and Game Protective Association. He once proposed a “National Dog Kennel” at the National Zoo, to hold every species of canine (Evening Star, 2 June 1896, p. 13). As did so many well-to-do men of the time, he dabbled in real estate. He was a Canadian and served overseas in World War I. A photo of French will be found in Evening Star, 7 Aug 1908, p. 11.

¹⁰⁸ Wash. Post, 1 Aug, 1908, p. 5; 8 Aug. 1908, p. 2; Wash. Times, 5 Aug 1908, p. 4; Evening Star, 7 Aug 1908, p. 11.

¹⁰⁹ Wash. Post, 2 June 1908, p. 1.

and night . . . and three wagons are constantly in service.” The District government estimated that 12,000 muzzles were purchased in the weeks following the order. “The city is practically rid of unmuzzled dogs,” Einstein reported. “All dogs in the District will be either dead or muzzled a week from now,” remarked one of the dog-catchers.” Citizens flooded the tax office to procure tags. “A half-score of clerks, some of them high officials, are forced to suspend their usual duties and hand out dog licenses.”¹¹⁰

Reported rabies cases declined and medical specialists declared the muzzling edict effective. The President ordered similar action in the Panama Canal Zone. In December the muzzling period quietly expired.¹¹¹

The following year (1909) instances of rabies in Washington almost disappeared. The Marine Hospital’s laboratory, adjacent to the miserable pound and where rabies patients received treatment, moved that year into its new building – “of brown vitrified brick and . . . finished throughout with a view to absolute modern sanitation” – but “the rabies section is, temporarily at least, out of a job. There is not a single case on hand.” Nonetheless the city continued to produce both dogs testing positive for the disease and humans requiring observation, though mercifully the numbers dropped from the previous year. Three of Einstein’s wagons were taken for other use. And yet when Woodward made his report the following year the Health Officer showed a steady annual increase in cases and he declared the six-month decree a failure.¹¹²

We might say a word here about **muzzles of the period**. This second muzzling order again created a sudden demand for the largely disliked restraint. “The market is being exhausted of its supply of muzzles,” reported the Washington Post only one week after the order became effective.¹¹³

Muzzles came in two types: wire and leather. Authorities trusted only the wire kind but owners (and dogs) favored the leather ones.¹¹⁴ The chief health concern voiced about muzzling was that it impeded perspiration (panting) and drinking. “Use only large [sufficiently loose] muzzles on our dogs,” advised the Washington Humane Society. Health Officer Woodward reminded the public that muzzles must prevent biting and snapping, but should otherwise “interfere to a minimum degree with the dog’s freedom.” It should be properly fitted, preferably by the dealer, “with . . . as much care as . . . in fitting a pair of shoes on a human being.” He added: “A dog can be trained to a muzzle just as a horse becomes accustomed to harness. Its education should begin when it is a puppy.” He also advised dealers “against fake muzzles and . . . owners . . . against buying such muzzles.”¹¹⁵ After 1910 only wire muzzles were allowed.¹¹⁶

¹¹⁰ (Pound) Wash. Post, 11 July 1908, p.16; (tax office) 23 June 1908, p. 14.

¹¹¹ Wash. Times, 20 Sept 1908, p. 11; Wash. Post, 16 Dec 1908, p. 15.

¹¹² (Decline) Evening Star, 25 Mar 1909, p. 2; 22 Aug 1909, p. 12; (Woodward) Wash. Times, 2 Aug 1910, p. 1. The figures reported here are rather confusing because it is often not clear whether they represent dogs suspected of being rabid or proven so. Likewise were these people entering hospital those merely suspected of having rabies, those actually receiving treatment, or those who died from the disease? Of 32 patients treated at the Marine Hospital in early 1910 none developed rabies or showed any symptoms afterward. Were they cured or never infected? (Wash. Post, 9 Aug 1910, p. 14).

¹¹³ Op. cit., 23 June 1908, p. 14.

¹¹⁴ “Strap or leather muzzles such as are frequently used are useless”; Dr. N. G. Keirle, Baltimore Pasteur Institute (Wash. Times, 17 June 1908, p. 4). He said that they must be fitted too tight to allow the dog to adequately open its mouth, that they break easily, and can be gradually expanded so as to be ineffective. There was also a “hybrid muzzle, half leather and half wire” that was somewhat effective (Wash. Times, 3 Aug 1910, p. 5).

¹¹⁵ Wash. Times, 23 June 1908, p. 8; 3 Aug 1910, p. 5; (fakes) 2 Aug 1910, p. 1.

¹¹⁶ Wash. Post, 5 Aug 1910, p. 2, which gives an amusing if rather uninformative picture of the wealthy looking for stylish gear while the poor improvise from old birdcages, and also the hazard of sales clerks being bitten by unhappy animal-customers.

Certain legal niceties needed clarification. The 1887 Police regulations required that any dog “of a quarrelsome or dangerous disposition . . . be secured by a chain or cord held in the hand of some person accompanying him” when on the street but otherwise dogs were specifically allowed “**at large**” by the 1878 law. This was reiterated in a 1906 Commissioners order.¹¹⁷

The Counsel had defined “running at large” in 1901 as “when [a dog] is at liberty to come and go as he pleases upon the public streets,” and two years later clarified that dogs on private premises were not “at large”.¹¹⁸ The District government raised the question of whether private property need be fenced in a 1900 legal case; Judge Samuel Church said Yes but this apparently set no legal precedent.¹¹⁹ When the Commissioners hastily approved the muzzling order in June 1908 they made an inquiry to Corporation Counsel E. H. Thomas regarding the exact parameters of “going at large”. “They want to be advised whether having a dog in the arms or in leash while on the streets means ‘going at large’.” Thomas replied the following day that a **leashed dog** was not “going at large.”¹²⁰

Commissioner Macfarland had advocated exactly this approach during the 1908 debates. And in fact, the government in 1899 advised a citizen that his dog could be led through city streets unmuzzled if its owner kept control of it.¹²¹ The new reading opened the way for an alternative to muzzling and in fact to the accepted practice of our own day: either keeping pets confined and on one’s own property, or leashed when among the public.

In 1906 the Commissioners tightened the noose on dogs in a new way – the prohibition of dogs “which shall, by barking, howling, or in any other manner whatsoever disturb the comfort or quiet of any neighborhood.”¹²² Congress had clamped down on females in heat running loose in 1902, following up on a Corporation Counsel suggestion of several years earlier.¹²³

The Commissioners **muzzling order of 1910** almost brings us to the end of this long saga. The storyline is by now familiar – rising numbers of people (often children) bitten though by no means all

¹¹⁷ The 1906 decision grew out of a citizen’s complaint against bulldogs in general (“unreliable and treacherous”) and his suggestion that they be always leashed on the street. Corporation Counsel Duvall opined that this would be within the bounds of legality, citing the authority of the 1887 Congressional act giving responsibility for police regulations to the Commissioners. The bulldog part was dropped (Evening Star, 19 Aug 1904, p. 16; 23 Sept 1904, p. 2).

The question of vicious animals is discussed at some length in the 1907 MPDC Ann Rpt and (for the legalities) in the D.C. Supreme Court decision in *Murphy v. Preston* of 1887 (Mackey, pp. 514-21).

¹¹⁸ Counsel Opinions, 7 June 1901 (Vol. 11, p. 549); 8 July 1903 (cited in Counsel Opinions, 16 June 1908; Vol. 18, p. 317). In 1916 the Corporation Counsel opined that dogs running free on private land “undergoing training” were not at-large (Comm Minutes/Orders, 13 Oct 1916, Vol. 27, p. 62), but reversed itself in 1936, then requiring all dogs hunting in the District during the muzzling period to wear the restraint (16 Aug 1936; Vol. 43, p. 30).

¹¹⁹ *Burrows v. District of Columbia* (National Archives, RG 21, Entry 60 “Law Case Files, 1863-1938”, #43608); but see Counsel Opinions, 16 June 1908 (Vol. 18, p. 317). A jury nonetheless found the District culpable in taking Mr. Burrows’ dog, resulting in a series of appeals.

¹²⁰ Counsel Opinions, 16 June 1908 (Vol. 18, p. 317); 22 June 1908 (Vol. 18, p. 358); Wash. Post, 18 June 1908, p. 16; Wash. Herald, 18 June 1908, p. 12. The earlier opinion gives much useful background and also leaves open the possibility of legal restraint by “training, habits and instincts.” It also ruled that the parking spaces before all District buildings (the seeming front yards, but which are in fact publically-owned land), whether fenced or not, were not permissible areas for unmuzzled dogs.

¹²¹ (Macfarland) Wash. Herald, 16 June 1908, p. 12; (earlier opinion) Wash. Post, 22 Dec 1899, p. 12.

¹²² As for noisy animals, “the police can only use moral suasion in such cases” and the complainant had to bring a civil suit (MPDC Ann Rpt, 1907). The Commissioners received regular complaints about this, judging from an index of in-coming correspondence: barking disturbed the meeting of the local Medical Society and the patients at Garfield Hospital in the 1890s. Loud or vicious dogs comprised the most common topic of animal-related letters in this period, followed by reports of dead ones. (One letter is concisely summarized: “Dead dogs and bad boys”.)

¹²³ Counsel Opinions, 2 Apr 1897 (Vol. 7, p. 481).

developing rabies, warnings from the District Health Officer and the federal Bureau of Animal Industry about the advancing threat and pleas for muzzling, and the Commissioners then issuing the order which, on Health Officer Woodward's recommendation, was effective for a full year. Last-minute lobbying added a clause allowing leashing as a substitute, a clause not repeated for several years. (Macfarland was no longer on the Board to object.) Owners were given a week to procure muzzles. On this occasion both Woodward and Einstein – traditionally rabies-skeptics – strongly favored the order.¹²⁴

Public reaction was predictable but feeble – perhaps beaten down by consistent defeats. The newly-formed **Washington Kennel Club** threatened to protest, possibly to President Taft (the Club president was Cecil French, who had brought the test suit against the 1908 order), and several local clergymen spoke out; the earlier, more strident organizations had disappeared. Organized opposition, such as it was, was genteel and entirely upper-class; signatories of the Kennel Club letter included “more than 100 owners of valuable dogs.”¹²⁵ One cause of this was perhaps the fact that a much higher percent of captured dogs were pedigreed and licensed pets, as the number of street mutts continued to decline.

As usual, the market for muzzles boomed. A panel was appointed (including Einstein and a representative of the cooperative Humane Society) to designate approved muzzles. “Samples of muzzles will be received at the Health Office and turned over to the commission.” They approved only wire devices.¹²⁶ By that fall Einstein reported that “the dog-catchers simply cannot find any dogs in the streets.” The valuable dogs were kept legal by their owners and “stray mongrels are being delivered by residents themselves to the dog pound” as well as the poorer classes continuing to turn in pets they could no longer afford under the new regime.¹²⁷ This should not be seen entirely in economic terms: as the city became increasingly both densely populated and sophisticated, the more countrified habit of allowing dogs – as farm animals earlier – to roam free brought disapproval rather than solidarity.

These indicators of civility did not mean that the general public had lost its fear of mad dogs or willingness to lynch them from time to time. The *Evening Star* that same year carried a touching story of a “little dog . . . playing about on Capitol Hill [which] became frightened for some reason and ran rapidly through the streets. Someone cried ‘Mad dog!’ . . . and for several hours this unfortunate little animal was bombarded by a mob after it had taken refuge under a box.” The poundmen, arriving to take the waif, found it dead from fright and with no trace of rabies.¹²⁸

The year-long muzzling order of 1910 set the later pattern of dog-control in Washington, but we will have to pick up the story in the third section of this report and now turn to the broader sweep of Poundmaster Einstein's efforts to **bring the canine population of Washington to heel**. Einstein's continuing frustration with the District's canine population was reflected in his periodic remarks in the annual reports – pithy and witty – which deserve to be collected here (abridged):

¹²⁴ *Evening Star*, 28 June 1910, p. 15; 4 Aug 1910, p. 1; *Wash. Times*, 2 Aug 1910, p. 1; *Wash. Post*, 8 Aug 1910, p. 2; *Wash. Herald*, 8 Aug 1910, p. 7. The fine for keeping an unlicensed dog had risen to \$5-20 in 1902. There was at first some confusion as to whether leashed dogs were exempt from muzzling (*Wash. Post*, 6 Aug 1910, p. 2) but ultimately they were (*Wash. Herald*, 8 Aug 1910, p. 7).

¹²⁵ *Wash. Post*, 6 Aug 1910, p. 2; 8 Aug 1910, p. 2; 9 Aug 1910, p. 14; *Wash. Herald*, 8 Aug 1910, p. 7.

Wealthy owners of that time were quite as vulnerable to ridiculous ideas as those of today: see the detailed account of a new establishment offering “Turkish Baths for Dogs” (“[not] a fad”; *Evening Star*, 8 Apr 1903, p. 20); not only was it scientifically proven healthful for fidos but also helped their masters retain servants, who frequently left over the duty of the weekly dog-bath.

¹²⁶ *Wash. Post*, 5 Aug 1910, p. 2; 6 Aug 1910, p. 2; *Wash. Herald*, 8 Aug 1910, p. 7, which discusses this quite thoroughly.

¹²⁷ *Wash. Post*, 6 Sept 1910, p. 16.

¹²⁸ *Op. cit.*, 13 Aug 1910, p. 4.

- (PM Ann Rpt 1876) The army of miserable curs will be recruited to such formidable strength [by the coming summer] as to demand the marshaling of a sufficient force for their extermination during the next warm season.
- (1878) The question of whence comes the large army of dogs which infest our two cities is still a conundrum. It would seem that the killing of these animals by thousands every year would at least decimate the worthless class; but who among us can say that the 12,474 killed during the past six years are missed? Indeed, it would seem to me, like the adage in regard to gray hairs, two have appeared for every one removed.
- (1879) From whence come the reinforcements to their constantly-thinned ranks is a conundrum which as yet remains unanswered.
- (1887) Washington seems to have some unfailing source of dog supply.
- (1888) Notwithstanding the fact that the canines slaughtered numbered thousands year after year, the supply seems inexhaustible, and its source remains a mystery.
- (1889) There is no dearth of supply as regards the canines.
- (1890) Echo still continues to answer the question as to from whence come the canines.

Appendix B gives the annual figures for dogs captured, destroyed, etc. and can be summarized thus: Generally the number of dogs impounded rose gradually from about 1,000 annually (1873) to 3,000 (1878) before leaping to near 5,000 in 1879, the first full year of licensing, and then ranged one side or the other of 3,000 until hitting over 6,000 in 1900 and again about 4,500 in the 1909-1911 period. After the terrific takes of these early muzzling periods, the numbers declined in the late 1910s back to the 2,500-3,000 level and stayed there to the end of our study period (1940). Not until the 1911 report do the statistics break down dogs captured and those turned in by owners; in that year it was 2:1 ratio captured:surrendered, which was the average for the remainder of our period.

How many dogs – legal or not – resided in the District? Over the period 1873-1908 published estimates generally ranged somewhere between 15,000 and 20,000 (and Einstein’s highest figure – 30,000 – in 1893). An 1885 article guessed 12,000-15,000 within the old city limits and 3,000-5,000 in the county. Dr. Melvin of the Bureau in 1908 claimed that 8% of Washington households kept dogs. Einstein, at an earlier time (1879) and more harried by canines, said: “There is hardly a house but has its dog. Some dog fanciers have as many as fifteen.” The Post thought the total in 1908 to approximate 20,000, of which 11,000 were licensed. Add to these figures “the visitors from Maryland and Virginia.”¹²⁹

Race and class ran parallel in the dog-hunting business: “Large numbers of dogs were kept in those parts of the city inhabited by colored persons.” Einstein testified: “I think I may safely say that nine-tenths of the dogs that have met death at our hands had previously found shelter . . . with the negroes who inhabit our alleys and back streets.” Especially good dog-hunting was to be had in Uniontown, Hillsdale and Howardtown. Perhaps half the published reports of people bitten or catching rabies referred to

¹²⁹ Some of the many estimates: Evening Star, 5 June 1873, p. 2; 30 Dec 1885, p. 5; 9 Oct 1893, p. 8; 15 Mar 1900, p. 9; Wash. Post, 23 June 1908, p. 14. (Melvin) Wash. Post, 16 Apr 1908, p. 13; (Einstein) Nat. Republican, 26 May 1879, p. 4; (visitors) Evening Star, 15 Mar 1900, p. 9.

Perhaps there was something to the claim of immigrant dogs. The Evening Star reported in 1893 that in Alexandria “the raids of the dog wagon have . . . rid the city of worthless curs, and a general exodus of untaxed dogs across the river to Maryland . . . has been made, so that . . . homeless dogs are met in all parts of that section” (Evening Star, 19 June 1893, p. 3; Alexandria had 675 legal dogs). How did they cross the river?

African-Americans. More good catches could also be had at the edges of the city: “Dogs are looked upon as an absolute necessity in the county.”¹³⁰

In spite of his struggle against the incoming tide of worthless curs, Einstein periodically felt optimism, usually in the flush of one of the larger campaigns resulting from a new licensing or muzzling law. “Last July we used to get 35 or 40 a day . . . Now if we get twelve a day we consider it a good haul. If it keeps up like [this] all the common dogs will be killed” (this in 1879, just at the time of his pitiful complaints quoted above); “It has taken me 29 years to bring about this state of perfection but I can say truthfully that the city today [1902] is as free from stray animals as is possible for any large city to be”; “The idea that it is only the stray dogs that have rabies is entirely wrong. The pet dogs have it now in larger numbers than the homeless ones, for the reason that there are very few stray dogs. We have collected about all the stray and untagged dogs in the city” (1910).¹³¹

Einstein’s perseverance and success catching dogs worked against him in some ways. Street dogs learned to hide from the red pound wagon (and to be alert to the cries of their permanent allies, the local boys). Some came to recognize the poundmen: (Einstein) “The trouble is, we have been chasing . . . stray dogs so long that they recognize the dog-catchers . . . That black-and-tan that just got away . . . knows John Wells so intimately that every time [he] sees him he will run [away] . . . I guess I’ll have to whitewash John,” added the ‘General’ . . . after a thoughtful pause” (Wells was black). One dog was reported to run to his master for his muzzle whenever he heard the pound wagon approach.¹³²

A Washington policeman concurred (1904): “It has been but a few years since it was almost impossible for pedestrians to pass through some of the parks . . . after dark without having to struggle with a dog or two, but now it is different, and very few dogs have been seen hanging . . . about the public spaces.” During hearings on the 1914 District appropriation Rep. Albert Burlison challenged Dr. Woodward: “Some people believe that you are catching too many dogs now.” “We are unwilling to admit guilt,” reposted the Health Officer.¹³³

Before leaving the canine question, we should note that citizens occasionally took **private legal actions** against the pests. Most famously, Congressman/ambassador/Attorney General Caleb Cushing brought a civil action against his neighbor, Mr. Kelly, whose “yellow dog . . . was a howling nuisance to his neighborhood” in 1873; the animal moved to a new home as a result. B. H. Collins wrote the Commissioners fourteen years later to complain of his neighbor who kept three (unlicensed) dogs, two cats “now with kittens,” and dozens of chickens; “the stench therefrom and the noise at nearly all hours . . . is enough to drive a quiet person crazy.” We do not know the outcome of this. And finally, in 1873 Judge Dawson of the Police Court ruled that citizens could legally defend themselves by gun or stone from vicious dogs, restated by the District Supreme Court in a case of 1887. “This decision [1873] will be generally commended by all except the owners of the dogs.”¹³⁴

¹³⁰ (Colored) Evening Star, 30 Aug 1890, p. 12; Poundmaster Ann Rpt, 1878; Evening Critic, 21 Oct 1884, p. 1; (county) Evening Star, 15 Feb 1908, p. 8.

¹³¹ Nat. Republican, 26 May 1879, p. 4; Wash. Times, 13 Apr 1902, Ed/Drama p. 17; Evening Star, 2 Aug 1910, p. 1. He estimated in the second article that 90% of city dogs were tagged, and in the third that nine out of ten dogs examined for rabies had been tagged animals.

¹³² (Wells) Wash. Times, 13 Apr 1902, Ed/Drama p. 17; (muzzle) Wash. Post, 19 July 1908, p. A4.

¹³³ Evening Star, 21 July 1904, p. 6; Hearings . . . 1914 (House), 3 Jan 1913, pp. 190-194.

¹³⁴ (Cushing) Daily Critic, 19 July 1873, p. 1; Daily Nat. Republic, 18 Aug 1874, p. 4; (Collins) Evening Star, 1 June 1887, p. 1; (defend) 3 Sept 1873, p. 2; Murphy v. Preston (Mackey, pp. 514-21). A police order of 1910 cited a recent “[court] opinion relative to a person who maliciously poisons a dog or any other person” but we have no more information (MPDC Ann Rpt, 1910).

Speaking of civil suits, we cannot let pass a curious case from Memphis, 1869: A man's dog bit a passerby on the foot and when the victim kicked his foot loose two of the dog's teeth were embedded in his heel. The victim sued the owner for allowing a vicious dog to run loose; the owner sued the victim for "having a heel tough enough to drag a dog's tooth out" (widely reported, e.g. Charleston, SC, Courier, 21 Oct 1869, p. 4).

CHAPTER TWELVE

Cats

When our doors and gates are shut, neither hog or dog can enter; but to what plan shall we resort to keep cats out of our houses? . . . They steal and devour our chickens, and keep us in perpetual fear lest our Canary birds should meet a similar fate. Not content with this feline felony, they render the night hideous with their unwelcome serenades. A heavy tax should be imposed on these disturbers of our repose; [otherwise] we have been hesitating whether to use buckshot or strychnine. (Daily Union, 28 July 1858, p. 3)

My neighborhood was so overrun with them, and my sleep so disturbed . . . , that in self-defense I provided myself with a parlor rifle, and I have just a dozen notches on the stock to show the number of the enemy slain. And I am keeping up the good work. (Evening Star, 11 June 1896, p. 10)

Pet cats are the craze here just now. They are as numerous as pugs were some few years ago. (Wash Times, 13 Apr 1902, Magazine p. 8)

Corporation-period mentions of cats as street-nuisances in Washington newspapers are either rare or difficult to find. They picked up in the early 1870s: “Since the weather has grown more genial the raving of cats . . . at night is absolutely intolerable. The public call indignantly for a cat pound; and yet that call is hardly judicious, as it might be responded to with a pound of sausages instead of a pound of cure.” Apparently there were more such articles, since John Marbury, of the city’s Board of Health, commented the following year that “some of the newspapers advocate a war on cats.” He did not agree with this, however: “Cats do not bark and bite nor produce hydrophobia.” (This statement came the same year that the District Board of Health endorsed a finding that cats carry the disease.)¹

The coming debate about cats held parallels to those regarding chickens and dogs: cats, like fowl, a rather minor but common animal generally accepted as a useful if sometimes annoying aspect of city life when cows and hogs roamed the streets, became less tolerable once these larger animals disappeared and as the population became more urbane and less rural in experience. And as with dogs, except for some humane individuals or organizations, the general populace felt no sympathy for feral cats but rather the opposite. Even the boys did not protect them. Concern for cats centered on treasured pet felines, and became – at least as far as organized efforts went – largely a cause of the middle- and upper-classes. Ironically a large number of feral cats had been pets whose owners simply turned them out of the house when they went on summer vacation, a common practice at the time.

Cat complaints were (as far as I can find) absent from the Washington newspapers from the mid-1870s to the late 1890s. There were rumblings, however. A short notice of 1893 reported an upsurge in the number of alley cats killed by the populace, not (as was the case with dogs) from fear of rabies but to

¹ (Cats) Critic-Record, 6 Sept 1870, p. 2; 22 Mar 1873, p. 4; 24 July 1873, p. 1; (Marbury) Evening Star, 1 Apr 1874, p. 4; (Board) Nat. Republican, 18 June 1874, p. 4.

stop their nighttime noise and “to get rid of fleas”; also “small boys with . . . parlor rifles and air guns are responsible.” More sadly, “a large gang of boys” gathered near the LeDroit Park neighborhood in 1882 to hunt cats with trained dogs. “Almost nightly these parties pursue their depredations, and, having tracked a cat to its retreat in some quiet alley, start the chase and often set three or four dogs on a single cat.”²

The Washington Humane Society complained of feral cats and dogs to the Commissioners in 1896. Health Officer Woodward replied that the pound was doing its best – and successfully – with dogs, but as for cats: “He [cannot] suggest a remedy for the evil . . . Cats which prowl around back lots and over fences and sheds are, undoubtedly, frequent sources of annoyance. And when, in what era of the world, were they not?”³

“Judge Uruquhart of Georgetown” the following year vented his astringent opinion of cats to the Evening Star: “Cats should be licensed the same as dogs. They are much more of a nuisance in every way . . ., are kept in larger numbers and much more revenue could be secured than . . . from the dog license tax. There might be some reasons for keeping dogs . . . but there are no reasons whatever for keeping cats. A dog barks now and then [but] cats . . . make ten times the racket . . . As far as hydrophobia is concerned, cats cause it as frequently as do dogs, for, after all, it is a rare, though terrible thing.”⁴ The judge gives all the arguments against a promiscuous feline population in a nutshell: noise and nuisance; hydrophobia; and the possibility of tax income.

Heading off such aggressions, cat lovers incorporated the **Washington Cat Club** in 1902, headed by the redoubtable Cecil French, who would later try to overturn the dog muzzling order. (Interest in fancy-breed felines had recently travelled to the U.S. from Britain.) The club was only interested in house cats – it planned the first Washington cat show for that December. As for others, “the organization plans to do away with tramp cats,” picking them up (somehow) “whenever complaint is made of them” and taking them to one of its planned cat pounds “and destroy them” – “in the most humane manner.” “This means the inauguration of a new and peaceful era in the history of the District, the promoters of the new club affirm.”⁵

At this time the District had no provision for a cat tax/tag nor, in fact, any other legal restrictions. (Cats have not been restricted in the District to this day.)⁶ The first salvo in the campaign to control the cat population came from the Northeast Citizens’ Association which, in 1904, sent the Commissioners a resolution deploring “the large number of homeless or back-yard cats,” which they saw as a health hazard, and urging the city to institute licensing and otherwise to “provide for their extermination, as is the case with dogs.” Dr. Starr Parson, sponsor of the resolution, cited the tragedy of two children recently killed

² (Killed) Evening Star, 1 Aug 1893, p. 6; 27 were picked up by the dead-animal crew in one day; (hunt) Daily Critic, 20 Sept 1882, p. 4.

³ Evening Times, 9 Oct 1896, p. 5.

⁴ Evening Star, 14 Aug 1897, p. 14. “They break down my flowers, upset my garbage bucket every night, scattering the refuse over the yard, kill spring chickens if not nailed up, fight and squall all night,” complained I. N. Hammer, who wrote the humorous poem in Appendix D8 (Evening Star, 9 Aug 1897, p. 9). The proposal to tax cats was, of course, ridiculous since the noisome alley toms were ownerless.

⁵ There was also planned a cat hospital. (Evening Star, 1 Oct 1902, p. 10; Wash. Post, 1 Oct 1902, p. 11). The tenor of the club was well expressed by the Post’s subhead: “Respectable Felines Will Be Cared for and the Vagrants Dispatched”.

⁶ Evening Star, 15 Aug 1936, p. 7. Einstein had suggested a cat tax in his 1904 annual report.

by the bite of “a germ-carrying cat.” Commissioner Macfarland, the friend of dogs, approved heartily; the Health Officer also agreed.⁷

In the same year the District began to **impound cats** – not directly from the street, which would have required legal authorization and was certainly beyond its means – but from owners who no longer wanted them and from those who had caught alley cats themselves. Previous to this unwanted kittens were drowned or simply released in city parks.⁸ Citizens now arranged pick-up service merely by writing or calling the pound. The animal needed to be “securely fastened in a box or basket.” There was no charge. In 1909 the poundmen discontinued their pick-up service and residents had to deliver unwanted felines to the pound themselves.⁹ (The Washington Humane Society also euthanized unwanted pet cats on request at its shelter; “people object very much to have it done in their own home.” Such calls reached 70 in one month.)¹⁰

Impounded cats were killed that day, as the pound had no procedures for redemption or purchase nor separate pens to hold them. Einstein explained this necessity: “Cats, when terrified and caged, seem to revert to their wild state, and if a dozen strange cats were confined in one of the wire netting inclosures . . . pending their possible redemption there would be a dozen balls of fur and blood in the morning.”¹¹

He also discussed why his men could not chase cats down alleys, going beyond the usual “I don’t have enough men” explanation, and demonstrating once again his practical and insightful grasp of his work: “If any citizen . . . advocates the catching of cats in a net by hand . . . I beg him to try it just once. Stray cats are usually bagged with a shotgun, a method impracticable in cities, or put out . . . by poisoned meat, also a method not approved of . . . A man will face and catch a savage dog . . . but it takes the bravest to . . . capture a cornered cat . . . A cat can spring into a man’s face and chew and claw it beyond recognition . . . and tear the man’s hands and fingers into ribbons at the same time, and then get away. You can’t hold a cat as you can a dog.”¹²

By July the crew was bringing “a dozen or more” every day. “In some neighborhoods . . . so many cats have been taken away that residents . . . no longer [throw] missiles from their windows at night . . . to secure quiet and be able to sleep.” The take of cats grew from 547 in 1904 to 1,005 the following year and 4,038 in 1908, and Einstein requested extra men to keep up with the work. “All day long the pound

⁷ (Association) Wash. Times, 10 May 1904, p. 4; (Health Officer) Wash. Post, 3 Sept 1904, p. 10. “Pussy Cat, Pussy Cat, Where Have You Been? ‘Escaping Macfarland’s New Tag of Tin’,” headlined the Wash. Times article of 10 May.

⁸ “Given to men and boys to drop around vacant lots,” as the WHS Ann Rpt of 1898 puts it.

⁹ The first mention of this procedure I find is Evening Star, 8 June 1904, p. 16. The pound had long collected unwanted dogs in this way. The other information here comes from Evening Star, 21 July 1904, p. 6 (which mentions only the practicalities as the reason for not taking cats from the street); 4 Aug 1905, p. 5; 23 Apr 1909, p. 24; (delivery) 31 Oct 1909, p. 32. The Street Cleaning Dept’s Annual Report, 1909, reports that its crew had begun “collection of live cats and dogs, done without expense to the government” that year, something mentioned in no other source.

¹⁰ WHS Ann Rpt, 1897.

¹¹ Evening Star, 5 Nov 1905, p. 10; 10 July 1910, pt. 2 p. 6. “At almost every hour . . . people can be seen carrying bundles to the pound, many times . . . small and ragged colored boys. ‘What is it?’ asks Mr. Einstein. ‘Cat.’ ‘Take it out to one of the men then.’ . . . The boy trudges away, sometimes to appear later with another burden of the same character.”

¹² Evening Star, 5 Nov 1905, p. 10. John Heap of WHS completely agreed with Einstein: “You know it is not like catching a dog . . . taking into custody a member of the feline family” (Wash. Post, 23 Nov 1905, p. 12). The difficulty of capturing felines was borne out by a description of the New York Humane Society’s Night Rider crew of cat-catchers: “Two active young men, much scarred in the face, hands and arms from tussles with East Side cats [form] the regular meow department” (Wash. Post, 28 Aug 1911, p. 8). This very detailed account is highly entertaining. Also described in Evening Star, 11 June 1896, p. 10.

telephone is kept busy, messages being received about . . . stray cats picked up and detained by residents.”¹³

Needless to say, this vigorous cat-control did not please everyone. As usual, the local newspapers could not resist mixing some fun in their protest: “After acknowledging that he has murdered 3,788 cats . . . , Samuel Einstein, . . . with shameless effrontery . . . declares that the request ‘for removal’ of cats by those not in sympathy with their nocturnal concerts are daily becoming more numerous. Instead of endeavoring to instill in the breast of these musical critics a sense of tenderness . . . for the felines who are doing the best they can, he heartlessly [requests] additional means for their destruction.”¹⁴

One article pointed out accurately that cats – now under accusation of spreading disease – are “the most fastidious animals in matters of toilet,” while “the dog is as dirty as a boy.” A second reminded readers that stray cats catch rodents, while “the pet cat [“fluffy-ruffles in fur” it called them elsewhere] is the symbol of practical uselessness.” And a third made the pertinent legal point that cats were not legally defined as property, as dogs had been since 1872 – “most cats are valuable only in affection, and not in coin.”¹⁵

After several years of intermittent discussion,¹⁶ Health Officer Woodward and Commissioner Macfarland in 1908 proposed a revision of District tax on dogs (to \$5 for each male dog over one month old, \$10 for each female) and the same for cats. Macfarland said that the number of unwanted animals was increasing, that more revenue was needed to deal with them, and that he was moved by “the great suffering among dogs and cats, especially the latter, because so many . . . are allowed to . . . die from exposure and starvation.” Better, he thought, that they “be put painlessly to death.”¹⁷

Tellingly, the local community of cat-lovers embraced the proposal. “It was expected that there would be strong opposition to the bill but, strange to say, the communications received yesterday all favored the proposed tax.” Nonetheless, the law did not pass, perhaps from practical considerations of how to enforce it, perhaps because of opposition from dog owners.¹⁸ Soon after, three-year-old Mildred Downey was bitten by a supposedly rabid cat. Members of the Public Education Association sent “fuzzy, bright-eyed, playful and cute” be-ribboned and -flowered kittens to three members of Congress to persuade them to include cats in planned legislation calling for “extermination of homeless, sick and injured dogs in Washington.” Shelters for homeless cats were proposed and even established. Congress considered adding a cat annex to the pound.¹⁹ The controversy continued . . .

¹³ Evening Star, 21 July 1904, p. 6; 23 Apr 1909, p. 24; Wash. Herald, 12 Oct 1907, p. 9. Some speculated that people sent cats to the pound for execution from fear of incurring seven years’ bad luck themselves.

In regard to superstitions regarding cats, we might mention here that WARL workers of 1934 reported visitors less hesitant than earlier to adopt black cats (Wash. Post, 14 Aug 1934, p. 13).

¹⁴ Wash. Herald, 12 Oct 1907, p. 9.

¹⁵ Respectively: Wash. Post, 12 May 1904, p. 6; Evening Star, 19 Feb 1908, p. 6; Wash. Post, 23 Aug 1908, p. E4.

¹⁶ Wash. Post, 12 May 1904, p. 6 mentions divided opinion among the Commissioners on the subject. Einstein had suggested taxing bitches at \$4 in his 1904 annual report, and WARL’s Executive Committee discussed the same at its meeting of 29 Nov 1939.

¹⁷ Evening Star, 12 Feb 1908, p. 8; Wash. Post, 12 Feb 1908, p. 14. Discussions of alley cats always specified that the pound euthanized animals painlessly, which was not the case with similar discussions of dogs. This is probably another indication that the cats had no defenders and proponents wanted to head off criticism of control measures on this point.

¹⁸ “A resolution . . . that the [East End Citizens’] Association indorse the plan . . . to increase the tax on dogs . . . met with a storm of opposition and was voted down: Dogs are looked upon as an absolute necessity in the county.” (Evening Star, 15 Feb 1908, p. 8).

¹⁹ (Support) Evening Star, 13 Feb 1908, p. 4; Wash. Post, 13 Feb 1908, p. 14; (failure) Evening Star, 19 Feb 1908, p. 6; (Downey) Wash. Times, 4 July 1908, p. 12; (kittens) Wash. Post, 24 July 1909, p. 1; Wash. Herald, 24 July 1909,

In 1911 little William Core was bitten by a rabid cat and Woodward ordered removal of all stray toms. He immediately received strong support from the Washington Cat Club (its president now **Mrs. Henry L. West**²⁰), representing “many . . . owners of high-class cats.” The Club requested all members of the public to lure strays into their homes for removal by the poundmen, or to take them directly to the pound or Mrs. Beckley’s private shelter in southwest, where they would be put down. “I think the owner of every respectable animal . . . will be willing to aid in the extermination . . . All cats found wandering at large should be killed” (West). Both Einstein and his successor, Emil Kuhn, expressed alarm at the possibility of an order to begin clearing out alley toms with their limited crews.²¹

In June 1912 the Commissioners ordered the poundmaster to **seize all stray cats** and destroy them. The order made no provision for redemption, and specified that animals still could be delivered to the pound. The impetus for this move was, again, fear of rabies. Woodward’s successor as Health Officer, Harry C. McLean, reported that since the previous summer nine rabid cats had bitten eleven persons. “During the many years the pound has been under his [McLean’s] direct supervision [for the Health Department] there has been no year in which cats have developed rabies . . . to the extent they have during the current fiscal year.” He also recommended a licensing procedure and gave the interesting information that, after extensive correspondence with other large cities’ governments, he could report that of 50 U.S. and 19 foreign cities only New York impounded cats.²²

This decree did not please the Washington Cat Club, which stated its objections clearly: “We members of the Cat Club are in favor of doing away with cats that are pests, [but] the Commissioners . . . make no allowance for the valuable cats owned by women of Washington.”²³ The ladies testified at the Commissioners’ 3 July hearing but to no avail. Said Commissioner John A. Johnson: “The demand is very insistent from the people of the District to be relieved of these nuisances,” referring to their nighttime noise.²⁴

More protests by the Club and other cat-fanciers rained upon the District government, but what saved the city’s felines – both prize and common – was a more mundane factor: the pound had no capacity to take or hold them. Men, cages and wagon all would require upgrading. “Poundmaster Kuhn is firmly of the opinion that to order a cat caught is one thing, but to catch it is another.” For the time being the city compromised by reinstating its pick-up service. Even this measure brought an unprecedented decrease in

p. 2; (shelters) Evening Star, 22 Feb 1908, p. 18; Wash. Post, 18 Oct 1908, p. SM3 (describing the efforts of Sarah Beckley, “the head of the cat propaganda in Washington”); (annex) Evening Star, 19 July 1909, p. 2.

The “kitten” publicity stunt was so saccharine that one feels light-headed reading about it. “The kittens and baskets to match were decorated by an F Street florist after several hours of deliberation and consultation.” Each animal came with a little poem attached: “I hope you’ll then take care of me when I am old and sick./I only crave death merciful, painless, and quick./We’re not just useless froggies/We watch the mouse and rat;/’The pound’ takes care of homeless doggies,/Why not the pussy cat?” (Of course, the pound took care of doggies by killing them.) And the Association claimed it only wanted “to prevent children . . . from becoming hard-hearted as a result of witnessing the continued ill-treatment of felines.”

²⁰ Nee Mary Hope White, member of the Board of Trustees of the public schools and a prominent socialite. She served as a Director of WARL in the 1930s. Mr. West was an important and well-connected newspaperman and District Commissioner.

²¹ Wash. Post, 19 Aug 1911, p. 2; Evening Star, 27 Aug 1911, pt. 4 p. 3.

²² Evening Star, 13 June 1912, p. 2. The official notice was published on p. 18 of the same publication. The order, by the way, was an amendment to the Police regulations.

²³ The club was dominated by society ladies. Mrs. W. H. Bixby stated that she had recently paid \$500 for her Persian, which she “would not have killed for the world” (Wash. Post, 14 June 1912, p. 14).

²⁴ See Comm Minutes/Orders, for that date.

the city cat population – almost 3,000 killed in July-October 1912, “practically all . . . of the worthless variety.” At the end of 1913 the pound ordered traps to capture alley cats.²⁵

²⁵ (Club, pound) Wash. Post, 16 June 1912, p. 17; 18 June 1912, p. 16; 19 June 1912, p. 16; 5 July 1912, p. 6; Evening Star, 21 Oct 1912, p. 9; (traps) Evening Star, 3 Dec 1913, p. 13. In its desperation, the Cat Club embraced plebian tabbies, repeating the argument that they help control mice and rats, and denying that they carry diseases. Said Mrs. West: “The poor, howling tom does more good than harm.” The Club now only approved the extermination of “sick and useless cats.”

CHAPTER THIRTEEN

Pound Operations and Miscellany

This section details various aspects of pound operations and also some interesting sidelights of that institution.

The Poundmaster

The duties of the poundmaster were listed in the 1872 act that created his position:

There shall be appointed . . . a poundmaster, whose duty it shall be to take up and impound all domestic animals found running at large . . ., to keep safely and carefully all property pertaining to said pound, and all animals impounded therein; and to report from time to time, through the health officer, . . . the condition of said pound, and what repairs, if any, are needed; and the number and description of the animals therein impounded, and what disposition has been made of the same; and to report all moneys received by him under the provisions of this ordinance. And it shall be the further duty of said poundmaster to pay over, daily, all moneys received as aforesaid to the health officer, taking receipt therefor, and said poundmaster shall give good and sufficient bonds for the proper discharge of his several duties as herein provided.

That the poundmaster . . . shall keep a register of all animals taken up by him, with an accurate description of the same; which shall at all times be open to the inspection of the public; and the said poundmaster is hereby forbidden to deliver any animal taken up and impounded to any person applying for the same, unless such person shall present good and sufficient evidence of his ownership or right to the possession of said animal.¹

Einstein's salary rose from \$1,000/year in 1873 to \$1,200 in 1880, and then \$1,500 in 1902. It had risen to \$2,000 by 1921, when the Health Officer proposed a further addition of \$280.²

The Pound Staff

We have to suffer much abuse at times for performing our duty, but consciousness of right enables us to bear it calmly. The better class of citizens, I think, appreciate our work, and this is encouragement enough. (Poundmaster Report, 1879)

¹ The only other official description of Einstein's assignment, from the Health Officer Ann Rpt, 1904 (p. 44, which describes the work of all Health Department employees), is notable for its unhelpful brevity: "The duties of this officer are those usually incident to the office of poundmaster."

² Daily Nat. Republican, 9 May 1873, p. 4; Hearings . . . 1913 (Senate), 16 Feb 1912, pp. 81-82. Hearings . . . 1917 (House), 5 Jan 1916, p. 391, says \$1,400 "because of his long experience and in recognition of his very faithful service," – a misprint; Evening Star, 5 Dec 1921, p. 19.

The dog-catcher's job is about the most thankless one on earth. He is looked down upon because he holds a job that compels him to prey on the little cur that frisks at the curb. But let some citizen's youngster get bitten and then the uproar begins. (Wash. Times, 29 Oct 1922, p. 7)

During most of the period under discussion the staff of the pound consisted of exactly five men: Poundmaster Einstein and four poundmen³ – laborers hired by the Health Officer and then assigned to pound service. In times of unusual activity, such as the extensive sweeps of 1900 and 1908, extra men were taken on and then let go afterward.⁴ The Metropolitan Police sent an officer to assist the poundmaster (principally riding on dog runs) beginning in 1878.

In the wild and woolly days of Hoover's contractor pound the poundmen were universally described as ruffians who stole animals from people's yards as often as they legally took them from the street; after all, they were paid by the head. Einstein's men, subject to physical resistance during their duties and legal harassment afterward, were never described so. They were salaried employees of the city, and Einstein's disciplined management of his crew and firm but tactful handling of the public protected them. They also seem to have been sincerely dedicated to their work. Certainly Einstein – punctilious in applying the law to beasts and owners – was not a man to suffer slack employees. But those who stayed with him (and they stayed for very long spells) held a commitment to their work and felt part of a team both with their boss and each other.⁵

All the poundmen were black. “Mr. Einstein says that white men do not make good dog-catchers but that negroes have a natural knack for it.” When not on pound duties they could be called away for other Health Department work, such as disinfection of contaminated sites during epidemics (Einstein also participated). “It [should be] remembered that the men engaged in the pound service are . . . appropriated for as laborers in the health department, without particular reference to the pound service,” he reminded the Commissioners in his 1898 report.⁶

For his earliest sweeps Einstein was given (temporarily) fifteen men, far more than he ever saw again. A report of 1873 lists six (by name), each receiving \$2/day for his work but this sank to four men later that year. He only had more than four in later years when, as in 1893, the District was making a big public push to allay the dog problem.⁷

Poundmen received pay of \$30/month for the earlier part of this period. The Commissioners fixed their pay at \$1/day in 1888, increased it to \$40/month six years later, and \$50/month in 1911.⁸ The Health Officer requested a further increase from \$600/year to \$700 in 1918 testifying that “new men are inclined to leave on the slightest provocation . . . We must have larger compensation to hold our men.”

³ They were colloquially “hog-catchers” until hogs disappeared from the streets, and then became “dog-catchers”.

⁴ At \$1.50/day in 1899 (Comm Minutes/Orders, 9 Dec 1899).

⁵ In 1900 the Commissioners noted that in 21 years of operation only one prosecution had been brought against a pound employee and it ended in acquittal (Evening Times, 28 Apr 1900, p. 8).

⁶ (Negroes) Wash. Post, 18 Dec 1899, p. 12; a photo of poundmen from the 1930s includes a white worker but perhaps this was a Depression-era gesture – Ingrid Newkirk, the last poundmaster, found the staff entirely black when she came in. The lower-level staff stayed all black and all male until the Humane Society took over the facility; (disinfecting) Poundmaster Ann Rpt, 1895; Evening Star, 8 Dec 1899, p. 16; Health Officer Ann Rpt, 1904, p. 45. This disinfection project was cited as one cause of the growth in street dog population (it cut into pound runs); see also the 1898 annual report quoted, which elaborates on this task.

⁷ Daily Nat. Republican, 9 May 1873, p. 4; 30 Aug 1890, p. 12; Critic-Record, 24 July 1873, p. 1; Poundmaster Ann Rpt, 1877.

⁸ Poundmaster Ann Rpt, 1888; Comm Minutes/Orders, 27 Feb 1895; Congressional act of 2 Mar 1911 approving the new pound; Hearings . . . 1919 (Senate), 6 May 1918, p. 77.

Einstein, of course, regularly complained that he did not have enough men (“Nothing has been done to increase the pound service in all these years”), beginning with his annual report of 1876, and repeating it whenever a change of law extended his territory, season or legal definition of animals to be taken – unmuzzled dogs, for example, or cats.⁹

The poundmaster was acutely conscious of his men’s worth and the difficulties of their labors. “I am sorry to say, many people look with distrust, even hostility [on the poundmen], while they accept and enjoy the fruits of the faithful performance of the duty . . . It is difficult . . . to select men for . . . the seizure of animals, often in the face of armed aggression, of the requisite activity and strength, who . . . may not sometimes become the aggressor.” “The service they perform, while that of a laborer, are to a certain extent expert, the majority of them having been long in the service, and it requires tact and experience to handle the net in the capture of small animals,” he stated in requesting a pay raise for his men. “They are on duty often from twelve to fifteen hours a day.”¹⁰

The men who stayed with Einstein (and there must have been those who did not meet his standards and were bounced out)¹¹ enjoyed his complete loyalty. He supported them in court actions, and fought to get them medical treatment when needed. Discussing his crew with a reporter in 1885, he could name virtually every one of the 20-25 men who had worked for him and the injuries they each had received individually over the years. His many published comments on his men were always underlain with a tone of respect and even affection.¹²

The poundmen seem to have taken to this secure if somewhat limited situation. “On a seat by the large double gates,” wrote a visitor of 1875, “you notice as you pass out three or four colored men who recall with manifest enjoyment the adventures of the morning, and who will tell you many a funny tale of dog life.” Newspaper accounts of their banter while on dog runs have an earnest but also good-natured tone.¹³ They were noted for their frequent singing on the job.¹⁴ Said Joe Burrell in 1921, after his retirement: “Yes sir, it’s right smart fun chasing dawgs . . . I’ve read about rich men that goes over into Africa . . . hunting what they call big game; but give me a dog chase all the time.”¹⁵ The regular regimen of dog bites did not bother them.¹⁶

After discoursing so frequently on the estimable poundmaster, it would be ungrateful not to delineate at least briefly the chief of the poundmen. It is a pleasant surprise to find that the names of all the Health Office laborers can easily be retrieved from the biannual/annual Official Register of the United States, the

⁹ E.g., Wash. Critic, 27 Aug 1888, p. 1; Evening Star, 8 Dec 1899, p. 16; 29 May 1913, p. 5. His successor faced a cut of funds – and personnel – in his first year (Wash. Post, 23 June 1912, p. 9).

¹⁰ Health Officer Report, 1874, quoted in Nat. Republican, 15 June 1874, p. 4; Poundmaster Ann Rpts, 1888, 1904.

¹¹ “The poundmaster said he could tell when he got a new man, after very few trials, whether the man would ever distinguish himself as a dog-catcher” (Evening Star, 19 Sept 1885, p. 2).

¹² (Court) Evening Critic, 16 Oct 1882, p. 2; 16 June 1883, p. 1, among others; (medical) Wash. Post, 20 May 1907, p. 4; (injuries) Evening Star, 30 Dec 1885, p. 5. “He is fond and justly proud of his men” (Wash. Times, 13 Apr 1902, Ed/Drama p. 17); “Samuel Einstein . . . takes great pains in pointing out his men and declaiming on their qualities” (Evening Star, 29 June 1901, p. 28).

¹³ See Appendix D3 for some samples. “I don’t know anything about the men of the pound, but I do not believe they have lost their ‘sensitivity’ and grown brutal. They impressed me as straight, clean, manly fellows” (Wash. Post, 29 June 1908, p. 12).

¹⁴ Wash. Post, 30 Aug 1891, p. 9; Evening Star, 27 Aug 1911, pt. 4 p. 3. Both articles indicate the songs sung.

¹⁵ (At the pound) Nat. Republican, 19 May 1875, p. 4; (runs) Wash. Times, 13 Apr 1902, Ed/Drama p. 17; Evening Star, 19 Sept 1885, p. 2; Nat. Republican, 25 June 1877, p. 4; (Burrell) Wash. Post, 25 Sept 1921, p. 10.

¹⁶ “All of the new men have been more or less severely bitten by dogs since they took up the work. These wounds do not seem to worry the men, however. They always have them cauterized” (Wash. Post, 18 Dec 1899, p. 12), and many other testimonials.

detailed list of pound expenditures in the 1880-82 annual reports, and the list of Health Department employees fronting the annual reports from 1903 onward.¹⁷

- **John Wells**, “The King of the Dog-Catchers”, worked for the pound longer than any other, coming on in 1876. Einstein held Wells in esteem and affection: “‘John,’ enthusiastically declares Mr. Einstein, ‘in his best days could take one of the heavy nets . . . and throw it across the street and get his dog every time. I believe he has caught more dogs than anybody else in the business’ . . . Mr. Einstein [says] that he is the best in the country.” Wells was famously oft-bitten and scoffed at the inconvenience, although he did occasionally take “the Pasteur treatment”.¹⁸ He was “as black as the ace of spades.”

When Wells died, still on the job, in 1913 the long-serving District Health Officer, William Woodward, his assistant, Harry McLean, “and other District officers” expressed their condolences, and the Evening Star gave him a brief obituary, something not common for one of his station then or today. “At his special request, Wells turned over the first shovelful of earth in the excavations for the new . . . pound building.”

- **Joe Burrell**, “Lynx-Eyed Burrell”, came to the pound in 1886. His idyll on the dog-catcher’s life, delivered in 1921, has been quoted above. When he “retired” from street work (being injured in the same accident that killed Poundmaster Rae in 1920) he took over day-to-day management as “Keeper of the Pound”.
- **Cornelius “Buck” Parker** joined the crew in 1886 also. “Big, broad of shoulder, muscled like a fighting man, and so quick of hand that even the quickest-moving, snappiest of dogs never has a chance to set its teeth in his flesh.” He was transferred to the smallpox service in 1894.
- **Shirley Williams** was called the pound’s “Dog Jailer and Executioner” from his usual duties.
- **Albert Fortune** and **Joshua Murphy** belonged to the early years of Einstein’s tenure.
- **Walter Matthews** and **William Steward** became the chief dog-catchers when Joe Burrell laid aside his net.

Descriptions of pound operations in Einstein’s later years mention some other helpers but they were not really dedicated pound employees. Since they are not specified as “colored” we should assume that they were white. E. N. Burgess, described as “his assistant” in 1904, was actually detailed from MPDC; “several inspectors” were mentioned in a 1908 article but this seems to be just another name for his

¹⁷ Wells, Burrell and Parker were “the three most famous negro dog-catchers in the United States.” These descriptions taken mostly from: Evening Star, 29 June 1901, p. 28; 10 July 1910, pt. 2 p. 6; 27 Aug 1911, p. 48; Wash. Times, 13 Apr 1902, Ed/Drama p. 17; (Wells obituary) Evening Star, 8 Feb 1913, p. 2; (Parker smallpox) Evening Star, 6 Nov 1894, p. 7; 21 Nov 1894, p. 3. Is it possible that he personally captured “50,000 luckless canines,” as claimed? For Burrell, Matthews and Williams, see Wash. Post, 25 Sept 1921, p. 10. This article is a sort of paean to Burrell. One wonders if the “very black colored man” described so extensively in Wash. Post, 9 May 1897, p. 21, was Wells.

Good drawings of all these poundmen will be found in Evening Star, 29 June 1901, p. 28; photos – but unidentified – in: Wash. Times, 13 Apr 1902, Ed/Drama p. 17; 7 Aug 1904, p. 4; 29 Oct 1922, p. 7; Evening Star, 20 Sept 1908, pt. 4 p. 4; 27 Aug 1911, p. 48.

¹⁸ In spite of his fortitude, Wells did once claim compensation for injuries from a dog bite (Counsel Opinions, 23 May 1907; Vol, 17, p. 357).

skilled men; and his “clerk” Harry McLean was chief clerk of the Health Office and in fact the pound’s direct supervisor.¹⁹

In 1905 Einstein proposed hiring an assistant poundmaster and a night watchman. (The pound was unstaffed at night, though to that time there had never been a break-in. During runs one laborer always stayed at the facility.) He explained that the only worker who could deputize for him in his absence was the assigned police officer, who was in fact often out on runs with him. Unfortunately, the Corporation Counsel had declared in 1898 that the acts did not provide for a deputy. Nonetheless, the police assistant regularly served as acting poundmaster when the regular master was gone. Einstein’s successor repeated this request in his 1914 report and the two new employees joined the pound in 1916.²⁰

Pound Equipment/Uniforms

Pound equipment began with the pound wagon – the Brig Catch-‘Em-All, as one newspaper wag dubbed it. Here is a description from 1877: “The wagon is a common covered wagon like those used by grocers in delivering goods. There is a grating in front and a grated gate behind like a butcher’s cart.” In his 1878 annual report Einstein made a plea for a new one: “The purchase of a new wagon . . . cannot be much longer delayed. The one used at present . . . has been in constant service for seven years, and is worn out and well-nigh worthless. A wagon designed expressly for this work should be built at once.”²¹

Einstein presumably got a new wagon by 1891, when the cart was described thus: “The dog wagon . . . is not an unsightly vehicle, but is in the shape of a large carry-all, with small iron bars formed into a cage. It is painted in the regulation colors [red], and on the inside of the body in large gilt letters are the words ‘Health Department’.” Other accounts call it “a cage on wheels, resembling a small circus wagon”; and “closed in the front and rear with iron netting, making a secure cage of the vehicle.” Two poundmen rode in the front and a third on a small seat at the rear. In a futile effort to gain surprise on dogs and owners, the wagon was not marked on the outside and the men wore their badges under their coat lapels.²²

For most of this period the pound held one wagon and a buggy, in which the poundmaster accompanied the runs. This number was increased in time of special activity and then dropped back again

¹⁹ (Burgess) Wash. Times, 7 Aug 1904, p. 4; Evening Star, 16 July 1905, pt. 4 p. 1; (inspectors) 20 Sept 1908, pt. 4 p. 4; (clerk) 10 July 1910, pt. 2 p. 6.

²⁰ (Counsel) Counsel Opinions 17 Aug 1898 (Vol. 9, p. 81); (police) Testimony . . . 1907 (House), 7 Mar 1906, p. 734-737, giving some detail; (employees) Health Department report, 1916, p. 31. Officer Farquhar served as acting master in 1882 (Evening Star, 13 Nov 1882, p. 4), and Officer Ferrar in 1898 (Counsel Opinions, 17 Aug 1898; Vol. 9, p. 81).

²¹ (Brig) Evening Star, 15 Aug 1910, p. 13; (description) Nat. Republican, 25 June 1877, p. 4. Board minutes (6 Apr 1877) list \$20 for wagon repair, and (11 Dec) \$16 for repair and painting of the buggy.

²² Respectively: Wash. Post, 30 Aug 1891, p. 9, which includes a drawing of it; Morning Times, 19 Oct 1895, pt. 2 p. 10; Evening Star, 30 Aug 1890, p. 12; (seats) 19 Sept 1885, p. 2; (markings, badge) 27 Aug 1911, p. 48. Good photographs are in: Wash. Times, 13 Apr 1902, Ed/Drama p. 17; Evening Star, 20 Sept 1908, pt. 4 p. 4.

in periods of tight budgets. The pound had two wagons and a buggy by 1916.²³ Three of the Health Office's six horses were assigned to (and housed at) the pound.²⁴

Equipment used to catch dogs (and perhaps other small animals such as goats) consisted of nets (loose and on eight-foot-long poles) and leashes. The pole nets were stored under the wagon. Only an exceptionally strong and skilled dog-catcher, such as Wells, could fully utilize the loose nets; more commonly one man cajoled or frightened the animal into the open and his partner took it with the pole net. If this was not successful, a foot-chase ensued. Two articles refer to earlier use of a lasso-type restraint.²⁵

We are fortunate to have a complete inventory of the pound's equipage, given in a Commissioners order of 1904 that the poundmaster register all such items with the (Health Officer's?) Property Clerk.²⁶ I copy this unique list here:

1 horse collar	6 halters, some straps
4 fly nets	3 saddle pads
5 brushes	2 horse blankets
3 curry combs	1 pair iron hames
2 stoves	2 pieces rubber hose
5 dog nets	2 net rims, with handles
2 shovels	1 pitchfork
1 coal hod	222 unclaimed dog collars
1 carboy	

Aside from the badge mentioned occasionally (something useful when one recalls the number of animal thieves posing as poundmen in earlier times) the service's crew had no distinctive uniform until 1945, although published photographs of the 1920s and '30s show the poundmen in identical work clothes. They were described in 1969 as wearing black caps and jackets.²⁷

²³ "A half dozen wagons are going the rounds both morning and night" – undoubtedly most of them rented or requisitioned from other bureaus (Evening Star, 20 Sept 1908, pt. 4 p. 4; see also Wash. Post, 18 Dec 1899, p. 12); (rental wagon) Comm Minutes/Orders, 30 Apr 1900; Hearings . . . 1913 (House), 11 Dec 1911, pp. 163-164. The pound had only one wagon during the rabies scare of 1913 (Evening Star, 29 May 1913, p. 5); (1916) Hearings . . . 1917 (Senate), 31 May 1916, pp. 118-119.

²⁴ The other three lived in rented stable space at 224 4 ½ St NW at a cost of \$180/year, according to Einstein's 1895 annual report (he was making another plea for a new facility, to include a stable). The pound still used three horses in 1917 (Hearings . . . 1917 (Senate), 31 May 1916, pp. 118-119).

²⁵ Critic-Record, 24 July 1873, p. 1; Nat. Republican, 25 June 1877, p. 4. The nets were woven by Einstein and his men from heavy cotton rope (Wash. Post, 18 Dec 1899, p. 12). They can be seen in Evening Star, 20 Sept 1908, pt. 4, p. 4; 27 Aug 1911, p. 48; see Wash. Post, 30 Aug 1891, p. 9 for a more humorous depiction.

²⁶ Comm Minutes/Orders, 14 Oct 1904.

²⁷ The photos are in Wash. Times, 29 Oct 1922, p. 7 and Evening Star, 2 July 1933, p. 12; 2 Aug 1937, p. 2. Poundmaster Smith, pictured in Evening Star, 15 Apr 1923, p. 59, seems to have no distinctive dress. Gray uniforms were authorized in 1945 (Evening Star, 9 Jan 1945, p. 11), perhaps those seen in a Star photo of 1952 (10 Jan 1952, p. 21). During the MPDC period of the 1950s poundmen wore used police uniforms (memo, 27 Oct 1966, National Archives, RG 351, Entry 21 "District General Files", folder 1-105 "DC Dog Pound"). Their later uniforms were instituted and carefully described in an addition of 29 Nov 1966 to the earlier Commissioners Order 58-1926 of 30 Oct 1958 instituting uniforms for various District government services (National Archives, RG 351, Entry 21 "District General Files", folder 1-105 "DC Dog Pound"); Evening Star, 16 Nov 1969, Sunday Magazine p. 22.

Facilities

The pound is situated on the back of the old Naval Observatory, at the foot of 23rd Street. A little whitewashed hut stands in one corner of a high board fence inclosure, from which a chorus of big and little yelps fall on the ear of a visitor even before he catches sight of the unpretentious institution. (Morning Times, 19 Oct 1895, pt. 2 p. 10)

We have seen that Washington's **first municipal pound**²⁸ (built and owned by the city) was under construction by May 1871 and in use by that October. It was always described as of temporary intent. The original pound had capacity for 150 dogs, plus "stable for cows and horses, and also accommodations for goats, sheep, geese, etc. Every arrangement has been made to provide captives with food and water." It was "a kolsomined [calcimined/whitewashed] structure of pine boards, like a stockade or a big stable."²⁹

The city expanded and improved the largely-outdoor structure over the years: in 1879 (the "rickety old shed" replaced with new pens, creation of an office, a new water supply, all "suitably arranged for the comfort of the unfortunate animals . . . impounded there"; designed by Building Inspector Entwisle) and 1885 (replacing the "yellow pine palings" with iron ones, and a concrete floor laid). The pens were expanded in the early 1890s through a private donation.³⁰ The pound was sited directly over the intersection of 23rd and C Streets, and New York Avenue NW (where the Institute of Peace is now) "as it is remote from business places or dwelling houses."³¹

A reporter of the Washington Times described visiting the place in 1903: "It stands – or perhaps it is better to say it leans – up against one of the murkiest hills in Foggy Bottom. It is only after a tour of houses full of holes, dogs, cats and oleaginous babies, and through a waste of dog fennel, wild strawberries. . . and pokeberries that you arrive at the most melancholy morgue. . . It is an enclosed structure of pine boards, like a stockade or stable." "To the casual visitor the pound presents the appearance of having stood there for years, with little or no change, and this is the case, with the exception of a few repairs."³²

The need for new facilities made a regular appearance in the Poundmaster annual reports. The earliest report to complain about the pound buildings was that of 1878, and it also gives the best summary of Einstein's thoughts:

The pound as at present situated is totally unsuited for the purposes required. It is remote from any leading thoroughfare, beyond reach of water-supply or means of proper drainage, and by no way easy to access to the many persons who are compelled to call daily for animals impounded. It should be placed at the most central

²⁸ It was always officially The Pound, but became popularly known as the Dog Pound in the late 19th century, when it came to mostly hold those animals. The term even made its way into official documents in the 1930s.

²⁹ Respectively: Nat. Republican, 18 June 1874, p. 4; Wash. Times, 11 Aug 1897, p. 8.

³⁰ Evening Star, 23 Sept 1879, p. 4; 21 Nov 1879, p. 4 (a very detailed description); 29 Jan 1885, p. 5, and Auditor Ann Rpt, 1886, showing the cost as \$193; (pens) WHS Ann Rpt, 1897. It also got some improvement with the issuance of the 1874 muzzling ordinance (Nat. Republican, 18 June 1874, p. 4). Repairs and minor additions appear in the Commissioners orders of the early 1900s.

³¹ Evening Star, 21 Nov 1879, p. 4. Adolph Sachse's lovely watercolor 1884 map of Washington shows the pound but it was definitely built over 23rd Street and his buildings are not.

³² Wash. Times, 26 July 1903, p. 5; 7 Aug 1904, p. 4. This "melancholy" theme brought out the inventiveness of newspaper writers, as will be seen later.

Illustrations of the old pound will be found in: Wash. Times, 13 Apr 1902, Ed/Drama p. 17; 26 July 1903, Magazine p. 5; 7 Aug 1904, p. 4; Evening Star, 30 Aug 1890, p. 12; 16 July 1905, p. 45; 27 Aug 1911, p. 48.

point possible where it can be kept free from offense, and where the advantages of water-supply and sewerage may be obtained. The present inclosure is about 40 by 40 feet, and has always been too small. At least one-half as much additional space is required. The yard should be properly paved with stone or concrete, and one entire side covered into a shed for the protection of animals, wagons, etc. during bad weather. A good, substantial stable for the accommodation of two or more horses, and an inclosure for storage of food for same [is also needed]. Two pens for confining the dogs impounded daily, to be supplied with water, and an office-room for use of poundmaster [whitewashed inside] and watchman.³³ If a location could be decided upon where it would be free from complaint and become permanent, I would advise the construction of a good substantial brick building and inclosure. A pound will always be one of the necessities of the District, and as a permanent fixture it should be made substantial and not call for constant repair, as does the present tumble-down institution which bears that name.

He “respectfully renewed” the question of his building again almost every year thereafter. His 1895 report pointed out that the newly-proposed Memorial Bridge would take out his location. In 1908 he wrote: “The pound is becoming more dilapidated each year, or at least would be so were not considerable sums of money spent . . . to prevent that result. The work done by the pound service during the many years that it has occupied its present wretched quarters certainly entitles it . . . to a better home.”

The 1910 report reminded authorities of his “previous recommendations for a new pound and for construction therewith of a stable for the accommodation of all horses and vehicles in the service of the health department.” The next year he reiterated the need: “It will be a relief to all concerned to have substantial quarters for the pound in place of the frame structure erected as a temporary pound 40 years ago, and now in a state of decay, and the operation of the pound and stable as a single establishment will make for efficiency and economy.” The report pointed out that the city owned suitable land “adjacent to the James Creek Canal.”

The city government presented a budget request to Congress for a new building in virtually every annual report from 1895 to 1912.³⁴ The 1903 testimony noted that the streets adjoining the pound had been regraded upward leaving the facility below grade. The only source of water, “a well situated in soil,” was constantly fouled by animal excretia and blood; drainage was poor. Continual barking of the dogs kept staff and patients in the newly-built adjacent Naval Medical School Hospital from sleeping.³⁵ Also the proposed new structure would accommodate the Health Department’s horses, which were then housed in rented quarters or livery stables.

Congress included \$10,000 for a new pound, sited on any appropriate city-owned property, in the 1912 budget.³⁶ U. S. Reservation 290 – the South Capitol Street site – was transferred from federal to municipal ownership by the same bill for payment of \$4,100 (half the assessed value).³⁷ As

³³ If he had a regular watchman at that time he certainly lost the man soon after.

³⁴ “Revised Estimates for the Support of the Government of the District of Columbia . . . FY 1903” (7 Jan 1902, printed with the DC Appropriations Bill, 1903), p. 58, note 123; Hearings . . . 1907 (House), 7 Mar 1906, pp. 734-739; Hearings . . . 1910 (House), 23 Jan 1909, p. 203; Hearings . . . 1912 (Senate), 3 Feb 1911, pp. 81-82.

³⁵ Poundmaster Ann Rpt, 1890; Evening Star, 7 Sept 1910, p. 18.

³⁶ Hearings . . . 1912 (Senate), 3 Feb 1911, p. 82; the act was passed on 2 Mar 1911.

³⁷ Hearings . . . 1914 (House), 3 Jan 1913, pp. 190-192. The District disputed the charge, saying it had earlier received use of the land. The question almost derailed dedication of the building (Wash. Post, 22 Oct 1912, p. 14), and eventually the city had to pay (Evening Star, 14 Feb 1913, p. 5). These actions were confirmed with the District’s 1914 budget, passed on 4 Mar 1913. The rest of this paragraph and the testimony come from the 1914 hearing.

Commissioner Judson noted: “If you could see the location you would see that it is entirely suitable for a pound and not fit for any other purpose.”³⁸

Rep. Albert Burleson had qualms about the expense of the proposed building, which he took to the city’s Health Officer, Dr. Woodward:

- Burleson: That is quite an elaborate pound, is it not, Doctor – \$10,000 ought to provide quite an elaborate one.
Woodward: I should not regard it as at all elaborate. It is plain.
B: You think it is very plain. Do you know of any other city that has a \$10,000 pound?
W: I think I would have no trouble in locating cities that have pounds and stables that cost a good deal more than \$10,000.

The property had been created in the early years of the century when James Creek Canal was filled in. At a later date the site was combined into neighboring Square 644 (previously only the small triangular portion of the square west of the old canal bed – which itself was designated U.S. Reservation 6-L – and adjoining Canal Street) but unnumbered. (In 1912 Square 644 had seen only a few small houses constructed on its western edge.) This new portion of Square 644 was shown only as “Square 644/part” in city tax assessments but in fact given the lot number 809. In 1955 lot 809 was broken unto 811 (the old canal bed) and 810 (the triangle between the canal and South Capitol) which includes the pound and stable.³⁹ It today carries the address of 9 I Street, SW.

It is pleasant to think that, although he did not live to see the new facility, Einstein did know of its coming before he died.

The **new municipal pound** and stable appeared in the 1911 Engineering Department Report as “in planning,” awaiting selection of an appropriate site,⁴⁰ and the year following the Municipal Architect’s office reported that it had completed the drawings and anticipated completion by 10 September 1912, for a total cost of \$9,544. The planning went through several drafts, since the Commissioners order (10 May 1912) awarding the building contract required that all modifications in alternate proposals A-F be included.⁴¹ The Architect’s Report of 1913 indicated \$45 spent for installation of wire windows and door guards, installed in October 1912.⁴² A further \$1,000 was spent the following year to pave driveways and grounds and add a screen to dependent wooden sheds (shown on the 1913 Baist map), and in 1916 \$2,200

³⁸ “The District dog pound is in an out-of-the-way place. . . The neighborhood there . . . is not much. There is a great junkyard across the street, and acres and acres of idle land all about – vacant lots with weeds full grown” (Wash. Post, 25 Sept 1921, p. 10). “Because of the distance from the nearest place of abode, it is stated, no complaints are made of barking or howling dogs at night” (Evening Star, 29 Mar 1920, p. 2).

³⁹ I wish to sincerely thank Mr. Neal Isenstein of the D.C. Office of the Surveyor for this information.

⁴⁰ The selection committee was comprised of the Health Officer, Chief Clerk of the Engineering Department, and the Municipal Architect (Comm Minutes/Orders, 28 Apr 1911, revising the order of 24 Mar 1911).

⁴¹ The building was formally accepted by the Commissioners on 2 Oct 1912. Early photos will be found in Evening Star, 15 Sept 1912, p. 11; Wash. Times, 29 Oct 1922, p. 7.

⁴² Op. cit., (1911) pp. 16, 199; (1912) pp. 19, 194; (1913) pp. 14, 203. See also Commissioners order, 7 Oct 1912. A telephone was added at the same time (Comm Minutes/Orders, 8 Oct 1912), and Evening Star, 15 Sept 1912, p. 11. The number of the pound was Main 257.

for heating apparatus, a flag pole, awnings and a fire hose.⁴³ The yard was of blue stone, “as hard as macadam.”⁴⁴

Only a few newspaper articles noticed the new building, but they help fill in some useful details: construction commenced on 18 May 1912, the first shovelful of dirt removed by Health Officer William C. Woodward.⁴⁵ Poundmaster Emil Kuhn, long-serving pound property clerk Harry McLean, and “King of the Dog-Catchers” John Wells all watched. The plans were in fact made by Municipal Architect Snowden Ashford himself, and the builder was H. J. Montgomery. Equipment from the old facility was moved to South Capitol Street on 21 October and the place commenced use with no ceremony the next day.⁴⁶

The new building was “one of the best equipped institutions of its kind in the country.” It held twelve pens for impounded dogs (holding twelve animals each) plus four separate pens for mad dogs, “an up-to-date asphyxiating plant,” the Health Department stables (twelve stalls), an office and an interior court, and sheds for ten wagons. The new building also incorporated “an experiment room for the bacteriological branch of the department” – a function that was not otherwise mentioned either in earlier discussions or later accounts.⁴⁷

To take the municipal pound to its completion, we note that the Engineer’s Report of 1918 included plans for a “garage for health department pound and stable,” being prepared by the Municipal Architect’s office at a cost of \$2,641, drawing on a Congressional appropriation of 1 Sept 1916.⁴⁸ Completion was planned for July 1917. This is the center hyphen joining the two earlier buildings which first appeared in the 1919 Baist map and remains today.

To its last days as pound the place remained much the same: the Commissioners approved \$1,835 in 1928 “to cover structural work and painting at the pound,” further work by WPA workers in 1937, and other occasional improvements.⁴⁹

Pound Conditions

The District pound was, as far as feasible, a clean and well-ordered place.⁵⁰ (Of course, the noise and to some degree the odor could not be controlled.)⁵¹ The pens were carpeted with sawdust impregnated

⁴³ Hearings . . . 1914 (House), 3 Jan 1913, p. 190-194; Hearings . . . 1915 (House), 24 Nov 1913, p. 552; see also Evening Star, 15 Sept 1912, p. 11. The RFP was published in the Wash. Post, 24 Apr 1912, p. 2. (1916 procurement) Comm Minutes/Order of 16 Apr 1915.

⁴⁴ Wash. Times, 21 June 1914, p. 8. This article also describes the internal layout of the place. Paving seems to have been a regular desideratum of the poundmaster; when a further such request was included in the 1919 appropriations bill Rep. Brownlow simply commented: “This is an old friend” (Hearings . . . 1919 (House), 14 Dec 1917, pp. 272-273).

⁴⁵ Evening Star, 18 May 1912, p. 5, but the same newspaper (8 Feb 1913, p. 2), in an obituary for John Wells, says that he turned the first shovel of dirt “at his special request.”

⁴⁶ A police order of 27 Jan 1913 advised all officers of the new pound’s address (MPDC Ann Rpt, 1913).

⁴⁷ Wash. Post, 19 May, 1912, p. 8; Evening Star, 18 May 1912, p. 5; 21 Oct 1912, p. 9; Hearings . . . 1915 (House), 24 Nov 1913, pp. 552.

⁴⁸ Op. cit., pp. 13, 114. The text reads “1918” but that must be a misprint. See also Hearings . . . 1915 (House), 23 Jan 1914, pp. 179-180, in which the proposed garage will hold vehicles for all the Health Department.

⁴⁹ Comm Minutes/Orders, 23 Mar 1928; 20 Apr 1937; Evening Star, 21 Sept 1937, p. 8; Wash. Post, 2 May 1960, p. B1.

⁵⁰ “It is kept scrupulously neat and clean, there being nothing which would suggest its purpose except the occasional bark or growl of the dogs.” (Morning Times, 28 July 1895, pt. 2 p. 9). It was “immaculately whitewashed”

with resin, which Einstein explained discouraged distemper. Cleaning was surely done by the poundmen, given the shovels and pitchforks listed in the equipment inventory above. In 1891 Einstein experimented with a variety of chemical disinfectants to ameliorate the smell, but without success.⁵²

Observers regularly remarked on the humane treatment of impounded dogs, and presumably other animals also. “Really, most of the dogs that come here are better off in these cages than they are in the streets and alleys,” one truthfully stated. A newspaper report tells us: “The dogs are fed by contract, entirely on meat. A Center Market butcher has the contract, which nets him two or three hundred dollars a year.” The meat (mixed with bran) was cooked at the pound and given out three times a day. “They . . . have water as often as they like.”⁵³

WHS visited the pound regularly: “Your committee . . . found the animals as well housed and the surroundings as clean and comfortable as the space allotted . . . would permit.” “I visited the pound today to bail out my own worthless yellow dog,” wrote the Rev. John van Schaick in 1908. “He was awaiting me in a clean, airy pen, containing all the water he could drink. I carefully inspected the whole establishment. Not only was there water for every dog, but it was clean water. Not only were the accommodations comfortable, but they were considerably ahead of our District jail.”⁵⁴

Newspapermen relished the moral of the indiscriminate mixing of pedigree and street pups in the holding cage, “where all dogs are placed on the same level.” “Every class of canine society is huddled together in the dungeons.” Of course, the poundmaster did regularly pull out obviously fine dogs for likely redemption.⁵⁵

Redemption/Sale of Animals

Impounded farm animals were kept two days for **redemption** by verifiable owners, at a charge of: horses and cows -- \$2; goats, sheep, hogs -- \$1; fowl – 50 cents.⁵⁶ If not taken they were advertised and

(Evening Star, 27 Aug 1911, pt. 4 p. 3). The Washington Humane Society in 1883, 1897, 1901, 1907 and 1910 reported the conditions “reasonably clean and the animals . . . fairly well cared for”; “everything . . . as good condition as possible with the restricted space,” always adding that the facility was inadequate (WHS Ann Rpts for those years).

⁵¹ “The music of this morgue is portable. You take it away with you . . . It is . . . the composite dying groans and howls of the predestined criminal – mastiff, bulldog, sky terrier, setter, beagle and rat catcher” (Wash. Times, 11 Aug 1897, p. 8) and many other such theatrical observations.

⁵² (Sawdust) Wash. Post, 10 Apr 1904, p. B6; (disinfectants) Evening Star, 10 Oct 1891, p. 5.

⁵³ (Quote) 10 Oct 1891, p. 5; (contract) Wash. Post, 9 May 1897, p. 21; (bran) Wash. Times, 13 Apr 1902, Ed/Drama p. 17; (water) Wash. Post, 10 Apr 1904, p. B6. They received one half pound of meat each per day in 1920 “bought fresh and cooked” (Evening Star, 29 Mar 1920, p. 2). Dogs in the private shelter of the Society for Friendless Dogs got the same mix (Wash. Times, 3 August 1902, Magazine p. 4).

⁵⁴ (WHS) “Report of the Special Committee Appointed to Visit the City Pound”, 6 Dec 1910 (filed with WHS Exec Comm minutes). Einstein took the Society’s recommendations seriously. “So well understood is [the value of WHS oversight] by the Poundmaster that he constantly appeals [for us] to extend the same supervision to his quarters. The rain comes in on his desk and upon the bed of the caretaker. We can only reply that our power ends with the prevention of cruelty to animals”; this report gives some specifics on the place. (Van Schaick) Wash. Post, 29 June 1908, p. 12.

⁵⁵ Nat. Republican, 25 June 1877, p. 4, with much philosophical observation; Evening Star, 29 June 1901, p. 28; 20 Sept 1908, pt. 4 p. 4; and Wash. Post, 3 June 1906, p. F3, which last indulges in rather maudlin imagined conversations among the mixed lot of condemned dogs.

⁵⁶ Evening Star, 30 Aug 1890, p. 12. The 1878 Poundmaster Ann Rpt stated that the redemption fee for goats had just been raised to \$2 “and in consequence thereof the number impounded has decreased considerably and a larger

sold at public auction (at the pound) conducted by the poundmaster.⁵⁷ Only diseased animals were destroyed.⁵⁸ The Poundmaster annual reports indicate the small number of animals (seemingly all dogs) “returned without fees” but we have no other information on these; presumably released on some legal technicality and with no payment or, after about 1900 dogs examined for rabies but found healthy.

The 1871 Board of Health ordinance set the redemption holding-period and charge for dogs at 24 hours and \$1, and that was reiterated in the 1875 ordinance. The 1878 act specified 48 hours to reclaim a pet, for a charge of \$2.⁵⁹ This fee was always required, even for puppies, but the kindly poundmaster was known to give poor persons extra time to get the money together.⁶⁰ Einstein was insistent that the wealthy received no favor.⁶¹ The pound often held fancy breeds for a few days longer,⁶² but it was regularly noted that there was a higher redemption rate for mutts than the finer animals, a pleasant but probably incorrect story.

Contemporary writers loved to lampoon the society matron rescuing her perfumed poodle: “Not long ago a very fashionable woman came in and recognized her pet. When returned to her, she was ecstatically wrapping the renegade up in her arms and saying: ‘Come back to mommer,’ to the intense amusement of the gentleman who would have put the dog to death within the next hour. . . . And thus it is that a woman’s husband can stay out two nights in the week and may come home by himself, but if mommer’s baby stays out one night without a tag ‘mommer’ will go forth . . . to look him up.”⁶³

But, of course, the majority of reunions were more touching: “In one instance a young man called for his dog, and on receiving him clasped the dog fondly and wept like a child.”⁶⁴

percentage have been killed” (see also Bd of Health minutes, 22 June 1878: “together with the reasonable expenses of keeping the said animal”). (On the other hand, the Board proposed reducing the charge for geese to 25 cents the same year; 25 Sept.) Perhaps the charge was reduced later, as the number of animals in the city decreased.

⁵⁷ For the legalities, see *Hearings . . . 1909 (House)*, 18 Feb 1908, p. 243. As for what the auctions earned: in 1876 a horse sold for \$7, a cow for \$9, a goat for \$1 and geese for 50 cents each; horses brought about the same thirty years later (Poundmaster Ann Rpt, 1876, 1910, 1912). Some sales were larger: John Southey was compensated \$30 for his horse “impounded and [improperly] sold” in 1876 (Bd of Health minutes, 26 May 1876); “He has gotten as much as \$50 for a stray horse” (Wash. Post, 9 May 1897, p. 21). Note that while farm animals were auctioned for the highest bid, less-sought after dogs were sold for a set charge.

⁵⁸ In 1910-12 (the only years for which we have specific information) no larger animals were destroyed. (Diseased) Wash. Post, 3 June 1906, p. F3.

⁵⁹ A Commissioners order of 19 Oct 1891 authorized the Collector of Taxes, the Secretary of the Board of Commissioners and the Poundmaster to review pound fees, and perhaps this is the origin of the redemption charges given in Wash. Post, 4 Jan 1914, p. 16: geese – 50 cents; calves, sheep, hogs -- \$1; others -- \$2. Wash. Post, 25 Sept 1921, p. 10, says \$3, but this possibly is a misprint.

⁶⁰ We have seen earlier that puppies required tags. Poundmaster Smith sold puppies for \$1 in 1933 (Wash. Post, 16 Dec 1933, p. 27). Wash. Post, 9 May 1897, p. 21 touchingly describes “a very ragged little colored girl” who could only say farewell to her pet: “Good-bye, you Nellie; I won’t see you no mo’.” Only cash was accepted (Wash. Post, 16 May 1905, p. 8). If Einstein was away one of the poundmen made the transaction (*Hearings . . . 1909 (House)*, 18 Feb 1908, pp. 242). To be clear, the owner also had to pay \$2 at the tax office for a license if there was none on record.

⁶¹ “‘Yessir,’ said Joe Burrell [one of the laborers], in his inimitable manner, ‘we entertain some of the city’s greatest down this way – ladies and gentlemen from the finest sections of the city, society leaders, and . . . diplomats from foreign countries. When they’ve lost their dogs they know where to come, . . . and we charge them the regular rate – two bucks’” (Wash. Post, 25 Sept 1921, p. 10), although diplomats soon would not have to pay.

⁶² They were kept in a special pen; the Health Officer contacted the owners of tagged animals (Morning Times, 19 Oct 1895, pt. 2 p. 10; Evening Star, 20 Sept 1908, pt. 4 p. 4).

⁶³ Einstein added: “They hug them and kiss them and call them baby” (Wash. Times, 26 July 1903, Magazine p. 5).

⁶⁴ Nat. Republican, 18 June 1874, p. 4; for other touching stories, but too long to copy here, see: (a comical Dutchman) 24 June 1875, p. 4; (an elderly black man, at the licensing office) Evening Star, 9 Oct 1893, p. 8; (an army dog rescued when his owner brought mackerel to the pound) Wash. Post, 8 Aug 1909, p. 13.

Newspaper accounts put the redemption rate in the 10-25% range; detailed statistics in the Poundmaster annual reports (Appendix C3) show it at the lower range of that estimate. Dogs turned in by their owners were dispatched the same day,⁶⁵ and there was, as noted earlier, no redemption procedure for cats.

Unclaimed dogs could be **purchased** by the public for 25 cents, a charge raised to \$2 only in 1905.⁶⁶ Over time, the pound became a well-known place to buy good dogs. This was a very popular thing to do (Einstein: “Experience has taught me that such dogs [purebreds] are always redeemed, if not by their owners, by someone else who knows a good thing when he sees it.”), and the rise in price was said to have been effectuated to finance a new pound, Congress having balked at the appropriation. (Lesser dogs had a chance: “The pound is a never-ending attraction to the small boy who has saved \$2 and wants a dog.”) Although we have no information for earlier periods, Poundmaster Marks observed in 1944 that 3/5 of dogs purchased from his pound were taken by out-of-towners.⁶⁷

In fact, an interesting business grew up among “the negroes living in that neighborhood,” who kept track of the better dogs being held and when informed by “coachmen and other servants of [wealthy] persons who want dogs and what kind of dogs,” bought them at the low pound price and sold them for a higher one. “The profit on these sales ranges from \$3 to \$20. One man, it is said, has made sufficient money in this manner to buy himself a house and lot.”⁶⁸

Until the “Burglar Dog” episode of 1914 (below) we find only one reference to doggie escapes from prison: 15 made it out in 1875 – an embarrassment for Einstein, no doubt.⁶⁹

In 1910, at the height of the vivisection controversy, the Commissioners approved sale of pound dogs to several nearby federal medical facilities (to the Bureau of Public Health and the Marine Hospital on 25 June; the Bureau of Animal Industry on 6 July; and the DOA’s Bureau of Chemistry for testing of chemicals “but absolutely not to be vivisected” on 18 November). About a dozen animals were so transferred. The Washington Humane Society investigated the practice but found that no vivisection had occurred. Dead animals were transferred to Walter Reed Hospital with no controversy, as long as there was no dissection performed at the pound itself.⁷⁰

After the required holding period unclaimed dogs were destroyed.

⁶⁵ Wash. Post, 8 July 1901, p. 10.

⁶⁶ “Dogs are sold only on the written order of the Commissioner in charge of the Health Department” (Hearings . . . 1909 (House), 18 Feb 1908, p. 243). This must have referred to some standing authorization, since every sale could not have involved such a high personage, and we have no record of it in the Comm Minutes/Orders.

⁶⁷ In 1879 the sale charge had been \$2 (Nat. Republican, 26 May 1879, p. 4). (Prices) Wash. Post, 16 May 1905, p. 8; (quote) Morning Times, 28 July 1895, pt. 2, p. 9); (boys) Wash. Post, 3 June 1906, p. F3; (out-of-town) Evening Star, 19 Apr 1944, p. 20. “So universal did the custom become of securing pets from the pound that it was truly an unlucky dog that did not find a master”; a girl once wrote from Chicago requesting to hold a dog for her, which she later claimed (Wash. Post, 16 May 1905, p. 8). Hunters still saw the pound as a good source of bird dogs in 1913 (Evening Star, 15 Nov 1913, p. 9).

⁶⁸ Wash. Times, 7 Aug 1904, p. 4.

⁶⁹ Evening Star, 22 Sept 1875, p. 4.

⁷⁰ (Vivisection) WHS Ann Rpt, 1910; see also Wash. Post, 14 Aug 1910, p. 1; 23 Aug 1908, p. A3; Evening Star, 24 July 1910, pt. 1 p. 6; 25 July 1910, p. 10. On 5 July 1925 the Commissioners authorized the Health Officer “in his discretion” to furnish animals “to the several Government laboratories which may make requests therefor.” (Dead animals) Comm Minutes/Orders (index 1941).

Killing Animals⁷¹

In earlier times, as today, everyone pretended a horror of destroying homeless animals while privately feeling a keen fascination with the proceedings; hence the regular descriptions (some melodramatic, some lurid) printed in the local press.

Executions took place every work day (Monday-Saturday) except Tuesday. This latter day was quiet because the law required two days' holding of impounded dogs,⁷² and Sunday (the pound being closed) didn't count for dogs brought in on Saturday. No shootings took place during the grace month of July, when dog runs were suspended. Executions occurred about noon.⁷³

Until 1898 dogs were shot. This was likely true for larger animals also but we have no specific information.⁷⁴ In 1895, Einstein recalled that in the early years "the victim was turned loose in a small yard . . . and fired on [with a musket] until dead. Owing to the obstruction of the [pen's] lattice and the constant motion of the animal . . . the plan was often a prolonged operation."⁷⁵

As early as 1877, however, a more efficient and humane method was used, described by Einstein in his annual report of 1878: "The mode of killing unredeemed dogs is by pistol shot . . . The animals are removed from the pen singly, the muzzle of a . . . pistol is placed against the forehead and a bullet sent directly through the brain."

Here is a typical and more immediate account, from the Morning Times of 1895 (abridged):

When a batch of dogs have stayed out their time limit one of the helpers takes a rope, at one end of which is a noose, and begins executing them. He selects his victim, slips the noose around his neck, and drops him out of the cage and down to the post. The rope is given a couple of turns around the post, Fido's nose is drawn close up against it, the muzzle of a revolver is placed within a few inches of his forehead, and his trials are over. Death is instantaneous, and the men are so used to it that a second shot is very rarely required.⁷⁶

A few details complete the description: a heavy curtain was drawn over the holding cage to mask the procedure from those awaiting execution; the shooting post was at the rear of the pound and so out of sight of the other pens; and the gun used was a 32-caliber Smith & Wesson.⁷⁷

⁷¹ "Killing" or, somewhat fancifully, "executing" were the terms used at the pound. "Putting to sleep" was reserved for the shelters. Poundmaster Marks did use this latter euphemism in Congressional testimony of 1941 (Hearings . . . 1942 (House), 22 May 1941, pp. 55-59), reflecting the increasing influence of the shelter movement. See Appendix D4 for more on killing techniques in other pounds.

⁷² Incoming dogs were rotated through "first-day" (wire) to "second-day" (wooden) pens and thence to the yard for execution (Nat. Republican, 26 May 1879, p. 4; Evening Star, 20 Sept 1908, pt. 4 p. 4).

⁷³ Wash. Post, 6 Aug 1879, p. 2; Morning Times, 28 July 1895, pt. 2 p. 9. A later article says executions occurred every other day (Wash. Times, 7 Aug 1904, p. 4). Dogs brought in by their owners were disposed of the same day, but this might have been a later practice, given the date of its earliest reference (Evening Star, 29 Mar 1920, p. 2).

⁷⁴ In 1873 goats were executed by knife to the throat; the carcass was returned to the owner (Critic-Record, 24 July 1873, p. 1). It seems unlikely this practice continued long.

⁷⁵ Morning Times, 28 July 1895, pt. 2 p. 9.

⁷⁶ Op. cit., 19 Oct 1895, pt. 2 p. 10. This account is mild compared to some, for example Nat. Republican, 25 June 1877, p. 4, and Evening Star, 6 Aug 1887, p. 2, which describes a somewhat more elaborate process and with detail of how dogs die that few readers today would want to know.

For those interested in a drawing: Evening Star, 30 Aug 1890, p. 12.

⁷⁷ (Curtain) Evening Star, 30 Aug 1890, p. 12; (post) Wash. Post, 9 May 1897, p. 21; the post was a later addition; (gun) Nat. Republican, 25 June 1877, p. 4. The post was repositioned after 1883, as SPCA (Ann Rpt, 1883) found the method of execution satisfactory "if the pistol is in the hands of a person skilled in its use" but complained of its visibility to the animals; see also Evening Star, 6 Aug 1887, p. 2.

Official and private accounts all emphasize that this was the quickest and most humane end available to the victims. “Practice has made the executioner an unerring marksman,” said Einstein. “So it is a rare occurrence when the first shot fails to cause instant death.”⁷⁸

Nonetheless, the poundmaster had doubts about shooting and considered other methods. He fixed on electrocution as his alternative: “It is the quickest, surest and by long odds the cleanest and easiest way. Nothing would be easier. By this means the noise, the sight of blood and its offensive odors would be obviated, and besides it would be the most humane of all . . . methods.”⁷⁹ He made another and very perceptive observation – this one relating not to animals but to his men – in his 1897 report, recommending “destruction of animals by modern methods, which, while probably no less painful than that now employed . . . are certainly less repugnant and have less tendency to brutalize those responsible for their operation.”

Let us note that Einstein himself never attended these shootings, betraying a tenderness that was easy to overlook: “Poundmaster Einstein . . . has never had the heart to see one of them killed, much less kill one . . . himself. ‘More than 60,000 dogs have been killed here since I took office⁸⁰ . . . and I am glad to say that the death of not one . . . can be laid directly at my door.’” He added that he usually left the enclosure during the executions. “In view of the fact that poundmasters are ordinarily pictured . . . as . . . ogres . . . there is something instructive and curious in this statement of the District poundmaster.”⁸¹

The pound moved to asphyxiation in September 1898. “This method of killing is the surest and . . . less painful than any other. The heavy fumes . . . settle at once to the bottom of the box and none of the animals can escape . . . The dogs do not seem to apprehend the danger.”⁸²

Again, the newspapers give a more telling and detailed picture of the proceedings:

The execution of the unfortunate animals is conducted under a low shed, beneath which is a long gray box [lined with galvanized iron or zinc] with [wire-reinforced] windows in the sides. This death chamber is about ten feet in length, half as wide, and five feet in depth. In the top is a trap door which can be closed tightly. A dozen feet away is a little iron stove, the pipe of which leads to the interior of the chamber. The stove is filled with charcoal, and until the smoke of the kindled fire ceases, it is allowed to pass from a regular chimney. Then a damper is closed and a colorless hot gas, carbon monoxide, fills the box.

⁷⁸ Morning Times, 28 July 1895, pt. 2 p. 9. See also his remarks in his annual report of 1878.

⁷⁹ Ibid. Minter Key, agent of SPCA, agreed (SPCA Ann Rpt, 1884). Bergh, of New York, advocated drowning (SPCA Ann Rpt, 1883). It is not clear whether Einstein’s proposal, so similar to that eventually used, was his own or based on some existing system; see the discussion in the section on WARL below. Health Officer Fowler requested purchase of such a system to Congress again in 1923: “Electrocution is a much more modern way . . . and the expense is not very great” (*Hearings . . . 1924 (Senate)*, 12 Jan 1923, p. 74). Poisoning and gassing had been discussed as early as 1873 (Critic-Record, 24 July 1873, p. 1).

⁸⁰ The execution of 104 dogs in one day of 1897 set a record to that time (Evening Star, 10 Aug 1897, p. 3). Did Einstein state this from memory or was it a product of his meticulous record-keeping?

⁸¹ Wash. Post, 9 May 1897, p. 21. His account (Poundmaster Ann Rpt, 1879) of watching dogs being drowned by the Baltimore pound reveals real anguish. We have no information on whether or not Einstein kept a pet, although if he had it probably would have been noticed in one of his many profiles in the press.

⁸² Evening Star, 16 July 1905, pt. 4 p. 1. This article says 1896, but I follow here Wash. Times, 7 Aug 1904, p. 4, from which the Star article seems to have lifted much of its text, perhaps carelessly. The Washington Humane Society had suggested this method in 1891 (see its annual report for that year), which was then in use at the pound in Evansville IN. In preparation for this decision, Einstein visited the Philadelphia pound in 1897 to inspect its operations (WHS Ann Rpt, 1897). The Commissioners inquired of the New York pound about its methods in 1892, and probably other cities too, doubtlessly in response to Humane Society agitation (Commissioners letters #184455, 184608, 27 June and 5 July 1892; National Archives, RG 351, Entry 17 “Register of Letters Received”).

Before the damper is turned the glass-sided box is filled with doomed canines, and the trap door in the top closed. The dogs can be seen inside looking from the little windows. Suddenly one after another is seen to fall over. After a few yelps or two, they lie still.⁸³

The 1921 Poundmasters Report stated that victims (“these unfortunate animals”) were still euthanized by charcoal fumes and included a budget request for “automatic electrically equipped cages.” The pound continued use of its small gas chamber until the early 1960s, as will be described below.

All accounts agree that dogs went to their end docilely (“It is only a matter of a few seconds until they are all dead”), but that cats became restless and took longer to die. “Kittens seem . . . harder to kill, and sometimes outlast their elders.”⁸⁴

The carcasses were picked up by “the dead-animal man/the dead-animal collector/the garbage collector/the dead-dog wagon/the man who removed dead animals” (i.e., the city contractor) and “taken down the river to the depot of dead animals,” “where all parts of their bodies are used in manufacturing different things.” This was mostly fertilizer (from the Washington Fertilizer Company, or Mr. Mann’s plant “just below Giesboro Point”), soap (from the fat, perhaps “the rendering factory, at Four-Mile Run”), and driving gloves (“a New York glove manufacturer”).⁸⁵

Finances

The earlier contractor-operated pounds were envisioned as financially self-sustaining – the District put no funds into them while the contractor/poundmaster built and equipped his facility, hired his men and made his profit from redemption fees and sale of unclaimed animals. This plan led to aggressive capture of animals from private yards that the public viewed as theft. Einstein and his men, on the other hand, were city employees,⁸⁶ worked fixed hours and received fixed salaries.

Under the temporary Commissioners (1874-78) pound proceeds supported pound operations; the incoming permanent Commissioners ordered the money instead turned over to the General Fund, leaving pound operations (except the poundmaster’s salary) destitute. A stop-gap accommodation was made.⁸⁷

⁸³ Wash. Post, 18 Dec 1899, p. 12 (abridged). Some articles say the box was red. “Mr. Einstein takes much pride in the death chamber.” Generally about 15 were gassed at one time, but as many as seventy could be killed together (Wash. Post, 22 July 1906, p. F9). For a thorough description of this process in its last year see: letter, Helen E. Jones to Commissioners, 10 Sept 1958 (National Archives, RG 351, Entry 21 “District General Files”, folder 1-105 “D.C. Dog Pound”).

Photos of the death chamber are in: Wash. Times, 13 Apr 1902, Ed/Drama p. 17; 26 July 1903, Magazine p. 5; Evening Star, 16 July 1905, pt. 4 p. 1.

⁸⁴ Evening Star, 16 July 1905, pt. 4 p. 1; Wash. Times, 7 Aug 1904, p. 4. The latter article wallows in gruesomeness. WHS, in 1901, minuted its preference for shooting or chloroforming cats, the latter being its own method for dispatching them (WHS Ann Rpts, 1897, 1901).

⁸⁵ (Fertilizer) Wash. Post, 22 July 1906, p. F9; (soap, contractor) 6 Aug 1879, p. 2; 25 Sept 1921, p. 10; Wash. Times, 4 Sept 1921, p. 10; (gloves) Evening Times, 4 Mar 1896, p. 6. If anyone wonders, cat carcasses were not skinned because it was not cost-effective (Wash. Times, 2 July 1920, p. 13). A brief but useful review of contemporary practices is given in Wash. Times, 15 Aug 1989, p. B8.

⁸⁶ Their names appear in the list of District personnel in the Official Register of the United States, for example, while the earlier Simaker was not included in the city government list that accompanied the annual compilation of Acts.

⁸⁷ Wash. Post, 30 July 1879, p. 2. Procedures for handling pound fees (by the Board’s treasurer) were outlined in Bd of Health minutes, 16 May 1876.

After 1882 pound expenses – salaries, maintenance, supplies – were carried as a line item of the Health Office. Extraordinary outlays, such as a new wagon or building, required a special appropriation approved by the Commissioners and Congress.⁸⁸ Sometimes the District’s Emergency Fund was used to cover unexpected expenses, such as increased runs during a mad-dog scare.⁸⁹

Government income from animal laws came from two sources: the \$2 tax on dogs, paid to the Collector of Taxes, and the redemption (\$2 for dogs; 50 cents-\$2 for farm animals) or sale of animals from the pound. (Taxes levied on farm animals as property, dairy licensing fees and any other such fees stayed entirely outside this process.)

Receipts from the dog tax were deposited with the U.S. Treasury.⁹⁰ There, per a 1901 Congressional mandate, the funds sat ready to cover deficiencies in the Police and Fire Departments’ retirement funds, which ate up over 95% of the money annually, the tiny remainder going into the District’s General Fund.⁹¹

Redemption charges (“pound fees” for dogs and other animals) collected at the pound were deposited with the Collector of Taxes daily, who likewise transferred them to the Treasury. This money went into the District’s General Fund.⁹²

Proceeds from sale of animals were split: an amount equal to the redemption charge was remitted to the Collector of Taxes for each animal, as above; any money above that amount was weighed against the pound’s expenditures in feeding and (for farm animals) advertising and that money credited to the regular pound appropriation to cover the outlay;⁹³ if any money still remained, it was held for one year (in case the actual owner appeared and claimed his money), and then put into the Health Office’s Sanitary Fund.⁹⁴ This last couldn’t have happened often, since “an accumulation of a number of years” had brought the Fund to a fulsome \$37.35 in 1908. Previous to 1895 all money from sales above the deducted expenses (and after the one-year holding period) had been treated as pound fees.

⁸⁸ This is lucky for us because we (sometimes) get to read the supporting testimony.

⁸⁹ Hearings . . . 1910 (Senate), 23 Jan 1909, p. 203.

⁹⁰ This following information comes from: Hearings . . . 1909 (House), 18 Feb 1908, pp. 241-43; Poundmaster Ann Rpt, 1897.

⁹¹ The annual District government financial reports (Auditor, Collector of Taxes) show this division beginning with 1902, when \$16,110 went to the Police, \$110 to the Firemen’s funds, and \$786 to the General Fund, the only reported year the Firemen got anything. After 1905 the General Fund got less than \$100, and after 1909 nothing. Police fines were similarly used to supply the retirement funds’ shortfalls.

⁹² The District appropriation bill of 18 July 1888 says (Sec. 3) that money received “from sale of animals” will be split between the federal and District governments; this could refer only to sale of unneeded city-owned animals but the legal compilers Abert and Lovejoy place this reference with other material relating to pound operations.

⁹³ Einstein pointed out that this bit of bookkeeping trivia exaggerated both pound income and expenses. See Index to Counsel Opinions (referring to Vol. 2, p. 258 of Counsel Opinions undated but probably for the 1880s, that volume missing), which states that pound expenses other than the poundmaster’s salary can be paid from pound fees.

⁹⁴ The Sanitary Fund had been established in the 1871 act but was not activated until the Comptroller of the Treasury authorized it in 1895.

Record-Keeping

The business of dog-catching is hedged about with a lot of red tape despite the fact that it seems like an easy task.
(*Evening Star*, 20 Sept 1908, pt. 4 p. 4)

The poundmaster's meticulous record-keeping was mandated by the Board of Health in 1877: "That the Poundmaster perform such clerical labor as may be necessary for the proper conduct of the Pound Service",⁹⁵ and allowed him to furnish on demand figures for: (1A) total number of dogs taken on the street (or, if untagged, also from private property), (1B) those turned in voluntarily by residents; (2A) dogs impounded but properly licensed, (2B) those unlicensed; (3A) dogs redeemed by their owners, (3B) those sold to the public, (3C) those destroyed; (4A) dogs held for observation of rabies, (4B) of those, the numbers found free of or having the disease, (4C) those shot on the street as rabid. The Health Officer and the poundmaster also regularly reported revenue from dog licenses, although this transaction was actually handled by the District's Collector of Taxes;⁹⁶ and also income from pound operations. These statistics, in various combinations appropriate to the need and given for the week, the year, or cumulative to date, appeared regularly in his many reports and in the newspapers (and in the Appendixes of this study).

During one period of particularly heavy dog-catching (and therefore particularly frequent complaints) the Health Office clarified its procedures:

In order to straighten out several rumors that have caused the poundmaster no end of trouble, the following statement as to just what is done to dogs, and how it is done, was issued at the Health Office today:

Daily record is kept of all animals impounded. Kind and number, description, from what part of the District taken, name of owner, the hour said animal entered the pound, number of dogs in pound, how disposed of – whether sold, redeemed or destroyed – and amount derived from said sales, are entered on the record. No dog is sold by the poundmaster without first obtaining authority from the Commissioners.⁹⁷ Other animals (horses, cows, mules, etc.) are sold at public auction by the poundmaster, after being duly advertised in the public press, as the law requires. All moneys received from fees and sales are daily deposited with the collector of taxes, and receipt taken therefor. Dogs unredeemed after forty-eight hours are asphyxiated and the carcasses turned over to the dead animal collector, receipt being taken for every dead animal thus disposed of. The record books kept by the poundmaster are always open to inspection. He submits daily, weekly and monthly reports to the Health Officer, covering fully all transactions.⁹⁸

To truly understand the burden this work imposed on Einstein we must turn to the 1905 Poundmaster report:

The clerical work of the pound service consists of keeping a record of animals impounded; making daily, weekly, monthly, quarterly, and annual reports; keeping a record of requests for the removal of animals from different parts of the District of Columbia; keeping a record of meat furnished daily as food for dogs; giving a receipt to each person for the amount paid as pound fees; and the indorsement of each communication

⁹⁵ Bd of Health minutes, 12 May 1877.

⁹⁶ Several Commissioners orders of the 1930s permitted the Tax Office to destroy its accumulated records relating to dogs.

⁹⁷ Discussed in the section above: Redeeming/Selling Animals.

⁹⁸ *Evening Star*, 15 Aug 1910, p. 13.

pertaining to the pound service, all of which is performed by myself in addition to my other duties. The result is that I have worked long hours each day and have been unable to take any leave during the summer months.

And one further extract, taken from the Health Officer's "Memorandum Relative to Receipts from Licenses to Keep Dogs, Pound Fees, and Sales of Impounded Animals" of 1908:

All pound fees are paid to the poundmaster, [who] submits each morning to the chief clerk a report of the preceding day's operations, and with it he submits the collector's receipt. At the end of each month the poundmaster submits a sworn statement of the amount collected during the preceding month.⁹⁹

One easily understands his fondness for fishing!

Jurisdiction

In the section on Legalities of the Pound we saw that the purview of pound operations was expanded from only the two Corporations (Washington, Georgetown) to include adjoining suburbs in 1879, expanded again in 1891, and then throughout the District in 1893. But the District of Columbia is a patchwork of local and federal jurisdictions and several of these made their own arrangements regarding unwanted animals.

The best reported of these was the Capitol itself, where the Capitol Police were "kept busy capturing stray dogs and cats." The officers had "a sort of lasso . . . to capture the cats and dogs wild-west fashion." In official records this device was listed: "one dog collar and lead" and, the police, having no nets as the poundmen used, had "to use gum shoe methods" in their work. Occasionally they called in the pound crew for assistance. Untagged animals went to the pound and tagged dogs held for retrieval by their owners. In 1910 the force took 31 dogs, of which 29 were untagged. Six years before they found a stray horse, something which must have been more common in an earlier period. The rule prohibiting unleashed animals on Capitol grounds was "iron-clad" and aimed to protect the "squirrels and song-birds" there.¹⁰⁰

As far as federal parks are concerned, animal control in these areas seems to have been left to the District government, at least during Einstein's tenure. Einstein requested permission in 1907 of the Commissioners to shoot "tramp dogs" on the Washington Monument grounds, "concerning which there has been much complaint." And in 1907 the Commission forbade the running of unleashed dogs in all public parks in the District, only to rescind the order a few months later in the face of public outcry. They did outlaw dogs from running in Rock Creek Park four years later. In the city's federal parks, where

⁹⁹ Hearings . . . 1909 (House), 18 Feb 1908, pp. 242-243. For a very detailed description of the seventeen record files kept by the poundmaster in 1954, see: Memo from Dept. of General Administration, "Records Procedure" (8 Aug 1955) at the National Archives (RG 351, Entry 21 "District General Files", folder 1-105 "D.C. Dog Pound").

¹⁰⁰ Evening Star, 13 July 1904, p. 16; 24 July 1905, p. 3; 1 July 1910, p. 10. These articles indicate that the annual reports of the Capitol Police give statistics and other information on these operations but I have been unable to locate these reports. See Appendix D12 for some examples of their work.

It would be too bad to lose a report of 1974 that the Capitol grounds crew buried a dog killed by a car "under the magnolia tree at the corner of the House Cannon Office Building" near where the animal had expired (Roll Call, 14 Apr 1974, p. 4).

“considerable damage has been done . . . by both dogs and fowls,” Park Police held animals for the poundmen.¹⁰¹

The poundmen also took dogs from the Washington Market after 1883, when the Superintendent, P. S. Smith, complained of “the habit many persons have of bringing dogs to market, many of them filthy in their habits and a source of terror to ladies and children.”¹⁰² The staff of St. Elizabeths Hospital received permission to shoot stray dogs on their grounds in 1918, and the Humane Society noted that dogs found at the Soldiers’ Home, Walter Reed Hospital, the Zoo and “other Government reservations” could be similarly killed, not stating by whom, but most likely their own staffs.¹⁰³

Relationship with MPDC

Congress’s granting the Commissioners authority over the pound in the 1879 act and over Police regulations in 1887 clarified control vis a vis MPDC.¹⁰⁴

The Metropolitan Police aided the poundmen from almost the beginning. (The 1871 law creating the pound said nothing about police assistance.) An officer routinely accompanied Einstein on his rounds, as reported in the 1878 Poundmaster report: “The moral effect of having a . . . police officer accompany the poundmaster has been great. Disturbances of the peace have been prevented, the annoyance of boys following the wagon and alarming animals stopped, interferences of all kinds avoided, the general working of the service much advanced, and the number of captures increased.” He repeated this observation in 1900 (“materially aided by police officers detailed for that purpose”). When the poundmaster was absent the same officer deputized for him at the pound, leading us to think that his assignment there was full-time. Such officers were those deemed unfit for regular duty.

MPDC discontinued this service in 1906, to Einstein’s extreme regret. “The assistance rendered . . . through such details never completely answered the needs of the [pound] service, . . . but it enabled the poundmaster better to supervise the work of his men, and . . . tended to prevent unlawful interference . . . by bystanders.” At this time the Police Department was eliminating a number of such special details apparently for budgetary reasons.¹⁰⁵

There is no evidence of tension or overlap between the two services, MPDC not being anxious to undertake the poundmen’s duties. When complaints about nighttime animal noise flooded the department in 1907, officers referred callers to the pound. “People . . . fail to appreciate that fact that a barking dog

¹⁰¹ (Monument) Wash. Herald, 16 Feb 1907, p. 12; (Rock Creek) Comm Minutes/Orders, 27 June 1912; Evening Star, 23 Apr 1909, p. 24. Counsel Opinions, 14 Jan 1908 (Vol. 18, p. 246) implies that park regulations prohibited dogs. Police regulations of 1910 forbade unleashed dogs in Rock Creek south of Military Road, and of 1921 anywhere in the park. Congress had given supervision of Rock Creek to the Commissioners.

¹⁰² The index of letters received in the 1881-1885 period includes a notice of the appointment of a man to catch dogs at Center Market but the original letters are lost.

¹⁰³ (Market) Evening Critic, 20 Apr 1883, p. 3 – they had long been banned, of course; (St. E) Counsel Opinions, 23 July 1918 (Vol. 29, p. 5); Comm Minutes/Orders, 26 July 1918; (other institutions) WHS Ann Rpt, 1924. See Wash. Post, 4 May 1934, p. 8, in which a dog loose on the grounds of the Soldiers’ Home was shot. On the other hand, the DC library system, which had previously not allowed dogs in its buildings (Library Ann Rpt, 1906), was given permission in 1940 to allow them in as it saw fit (Comm Minutes/Orders, 9 Feb 1940).

¹⁰⁴ The 1887 act specifically gave the Commissioners authority over Police regulations relating to the driving of animals through city streets and over stray dogs.

¹⁰⁵ Poundmaster Ann Rpt, 1906.

or crowing rooster cannot disturb the man who is doing his duty on the streets during the late hours of the night.”¹⁰⁶

From time to time – 1893 and 1899, for example – MPDC officers canvassed all households on their beat to remind citizens of the dog tax law; this invariably led to a spike in tax received (which went to the Police retirement fund) and in fines collected.¹⁰⁷

There was one minor point of contention: to quote from the Poundmaster report of 1878: “I would call your attention in regard to the animals taken up estray by Metropolitan police officers. It would seem perfectly natural that all animals taken up by them should be turned over to the poundmaster, but as a rule with them when a horse is found astray considered to be worth \$40 or upward it is turned over to the property clerk . . . to await the appearance of the owner, who must pay charges. . . All should, I think, be turned over to the poundmaster, as the pound is the proper place for animals . . . regardless of value.”

Whether the poundmaster saw this practice as a money-grab by the Police Department or simply a defective procedure, the MPDC annual report of 1897 indicates that it viewed the arrangement as more of a pain than a privilege: “During the year many animals [are] picked up estray . . . and their disposition has long been a matter of contention. The establishment of a District pound . . . clearly confirms the . . . manner for receiving and disposing of such property, and that the police . . . can only render assistance to the pound service.” The MPDC Superintendent noted that then-current regulations (which I could not find) required animals (and all confiscated property?) worth over \$40 be kept and disposed by the Property Clerk; he proposed sending all strays to the pound. “This suggested by reason of the frequent embarrassments occasioned the clerk . . . in the disposition of animals taken up by the police.”

MPDC statistics (Appendix C3 and C4) show a gradual but steady shift in handling of animals taken by the police – whereas until the mid-1890s the Property Clerk kept as many or more than were sent to the pound, by the 1910s the Clerk had very few, and much larger numbers went to the Foggy Bottom establishment. Whether this reflects a change in the types of animals taken (from more valuable farm animals to dogs) or that the Superintendent got his wish that only animals known to have been stolen would remain in MPDC custody I cannot say.¹⁰⁸

Legal Challenges

The city endured regular legal threats, mostly from irate animal owners reporting complaints against the pound staff for purported disrespectful treatment or demanding exemption from the dog tax, and of course challenges to muzzling and other regulations, all described above. The only direct legal attack on the 1878 licensing act itself was made by “owners of dogs under the leadership of O. B. Lester” in 1911, who argued that street-capture of dogs as a question of tax delinquency was inappropriate and unconstitutional. He wanted the office of poundmaster abolished; the Commissioners disagreed.¹⁰⁹

¹⁰⁶ Evening Star, 3 Nov 1907, p. 13. Appendix D5 gives some examples of the public’s interaction with MPDC regarding animals.

¹⁰⁷ Evening Star, 9 Oct 1893, p. 8; 8 Dec 1899, p. 16. The earlier instance was described as the first “systematic effort . . . to compel the owners of dogs to take out a license.” Einstein had proposed such a project in 1878.

¹⁰⁸ Possibly the former: as late as 1913 the MPDC Property Clerk was recorded as selling an abandoned mule (Commissioners orders, 9 Dec 1913).

¹⁰⁹ Wash. Post, 30 Oct 1911, p. 9.

Four tangential legal imbroglios might be noted also:¹¹⁰

- The claim by Mr. F. J. Nee in 1900 that a poundman broke his bicycle trying to net a dog (he lost);
- The considerable (and successful) efforts of Dr. James Morgan Barber three years later to save his fox terrier Yankee from execution (“the subject of writs, attachments, appeals, replevins, and other legal formalities”), the dog having reportedly bitten a man and Barber refusing to turn him over;
- The owner of a rabbit dog (“not particularly valuable,” according to Einstein) who refused to pay the pound fee and then sued for several hundred dollars compensation after the animal had been destroyed (he lost, and also lost two appeals);
- And a three-party hearing (District, first and second owners) regarding an unclaimed dog sold at the pound, and which then escaped from the new owner, the original owner then demanding compensation.

Pound Mascots and Escapees

Not all animals reaching the pound left it either alive (to a new home) or dead. A fortunate few, by fluke or pluck, endeared themselves to the poundmaster and his men to become pound mascots. Here are some mentioned in the various newspaper accounts (abridged):

- (1874) [The pound kept] one little rat terrier [which] early developed his ruling passion by seizing a rat and made short work of him. The poundmaster said that dog is worth his keeping. He has already killed fifteen rats at the pound, and is looking around for more. (Nat. Republican, 18 June 1874, p. 4)
- (1901) The bull terrier “Ring” [is] the watch dog of the pound. Ring’s heart is as hard as his looks. He is the autocrat of the dogs – the only one that can defy the law with impunity; the only one that can go abroad day or night; the only one the dog-catchers know with respect. (Evening Star, 29 June 1901, p. 28; a picture of Ring is included.)
- (1905) [Einstein:] There is one cat in Washington that will not come within the provisions of an ordinance, and that is the boss of the pound lying over there sunning himself. Jim is a remarkable cat. He wandered into our inclosure when no bigger than a ball of fur. He can whip any dog twice his weight. [Jim killed snakes – moccasins – around the fairly rural old facility.] (Evening Star, 5 Nov 1905, p. 10)
- (1910) A small boy appeared with a chicken under his arm: “It’s sick and a lady done ask me to bring it to you.” He has become the mascot of the establishment. His chief claim to fame is his willingness to fight upon the slightest provocation, and this he is kept doing at all times. [Einstein declared it would never voluntarily leave its new home.] (Evening Star, 10 July 1910, pt. 2 p. 2)
- (1913) A little dog, unlicensed, had been taken to the pound. He was an affectionate animal; they called him Chum. [He was scheduled to follow his fellows to the smoke chamber but] the attendant looked up and saw the superintendent [Kuhn] standing there. There were tears in the eyes of each. Chum is still living, but instead of being nobody’s dog he now is everybody’s. (Evening Star, 9 Nov 1913, p. 46)
- (1916) [The Commissioners ordered a free tag for a rat terrier kept at the pound,] said dog being needed to prevent continuance of injury by rats in public property. (Commissioners Minutes/Orders, 2 May 1916)

¹¹⁰ (Bicycle) Wash. Post, 15 Mar 1900, p. 12; (Yankee) 25 Jan 1903, p. 9. “Yankee enjoys the distinction of being the only dog in the history of the pound . . . wrested from the executioner by legal means,” and retired to a farm in Loudoun County; (rabbit dog) Evening Star, 10 July 1910, pt. 2 p. 6; (compensation) Wash. Herald, 15 Apr 1911, p. 2. The latter two are most amusingly written (“It was discovered that Teddy had taken things into his own paws”).

- (1939) Wimpy, neurotic Toy Spitz, pride of the Pound and pooch with a purpose was put through his paces yesterday [doing clever tricks] in advance of “National Be Kind to Animals Week”. The poundmaster [Marks] thought the performance extraordinary and marvels whenever Wimpy, the pound officeboy, so performs. (Wash. Post, 12 Apr 1939, p. 15, with a picture)
- (And to show that the tradition continued: 1958) [Retiring Poundmaster Marks’] most touching good-bye was reserved for Topper, a pointer who has served him as watch-dog at the pound for the past five years. Marks says he has made express provisions for a continuance of Topper’s favored treatment under his successor. (Wash. Post, 27 June 1958, p. A3)

And we cannot overlook a white bulldog dubbed “The Burglar Dog” by the Washington Times, which actually escaped the pound in 1914, if not the only instance of such a feat at least the only recorded one. “‘I take my hat off to him,’ said [Poundmaster] Rae. ‘He is a wonder. He deserves to be free.’”¹¹¹

¹¹¹ Wash. Times, 21 June 1914, p. 8, which recounts the animal’s truly ingenious exploit in detail and with gusto.

CHAPTER FOURTEEN

Einstein's Last Years: The Pound as an Institution

The daily experience of the dog-catchers presents a long record of adventures, insults and fights with humanity, to say nothing of bites from the beasts. Not one man of corps but carries scars, but Mr. Einstein says the public is getting educated to the pound. (Evening Star, 29 June 1901, p. 28)

The dogs in the pound barked a merry welcome to this day of days, and the homeless cats mewed pleasantly, for 37 years ago today Samuel Einstein was made poundmaster. (Evening Star, 23 Mar 1910, p. 9)

Samuel Einstein would surely never have admitted that his work was easing up (and the statistics of animals impounded – with the same number of men he had 30 years before – show only an increase), but in fact as the new century approached, the pound and its place in the District community was entirely different than in the poundmaster's earliest years: **the District pound** and its goal of a city largely free of unrestrained animals **had become generally accepted** (even if the specific methods were still in debate).

This laudable development rested to a high degree on the shoulders of the worthy poundmaster, but other players contributed vitally: his fine crew of workers were – unlike their predecessors – honest and hard-working; city officials – Health Officers Townshend and Woodward, Commissioner Macfarland, Police Superintendent Sylvester, even in his own way Theodore Gatchel of SPCA – all promoted the effort. But the chief actor that made Einstein's labor successful was the populace of Washington itself, gradually moving from a semi-rural life turning out their horses to graze in city parks to a fully urbanized class not tolerant of even stray chickens or cats.

Einstein enjoyed the full support and protection of the District government throughout his career. The Board of Health's annual report for 1873 (his first year) stated: "The service has been well performed. The Board in their selection of poundmaster have been particularly fortunate. Being a thankless office, and its incumbent subject to constant hindrance and misrepresentation, it is difficult to find a man . . . combining sound judgment with the necessary energy and courage, [and] men for the actual labor of seizure . . . of requisite activity and strength who, in the resistance to such opposition, may not sometimes become the aggressors. The comparative freedom of the two cities from animals running at large marks how well the work is done." Added the National Republican: "Probably very few of our citizens know of the . . . existence here of perhaps one of the most perfect pound services in the country."¹

In spite of his frustrations, Einstein himself spoke with confidence of the pound's work and its gradual but spreading influence: (Poundmaster Report, 1878) "For the small force employed, I am convinced that our pound system is the most effective of any in this country, certainly far superior to that

¹ Op. cit, 15 June 1874, p. 4. In his 1878 annual report, Einstein made this comparison covering 2½ months of that year: Washington DC's pound service: 4 men/over 2,000 dogs captured/expenses of \$575; Brooklyn NY: 10 men/1,200 dogs/\$2,300.

of any of the large Eastern cities with which I have become acquainted. We are constantly on the alert, working night and day, and few animals running at large . . . escape us. Owners are becoming more and more careful and instances of damage to public and private property less frequent.” His report the following year repeated this assessment, claiming the District’s operation was “fully equal to, if not superior to, those of many cities where the force employed and expenditures made are more than double ours.”

By the end of the century the work of the pound had become an accepted and appreciated part of Washington’s life, and **the poundmaster** had become something of a **personal institution**. The first notice of the anniversary of his appointment appeared in 1908 – beginning his 35th year: “Congratulations were showered on him when he made his regular rounds of the Health Office yesterday.” This anniversary was celebrated (there is no better word) every year thereafter until the newspapers had to report his death.²

A telling indication of the growing status of the pound is the increasing frequency of profiles appearing in the local papers, listed in Appendix D2. After its earliest years the pound was only mentioned in passing by the press until the 1890s. In later times, however, a visit to the place and a long chat with the poundmaster or one of the poundmen³ became standard for Sunday supplements, sometimes with long portions of text copied from earlier profiles. Oddly, such articles almost entirely disappeared after Einstein’s death.

In these articles, the poundmaster enjoyed bragging about his men (individually), discoursing on the canine population of Washington and its origins, explaining his theories of hydrophobia, and recounting glorious battles of times now safely past. His favorite stories were the famous Battle of Lincoln Park, the owners who shot him and his men,⁴ and taking President Grant’s cows. Sometimes he embroidered these tales, or confused them with others, but that was a privilege he had earned.

Indeed, “General” Einstein (as he was commonly called, replacing the earlier “Professor” or “Colonel”) gained a minor celebrity status that would take him onto late-night talk shows today. Complaining of an increasing difficulty catching dogs he opined that the curs had come to identify him and his wagon. “He proceeded to buy a set of fake whiskers. To his dismay, the dogs were not deceived, and as a further resort he had his wagon repainted.” We must imagine him smiling as he announced his imaginary plan to a Post reporter – he would buy an airplane! “I shall get into my aeroplace in the morning, take my lunch and a large net, and proceed to business. . . When I see four or five stray dogs I will throw [out] a piece of meat . . . and when the dogs are grouped around it I shall drop the large net over them . . . and dump them into a large box under the seat. Then when my lunch hour comes I can take a short run down Chesapeake Bay” (to fish?).⁵

Once, when he and his wife did get away (and during the mad-dog scare of 1908) – to a resort in “the extreme fastness of Virginia” – local pranksters filled his hotel room with dogs (“on the bed and under the bed, tied to the chairs, washstand and bureau”). Einstein was initially upset but later, upon departing,

² Wash. Post, 24 Mar 1908, p. 16; “When he called at the Health Office this morning he was presented with a handsome bouquet of flowers [from the Health Officer], and during the day was the recipient of congratulations by telephone, letter and personally” (Evening Star, 23 Mar 1909, p. 19), among others.

³ Supplemented by a grisly description of the killing chamber, melancholy musings on the fate of unwanted dogs, or humorous sketches of desperate owners.

⁴ The poundman refused to release a horse to Mr. Lynch, “who later served time in the penitentiary” (Wash. Times, 7 Aug 1904, p. 4).

⁵ Wash. Post, 7 May 1911, p. 14.

good-humoredly satisfied himself by promising “no mercy” if those animals ever came into his DC jurisdiction.⁶

The daily work aside, there were a few bumps in the poundmaster’s later period. In 1891 “at least one dozen men” applied for his job “although there is as yet no vacancy and the incumbent has not been asked to resign” – a curious incident. The following year Congressional budget-cutters threatened to reduce his salary to \$800 (unsuccessfully). And the Washington Humane Society made an abortive effort to take over pound operations in 1900, vaguely claiming that they could do a better job but actually wanting a profitable contract.⁷

More commonly Einstein of these last years enjoyed the affection of his official and extended community. Caught up in the firestorm resulting from the muzzling order of 1908, a local minister defended him in the press: “In this case [the criticism] is a peculiar exhibition of unreason, for Samuel Einstein . . . is an unusually courteous, kindly man, as well as an efficient official.” “He is regarded as one of the most faithful employees of the District,” stated the Post the following year. In Congressional testimony of 1906, Rep. Frederick Gillett questioned the proposed raise of Einstein’s salary to \$1,500/year: “What kind of a man receives this \$1,500?” Replied Commissioner Macfarland: “He is a man who has been there for years, a very faithful and efficient officer who has carried on this service . . . to the general satisfaction of all.” “We have never had a complaint against him,” testified Commissioner Cuno Rudolph two years later.⁸

His unexpected death in 1911 stunned the local government. “He was 25 years of age when he was selected . . . to organize the District pound service,” wrote the Evening Star in its lengthy obituary, “a service that was extremely unpopular many years ago and one which today does not tend to increase the popularity of those engaged in it.”⁹ The 1912 Health Officer Report noted: “Samuel Einstein, who had served as poundmaster since March 23, 1873, died on July 9, 1911 . . . Mr. Einstein’s intelligent, tactful and energetic administration of the duties of his office during the 38 years of his service is a matter worthy of record here for the influence it may have on those who come after him.”

⁶ Wash. Times, 13 Sept 1908, Society p. 6.

⁷ (Applications) Evening Star, 17 Sept 1891, p. 8; (salary) Wash. Post, 10 Mar 1892, p. 4; (WHS) see below.

⁸ (Defense) Wash. Post, 29 June 1908, p. 12; (faithful) 24 Mar 1909, p. 14; (testimony) Hearings . . . 1907 (House), 7 Mar 1906, p. 735, and Hearings . . . 1912 (Senate), 3 Feb 1911, pp. 81-82.

⁹ Evening Star, 10 July 1911, p. 3.

CHAPTER FIFTEEN

Amazing Adventures of the District Poundmen

Containing tales of bravery, ingenuity and occasional foolishness on the part of our brave boys of the District Pound, as taken (and sometimes abridged) from the local news outlets and designed to induce both admiration and amusement in our readers:

- **An Unhappy Dog-Owner** Eliza Jenkins charged John Wells and two other colored men employed by Poundmaster Einstein as dog-catchers with using profane language toward her. The men pursued dogs in the Division and she had come to the window and told them to let the dogs alone, when they began to curse her. The men were returning to the wagon when the complaining witness [Jenkins] began to curse them and throw missiles at them until they were required to beat a hasty retreat. Judge Snell dismissed the case. (*Evening Critic*, 31 Mar 1882, p. 4)
- **A Crazy Mule** In his report of the work done last week, Poundmaster Einstein says that 152 dogs, 2 horses, 2 steers and 1 mule were captured. The mule appears to have made a record as a kicker and gave more trouble than all the other animals. This particular animal, says the poundmaster, was crazy. “He actually tried to climb a telegraph pole,” the chief dog-catcher said to a Star Reporter. “The animal broke away from the bazaar [horse market] and had to be killed.” (*Evening Star*, 21 Aug 1893, p. 8)
- **An Embarrassing Mistake** Yesterday evening, while out on their usual tour of capture, one of the poundmen espied a little way off a fine-looking canine asleep on a porch [on F Street SW]. Preparing his net, he started for the animal, thinking of an easy capture. He drew nearer to the noble-looking fellow but the dog did not even so much as raise his head. Thinking him sleeping the dog-catcher approached nearer, but still no movement of the animal was perceptible. Making one more step forward and preparing to cast his net, he took a final look and to his disgust found that he was attempting to capture a bronze dog. Some of the neighbors roared with laughter, and the canine capturer departed quickly out of sight. (*Nat. Republican*, 28 July 1874, p. 4)¹
- **The President’s Cow** Mr. Einstein recalled an exciting incident shortly after his appointment. A complaint was made that cows were running at large over the stony, ungraded lot now known as the White House ellipse, in 1873. When he gathered the herd, he discovered that he had impounded a cow belonging to Col. Babcock, then Superintendent of Public Buildings, and another belonging to President Grant. He wanted to collect \$2 for each cow before releasing the animals. The

¹ Some readers might recall the mock advice given by “veterinarian” James Thurber (reprinted in [The Thurber Carnival](#)) to a couple complaining that their dog neither eats nor exercises; “Doctor Thurber” concluded from the accompanying drawing that they had been caring for a brass statue.

Superintendent protested, but when he called on President Grant to collect, the chief executive praised him for discharging his duty. (*Evening Star*, 23 March 1909, p. 19)²

- **An Evil Woman** Some days ago Johanna Quill had a warrant sworn out for Mary Walker, one of her neighbors, for keeping a barking dog, though, as it afterward proved, not only the bark but the dog was in the plural. Mary heard of the warrant and “vamoosed the ranch” till she could see about getting bonds or bail. While she was absent Johanna [broke] into the Walker house, set all the furniture on the street and sent for the pound master, and, beguiling Mr. Einstein, induced him to kill all of Mrs. Walker’s dogs. When Mrs. Walker returned she found a woeful vacuity of dogs and had Mrs. Quill arrested on charge of destroying private property. (*Wash. Post*, 29 July 1894, p. 8)
- **Another Embarrassing Mistake** One of [the poundmen] saw a dog in the gutter on a South Washington street last week. He sneaked slowly and stealthily along with the net, and finally got near enough to throw it over the animal. “Come along!” he yelled, “I’ve got him.” The driver came and when the two attempted to lift the pup, they discovered they had captured a dead dog. (*Wash. Post*, 18 Dec 1899, p. 12)³
- **Wise Dr. Fowler** Health Officer William Fowler was unexpectedly called upon today to enact [the] role that made King Solomon famous in determining the master of a fine German police dog. The dog was brought to Dr. Fowler’s office and the claimants notified to be present – a young colored boy, Whitfield Cobb, and an unidentified white woman. The dog was placed in the bacteriological laboratory and the door closed. The boy on the outside puckered up his lips and whistled several shrill notes. The dog barked vociferously and licked him affectionately. The woman was put to a similar test but the dog showed little affection for her. Dr. Fowler turned the animal over to the boy [and] said he is confident he made the correct decision. (*Evening Star*, 31 Dec 1925, p. 6)⁴
- **A Clever Ruse** A well-known Washingtonian has a pet bulldog, and both have congenial prejudices against muzzles. In this dilemma, the owner used paint and brush to good effect, and gave doggie an imitation muzzle that looked like the real thing and fooled everybody. The scheme worked brilliantly until a day or two ago. Then the bulldog forgot himself, playfully strolled up to a hobbie skirt and gave a cute little tug with his teeth. The result was complete wailing and gnashing of teeth at the home of the canine. The poundmaster does not know whether he ought to prosecute or have a laugh on himself. (*Wash. Herald*, 15 July 1911, p. 7)
- **A Reporter Takes the Fall** Many years ago a young and guileless newspaper man got in a buggy with the poundmaster and proceeded into the county to a neighborhood [where] stray cattle had been frequent. After some trouble the offending cows were found and started toward the city. Anticipating trouble, Mr. Einstein got out of the buggy to help the men, leaving the reporter to come along behind. Suddenly they heard angry cries and beheld two or three irate women owners bearing down upon them. The poundmaster hurried the cattle along and yelled to the women: “I’ve got nothing to do with it. You’ll find the poundmaster in the buggy. Go and see him!” Back down the road they sallied with renewed imprecations to the unfortunate journalist, his protestations of

² See also *Wash. Times*, 7 Aug 1904, p. 4 for a fuller account. By the way, President Taft also owned a (milch) cow, Pauline, which can be seen in *Wash. Post*, 29 May 1910, p. E1.

³ To show that these things are not confined to the Old Days: “The Washington Humane Society received a call about a dog that appeared to be frozen and dead in the yard of a residence [on Ft. Davis St SE]. [An] officer found, instead, an alert pet with access to shelter. It was determined that the dog probably had been sleeping” (*Wash. Post*, 7 Dec 2014, p. C4); “Responding to a call about an injured owl on the side of the road [in Arlington County], an officer found a large mushroom” (*Wash. Post*, 27 Nov 2016, p. C3).

⁴ The same test memorably staged in the 1937 Cary Grant-Irene Dunne comedy *The Awful Truth*.

innocence in vain. The Amazons set upon him tooth and nail and had not the poundmaster deserted the cows and interfered, the young man's career would have been abruptly terminated. (*Morning Times*, 19 Oct 1895, pt. 2 p. 10)⁵

- **A Third Embarrassing Mistake** Walter R. Smith, poundmaster, was riding on the pound wagon yesterday when he and his trusty men spied a dog without the muzzle required by law. The chaser quickly reached the dog and slapped the net on the animal. Then Mr. Smith discovered his own dog had fallen into the hands of the law. The dog was taken to the pound where Mr. Smith deposited the \$2 required for the dog's release. (*Evening Star*, 19 May 1921, p. 1)⁶

⁵ See also Wash Times, 7 Aug 1904, p. 4.

⁶ In 1937 the pound crew by chance picked up Poundmaster Marks' own dog, Foxie, which had wandered from home several days earlier. "If a poundmaster's dog isn't safe from the dog-catchers, whose dog is?" (*Evening Star*, 2 Aug 1937, p. 2).

CHAPTER SIXTEEN

Theodore Gatchel and the Establishment of the Society for the Prevention of Cruelty to Animals

By the 1860s concern for animal welfare had grown throughout the U.S. to the point that citizens of New York City, under the energetic leadership of Henry Bergh, in 1866 formed an effective SPCA organization, clearly modeled after Britain's of 1824.¹ Philadelphia, Boston and Montreal soon followed New York's example.

Press articles and official MPDC statistics from the mid-1860s indicate that police regularly prosecuted cases of cruelty to animals. Nonetheless, a growing chorus of opprobrium over the public mistreatment of horses assumed the eventual establishment of a local effort similar to that of New York, which was widely reported in Washington newspapers.² In April 1870 public-spirited citizens met at City Hall to organize such a society.³ Congress approved the charter for "an Association for the Prevention of Cruelty to Animals in the District of Columbia" the following June.⁴ This act not only set the organizational structure of the group but mandated that the Metropolitan Police would "arrest offending parties without a warrant" in any part of the District upon information from any member of the association, who could establish their bona fides by "the exhibition of a badge or certificate of membership." Any fines collected through the intervention of the Society were split between the organization and the public schools. This financial arrangement will require attention in the later history of SPCA. An order of the police superintendent of September ordered officers to assist Society members "without waiting for a warrant from a magistrate."

In its first session (August 1871) the Territorial Legislative Assembly passed "An Act for the More Effectual Prevention of Cruelty to Animals". This law attacked animal abuse directly out of the gate: "Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to be so overdriven . . ." It covered lack of care whether during service or enclosed, the confining of animals in transit through the District, animal fighting, and abandonment of sick or aged animals. Both the perpetrator and owner or supervisor were liable to one year's imprisonment and a fine up to \$250. As in its chartering act, the local

¹ Most of the local groups changed their name to some form of "Humane Society" in later years; perhaps, like Washington's organization, they added concern for children to their purview.

² See, for example: Nat. Republican, 6 Sept 1867, p. 2; 20 Aug 1869, p. 4; 12 Oct 1869, p. 4.

³ Daily Nat. Republican, 9 Apr 1870, p. 4. The original by-laws and later amendments can be found in the office of the Washington Humane Society and a copy deposited with these papers in the Washingtoniana Division. I thank Ms. Alexandra Feldt of WHS for helping me find the Society's materials. Washington's was the twelfth such organization in the U.S. (WHS Ann Rpt, 1898).

⁴ 21 June 1870. The acts specifies the name as "Association for . . .", and this form appears also in the 1885 law changing the name to "Humane Society" and in the by-laws of 1870. Nonetheless, the organization's annual reports all used "Society for . . ." as invariably did contemporary newspaper reports, and here I bow to common usage in this question.

SPCA was designated the agent of enforcement and the city police as their helpmates. The Society was required to attempt to locate owners for redemption. The act specifically excluded scientific experimentation from its strictures. This law became the touchstone of later city anti-cruelty laws.⁵

Public expectation seems to have been high: the Critic-Record complained in August that “we have not seen any steps to put such a society in actual operation” in spite of “a pressing and immediate necessity for such an organization.” It is somewhat disappointing that the first reported meeting of the new organization (November 1870) discussed only diseased beef.⁶

The Congressional charter act listed over 60 men as charter members, including Mayor Matthew Emery, black civic leader John F. Cook and future Governor Alexander Shepherd. (Ladies entered as members the following year.)⁷ The last member on this list, Theodore Gatchel, a real estate and insurance agent, served as president of the Society at its November 1870 meeting and dominated the organization through its first iteration to 1879.

Theodore F. Gatchel (1844?-1901),⁸ originally of Maryland, was a clerk in the District’s Second Auditor’s Office in 1869, and promoted to Sanitary Inspector General two years later.⁹ He was an active member of Wesley Chapel and participated in various worthy civic and business groups – religious education, an organization “for the suppression of vice [gambling],” another proposing establishment of an exchange in the capital.¹⁰ Notices of his real estate activities peppered city newspapers in the 1870s. He was “an intimate friend of [Ulysses] Grant . . . and managed many of Grant’s business affairs.”¹¹ It is noticeable that reports of SPCA actions, including direct intervention in abuse instances on city streets, invariably describe Gatchel as the agent. It is easy to see him as a dedicated and sacrificing citizen, but the intensity of his many causes and his near-death grip on a slowly diminishing organization brings to mind the self-righteous and egocentric self-appointed community leaders so often met today.

Gatchel served as sanitary inspector for the Board of Health in 1871-74,¹² attracting the expected criticism from cattlemen. In 1877, already a private in the Metropolitan Police as president of SPCA,¹³ he was appointed president of the Board of Police Commissioners as part of a reform faction. Within eight

⁵ This act was tangentially cited in an important civil rights decision of the Municipal Court of Appeals in 1951 (John Kelly in Wash. Post, 15 Feb 2018, p. B3, taken from Wash. Post, 25 May 1951, p. 1). Critic-Record, 25 Mar 1876, p. 4, briefly reported a proposed Senate act (Mr. Conkling) regarding cruelty to animals that seems very similar to this one but with lower fines.

⁶ (Expectation) op. cit., 9 Aug 1870, p. 2; (meeting) Evening Star, 2 Nov 1870, p. 4. Mr. Bernard Unti tells me that unhealthy meat was a much-discussed issue of the period.

⁷ Evening Star, 18 Jan 1871, p. 4. A later source says that the Society was “organized in 1870 by about ten men” (Washington Times, 4 May 1902, p. 7), possibly a more realistic figure than 60. Shepherd sat on the Executive Committee. “William R. Woodward” was also a founding member – was he the later District Health Officer?

⁸ Frequently misspelled Gatchell in the newspapers and even in later WHS Reports; this is the spelling used in his numerous realty ads. Several other Gatchels appear in these materials, including another SPCA charter member. At his death he was 57 years old.

⁹ Heap, “History”; Nat. Republican, 14 Aug 1869, p. 1; Evening Star, 7 Sept 1871, p. 1. “He was a man of powerful build, being some six feet, four inches in height, and of splendid proportions” (Heap).

¹⁰ (Wesley) Daily Nat. Republican, 13 Feb 1872, p. 4; (education) Daily Nat. Republican, 20 Nov 1869, p. 1 (“Mr. Gatchel is a zealous worker, and has done much to advance the cause of Christ”); (vice) Nat. Republican, 1 Jan 1874, p. 1; (exchange) Nat. Republican, 27 Oct 1876, p. 4. “Theodore G. Gatchel” belonged to the Morton Cadets, a quasi-military fraternity, in 1896 (Evening Star, 23 Nov 1896, p. 1).

¹¹ Minneapolis (MN) Journal, 8 Nov 1901, p. 17. We must remember that Grant died almost bankrupt.

¹² Evening Star, 6 Sept 1871, p. 1. His reports to the Board appeared in the press through 1873.

¹³ (Complaint) Evening Star, 4 Jan 1873, p. 8 (“M. Gatchel is Verey good in Catching bayd boys in beating Horses or Cows; but nose nothing about diseace in Animals which the publick eats” – evidently a German writer); (police) Nat. Republican, 25 Sept 1874, p. 4.

months he was forced to step down as president and in the following spring (March 1878) a number of members threatened to resign if he stayed on the Board at all, complaining of “his insincerity, his want of discretion, his fondness for such execution of the law as will invite publicity.” That same month he had ordered a botched police raid on two gambling houses that resulted in lawsuits against the city; there were also charges of corruption against him. Under intense pressure he resigned, claiming innocence in all matters.¹⁴ When he personally intervened in the alleged abuse of boy acrobat Zanol Poole, demanding custody of the child himself, the Evening Star noted: “The general opinion is that Mr. Gatchel is in the wrong in his proceeding.”¹⁵

Gatchel left the moribund SPCA in 1879¹⁶ and moved to Des Moines, Iowa, sometime after 1881. There he continued his civic works: “Comrade Gatchell [sic] was the founder of the splendid Methodist Hospital . . . , which owes its inception and organization to his persistent efforts and self-sacrifice.”¹⁷ At his death the Washington Humane Society memorialized: “Unaffected by . . . discouraging conditions, Theodore F. Gatchel prosecuted the work with remarkable zeal and vigor The Society desires to record . . . its lasting debt of gratitude to [him] and to recognize and extol the moral and physical courage exhibited by him in the prosecution . . . of the pioneer labors in behalf of the humane treatment of God’s dumb animals.”¹⁸

The **early history of the Society** was neatly summarized in its 1881 annual report: “Mr. Gatchell’s [sic] zeal and activity was great . . . but there was no general interest in the work When Mr. Gatchell left the city in 1878 [sic], his successors . . . found the Society without public support or private encouragement, and not withstanding repeated efforts made by these gentlemen and others, its active operations ceased for nearly three years.”

These earliest years of Washington’s SPCA show considerable activity but of a rather unfocused sort and mostly – especially after the first two or so years – performed by President Gatchel.¹⁹ Topics discussed (and occasionally acted upon) included: drinking fountains for animals; humane transport of cattle in railroad cars; a devilish device called a “bit bur” fastened to horses “to make [them] appear frisky and rear up” (by pressing nails into the animal’s mouth); the close shaving of horses’ coats (“getting to be very fashionable”); horses abandoned because of age or illness; “bagging” of cows (preventing elimination of milk to make them attractive to buyers); pigeon-shooting; dog and cock fighting; stoning birds; an essay project; and improved veterinary training.²⁰ At the 1876 annual meeting little Zanol Poole was introduced to great applause, an event which indicates that (considering that child abuse was not a charge of SPCA) Gatchel could not distinguish his personal causes from those of the organization.²¹

The Society claimed credit for 556 arrests between 1871 and 1876. In one month (July 1873) Gatchel “turned twenty-three horses out of harness”; he caused eleven arrests and destruction of unsalvageable

¹⁴ Evening Star, 16 Jan 1877, p. 4; 29 Jan 1877, p. 4; 1 Aug 1877, p. 4; 4 Mar 1878, p. 4; 21 Mar 1878, p. 1.

¹⁵ Op. cit., 13 Nov 1875, p. 4; 15 Nov 1875, p. 4. See also 30 Nov 1875, p. 4, in which he filed for control of two abused children.

¹⁶ Evening Star, 22 Sept 1879, p. 4; WHS Ann Rpt, 1901. Newspaper articles place him in Washington for a few years.

¹⁷ Nat. Tribune, 10 Apr 1902, p. 5. “Comrade” refers to his membership in the Grand Army of the Republic.

¹⁸ WHS Ann Rpt, 1901.

¹⁹ “The conclusion of the report [the 1876 annual report] makes most complimentary mention of the president, Mr. Gatchell [sic], through whose energy most of the cases have been prosecuted” (Nat. Republican, 1 Feb 1876, p. 4).

²⁰ Accounts of the Society’s annual meetings, from which this information is taken, will be found in: Evening Star, 18 Jan 1871, p. 4; Nat. Republican, 28 Jan 1875, p. 4; 1 Feb 1876, p. 4; 1 Mar 1879, p. 4.

²¹ Bergh, in New York, had similar concerns, and founded a Society for the Protection of Children there.

horses in the last two months of the same year, and 33 prosecutions in July-October 1875.²² In 1875 Gatchel arrested a man for setting a rat on fire, and single-handedly stopped a pigeon shoot the following year.²³ Retentive readers will recall that he served for a short time as “Superintendent of Pounds” for the Board of Health.

At the Society’s 1875 annual meeting, Gatchel enthused “that public sentiment had grown strong in the society’s favor” – the decreasing number of arrests indicated an increasing awareness of the cause. He anticipated that Congress soon would enact a cruelty-to-children bill, one of his intense concerns.²⁴ In 1876 Sen. Roscoe Conkling of New York introduced – unsuccessfully – a bill that would have greatly strengthened the Society’s powers, allowing members to without a warrant seize, hold and sell abused animals along the same lines as the pound. The Board of Health, presented with complaints about brutality to cattle held overlong at the city market, referred the question to SPCA.²⁵ But in fact the Society was running out of steam.

Part of the problem stemmed from its financial arrangements with the city. A writer of 1875 began his public letter by wondering “if there is a society for the prevention of cruelty to animals in this city, and if that society has a president.” He proceeded to the crux of his concern: “Much is said . . . of the work done by the . . . society, but careful examination is hardly able to distinguish any acts of disinterested kindness as simple philanthropy. Arrests . . . are most commonly made in cases where fines can be . . . collected, and not simply to save helpless animals from acts of needless severity. When more acts of pure kind-heartedness and less of gain are discovered, the community will have more confidence in the professions of the actors.”²⁶ The Society reported disputes with the city over claimed payments, and in turn the Society was investigated by the city for not turning over half the collected fines to the school system.²⁷ In 1880 the District government (somewhat illogically) decided that in the future all fines would be paid directly to the Society rather than through the District treasurer.²⁸

The 1879 meeting which accepted Gatchel’s resignation called for the Society’s complete reorganization. “The Society is badly in need of funds.” Referring to the noted head of the New York organization, the *Washington Post* in 1880 titled a letter regarding poor enforcement of anti-cruelty laws: “A Washington Bergh Wanted”, and in 1881 the new secretary of SPCA admitted that the local group had become “almost powerless for lack of support.”²⁹ Noted a later member (John Heap, op. cit.): “It was without means to pay rent for offices or employ agents, and what little was done . . . was made possible by a few members, who had the courage of their convictions.”

²² *Nat. Republican*, 2 Aug 1873, p. 4; 2 Jan 1874, p. 4; *Evening Star*, 23 Oct 1875, p. 4.

²³ *Evening Star*, 23 Oct 1875, p. 4; 10 June 1876, p. 4.

²⁴ *Nat. Republican*, 23 Mar 1876, p. 4.

²⁵ Bd of Health minutes, 7 July 1876.

²⁶ *Nat. Republican*, 14 Jan 1875, p. 4.

²⁷ See the 1876 and 1879 annual meetings; *Evening Star*, 21 Dec 1875, p. 1; 2 Feb 1876, p. 2.

²⁸ *Nat. Republican*, 28 Oct 1880, p. 4.

²⁹ *Evening Star*, 22 Sept 1879, p. 4; *Wash. Post*, 22 Sept 1879, p. 1; 26 Dec 1880; *Nat. Republican*, 4 June 1881, p. 2.

CHAPTER SEVENTEEN

SPCA and WHS

Whether the number of dollars collected [from fines] or the number of cases investigated . . . is greater or less some years compared to others, we . . . can see the gradual growth of the humane sentiment in this city . . . and believe that societies to prevent cruelty to animals in common with other benevolent orders of which this nineteenth century is so fruitful are influential factors in our advancing civilization. (WHS Annual Report, 1886)

“In January 1881 Mr. [George T.] Angell, President of the Massachusetts SPCA, second only to Mr. Bergh himself, was in Washington, and after some inquiry found the remnants of this Society, then numbering 20 persons, and immediately engaged in restoring it to activity. An informal meeting was held at his house, January 25, General Graham, president, in the chair, 43 persons were elected members, and the annual meeting of the Society appointed for January 29.”¹

The Society accordingly met at the office of Fitch, Fox & Brown (presumably the same R. C. Fox who followed Gatchel as president) and Gen. L. P. Graham resigned as president in favor of the Hon. Arthur McArthur, a justice of the District’s Supreme Court.² Angell oversaw the proceedings. Fifty people attended this meeting, and 200 a special meeting the following month. In spite of shaky finances, the local SPCA was re-launched.³

Two initiatives of 1881 distinguished the revived SPCA from that of President Gatchel:

- The Society **hired two agents**, Robert Ball and Maj. John H. King, who had assigned territories and warned or caused to be arrested offenders. The twin effects of this move were: to immensely broaden and professionalize SPCA’s efforts (as opposed to the volunteer and largely individualized work under Gatchel); and to create a need for constant funding, which only grew as the desire for more agents grew;⁴
- A general plan developed to move the Society into the **protection of children**. This same discussion proposed the new name of “Humane Society”.⁵ Proponents pointed out that there was then no District law specifically protecting minors (a proposed act had failed in Congress only the year

¹ SPCA Ann Rpt, 1881.

² Now U.S. District Court for DC.

³ Evening Star, 4 Jan 1881, p. 4; 8 Feb 1881, p. 4; SPCA Ann Rpt, 1881. Henry Bergh and George Angell were made honorary members in 1883 (Evening Star, 22 Jan 1883, p. 4).

⁴ “The Humane Society, on account of the larger number of agents employed and increased expenses, is in need of additional funds and appeals to the members and friends of the Society for financial assistance” (Wash. Times, 9 Mar 1904, p. 5).

⁵ “Uniting with an inchoate society [i.e., unincorporated; the Society for the Protection of Children] for the protection of children started two years ago.” The 1881 annual report cites precedents in Chicago, Cleveland, Cincinnati and other cities. In other places, such as New York, “the two institutions [SPCA and SPC] stand only a few feet apart” (ibid.). See also WHS Ann Rpt, 1883.

before) and that existing institutions – various church-sponsored asylums, houses, hospitals and “Sunday schools” (?) – were all passive in nature, waiting for abused victims to come to them, while the new Society would actively seek out offenders.

In 1885 Congress passed “An Act for the Protection of Children . . . and for Other Purposes” relating to the District. This act generally paralleled the existing cruelty to animals law inasmuch as it laid out rather general prohibitions against abuse (as well as a lot of specific ones – children working as gymnasts in circuses, prostitutes, beggars, street singers, scavengers, etc.) and established enforcement, prosecution and appeal procedures, and penalties. It changed the name of SPCA to the **Washington Humane Society**,⁶ empowered its “proper officers or agents” to bring complaints to local courts, and required MPDC to aid the Society’s agents. The act says nothing about the disposition of resultant fines but in fact the Society took nothing from child-related fines; fines from animal-related cases went to WHS, as before to SPCA.⁷

The general history of SPCA/WHS lies beyond the scope of this study but can be easily followed through its annual reports fleshed out by newspaper articles. Before describing its “street” operations protecting animals, however, let us at least sketch out the **Society’s organization and operations** during this period, taken from WHS annual reports.⁸ (Since these reports are so extensively used in this section, material taken from them will be sourced in-text by year, as: “. . . (1903).”)⁹

- **Presidents:** 1870-79 – Theodore F. Gatchel;¹⁰ 1879-80 – R. C. Fox and Gen. L. P. Graham; 1881-87 – Arthur MacArthur; 1888 – Thomas Riggs; 1889-1900 – Adam S. Pratt;¹¹ 1900-1909 – Chester A. Snow;¹² 1910-18 – Walter Stilson Hutchins;¹³ 1919 – Thomas Featherstonhaugh and James P. Briggs;¹⁴ 1920-28¹⁵ – Rev. C. Ernest Smith (1927 – Mrs. Truman B. Palmer¹⁶); 1928-29 – Maj. Gen. George Barnett; 1929-32 – Mrs. Herbert W. (Victorine B.) Elmore; 1932-33 – Col. Laurence Halstead;¹⁷ 1933-43 – Mrs. Herbert W. Elmore.

⁶ The Society’s announcement/appeal in its new incarnation was printed in Critic-Record, 26 Feb 1885, p. 2. The incorrect name “Humane Society of Washington” is frequently encountered.

⁷ Evening Star, 17 Nov 1907, p. 5, lists thirteen other cities in which these fines were assigned to the local Humane Society and four also making direct government subsidies to them.

⁸ See Appendix D2 for a list of good newspaper overviews. Evening Star, 24 Mar 1912, p. 26, by the way, tells us that SPCA records before 1881 were lost in a fire, thus our reliance on newspaper accounts for those early years.

⁹ The reports are dated to the year covered; they were issued very early the following year, after the January annual meeting.

¹⁰ Many sources give Gatchel’s resignation (and move) as 1878; this chronology is based on contemporary SPCA documents, however.

¹¹ He died in mid-1900. The WHS Ann Rpt, 1899 has a good photo of Pratt, and that of 1900 a memorial.

¹² See Wash. Times, 1 Nov 1903, Magazine p. 2 for a photo of Snow, and Evening Star, 30 July 1913, p. 8, and Wash. Post, 31 Mar 1937, p. 11 for bios.

¹³ Not to be confused with his father, Stilson Hutchins, founder of the Washington Post.

¹⁴ Featherstonhaugh moved from Washington, replaced ad interim by Vice-President Briggs and in December by Smith (Evening Star, 23 Nov 1919, p. 5; 3 Dec 1919, p. 25). Briggs is described at length in relation to the Humane Education Society later in this study.

¹⁵ Prior to this SPCA/WHS annual meetings were held in mid-January, at which time new terms of office commenced. Sometime in Smith’s presidency the meetings were moved to April, leading to a repeat of the year in this list.

¹⁶ Contested and removed after legal action.

¹⁷ Encountered once as Holstead, but this apparently an error.

- **Membership:** For most of this period the membership was about 300. Members paid \$1/year before 1884 and \$2/year (children 50 cents)¹⁸ thereafter. The annual reports regularly complain about the difficulty of collecting dues. In 1901 a couple took a membership for their dog.
- **Finances:** The Society's funds came largely from membership fees, donations and fines from animal-cruelty prosecutions.¹⁹ In 1892 (to take a typical year) these three sources were: \$560/\$170/\$628 respectively, of total receipts of \$1,970. Expenditures mostly went to pay agents and office rent – in the same year \$\$1,292/\$300 of total \$2,159. Donations (including memorials) and bequests noticeably rose in value over the years. The 1911 report noted sourly that other large cities allocated income from their dog tax to the local Humane Society, unlike Washington.
- **Agents:**²⁰ SPCA employed no agents until 1881, when two were taken on, reduced two years later to one. In 1885 an agent came on to handle only cases involving children, and from then on WHS had one agent for children of a total of 2 in 1887, rising to 6 in 1905 and 10 in 1908, then dropping steadily back to 2 in 1919. Agents carried badges and after 1899 wore uniforms. Animal agents had territories to work (“divisions”) which by 1906 numbered eight – the same as MPDC. Before that year each stayed in one division but thereafter rotated every month so that each would have a similar workload over the year. They did not work on Sunday, and both patrolled their districts and responded to complaints called into the WHS office. Key's salary was \$25/month his first year, raised to \$830/year until 1887, when it was increased to \$1,000/year. In the earliest years King received a percentage (20% in 1881, 5% in 1886) of the “fines, fees and contributions” he caused (plus expenses), but this was discontinued.²¹
- **Equipment/Facilities/Staff:** Equipment in 1887 consisted of one bicycle (later a covered carriage), and in 1898 a derrick (to lift incapacitated horses)²² and a camera. In 1889 the Society obtained use of a wagon (“ambulance”) which it had to periodically repair or replace. This vehicle was housed and operated by the Knox Express Company as a service to WHS, and charged \$5 per run: \$2 for the Society and \$3 for the company, although very poor people did not pay.²³ WHS constantly sought better office space. It established its first full-time office in 1884 (with a telephone; the office was shared with the Newsboys' and Children's Aid Society),²⁴ and in 1895 established a building fund to buy or build its own place, but was still pleading unsuccessfully for support in 1900. Besides the agents, the Society employed an office secretary (Mrs. Kate Barlow at \$10/month in 1887) and a School Visitor (Helen Armour). All other workers were volunteers, including the two veterinary surgeons who offered aid on the street and testimony in court.

¹⁸ In 1907 the two sons of the Turkish Minister joined the Children's Branch.

¹⁹ The standard fine for the first offense was \$5. “The judge is often lenient to poor offenders and releases them on personal bonds. Persons arrested deposit collateral for appearance at court and frequently forfeit the collateral rather than appear” (1886).

For an interesting comparison of WHS's expenditures with those of the New York organization, see Wash. Post, 1 May 1908, p. 9.

²⁰ They were called “police agents” in later years. For photos of the agents at work, including one identified as Agent Rabbitt, see Wash. Times, 30 July 1905, Magazine p. 6

²¹ WHS Ann Rpts, 1881, 1886, 1906, 1907; “Mr. King . . . stated that he is paid \$25 per month . . . and one-fourth of the fines” (Evening Star, 19 Aug 1881, p. 4); Wash. Times, 30 July 1905, Magazine p. 6, give other specifics of their procedures.

²² Used, for example, to rescue a horse from the river (Wash. Times, 4 Dec 1920, p. 8).

²³ Good photos of the ambulance appear in WHS Ann Rpt, 1895; and Wash. Times, 30 July 1905, Magazine p. 6. It was also used for dead animal removal, and provided a minor source of income for the Society.

²⁴ A list of the office furnishings (“two window shades,” etc.) was given in the 1884 report.

- **Structure:** The organization consisted of a president, several vice-presidents, treasurer and secretary, an Executive Committee, and standing committees. These latter, naturally, changed over the years but generally included: Fountains; Legal Proceedings and Legislation (chaired at one point by future Commissioner Henry H. B. Macfarland); Humane Education (Prof. Edward M. Gallaudet was a member); Finance and Membership; Agents/Rooms/Meetings; and (for a while) Vivisection. The revised WHS by-laws were printed in the 1887 annual report, and all annual reports after 1910.
- **Cruelty to Children:** WHS's long-standing agents for children's welfare (Charles W. O'Neill, served 1885-90; Samuel B. Wilson, 1890-98; George T. McGlue, 1901-05)²⁵ handled cases of children abandoned, neglected, abused or inappropriately worked. A far smaller proportion of prosecutions resulted than from the animal agents' work, the large number being "amicably adjusted" (in 1895, for example, of 337 cases investigated: 327 adjusted and 10 prosecuted). A large number of children clients ended up in institutions (153 in the same year). Congress created a Board of Children's Guardians in 1892 (26 July) which had legal protection over all such minors and authority to commit them to orphanages, adoptions or apprenticeships.²⁶

The number of cases investigated by the Society fell from over 300 in the early 1890s to 81 in 1898. Wilson – a member of the police force assigned to WHS – was recalled for other work in 1898.²⁷ That same year President Pratt admitted: "It seems to me the work of our Society for children is drawing to a close." In 1906, President Snow reported: "We have not in the last year given much attention to the prevention of cruelty to children. In attempting to take care of children . . . we frequently find ourselves overlapping the work of many excellent charitable institutions and mixing problems. In defense of animals, we have a clear field and can work without arousing the jealousy and hostility of church or State or Boards of Children's Guardians or Asylums or parents." The last annual report to include statistics on work for children was that of 1906.²⁸

The Society occasionally took stands on such issues as underage drinking (in which it worked with the Women's Christian Temperance Union) and spanking in schools.²⁹

- **Special Projects:** Long-standing efforts of the Society included: provision of **drinking fountains** for horses³⁰ (there was a standing committee concerned with this which received designated donations every year, although the Society kept hoping fruitlessly that the city would take over their provision);

²⁵ They were regular officers of MPDC detailed to the Society and remained on the District payroll. They contributed regularly to the MPDC Ann Rpts in the Commissioners Reports, beginning in 1888. This detail was discontinued in 1906, the same year many other such special assignments (including that to the pound) were ended by MPDC. The Society toyed with the idea of hiring its own men in 1907 but had in fact begun simply referring reported cases of abuse to the Board of Children's Guardians or MPDC.

²⁶ For a useful description of the new Board see Evening Star, 22 May 1893, p. 10.

²⁷ "A recent investigation . . . raised a question as to the legality of the acts of such a [MPDC] representative, and it was deemed expedient to withdraw the officer thus detailed" (MPDC Ann Rpt, 1898).

²⁸ The Society wanly mentioned 15 cases the following year. For some capsule descriptions of cases involving children, similar to those for animals given below, see WHS Ann Rpts, 1887-91, 1897, 1902.

²⁹ (Drinking) Wash. Post, 12 Sept 1910, p. 2; (spanking) 29 Nov 1910, p. 9.

³⁰ The fountain was designed by Agent Key and cost \$22. By 1923 the Society had installed 160 at a total cost of \$4,450, of which 145 were still functioning (Heap, "History"). Washington Post founder and ardent WHS supporter Stilson Hutchins erected his own horse/human fountain outside the paper's headquarters in 1885; for a history and photo see the website GreaterGreaterWashington: <https://ggwash.org/view/71685/fascinating-story-of-washington-dc-benjamin-franklin-statue-old-post-office>

education in public schools (which largely disappeared from the annual reports after 1913), including an annual essay contest; and a junior branch, the “**Bands of Mercy**”, (established in New York by Angell in 1882 and coming to Washington in 1884, booted out of the public schools in 1900, revived in the schools in 1910) in many public schools and expanded to Boy Scout troops in 1913.³¹ WHS also held occasional public lectures, handed out awards to worthy citizens and companies, published articles (the Washington Times was its favorite venue) and brochures, distributed useful books to various public venues (in 1900 it sent a copy of *Black Beauty* to every city fire station), and encouraged ministers to give sermons on humane treatment of animals.

The Society regularly interacted with sister branches throughout the country and internationally, and sent representatives to the annual meetings of the American Humane Society.³²

- **The Barber Refuge for Animals:** The Barber Refuge will be discussed in the next chronological section, under “Animal Shelters”.
- **Cruelty to Animals Issues:** Our interest here centers on WHS’s efforts to aid animals in public places, but many, many other concerns occupied its thoughts for long or short periods. Here is a sample: fox hunting;³³ pigeon shooting; care at the Zoo (including close confinement of eagles and of Dunk the elephant); the Horse Bazaar;³⁴ treatment of animals in rail transit through the city (which resulted in several federal restrictions);³⁵ winter horse racing at Ivy City (“jeopardizing at this time of year . . . the most noble of the animal creatures”); dropping animals and young girls (!) from low-flying balloons at circuses; “a passing taste for horse flesh”; skinning live fish at the wharf market;³⁶ crowding horses on ships bound for South Africa; inhumane treatment of crabs at the Atlantic City docks; “cruel bits” used in the 1901 inaugural parade; crowding of fowls in market cages; docking (cutting short) horses’ tails and coats (including at the White House stable);³⁷ blinders and checkreins on horses; loss of wild birds (working in cooperation with the newly-established Audubon Society); feeding meat to dogs and cats, which the Society considered “repugnant, immoral and abhorrent”; improper shoeing of horses; slippery streets in winter on which pack horses could not get footing; injurious horse whips (“a long heavy and tortuous knout”); protection from rain for cab horses at Union Station; installation of squirrel houses in public parks; fireproofing stables; installation of brakes on wagons; screening of a film on bullfighting in Congress Heights; export of horses to Europe during the Great War; and provision of hats for horses.³⁸

Standard filler material used in later annual reports included exhortations to take proper care of pet dogs and to provide for cats when on vacation. The Society supported Prohibition, hoping that it would mean fewer drunk drivers crashing into horses, and naturally opposed vivisection. This last

³¹ For a good account, see *Evening Star*, 8 Jan 1911, p. 52.

³² For a most useful list of U.S. and foreign sister societies see WHS Ann Rpt, 1899.

³³ For an essay on fox hunting in the District and environs see *Wash. Post*, 11 Aug 1929, p. SM9.

³⁴ These were privately-operated markets; the largest was in the 900 block of Louisiana Ave, NW (when that street ran past the old Center Market). For a good, detailed profile see *Evening Star*, 17 Jan 1891, p. 12.

³⁵ E.g., 29 June 1906.

³⁶ The MPDC Ann Rpt of 1910 shows four cases of cruelty to animals reported to police by the District’s Harbor Master, but they are undefined.

³⁷ *Evening Star*, 22 Nov 1894, p. 1.

³⁸ For a harrowing description of treatment of animals in Center Market in 1922, see that of the humane movement’s dedicated advocate Virginia W. Sargent (*Wash. Herald*, 18 Jan 1922, p. 6).

issue – particularly intense from about 1895 to 1910 – demanded much of the organization’s energy (including scrutiny of the pound’s sale of animals to government laboratories) and required a dedicated committee, which made unsuccessful attempts to secure Congressional legislation controlling experimental use of animals in the District of Columbia.³⁹

For its early period SPCA/WHS operated under the 1870 charter granting its members and designated agents the power to cause the arrest (by its own agents or police officers) of violators as defined by separate legislation. After an unsuccessful attempt in 1888, Congress clarified and amplified this procedure in an **act of 1892**, which became the instrument of the Society’s subsequent dealings. This law specified procedures at police court, the detailing of assisting officers, defined some words (for legal purposes), outlawed docking of horses and animal fights, and allowed agents to take charge of or to put down abused animals if they deemed that necessary.

Once WHS hired its first paid agent **operations “on the street”** predictably gravitated entirely to professional staff. Any member could in theory cause an arrest but such actions, rare in the days of Gatchel (except by Gatchel himself), entirely ceased as volunteer workers turned to the more genteel work of fund-raising, community education and lobbying.⁴⁰

Reports of these agents in the annual reports were consistently favorable: “[The Society’s] special agents . . . have rendered valuable assistance by their energy and skill in the prosecution of their work”;⁴¹ “I take great pleasure in commending these Agents for very faithful service, and . . . I . . . bear testimony to their patience and forbearance under provocation, often most trying.⁴² Day and night these men are ready to respond to any call of duty, and frequently one or another of them is on watch into the small hours of the morning” (1898). Of particular note were agents: John H. King (served 1881-83), Minter P. Key (“a faithful and efficient officer,” 1883-92),⁴³ Cpt. John Paine (1891-93), Joseph R. Rabbitt (1891-1906),⁴⁴ William R. Haynes (1898-1923), and James E. Thomas (1907-1928).

WHS agents had varied and taxing assignments. “It is the practice of each agent to thoroughly investigate every case of cruelty reported to him, formally or informally, or that comes under his own observation. [Their duties] have involved going long distances, making frequent visits to witnesses or to the alleged offender, and working early and late” (1881); “In his work the Agent [Key, whose report this is] has travelled over 8,000 miles since March 1 and wishes to make his humble acknowledgements to the tricycle which has carried him at such a rate as often to outrun horses, and to enable him to arrest the driver” (1884). Key estimated that he spent “nearly 200 half-days” at Police Court in 1884. As with the poundmaster, WHS agents held special unpaid commissions from MPDC and could make arrests on their own authority.⁴⁵

³⁹ The proposed bill was reprinted in WHS Ann Rpt, 1895 and several years thereafter.

⁴⁰ We do read of William Pallas, a “volunteer agent,” who had to stand down in 1903 due to his pending move (WHS Ann Rpt, 1903).

⁴¹ From a report of a meeting of the Executive Committee (Nat. Republican, 12 May 1881, p. 4). “It is but just to say that the agents, although inadequately paid, have performed every duty readily and promptly, and chiefly by their zeal and efficiency the Society has been able to accomplish the good it has done” (WHS Ann Rpt, 1881).

⁴² The same quality also ascribed to the poundmen.

⁴³ In 1888 Mr. J. R. McLean donated \$25 “in recognition of the bravery of Agent Key, whom he had seen fight his way through strong opposition to the rescue of a suffering horse” (WHS Ann Rpt, 1888). An interview with this worthy man was published in Wash. Critic, 16 Dec 1886, p. 3.

⁴⁴ For his obituary see Wash. Post, 4 June 1906, p. 2. A “well-known society woman” once gave him a horse “for rescuing a tortured horse from a driver.” He had been a liveryman and had some veterinary skills.

⁴⁵ WHS Ann Rpt, 1888; Evening Times, 13 June 1902, p. 8.

The annual reports consistently show about 200 or more prosecutions brought by each agent⁴⁶ but do not indicate their many special investigations (observing horses working the canal, for example), reports and suggestions (proper shoeing of horses) beyond specific cases. It is disappointing to find the Society in 1899 publically advertising for the public to “report any dereliction of duty or incivility on the part of its agents.”⁴⁷ Perhaps the large number of new hires brought in less-motivated men, since the 1904 report admitted: “Our fine agents are perhaps not as active as they should be”; and the question was again addressed in 1907.⁴⁸

WHS prided itself that most cases were resolved short of prosecution. “Prosecutions . . . are only a part of the work which the Society is doing. . . A warning is often deemed sufficient in cases where the abuse arises from ignorance or thoughtlessness” (1883). An instance from the 1894 annual report (abridged) gives a particularly nice example of this approach:

Last October Mr. Rabbitt found that the loads hauled up the 14th and 7th Street hills were too heavy for the animals used, and he insisted upon the teams doubling up. The Washington Brick Co. manager, Mr. Holbrook, was sent for and came, accompanied by our Secretary. He informed us that such overloading was entirely against the company’s orders, and at once had extra horses put on. When he saw how vigorously we were prosecuting this branch of our work he subscribed \$10 monthly and stated that if our agents or members of the society saw any of his drivers whipping or driving their teams faster than a walk and . . . inform him he would discharge the man at once.

This is only one instance in which the persistency of our agents in the performance of their duty has done good service both to the Society which they represent and also to the owners of horses.

Court-ordered fines, as reported in the 1881 report, generally ranged from \$1 to \$10.

Three annual compilations of agents’ case work are given in Appendix D9 to illustrate the range of complaints they met. The 1881 list is the only one to specify every one individually (and the only one short enough to allow that); subsequent reports are more statistical in nature and always include a standard menu of horse-related abuses plus a few eccentric cases that happened to occur in that year. Some of these less-frequently encountered abuses, gleaned from a review of the annual reports, are:

Stocking (tying) cow udders; breaking horse’s/dog’s head with a stone; cats/dogs/rabbits/possums humanely put to death; calls made but unable to catch animals; home found for cats/dogs; failing to blanket horse in winter; cruelly shooting cat; breaking dog’s hip with bottle; cutting mule with knife; throwing lye in cat’s eyes; killing squirrel with whip; dragging horse with chain attached to jaw; shipping chickens with legs tied/with heads down; inciting cats/dogs to fight; overcrowding chickens/calves/sheep in pen; neglecting sick horse; killing pigeon with crowbar; tying horse’s tail to post; beating pet bear with gun stock; killing snakes by biting off head (in circus); locking cat in house two weeks without food; working horses with Cuban itch; chaining dog in yard; chaining bear with ring in nose; cruelty to performing pig (in circus); scalding dog; tying live duck on ice; kicking cat; breaking cow’s horn with brick; killing horses for insurance.

⁴⁶ The earliest statistics do not include instances resolved by a simple warning, which were much more numerous than prosecutions. For example, of 28,778 animals examined in 1906, only 1,977 cases went to court. See Appendix C7. Agents made daily and monthly statistical and textual reports.

⁴⁷ Evening Star, 5 July 1899, p. 3.

⁴⁸ The comments on agents and their work in the 1906 report give some idea of the problems.

And to give a more immediate feel for the agents' work, here are a few accounts of specific cases selected almost at random from the annual reports (abridged, as always):

- A man was found driving a horse which had a sore seven inches in diameter upon his back. Upon this the man had sprinkled a handful of salt. The harness rested directly upon the raw place, rubbing in the salt with every movement, rendering the poor creature stupid with pain. The judge fined the man \$10. (*WHS Ann Rpt 1895*)
- Henry Wayne, for failing to provide his horse with proper shelter, allowing it to lie out on a vacant lot all night without food or protection from the weather, was arrested and forfeited \$10 instead of standing trial. (*1914*)
- A young man hired a team of horses and drove them so fast and so long a distance that one of them fell dead in the street. The man was arrested and fined \$50. (*1893*)
- Daniel Pinkney, driver for the Washington Brick Co., was arrested for most cruelly beating a team of mules he was driving because the animals were unable to pull a load of brick too heavy for them. They had been hauling heavy loads all day and were nearly exhausted when discovered by the Society's agent. Pinkney was tried and fined \$10. (*1911*)
- A cow belonging to a dairyman escaped and was wandering in the open fields when a neighbor caught her, tied her to some bushes and went to notify the owner. While he was gone a brute in human form came along and thought to have some sport by throwing bricks at her, breaking off one of the cow's horns, which was hanging down the side of her head and the wound bleeding profusely when agent Thomas arrested the culprit, who forfeited \$10 rather than risk a trip to the workhouse. (*1924*)
- Robert Hayes, a fancier, brought chickens to market in a bag and when found by Officer Finn some of the chickens were dead of suffocation and the others nearly so. Hayes was allowed to deposit \$6 security to insure his appearance for trial. (*1910*)

Agents were also authorized to humanely put down badly injured animals on the street.⁴⁹

As in the earlier period when Theodore Gatchel arrested a driver of Poundmaster Wheelock for overdriving his horse, so later agents prosecuted employees of the city's dead-animal contractors Felix Draney and Patrick Mann (discussed below.) The only record of WHS actions against Einstein's poundmen come from 1883: two instances of unnecessary roughness in capturing dogs.⁵⁰

One victory for modern society attributable at least partly to WHS agents was the extinction of (public) animal fights. "They have driven cock and dog fighting out of the District" (1881). "In condemning this practice [pigeon shoots] the Society is quite well aware that they are interfering with the amusements of men who are not otherwise cruel but who . . . indulge in a sport which inflicts unnecessary cruelty upon an innocent animal. Of cock fighting, the law is so stringent and the sense of community so generally opposed to its practice that [it has] been driven into cellars or lofts, admission to which is gained only by passwords furnished to a few of the lowest sporting fraternity."⁵¹

And one last service of the agents: "Our agents are always willing to give advice in regard to the care of animals, thus aiding people who are too poor to consult a veterinarian" (1894).

⁴⁹ 1912 saw the first instance of a judgment against WHS for such an action (Wash. Herald, 5 Apr 1912, p. 2).

⁵⁰ (Draney) Evening Star, 21 June 1881, p. 4; (Mann) 10 Sept 1901, p. 3, and regularly thereafter; (poundmen) WHS Ann Rpt, 1883. The Society registered similar concerns regarding dog-capture to the Commissioners in 1896, to no effect (Evening Times, 9 Oct 1896, p. 5).

⁵¹ Nat. Republican, 12 May 1881, p. 4; "Chicken fights are uncommon today in the District. Whenever chicken fanciers arrange a fight they make plans to go into Maryland" (Wash. Times, 30 July 1905, Magazine p. 6). For a typical account of a dog fight, see Daily Nat. Republican, 15 Apr 1874, p. 4. The annual reports of the District's Attorney for the period show about two prosecutions per year for dog fighting – far fewer than "bathing in river" or "profanity". See the Congressional anti-cruelty law of 25 June 1892.

Not all cases of cruelty were brought to Police Court by the Society – any citizen witnessing such acts could call in the police and some officers apparently had an eye open for abuse. The annual reports on 1884 and '91 actually list officers sympathetic to this work.⁵² However, “the number of such cases is not great, complaints generally being referred to the Society” (1886) – only 32 in 1883 (1883). Key, in his report of 1884, found 66 cases brought outside of SPCA and noted that these “yielded to the District \$545 in fines.” Since money paid as a result of citizen-police action (rather than the Society) went only to the District coffers, one can understand the tone of territoriality running through SPCA/WHS pronouncements on this matter.⁵³

WHS several times published “How to Proceed in Cases of Cruelty” in its annual reports⁵⁴ (and most likely as a separate pamphlet also), giving fairly detailed guidance to Society members (members only – “show . . . your card of membership”) on steps of action ranging from “a word of caution and reproof” for the “thoughtless” abuser to the exact method to bring about and facilitate prosecution “if the abuse is willful or malicious.” These instructions emphasize that the complaining member would not be inconvenienced by this civic act in a resulting trial.

Here is a shorter version, from the 1918 annual report (abridged):

Be on the lookout for cases of cruelty in the streets. Take quick action *yourself* and bring every offence to the immediate attention of a policeman. If no policeman be handy keep the offender in sight until you find one. Then insist upon an arrest. Pay particular attention to cases of overloading and to carts drawn by decrepit horses unfit to work. Policemen are required to take notice of all acts of cruelty witnessed by them whether the immediate complainant is a member of the Humane Society or not.

The 1870, 1885 and 1892 acts authorized the Commissioners “in their discretion to detail from time to time one or more members of the **metropolitan police force** to aid [WHS] in the enforcement of laws relating to cruelty to animals as well as children” (1892). MPDC did regularly assign an officer to act as the agent for children’s cases (and paid him also). The Police Department never detailed officers to corresponding duties on animal abuse, as was done for the pound. A policeman arresting an animal abuser, whether on the complaint of a Society agent or not, was simply arresting a criminal.⁵⁵ In 1902, perhaps arising from disputes we no longer know, the City Solicitor clarified that MPDC officers made animal-abuse arrests as police officers and not as WHS agents. The children’s agent, Officer Wilson, on the other hand, after 1898 took abused children into custody on the authority of WHS, not MPDC.⁵⁶

⁵²1884: Bailey, Breen, Kirby, Mills, Rhodes, Shank, Slack; 1891: Moore.

⁵³ Wash. Post, 2 Feb 1902, p. 10. The police achieved a good rate of success with their cases. Key (1884) said that of the 66 cases brought by the police, 50 resulted in convictions. Of the 263 cases prosecuted by SPCA that year, 238 ended in some kind of fine or punishment. The 1911, 1913-16 reports give comparable statistics for police-instigated arrests with similar ratios of conviction.

⁵⁴ E.g., 1895.

⁵⁵ Animals impounded by WHS agents while their owners were booked, etc., were kept at the local police station rather than the pound (Wash. Post, 16 Nov 1902, p. 12). Proceeds from animals then sold by MPDC went wholly to the District treasury. MPDC’s Hack Inspector made at least one cruelty arrest (MPDC Ann Rpt, 1905).

⁵⁶ (Animals) Wash. Post, 2 Feb 1902, p. 10; (children) 29 Sept 1898, p. 10. Procedural brouhahas were inevitable – when a runaway horse fatally impaled itself near Farragut Square, should the reporting police officer shoot the writhing animal on the spot or wait for the WHS agent? (Wash. Post, 20 May 1904, p. 6; 24 May 1904, p. 6). “Invariably when there is a horse to kill the police call upon the [WHS agent] to do it” (Wash. Times, 30 July 1905, Magazine p. 6, which also describes the technique of shooting). “The relation between the Humane Society and the police department is a little puzzling to a layman trying to obtain speedy succor for a disabled, suffering animal” (Sarah Porter letter, Wash. Post, 22 Apr 1908, p. 12).

The relationship of the Society with the Police shows a love-hate quality frequently seen in volunteer organizations toward entities that they need for success but which they can blame in defeat. Early reports included commendations to the police and courts for their eager support: “It is gratifying to note that citizens and members of the police force are co-operating with the Society in a greater degree than heretofore” (1886); “We have the confidence and support of the Commissioners, . . . of the Chief of Police and his officers, . . . [and of] the judges of the Police Court, prompt and fearless in meting out justice to the guilty” (1892). MPDC returned the compliment: it was “to the credit of the [police] force and the agent of the Humane Society” that cruelty arrests were up, its 1892 annual report noted.

From the late 1890s onward the tone became more uneven, sometimes stating “our great indebtedness” to the District government (1903),⁵⁷ but increasingly chiding the police for not putting their hearts and backs into the work: “The Humane Society has seven agents. The city police force numbers about six hundreds” (1909); “The attention [that MPDC] pays to offenses against animals is notoriously slight” (1913).⁵⁸ During the 1905-14 period the Chief of Police regularly issued orders for his men to be more respondent to abuse cases.⁵⁹ His successor received thanks for increased support in the President’s Address of the January 1916 general meeting (1915), but President Hutchins returned to bitter complaints the following year. Grumbling spread in 1912 to the uncooperative Police Courts, with their “political hack” judges and venal court officers; the Society appointed a special committee to investigate the situation. The issue resurfaced spasmodically into the 1930s.⁶⁰

This same darkening tone pervaded WHS reports’ **view of the city’s population**. Here we must be careful not to confuse the personal attitude of an individual – even one as well-informed as the President of the Humane Society – with the actual situation. In spite of increasingly shrill cries of public abandonment from Presidents Snow and Hutchins, statistics of cases proportionate to the number of agents remained steady over this period. The “Nobody-Loves-Me” theme of these speeches probably reflects the frustrations of truly dedicated men that fundraising and membership, through relatively constant, never met their personal goals, and that large numbers of the citizenry – and especially those of their own class and background – had not followed them in adopting animal rights as their principal cause.

Annual keynote speeches must, by common tradition, initially sound a hopeful note so as to not discourage their audience who will only later be warned of present and coming problems. Even Gatchel,

“Tying of horses to trees” was also a punishable offense, but probably as a traffic-control rather than humane issue (MPDC Ann Rpts, various years, including 1906, which gives the relevant regulation).

⁵⁷ This to Chief of Police Sylvester, who was also a great support for Poundmaster Einstein.

⁵⁸ It is not impossible that the President’s criticism of the police in 1909 was connected with the active proposal to turn all cruelty enforcement (and resulting fines) over to MPDC and away from WHS; see Wash. Times, 21 Feb 1910, p. 1; 3 Feb 1912, p. 5. The Congress agreed: “It is a notorious that such arrests [for cruelty] are rarely if ever made,” concluded the Senate Committee on the District in rejecting the same proposal (Senate Comm on DC, “Prevention”).

⁵⁹ Other related police orders from these years – the only period when new regulations (= laws) and orders (= internal announcements and instructions) were given in MPDC annual reports – relate to overloading of wagons (1909); prevention of dogs “from destroying birds and squirrels in parks and reservations,” protection of birds and small game from being shot, and poisoning of dogs and other animals (all 1910).

I cannot resist observing how interesting it would be to have the background on these varied orders – what was the origin of the order regarding “seduction by a teacher” (1911), or prohibiting the use of “skippmobiles” by boys (1914)?

⁶⁰ WHS Ann Rpt, 1912; Evening Star, 3 Feb 1912, p. 4 (Hutchins’ letter to MPDC); Wash. Times, 25 Mar 1913, p. 12 (in which we learn that the Society’s allegations “fell flat” upon investigation); Evening Star, 27 Dec 1921, p. 4; 13 Mar 1930, p. 30.

as SPCA was dwindling to nothingness, regularly proclaimed growing public enthusiasm. The revived Society inevitably heard of the spreading awareness of its work and its worth.⁶¹ And as we have seen throughout this study – in the public repudiation of animal fighting, for example – this was true, and SPCA/WHS properly claimed a strong role in this development.

When President Pratt stated in 1891: “We need more members who will take an active interest, and more money . . . to employ agents [and] to educate our people,” he was reporting a universal truth of voluntary organizations. President Snow, in 1909, saw a much gloomier situation:

When I became President ten years ago, I thought I had a great opportunity to do something for the much wronged and oppressed work animal. . . But I little knew then the prejudices, powers and interests that stood between us and justice to these animals. I then knew nothing of the attitude of obstinacy and indifference of some upon whom we rely for the enforcement of humane laws. I did not then know that the sentiment of altruism . . . could be a subject for indifference and even for derision.

WHS members who called complaints of cruelty to the office but then refused to testify in court (“they do not want to be . . . ‘mixed up in it’”) he castigated as “boudoir or sanctum humanitarians.”⁶²

President Hutchins (1910) spread his complaints to the entire city population: “The trouble is that Washington takes the Humane Society for granted and gives itself no further concern about it.” In 1913 he pointed out that the Society numbered 300 of 300,000 inhabitants. “In no other large city . . . is the work horse worse treated than in the national capital. This disgraceful fact is a source of wonder to visitors, Americans and foreigners, but it concerns the local citizens very little.” He repeated these feelings in 1916.

One factor that hindered the popularity of WHS was a perception – probably justified – that it was **an organization of wealthy do-gooders**. In 1881 President MacArthur had to deny that the humane movement was animated by “the sentimental impulses of a few tender-hearted enthusiasts.” Hutchins demonstrated his class bias in appealing specifically to “kindly people of the better sort” for their participation (1916). “I wish that more society girls would take up this crusade,” declared Snow. Complaining about the organization’s ineffectiveness, a letter-writer of 1908 to the Post opined: “To many . . . the Humane Society . . . is but a name for a small group of more or less meddling rich persons.”⁶³ Certainly the individual members identified by profession all seem well-placed, and the generous donations and bequests received point in the same direction.

Adding to the impression of an elite organization was **the class of most targets** of the Society’s actions: the working poor. Of course, large construction/hauling/supply/transportation operations felt the

⁶¹ “The work of the year would seem to indicate increased sympathy with our cause and a growing purpose to aid its advancement” (1884); “The interest in our work is growing every year, and we are greatly encouraged by the help given us” (1894). In 1921 President Smith ironically claimed that dwindling interest demonstrated the triumph of the cause.

⁶² Even the 1881 annual report complained of this.

⁶³ (Snow) Wash. Times, 13 Feb 1909, p. 1; (complaint) Wash. Post, 22 Apr 1908, p. 12. The latter writer, Sarah Porter, describes the Society as a basically closed organization, citing its near total absence of outreach to the larger community (“The Society never brings itself before the public . . . by means of fairs, parades, prizes, lectures, house-to-house canvasses . . . or similar advertising devices . . . Such means may be undignified – even occasionally in bad taste, but . . .”). In old age Mrs. Henry Moses, a founding member of WARL, recalled: “At first everybody made fun of us. They just thought we were a lot of hysterical women” (Evening Star, 26 Apr 1962, p. 23).

sting of WHS prosecutions but they could easier pay the fine and continue business.⁶⁴ And many of the activities the Society deplored – sports hunting, inhumane treatment of race horses, pigeon shoots, fashionable docking and shearing of horses – were those of the upper classes; but the Society largely focused its street work on draft horses, and that meant lower-class private wagon operators and bottom-level employees of large companies.⁶⁵

In its earliest reports SPCA/WHS carefully stated that it pursued abusers of horses “white and colored” and the 1886 report referred only to “the poorer classes of our population,” but as time went by criticism was increasingly directed at the city’s African-American population. “Peculiar conditions exist here. The colored people flock into the city . . . seeking easier employment than tilling the soil, and as horses can be bought for one dollar up, the ash [removal] business proves very attractive. To supply this demand, car-loads of worn-out horses are shipped here from Maryland and Virginia” (1899). These carts – used to transport ash or any other material for individuals or companies – were most commonly operated by poor blacks (“expressmen”) trying to eke out a living,⁶⁶ and they often ran afoul of Society agents. “They [the horses] are driven by colored men almost as forlorn as themselves” (1896). “His lawyer pleads that the horse is his only means of support, that he is not able to buy a better horse or to give this one more or better food and care, and that our solicitude for the horse results in cruelty to the owner. Thus it becomes a serious question whether a wretchedly poor man has a right to make a horse joint partner in his misery” (1903).

Later statements by Society officials were less understanding: “I have found that the best and most lasting lesson for the negro who delights to whip, lash, kick and otherwise torture and torment his horse is to be fined” (Agent Paine, 1892); blacks are “idle, shiftless and intemperate . . . unfit for steady work or . . . to secure remunerative employment” (Snow, 1908); “The colored people here are poor, unthrifty, and, as a rule, ignorant. They do not know how to take care of themselves. It is to them that the care of approximately twelve thousand horses in [DC] is relegated” (Snow, 1909).⁶⁷ When Anna Thomas, a prominent member who did step forward to testify at a cruelty trial (in 1906), was questioned by the black defendant’s black lawyer she refused to answer him, not caring to acknowledge the prerogatives of a man of color. (She was fined \$10 and the Society stated that she testified as a private citizen rather than as its representative.)⁶⁸

⁶⁴ “Of the large contractors and . . . horse owners of Washington, not one would know his horses if he should meet them on the street; not one in ten would know the drivers of his horses” (1909); “Many times [the] poor are warned and let off . . . or their cases are dismissed by our agents. On the other hand, corporations and those able to pay receive attention when they violate the law; and our records will show numerous cases against street-car companies, express companies, coal dealers, sand dealers, contractors, etc.” (1894).

⁶⁵ The organization was cognizant of this feeling: “Many persons . . . think we do nothing but prosecute poor people, but could they see our records they would change their opinion” (1894); “Right here it should be said that wealthy people who clip the coats of their handsome horses . . . during the winter months, and those who still drive docked horses . . . are quite as deserving of condemnation and punishment as heartless horse owners who maltreat their animals in the streets” (1913).

⁶⁶ This is not an anecdotal surmise but attested fact: see *Evening Star*, 28 Jan 1899, p. 20 for a very good overview of the trade. Einstein noted of stray horses taken: “The animals [belong] to the poorer classes . . . , and [are] used during the day in carts and other vehicles” (Poundmaster Ann Rpt, 1878).

⁶⁷ “The work of the Society is difficult because there are so many poor, ignorant colored people in Washington” (*Evening Star*, 24 June 1911, p. 6).

⁶⁸ *Wash. Times*, 29 Sept 1906, p. 9. The case was dismissed on technical grounds.

It is difficult to think that WHS had any African-American members,⁶⁹ although the by-laws say nothing about that and the organization's school outreach entered both the white and colored divisions of the system, as did its humane work with abused children. And we should note the testimony of the city's black Evangelical Ministers Alliance when voting to support the Society in its 1910 struggle with establishment horse-owners: "While the Washington Humane Society causes many arrests . . ., except in rare instances [it] does not prosecute for the first offence but seeks by counsel . . . and by warning to turn the offender from the error of his way . . . and make arrests unnecessary."⁷⁰

In spite of these personal prejudices⁷¹ (surely typical for that time), there can be little doubt that the city's black population did account for a disproportionate number of animal-cruelty cases, mostly because of the work they did. Police statistics from the first decade of the century show a ratio of arrests for cruelty to animals of about 2:1 white:colored when the city's population was closer to 2.5:1; by 1914 the arrest rate for blacks had passed that of whites.⁷² Of the individual cases handled by WHS in 1912 and 1915 (two years for which we know the race of offenders), well over half involved African-Americans. We also have the testimony of Einstein and of the Washington Fertilizer Company official (below) that much of their work came from the Negro parts of town.

During this period the Society came under pressure to address the basic nature of its efforts: was it concerned chiefly with its traditional cause, the betterment of **street horses** and other working animals, or should it take its activities more aggressively to the cause of smaller, pet animals – **dogs and cats**? With the city increasingly middle-class and the troublesome population of farm animals rapidly disappearing (even stray dogs coming under control, due to the good work of the pound), societies for pet-owners formed around issues such as muzzling requirements, and they turned to WHS for support.

Britain's RSPCA was founded in 1824 particularly to combat abuse to draft horses, and similar concerns animated Henry Bergh of New York in 1866. The Washington organization continued this focus while deploring – and working against – abuse of any species. The President's address of the January 1884 annual meeting called out inhumane treatment of horses, but also mistreatment of dogs ("fighting, baiting, hunting, . . . starved and frozen"), any animals improperly transported, and "the nobler animals of the forest" (including birds) killed in hunts; plucking of live fowls; muzzling calves; vivisection; and inhumane slaughtering methods.

Nonetheless, annual statistics of prosecutions for this period show that at least 95% of such actions involved abuse of horses and mules, estimated to number about 11,000 in 1900. For this focus, WHS began to feel heat from a growing chorus of citizens wanting to protect their pet dogs and cats while ridding neighborhoods of mutts and toms. In answer to one such complaint Snow challenged the writer to find "a person guilty of overloading, overdriving or beating a cat, working it when lame or tying it in a stall without food or bedding."⁷³

⁶⁹ WHS Ann Rpt, 1888, made the only reference to a neighborhood branch (in Anacostia) but the three sponsoring churches were all white congregations. At the 1904 annual meeting the Society considered a proposal to establish a "colored branch" (1903) but nothing was reported thereafter about this. An article of 1911 – mostly WHS propaganda – simply assumed that only whites would be members ("Out of 200,000 white persons in Washington . . . there are only 235 . . . members"; Evening Star, 24 June 1911, p. 6).

⁷⁰ Wash. Bee, 12 Mar 1910, p. 1.

⁷¹ Although complaints about careless or heartless horse-owners remained constant, the racial animus of Snow's years disappeared entirely under succeeding President Hutchins.

⁷² The numbers of total such arrests are given in Appendix C7; see MPDC Ann Rpts. From the same tables we find that arrests for ignoring the dog licensing requirement changed from 1:2 to 1:1 white:colored, while for "keeping a dangerous dog" (a very small number) was always much higher for whites than blacks.

⁷³ (Number of horses) 1901 Street Cleaning Dept Ann Rpt; Wash. Post, 1 May 1908, p. 9.

This issue absorbed the Society, or at least its president, in the first decade of the new century and led the ever-quotable Snow into some of his most trenchant observations. His arguments were that:

- Abuse of horses, mules and to a lesser extent cows (“useful animals”) remained rampant and easily observable in the District: “When I think how dependent are the wageless workers whom we represent, how painful, helpless, and pathetic their sufferings, how heavy their burdens, how endless their task, all human suffering . . . grows smaller in comparison. Beggars can ask for food . . . ; the human laborer is thought worthy of his hire . . . Those whom we represent . . . have no wages or limitations of hours. Their insufficient bed and board are never of their own choosing. Their fortitude and their unresentful patience are an example and a reproach to us” (1905); “It has been the aim of the . . . Society to prevent cruelty to all animals. But our time, energy and money have been *mainly* directed to the . . . suffering of *useful* animals – . . . work animals and animals used for food. Because man’s need of these animals is most urgent, the result has been . . . that they are most abused.⁷⁴ Our work has been and must be mainly in the alleviation of the lot of these animals” (1906);
- Cruelty to dogs, cats and other house-bound pets (“animaux-de-luxe”), while deplorable, was of less concern and less consequence: “Dogs and cats require our attention only incidentally . . . These animals are not useful. They are pets or animals of luxury. They appear to have little place in the economy of urban life. Let loose in the city they are a menace and a nuisance, while to confine them in the house or the back yard is cruel” (1906); “I have little patience with alleged humanitarians who would have us turn aside from this Calvary and crucifixion [of horses] . . . to the imagined wrongs of dogs and cats, pets . . . that do nothing and suffer nothing” (1907);
- Abuse of horses, etc., in the street was amenable to action (including prosecution) while that of pets was almost impossible to ferret out and deal with: “Dogs are of little or no use to the city, and ninety per cent of them would be better out of the way. In my opinion, the Humane Society should continue to prosecute those guilty of cruelty to dogs and cats, just as it has . . . to rats, monkeys, fowl and fish; but I think it has too much serious and real work to do to spend time and money in coddling and fondling dogs and cats” (1905);
- The universally acknowledged problem of feral dogs and cats was not a matter of abuse but of nuisance – rounding them up and eliminating them, which the city was already doing: “In my opinion the city pound is the proper place for unclaimed dogs and cats, and at least nine-tenths of them are unnecessary” (1905);
- As a subhead to this, he strongly disapproved of the movement to establish “homes” or “hospitals” for such strays, which will be discussed later in connection with WARL.

Although he never directly said this, and several times directly stated otherwise, Snow simply felt that horses and larger animals were of a higher order than smaller pets. In his continual reiteration of these points, and the reversal of the Society’s views later (at least on the matter of cruelty to pets and of the value of shelters) we see also the influence of one strong and well-placed individual can exercise over an organization, as so frequently occurs in such situations.⁷⁵

⁷⁴ In his reply to Miss Porter (*ibid.*), who took umbrage at the distinction between “useful” and “useless” animals, Snow elaborated this point: that he was not making a value judgment (which he clearly was) but that animals used in work were more liable to ill-treatment.

⁷⁵ He was also a consistent and important contributor.

As WHS maintained its concentration on the condition of draft animals, a new player – **motorized vehicles** – threatened the central pillar of the Society’s *raison d’etre*, and with the Society’s enthusiastic welcome.⁷⁶

The first mention of mechanized transport came in the 1898 annual report, referring to trolleys: “In common with a large number of our citizens, I fully believed that the change of motor power from the horse to the electric system on our principal street railways would materially lessen the work of our agents, but . . . our hope has not been realized.”

The appearance of motorized trucks received a hopeful announcement in 1909, and again in 1915: “There is no more encouraging sign of the times than the steady growth in the number of motor vehicles in commercial use in Washington . . . The rapid increase . . . of motor-drawn coal wagons, express, baggage and delivery carts and trucks used in heavy hauling, entitles us to . . . look hopefully to the day when work horses will vanish from city thoroughfares altogether.”⁷⁷ President Hutchins went on to urge members to only patronize merchants who used such vehicles, and suggested that if the District’s animals could do so they would erect “a tribute to gasoline” in some city park. The following year he wittily and tellingly compared horses to automobiles:

Motor cars cost money and a frozen engine will not work. But a freezing horse is a different matter. He will work after a fashion until he drops dead and his comfort meanwhile is a secondary thing. The automobile on the contrary has well-defined rights and does not respond to blows; hence its owner coddles and protects it.⁷⁸ Happy the day when the work horse can say as much. Happier still the day when he disappears from the streets of every city in the world. Modern man is not to be trusted with flesh and blood; his helpers need to be made of steel.

Two further events must be recounted to draw a full picture of WHS’s work during this period:

In early 1900 WHS offered the Commissioners to **take over operation of the District pound**. This move seems to have come virtually out of the blue – the Society had always had a cordial relationship with Einstein’s pound. The 1898 annual report noted that at an Executive Committee meeting of that year “Mr. [Wallace W.] Hite asked that some measures be taken to secure the dog license [revenues] for our Society.” A newspaper account of the annual meeting of January 1899 reported that “it was the consensus of opinion that [the pound] should be under the management and supervision of the Society.”⁷⁹ And the 1900 report briefly mentioned a Committee on the Pound which had met with Sen. Gallinger and sent inquiries to other large cities to inquire how they operated their pounds.

No further word of this idea appeared in WHS or news publications until the organization actually presented its proposal to the Commissioners in March of the following year. “The Society . . . has been induced to make such an offer because . . . representations have been made to it . . . in regard to cruelty and unnecessary suffering attendant upon the seizure of . . . dogs, and their detention and destruction at the pound.” President Pratt pointed to the still-large number of unlicensed dogs at large, the result of

⁷⁶ I will not document here the self-evident rise of the automobile and truck occurring in Washington in the first two decades of the twentieth century. The number of licensed automobiles in the city can be tracked from the annual reports of the Automobile Board in the Commissioners Reports. See also Matthew B. Gilmore’s two fine articles “Washington Welcomes the Automobile” in the May and July issues of the local journal *The InTowner*.

⁷⁷ In 1909 the Society wrote the Commissioners urging adoption of motorized fire engines (1909).

⁷⁸ He probably paid more for it also.

⁷⁹ *Wash. Times*, 11 Jan 1899, p. 5.

“previous neglect.”⁸⁰ He promised “unremitting watchfulness” by WHS agents to eliminate this population, and also better treatment and more humane execution of impounded dogs. New York, Philadelphia and Baltimore had turned their operations over to their Humane Societies.⁸¹

The Society’s proposal seems a solution to a non-existent problem. Neither WHS nor newspaper records reported such complaints about the pound but rather the opposite. And, as we have seen, the Society had little interest or experience in the question of dogs. An observer must speculate that WHS was really interested in the fee it would receive for this work: it proposed using half the dog-tax revenue, or about \$8,000 for that year. The Commissioners were unimpressed (“Mr. Einstein has . . . performed his work . . . to the entire satisfaction of the Commissioners”), even when the Society dropped its asking price to \$5,000. Ultimately the District managed to kill a Senate bill⁸² favoring WHS and also put in their usual request for funds for a new pound.⁸³ And with that this curious episode ended.

Several years later WHS itself came under attack itself from its natural enemy, the **Horse Owners’ Mutual Protective Association**.⁸⁴ Throughout its existence the Society constantly lobbied Congress for strengthened humane laws of various sorts – an expected position. Its efforts in 1890 to see enlarged powers and subsidies came to nothing. By 1894 the organization began to experience push-back – “about a score of coal merchants, brick manufacturers and others . . . visited the office of the Humane Society . . . yesterday morning and protested loudly, unanimously and contemporaneously against . . . the interference of the Society in their business.” Reminded of existing laws they backed down and agreed to “an amicable agreement” regarding both treatment of draft animals and procedures for enforcement.⁸⁵

Charles E. Myers, “a local expressman and drayman,” in 1902 made a legal challenge to: WHS’s privilege of seizure of purportedly abused animals and of bringing actions against owners;⁸⁶ unconstitutionally interfering with private property rights; and harassing his business specifically.⁸⁷ He added ironically that in some instances his animals, impounded at police stations,⁸⁸ were left all day on the street without food, and pointed out that WHS agents had a pecuniary interest in bringing prosecutions. The Post’s account of this suit said it was the first to directly challenge the Society’s

⁸⁰ Einstein and his men had been pulled from pound work to help disinfect contaminated residences during an outbreak of smallpox (Evening Star, 8 Dec 1899, p. 16).

⁸¹ Evening Star, 24 Mar 1900, p. 2; Wash. Times, 25 Mar 1900, p. 4; 30 Apr 1900, p. 4. A longer list will be found in WHS Ann Rpt, 1907, which also includes the very limp reasoning of WHS member Mary Howe Totten justifying the plan. It is noticeable that Washington’s organization always followed the lead of New York’s.

⁸² S 4232, introduced by Sen. Lodge; it will be remembered that the Senator had been highly upset when his pet dogs were seized five years earlier. This bill had dropped the proposed remuneration to \$4,500.

⁸³ (Commissioners) Evening Star, 26 Mar 1900, p. 8; (\$5,000) Wash. Times, 27 Mar 1900, p. 8; (Senate bill) Evening Times, 28 Apr 1900, p. 8.

⁸⁴ “So vigorous and unrelenting were the activities of the Society that it became a terror to evil-doers and an association was formed . . . calling itself the ‘Horse Owners’ Mutual Protective Association” (Heap, “History”). In the many news notices of the Association not one mentions any activity beyond its battle with WHS.

⁸⁵ WHS Ann Rpt, 1891; Wash. Post, 14 Feb 1890, p. 4; Wash. Times, 24 Oct 1894, p. 1.

⁸⁶ “There has never been any valid law . . . in the District of Columbia which created, defined, prohibited or punished . . . the offense of cruelty to animals.”

⁸⁷ This part of the complaint covers six legal pages and indicates his frustration: “The defendants, and especially the defendant agents [Rabbit, Haynes], have often threatened . . . to cause your complainant all the expense and trouble they can, and to do all they can to injure him in his reputation, property and business, and have most arbitrarily, tyrannically, oppressively and insolently, and with the greatest persistence and frequency, and without any authority or warrant of law whatever, persecuted, harassed and annoyed him by forcibly stopping, seizing and detaining his vehicles . . . [etc.]”

⁸⁸ At the recommendation of the MPDC Property Clerk, housing of such strays was centralized in one Department stable in 1887, saving \$46 the first year (MPDC Ann Rpt, 1887).

prerogatives, and that the Congressional act giving such authority to the group had been modeled on acts of New York and Maryland. Myers received an injunction from further Society actions while the two sides carried the case up the chain of courts, which process was still underway in 1907.⁸⁹

The Society was certainly cognizant of the “private property” concern. To quote from President Hutchins’ address to the 1917 annual meeting: “Gently nurtured and kindly-hearted men and women seem . . . consumed . . . that cruelty to helpless beings, while regrettable, is not lightly to be interfered with by the private citizen. Shall not a man do as he wills with his own, and if he own a horse or a mule shall he not beat it when he chooses? Who are these sentimentalists and what right have they to thrust themselves between an owner and his live stock?” (1916).⁹⁰

The storm broke in March 1907, when 200 horse owners held an “indignation meeting” to organize against alleged persecution by WHS. They organized the Horse Owners’ Mutual Protective Association,⁹¹ with Charles Myers as president. WHS’s strong-willed president Chester Snow attended, regularly interrupting the proceedings only to be consistently shouted down (“Put him out!” “Shut up!” “You are not in this!”). Another surprising attendee was George W. Knox, presumably the son of that G. W. Knox (then deceased) whose company had cooperated with the Society for years in the operation of its ambulance, but who now spoke against it. Several District officials sat as spectators.⁹²

Two observations help set this new organizations in perspective: (1) it was not, as WHS claimed after its later victory, “a few horse owners” (1909),⁹³ but a collection of important companies anxious to protect their interests; and (2) like WHS itself, it was a group of only prominent businessmen – if many horse-owners were not represented it was because they were small independents at the bottom of the professional scale.

As is typical of mass meetings held in the heat of passion the cascading complaints about the Humane Society took on a life of their own. It was true, as stated, that WHS largely lived off revenue from court fines, and possibly true that agents were evaluated at least in part on “cases” – warnings and prosecutions – reported,⁹⁴ but demonstrably incorrect that agents’ pay was tied to the fines they produced, although this last was repeated regularly (“Perhaps they have families to support”). Other charges thrown out were: that agents were unqualified to judge horses; that the Society pressured them to bring prosecutions for the income (a complaint made rightly or wrongly against the old SPCA); that “mental weaklings” were called as witnesses; that the courts habitually favored the prosecution; and that the District’s Corporation Counsel who handled these cases was a paid WHS legal adviser. Snow challenged the horsemen to pay

⁸⁹ And dismissed the following year (Wash. Post, 15 Feb 2018, p. B3). WHS Ann Rpt, 1902; Wash. Post, 16 Nov 1902, p. 12; Wash. Times, 22 Mar 1907, p. 10. Myers’ legal complaint will be found at the National Archives (RG 21, Entry 69 “Equity Case Files, 1863-1938”, #23616); my sincere thanks to Mr. Robert Ellis, one of many wonderfully helpful staffers at NARA, who found this for me. (Mr. Ellis told me that the annual indexes to these files indicate many other cases involving WHS.)

⁹⁰ See also WHS Ann Rpt, 1912.

⁹¹ Often seen without the “Mutual”.

⁹² Wash. Times, 22 Mar 1907, p. 10. The announcement of the meeting is in 19 Mar 1907, p. 13.

⁹³ Snow claimed after the initial meeting that the men present represented only 1,800 out of 12,000 horses in the city: “The horse owners . . . last night were by no means a representative body” (Wash. Times, 22 Mar 1907, p. 10). The Association claimed 300 members representing 3,500 horses (Wash. Times, 1 Nov 1907, p. 10).

⁹⁴ Remember that after 1906 agents rotated territories so that they all worked the lightest and heaviest loads, “thus giving each one equal chance, and avoiding the old complaint that some . . . had better territory than others, and were enabled to make a better record” (1906).

\$2 and join the Society; the horsemen bandied the idea of doing exactly that en masse and then “elect the right kind of officers on election day.”⁹⁵

After such huffing and puffing the new Association devised a more subtle attack on WHS — through its pocketbook. In the fall of 1907 it proposed to the Commissioners that the 1885 WHS Charter law be amended to strip the Society of money from court fines and direct the funds instead to the District treasury. “The Society is developing into a money-making institution, and . . . its agents make . . . arrests for trivial causes for the purpose of adding to its revenues.” Enforcement would be given entirely to MPDC, a demonstrably dubious proposal.⁹⁶

This approach went nowhere with the Commissioners, who were not anxious to see MPDC saddled with work then being done by WHS agents.⁹⁷ The Society rejoiced: “Two or three years ago a few horse owners who . . . had been arrested . . . for cruelty to horses . . . formed an organization to oppose the Humane Society . . . They argued that the horse’s best protection is the self-interest of the owner. This is fallacious, for the interest of the owner is not in the horse, but in the profit they can get from the labor of the horse” (1909).

Undaunted, the Association took their bill to Congress in 1909, with the support of the Chamber of Commerce and (this time) the Commissioners.⁹⁸ In reply, the Society testified, rallied and collected endorsements: from the (African-American) Evangelical Ministers Alliance, a plethora of prominent local worthies, and sister societies from around the country. (Washington hosted the national convention that year.) The bill died in committee.⁹⁹

After these titanic struggles, the Humane Society faced only slight legal provocation. Commissioner John A. Johnson proposed reducing the maximum penalty for cruelty infractions to \$40 in 1912; such a low amount would put cases below the monetary level triggering a jury trial and require only a simple verdict by the Police Court judge. This appealed to the District government because jury trials were expensive but made a problem for the horsemen, who got more favorable results from juries than judges. The Horse Owners’ Association wanted to keep jury trials (naturally) but in a poke at WHS suggested taking away the organization’s revenue from fines and giving it instead to the Police and Firemen’s Pension Fund (also the recipient of fines resulting from breaking dog licensing and muzzling laws).¹⁰⁰

A second professional association, the **District Team Owners’ Association**, agreed, deploring the proposed loss of jury trials. (The Team Owners’, organized in 1907, possibly represented small owners: it regularly advertised available jobs, and when it demanded a raise in rates in 1910 – due, it claimed, to

⁹⁵ Wash. Times, 22 Mar 1907, p. 10; 1 Nov 1907, p. 10.

⁹⁶ WHS Ann Rpt, 1907; Wash. Times, 1 Nov 1907, p. 10; Wash. Post, 2 Nov 1907, p. 16. Further accusations of a technical nature were piled on a few days later (Wash. Post, 7 Nov 1907, p. 16).

⁹⁷ Evening Star, 17 Nov 1907, p. 5. The Association’s vigorous testimony before the Commissioners (1 Nov 1907) will be found in Comm Minutes/Orders, Vol. 28 p. 848a.

⁹⁸ Senate Comm on DC, “Prevention”; Wash. Post, 21 Feb 1909, p., 12; WHS Ann Rpt, 1909 gives the Commissioners report.

⁹⁹ (Evangelical) Wash. Bee, 12 Mar 1910, p. 1; (worthies) Evening Star, 15 Mar 1910, p. 16; (other societies) Wash. Post, 12 Mar 1910, p. 2, which includes interesting comparative statistics on the finances of each city’s organization. These are only a few of the many newspaper articles from that time describing this event. See WHS Ann Rpt, 1910 for a concise report of the bill’s demise after an unfavorable committee report. There was a less-publicized attempt to strip the Society of such funding the following year, but outmaneuvered in Congress (1911).

¹⁰⁰ Wash. Herald, 20 Mar 1912, p. 12; Wash. Times, 29 Nov 1912, p. 3. In April-August 1910 of sixteen jury cases involving cruelty to animals only two brought in verdicts of guilty; the average fine was \$10 (Evening Star, 14 Mar 1912, p. 15). A court official estimated the Society won only 10% of its jury cases (Wash. Times, 17 July 1912, p. 3, which gives one attorney’s closing statement).

the expensive demands of WHS – it was able to take 725 teams on strike!).¹⁰¹ Nothing came of this last legal fling from the two organizations, which were quickly heading toward extinction anyway.¹⁰²

During this same period WHS also withstood attacks from the Retail Grocers' Protective Association and the Milk Dealers' Association, both complaining about “unwarranted arrests,” “persecution” and so forth, to no effect.¹⁰³

¹⁰¹ Evening Star, 10 Oct 1909, p. 2; Wash. Post, 2 Apr 1910, p. 5; Wash. Times, 22 Feb 1911, p. 4.

¹⁰² Wash. Herald, 20 Mar 1912, p. 12; 4 Apr 1912, p. 2. “This was a death blow to the Horse Owners' Association and further opposition on its part waned” (Heap, “History”). The Horse Owners' Protective Association did not appear in the newspapers again. The Team Owners' Association was last mentioned in 1917, when it claimed to represent 500 teams (Wash. Post, 30 Jan 1917, p. 9). Another group, the DC Liverymen's Association, did not enter the fray.

¹⁰³ (Grocers) Evening Star, 27 Sept 1912, p. 3; (Milk) 9 July 1913, p. 2.

CHAPTER EIGHTEEN

Summary

During the Territorial and early Commissioners periods the cities of Washington and Georgetown and a good deal of Washington County moved from their rural adolescence to urban maturity. Development of an effective mechanism of animal control – established by the government and accepted by the citizens – was one aspect of this change.

Chief among the factors driving this development (as this paper has regularly emphasized) was the steady shift in the city's economic and social make-up:

- Land used for farming within the District's bounds decreased from 11,600 acres in 1870 to 6,100 in 1910. Farms, and then individually-owned farm animals were gradually squeezed out of the two Corporations and more and more toward the edges of the county;¹
- The District's increasing middle- and upper-class had little use for animals kept for work/food purposes or as casual (untended) pets, but focused only on their own cared-for dogs and cats. Work animals became the province of the lower classes, while all the animal-centered organizations discussed here (except for the contractors' associations) represented well-off pet-owners, bringing a class aspect to the issue.

The establishment by the Territorial Government of a centralized, government-operated pound (in place of ineffective MPDC tasking) signaled the city's determination to actually tackle a problem that was increasingly felt to be intolerable. After misfires both in the arrangements of a contractor-pound and in selection of contractors, the appointment of Samuel Einstein proved fortuitous and perspicacious, as was his selection of his poundmen. The continuous support given by the police, Health Officer and Commissioners ensured the success of his efforts. This success both bred and benefitted from the increasing support of the city's populace. (These factors are specified in the chapter Coralling the Population of Farm Animals.)

Some specific developments in animal control in the District during this period should be pointed out:

- Loose or untended animals kept for husbandry purposes by local families virtually disappeared during these years as this activity was pushed out of the populated areas by legal and social forces;

¹ I will not belabor the steady and inevitable decline of farming in the District, but refer the reader to Appendix C1, which documents this fact with the usual anomalies found in such statistics. I thank Ms. Michele Casto, of the Washingtoniana Division of the ML King Library, for bringing these Census reports to my attention.

- The appearance of these larger animals used directly for work (draft horses and mules, for example) or in transit (taken from railroad yards to abattoirs) also disappeared due to economic and technological (i.e., mechanization) developments;
- The District's efficient pound operation plus increasing public disapproval began to bring actual diminution of its problem of stray dogs and cats, so that by 1912 the population of street dogs had largely been tamed;
- As the city's middle classes came to distinguish a culture of pet animals (which they approved of) separate from unwanted strays (which they didn't) an accepted code of pet control developed:
 - ♦ *Licensing*: conceived in the early days of the District as a means of control of the dog population and a source of revenue (and certainly not, even in 1912, as a guarantee of good care of the animal – there were no requirements for shots to get a license, for example) became standard for most animal-owners;
 - ♦ *Muzzling*: although later abandoned by the city, was imposed in the face of a real threat of rabies, and further accustomed owners to control of pet dogs;
 - ♦ *Leashing*: the increasing popular and legal acceptance of leashing led to our present understanding of proper pet etiquette: animals confined to their owner's property or leashed when off of it (as a substitute for muzzling);
- In spite of the regular hand-wringing of WHS, the city's population did in fact express an increasing abhorrence of public cruelty to animals. Even in the Territorial period patently inhumane treatment of animals in city markets and animal fights had begun to disappear. Urbanization brought citizens into closer contact with the remaining work animals while it pushed the businesses that were most likely to abuse them (slaughtering, for example) out of the District. Mechanization of transport and other processes ended most sources of obvious abuse by 1912.

By the end of this period the role of animals in the District's life more resembled that of our own time than that of 1871 – all the important trends that we take for granted today had firmly taken hold. In the next period it is not the animals but the governmental and private organizations that will show greatest change, as they respond to the new situation.

CHAPTER NINETEEN

Dead Animals

I [wish to note] the innumerable number of carcasses [sic] of dead rats, cats and dogs, which have all Summer been tossed into our alleys, . . . emitting odors more disgusting and unhealthy than all the garbage which collects . . . Let each person or family . . . bury them at least a foot deep at the roots of their grape vines or trees, where they will cease to . . . make sick any one, and will prove an excellent fertilizer. I charge nothing for this advice. Truly yours, Richard Roe. (Daily Critic, 30 Aug 1878, p. 4)

[Patrick Mann defending his rendering plant:] He denied that the perfume arising from the works [where carcasses were boiled down] was injurious to health or that it contained poisonous gases. He pointed out . . . a corps of herculean examples of stalwart manhood, and added that they had been employed at the factory for twelve years, that they had never even had the toothache, never contracted any doctor's bills, utterly refused to die and continued to grow fat. (Evening Star, 12 Aug 1893, p. 16)

Collection of dead animals from streets of the growing and increasingly dense metropolis during the Territorial and Commissioners periods was closely intertwined with collection of garbage. The 1871 act creating the Territorial Government returned this responsibility to the re-constituted Board of Health. The Board restated its authority over nuisances at this time (including dead animals) and laid out procedures for reporting, removing and penalizing them: if the perpetrator did not remove them himself within 24 hours the city would do so and charge him the expense.¹ A news report of that year mentions that Police Superintendent Richards pledged the force's cooperation with the Board, and suggested that the contractor ("the party") which had previously collected carcasses for the Corporation be contracted to resume this work. The Board adopted this plan: we find William Wolf listed as "Remover of Dead Animals" in 1872 with an annual salary of \$600.² No matter which District agency managed the operations, and whether a public or contractor force performed it, the District police played a tangential but regular role also.

¹ The Board's Nuisance ordinance of May 1871 and later additions invoked fines for allowing carcasses or "animal . . . substances in a state of decay" to remain exposed for 24 hours, and required the Health Officer to remove the same as a last resort. The consolidated 1875 ordinance (incorporating earlier regulations) is a useful compendium of procedures and penalties then in force.

Unlike the Board's reluctance to take on pound operations (cited above), trash and animal removal proved a natural for the organization: "The work of the Board of Health has met with such success as to exceed the most sanguine hopes of its friends. It has proven that sanitary measures could not be effected by a little squad of ten policemen [the Sanitary Company], headed by a lieutenant devoid of any knowledge or cause of disease" (Daily Nat. Republican, 23 Nov 1872, p. 4).

² (Richards) Evening Star, 5 July 1871, p. 1; (Wolf) Anonymous, "Affairs . . .", p. 184. The increased expense of this arrangement caused some controversy (Daily Nat. Republican, 23 Nov 1872, p. 4).

Garbage collection, including that of dead animals, was described in detail by the Evening Star in 1873.³ Some was burned and some carried to Broad Creek as landfill. The bodies were taken to the rendering plant at Four Mile Run. “It may be, however, that the small carcasses of . . . dogs, goats, etc. are thrown overboard downstream to save trouble and that they float ashore, creating nuisances.”⁴

Complaints about the service led the Board of Health to investigate and recommend reform. “The Board . . . determined that the best riddance of it [garbage] was to give it to Mr. [F.] Sawyer, to be conveyed away with the animals and excretia.”⁵ The Board also considered the advisability of an ordinance requiring reporting of “any undressed dead animal” within twelve hours. Member Dr. Bliss “explained that many persons who owned such animals failed to report them promptly.”⁶

And in September 1873 the Board did indeed issue such an ordinance: that carcasses within the two cities “or in the immediate suburbs” constituted “nuisances injurious to health.” Anyone owning “or having charge or knowledge of” such dead animals were required to inform the Board within eight hours under pain of a \$5-10 fine. District policy, reflected in the periodic compilations of police regulations, made it illegal to deposit dead animals (along with other types of refuse) in any public land (1887), on any private “vacant lot or open space” (1902), or in the Potomac or other waterways (1921).⁷ The Commissioners required transport in a closed wagon by an order of 1893.

Responsibility for collection of garbage officially passed from the City’s garbage-master to the Board by a Commissioners order of 1874; the Board immediately contracted the work out. The task shifted from the Health Officer to the Street Cleaning Department in 1900. Both offices continued using private firms for this work, as with other public cleaning, but the news article announcing this change also mentions another player: “the contractor who is said to derive a profit by converting [animals’] bodies into certain materials. But it is understood that his business is concerned almost entirely with animals of the horse kind.”⁸ (We will hear much more of him shortly.)

Most references tie removal of dead animals to garbage collection rather than street cleaning. A full profile of the city’s sanitary operations lies beyond the scope of the present paper, and we will skirt the larger picture to focus only on the removal of carcasses.

The Board’s first contractor, Henry and William Turner, proved unsatisfactory,⁹ and in 1877 **Felix M. (“F. M.”) Draney**¹⁰ received the Board’s contract to collect and transport garbage, including dead

³ Op. cit., 14 Apr 1873, p. 4. Researchers of the history of refuse hauling in Washington will want to read this article, and also: the Commissioners order of 1 Dec 1891 specifying the equipage and supplies ordered for the Health Officer’s trash crew and other interesting details; the minutes of 18 June 1902 summarized later in this section; and Evening Star, 19 Aug 1891, p. 10. Before 1881 “Washington possessed a ‘horse heaven’ [burial ground] located on the outskirts of the town” (Wash. Post, 14 Aug 1893, p. 8).

⁴ William Wolf, the contractor in 1872, declared that he engaged only in “boiling the carcasses . . . for fertilizer and saving the oil for other purposes,” rather than feeding them to his own hogs as alleged (Evening Star, 2 Mar 1872, p. 4). Another irritant: “the fact that the collector of dead animals is in the habit of carrying the carcasses of putrefied horses at a snail’s pace along Pennsylvania Avenue . . . and that the stench . . . is too horrible for description” (Evening Star, 19 Sept 1873, p. 4).

⁵ He apparently had a general contract for garbage collection (Evening Star, 23 July 1873, p. 4).

⁶ Evening Star, 21 May 1873, p. 4; 20 Aug 1873, p. 4. Sawyer imprudently accepted a \$1 tip for removing a carcass from a site “which necessitated the remover to be placed at extra trouble”; the citizen then complained to the Board about his own unsolicited offer! (Daily Nat. Republican, 3 Dec 1873, p. 4).

⁷ An opinion of the Corporation Counsel (1893) supported the Commissioners’ proposed police regulations “concerning the transportation, deposit and disposition of dead animals” but we have no further information on this.

⁸ Comm Ann Report, 1875, pp. 20, 456; Evening Star, 20 July 1900, p. 3.

⁹ The Turners’ contact is included in the Board of Health Ann Rpt for 1875; complaints spangle the Board’s minutes of 1876.

animals. John McCauley underbid Draney in 1878 but “set to work making a most signal failure of it” and the Board gave the work to another contractor (H. Clay Jones), who was not much better.¹¹

After two underfunded and unprepared contractors (McCauley had to lease equipment from Draney), the city returned to Draney, whose earlier work (at \$17,500/year, though now for \$15,000/year) “had been very satisfactorily executed.” Draney kept this appointment to 1891, when, having just been granted a new five-year contract, he had a payment dispute with the government and withdrew.¹²

From this point on the responsibility for taking up dead animals (and other refuse) became diffuse. A newspaper article of 1891 states that the Health Officer “assumed the business of collecting garbage” that September and was disputing the charges of its new contractor Benjamin W. Clark. A listing of his vouchers showed at least three subcontractors at work collecting garbage and one – “Mr. Mann” – dead animals. Clark also did spot work: the Commissioners approved hiring Clark to remove dead animals and garbage from wharves in December 1891 for \$12.50/day, taking the material beyond the District boundary.¹³

Clark sub-contracted collection of dead animals to **Patrick “Patsy” Mann**,¹⁴ who owned a “guano [fertilizer] factory”, and had a definite use for animal bodies, particularly horses. Clark charged the city \$8/day for animal removal and paid Mann \$6/day (including Sundays) for services of one wagon and crew.¹⁵

By 1893 the subcontract for dead animal removal had passed to Mann’s rival, the National Sanitary Company. Mann, however, continued his carcass-collection privately. “It is well known that Mr. P. Mann has been hunting for dead animals for years . . . [for] his bone-boiling establishment down the river.” National Sanitary complained, without result.¹⁶

¹⁰ Draney had been a Weigher of Hay, Straw and Fodder in 1873 (Critic-Record, 26 Nov 1873, p. 1) and later worked in the Board of Health itself (Evening Star, 4 June 1892, p. 15). He also received contracts to remove night soil, sprinkle and sweep streets, and livery District government horses. He was active in the local horse-racing scene, being president of the Jockey Club (Wash. Post, 1 May 1881, p. 1; 1 Apr 1890, p. 5; among many) and died in 1892. He was first approved by the Board at its 9 March 1877 meeting; see also Wash. Post, 14 Aug 1878, p. 4, which lists rival bidders for the extension, including Wm. Wolf & Co.

¹¹ Evening Star, 2 Sept 1879, p. 4; “Mr. McCauley’s contract goes into effect today, and up to 12 o’clock he had not reported for duty, and complaints thick and fast were coming in for the delay in removing dead animals” (Evening Star, 2 Sept 1878, p. 1). He had worked for “the Commissary department” (Evening Star, 23 Aug 1878, p. 4). See also Wash. Post, 3 Sept 1878, p. 1 (his men and Draney’s struggle over use of the storage dump); 8 Mar 1879, p. 1; and Health Officer Ann Rpt, 1879, p. 129. For Jones, see Wash. Post, 4 June 1880, p. 4. He took garbage and carcasses to a storehouse at 1st and N Streets SW, along the James Creek (“the place designated by the Health Officer” for Draney’s use; see Bd of Health minutes, 23 Mar 1877), for shipment downstream. Before 1877 it had been loaded straight onto boats rather than collected on shore.

¹² Evening Star, 2 Sept 1878, p. 1; 7 Sept 1891, p. 2 (the best discussion); 2 Feb 1892, p. 6; Wash. Post 3 Sept 1891, p. 2.

¹³ (Vouchers) Evening Star, 24 Oct 1891, p. 6. He worked also at the Department of War, and was an officer of the Washington Fertilizer Company, described below (Evening Star, 6 Jan 1892, p. 3). The wharf-contract was approved by the Commissioners on 1 Dec 1891. Note that several of these contractors had federal or District government jobs.

¹⁴ Born in Baltimore, 1838; died in Washington, 1905. He had a farm implement store on 7th Street NW, and patented an animal trap and harness improvement (Wash. Post, 1 May 1879, p. 4). See his obituary, Evening Star, 19 June 1905, p. 16.

¹⁵ Evening Star, 24 Oct 1891, p. 6; 5 Nov 1891, p. 7. “Every year from 1,800 to 2,000 horses die in the District” (Wash. Post, 14 Aug 1893, p. 8).

¹⁶ (Quote) Evening Star, 5 Nov 1891, p. 7; (legal complaints) 5 Aug 1893, p. 4; 30 July 1895, p. 2. The Health Officer proposed making garbage, offal and dead animal collection monopoly concessions but apparently the Corporation Counsel did not support him (Evening Star, 6 Jan 1892, p. 3). For an interesting account of the

When Washington Fertilizer Company won the contract to remove garbage and carcasses in 1900, the Commissioners minutes noted that several contractors were then splitting this work.¹⁷ It was in 1905 that the District's contract for removal of dead animals was separated from that for other types of rubbish.¹⁸ Patrick and Robert E. Mann won back the contract to collect dead animals (five years at \$2,360/year) in 1905, renewed (Robert only) for a similar period and a slightly higher rate in 1910.¹⁹ By 1905 Mann had moved his plant to Four Mile Run, Virginia. The Street Cleaning report for that year tells us that he used one-horse vehicles to collect small animals and two-horse wagons for larger ones.

Citizens took complaints of carcasses to the Health Office before 1900 and after that to the Street Cleaning Department. Beat cops reported dead animals to the MPDC Telegraphic Office rather than directly to the Health Officer; an order of June 1893 that they contact the Health Officer was rescinded three days later, inasmuch as the Superintendent of Police felt "that the present system is more serviceable and expedient." Only in 1910 did the Commissioners require the police to notify the Street Cleaning Department or the contractor of such nuisances.²⁰

Carcasses were transported to various companies for use in manufacturing: "We will probably take them to some factory" stated M. H. Chamberlain to the Commissioners when bidding for the contract in 1900.²¹ Patsy Mann's plant was well documented because complaints from his (surely very few) neighbors brought on an inspection in 1893. Carcasses were transported to a wharf "at the foot of South Capitol Street" (Buzzard Point) by wagons (not properly air-tight) and taken by scow ("exposed . . . for hours to open air and heat and giving off an intolerable stench") to the plant "about four miles . . . below Giesboro" – "a dilapidated, partially-brick and frame structure." There the bodies were skinned and cut up "in a rough shed on the wharf" and the meat and offal boiled in two iron vats – "turned [into] bone dust, glue and other such useful but not particularly attractive commodities." Mann cleared about \$8 on each carcass.²²

unlooked-for complications found in this work see the Harbor Master's Annual Report, 1895, in which he describes his heroic efforts to break up ice on the river "in order to remove the great number of dead horses and other dead animals that had accumulated during the hard freeze."

Joshua N. Warfield, of Cumberland, Maryland, is listed in the 1895 Engineers Ann Rpt as having a five-year contract to collect and cremate garbage and dead animals.

¹⁷ These contractors took different types of material: night soil was generally discussed as a separate task from other refuse, and the Washington Fertilizer testimony discusses the annoyance of finding broken pottery in their "garbage," which should only contain organic matter.

The ambulance of the Washington Humane Society also picked up large dead animals on request and presumably for its usual \$5 charge, but we don't know what they did with the remains or why anyone would use this relatively expensive service (WHS Ann Rpt, 1893).

¹⁸ Osborn, "Disposal of Garbage", p. 15, and the Street Cleaning Div's annual reports for this period.

¹⁹ Commissioners Orders/Minutes, 1 Dec 1891; 4 June 1900; 18 June 1902; 6 June 1905; 1 Apr 1910. This is the last such contract mentioned in the minutes but the story can be followed through the annual reports of the Street Cleaning/City Refuse Divisions. An analysis of the cost of this service and an evaluation of Mann's work will be found in the 1909 Street Cleaning Dept Ann Rpt.

²⁰ Comm Minutes/Orders, 27 June 1893; 19 Nov 1910. A police order of 1909 reminded officers that the work had passed from the Health Department to Street Cleaning.

²¹ Per city policy; carcasses not removed within a stated time were taken by the contractor and burned (Evening Star, 30 July 1895, p. 2). This article cites the Commissioners' recent revision of garbage-related regulations (Comm Minutes/Orders, 1 Apr 1895), which in fact says nothing specific about dead animals. "The soap factory" got dead horses.

²² (Report) Evening Star, 5 Aug 1893, p. 4, with much gruesome detail; the article only mentions horses and cows, but Osborn "Disposal of Garbage", p. 15, says small animals were also "reduced"; Wash. Post, 14 Aug 1893, p. 8, providing more details for both the companies' operations and its use of the carcasses; (response) 12 Aug 1893, p. 16. See also Evening Star, 18 Oct 1893, p. 10; 27 Oct 1893, p. 3; and 30 July 1895, p. 2, in which a rival company

The District moved to incineration of all garbage in 1895 (before that it had been hauled out of town) and ordered construction of two plants, one at long-suffering Buzzard Point in southwest Washington and another where 23rd Street NW met the river (just south of the pound). The former, a “Brown furnace” (the type of system) located “at the site of the old reduction plant at the foot of South Capitol Street [and T],” came onto operation in March 1895. The other, and smaller, facility opened few years later. The South Capitol plant disposed of both garbage and dead animals, probably the smaller ones since the contractor continued to deliver horses to rendering plants.²³

“City Refuse Regulations” printed in the 1895 Health Officer and the 1903 and 1912 Street Cleaning Department annual reports, along with the work specifications for prospective bidders in the latter two documents and an actual contract in the 1896 report give a good outline of the **legalities** of these procedures. Of course, the details changed over the years:

- Dead animals were collected from 6 AM to 9 PM daily (including Sundays) and at other times if required by circumstances and approved by the city. Failure to do so resulted in a fine. (By 1903 large animals were collected individually upon notification.) The carcasses were required to be “within the digesting tubs” by 6 o’clock the following morning and “completely disposed of” within 24 hours. The contractor should have two vehicles available for collection: “covered wagons . . . as nearly air-tight as possible;”
- The regulations allowed only the city contractor to take carcasses from public spaces but permitted other companies to take them from private property if they used approved vehicles. In acknowledgement to the continuing and successful competition offered by unofficial haulers, the 1912 contract specified that the District government, informing the contractor of a reported dead animal, could not be held liable if the company wagon made the run only to find its prize taken by someone else;
- It is probable the official contractor also made regular collections (on the same contract) from some approved places including the pound and the District’s own animal hospital, and (perhaps a separate contract) WHS’s Barber Refuge. A proposal of 1892 would have allowed residents to leave bodies of small animals with their trash for collection by the garbagemen, but I have seen no evidence that this was adopted.²⁴

Congressional appropriations for the District from 1895 onward authorized five-year contracts specifically for this work until it was taken over by the city in 1923.

We are fortunate to have very detailed testimony on this specialized business from officials of the **Washington Fertilizer Company**, defending the company’s performance before the Commissioners in

(the National Sanitary Company, founded by a former Chief Clerk of the Health Office) located its plant next to Mann’s and then lodged vigorous complaints against his facility. Its facility had been at Buzzard Point until it burned. (That earlier factory, by the way, was a lesser creation of Paul Pelz, who had just designed the majestic Library of Congress building; Wash. Post, 23 Oct 1892, p. 10.)

²³ Commissioners Ann Rpt, 1895, p. 14; Health Officer Ann Rpt, 1896, which includes a good photo of the plant and a sectional drawing.

²⁴ (Pound) see Appendix C9, in which pound-provided carcasses were included in the official count of 1915; (Hospital) Wash. Times, 15 Aug 1897, pt. 2 p. 18; (Barber) WHS Ann Rpt, 1898; (garbage) Evening Star, 6 June 1892, p. 3. For a personal but broader overview of the business see Norton, “A History of Four Generations”, written long after these times and from memory by a rendering plant owner, a unique source but not entirely reliable in its details. I have followed the contemporary record here.

1902 and illustrating the timeless government-/private-provider argument perfectly. Any serious student of dead-animal-removal-ology will want to review the full text,²⁵ but here are the chief points:

- Washington Fertilizer’s five year contract (1900-05) required it to collect “all dead animals” throughout the District seven days a week and remove them to a place “within convenient hauling distance” approved by the government. It removed the hides for an unspecified use,²⁶ and “then there is fat.” If the company removed all dead horses in the city (and the testimony says nothing about other animals at all) they would turn a profit. The problem (and their complaint) was that private hauler Patrick Mann was getting their horses first: the company estimated “he gets on the average three or four to my two or three” and at times an even higher ratio. The company figured it had lost 90 horses per month in this way;
- How did this happen? First of all, Mann paid people \$1 for each horse while Washington Fertilizer simply picked up the carcass; and second, the company was contractually obligated to take reported bodies from anywhere in the District while Mann just skimmed the more productive areas, mostly the old city. “I had to ride five miles over here just this side of the District line, once on the Bennings [sic] Road, near the Soldiers Home, and out to Tenleytown, and then down pretty near the Mann factory;”
- The company had equipped two cars (“built on sanitary lines”) to pick up the carcasses and each run (the “freight”) cost it \$7, which was not profitable for just one horse. “Q: How many cases do you find where a horse dies and the owner refuses to give him up? A: About two-thirds of the cases. They have found out that they can get a dollar and they refuse to give the horse up. Sometimes the horse is shot in the streets and taken over onto a vacant lot, and unless it is on government ground I just can’t get them. We find that Mr. Mann has been notified before we have been notified.” The company official admitted that Mann’s service was every bit as efficient as his.²⁷ While sympathetic, the Commissioners had no legal help to offer (exactly as in 1893) – an animal body was in fact private property and the owner could dispose of it in any way he wanted, as long as he did dispose of it.

Washington Fertilizer did get all dead District-owned horses, held by the District veterinarian. As for the ones the company picked up from the street: “These were all an inferior class of horses – colored people worked them to death.”

Before leaving this arcane but oddly interesting topic, let us add some **miscellaneous notes**, all gleaned from orders of the Commissioners:

- Transport of dead animals “or any part of any of the aforesaid dead animals” through the District had to be done in an approved sealed container, which could not be left in a public road (16 Aug 1893; for earlier discussion see Daily Nat. Republican, 7 May 1873, p. 4);
- No dead animals “not intended to be used for food” were allowed to be transported in the District without a permit (4 June 1901).

²⁵ Comm Minutes/Orders, 18 June 1902. It must be read from the original volume in the National Archives, but I have left a copy in the Washingtoniana Division.

²⁶ Ladies shoes, according to Wash. Post, 14 Aug 1893, p. 8.

²⁷ “Mr. Mann can be reached by telephone whenever his wagon is wanted for the removal of a dead animal” (Evening Star, 5 Nov 1891, p. 7).

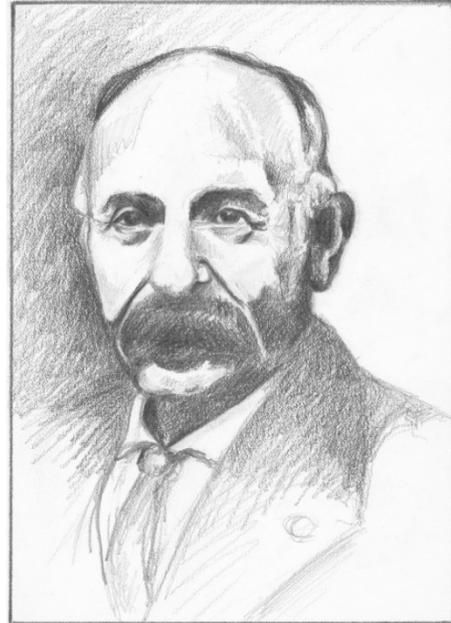
Some unlooked-for situations required special arrangements to take up animal bodies:

- In 1894 the Commissioners authorized the Chief Engineer of the Fire Department to hire men on the spot to remove bodies of “persons or animals . . . buried in the remains of large fires,” specifying a salary of \$1/day for laborers and \$3/day for the ad hoc foreman (26 Sept 1894). Previously such removal – of the animal corpses, that is – had been given to the District’s garbage contractor (Evening Star, 17 June 1885, p. 5; 25 July 1894, p. 2).
- The Harbor Master two years later was granted funds to hire men to take up dead fish floating at the wharves “for removal by the garbage contractor” (23 Apr 1896). According to the 1902 Washington Fertilizer testimony, that firm had committed to collect “fish offal” from the harbor wharf at no expense to the city. “It was a favor to us” said Commissioner John Ross, but this was unfortunate because the fish mixed with other garbage and so prevented the company from making profitable use of the material: “It prevents us from getting oil out of the other matter that goes in.”

The Poundmasters



Samuel Einstein in his prime ...
Evening Star, 30 August 1890, p. 12



... and in his last years
Drawing by Laura Friend Smythe;
Evening Star, 21 March 1909, pt. 7, p. 6



Emil Kuhn
Wash. Times, 14 July 1911, p. 18



George W. Rae
Wash. Times, 21 June 1917, p. 8

The Poundmasters (2)

WALTER P. SMITH'S FUNERAL MONDAY

Poundmaster, With D. C. Government Since 1907, to Rest in Glenwood Cemetery.

Funeral services for Walter R. Smith, 66, District poundmaster, who died yesterday in Georgetown Hospital, will be held at 2 p.m. Monday at his late residence, 7015 Ninth street. Rev. Christian M. Young, rector emeritus of Trinity Episcopal Church, Takoma Park, will officiate. Burial will be in Glenwood Cemetery.



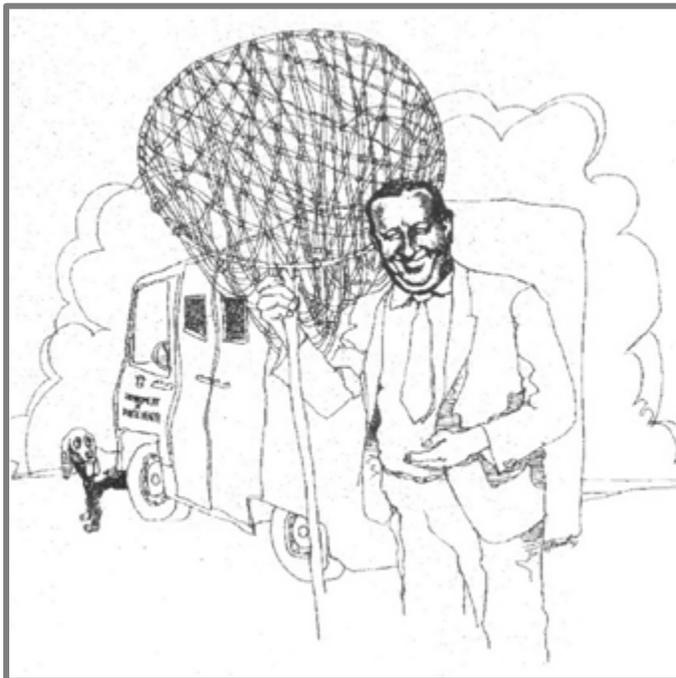
W. R. Smith.

Mr. Smith had been employed by the District government since 1907, serving as health inspector until made poundmaster in 1920. He was widely known for his knowledge and interest in dog lore.

Walter P Smith
Evening Star, 16 May 1936



Frank Marks
Evening Star, 15 June 1958, p 17

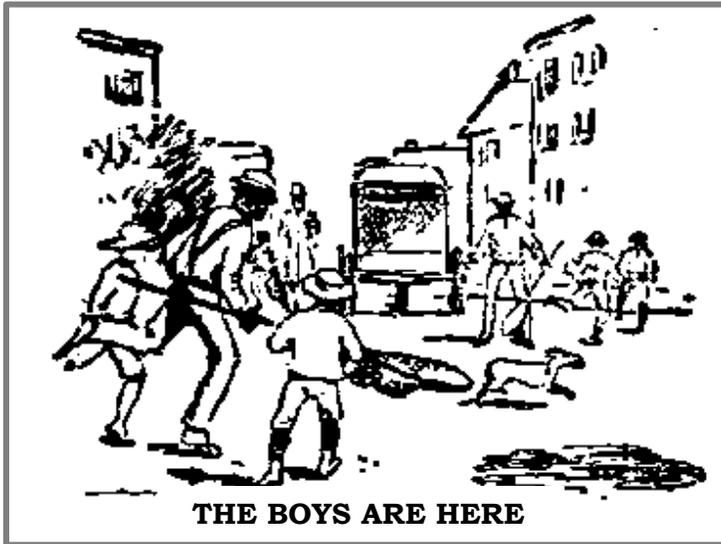


John R. King, Jr.
Evening Star, 16 November 1969, Magazine, p. 22



Ingrid Newkirk
Evening Star, 8 Sept 1978, p. D2 (Evening Star Collection, Washingtoniana Div)

Scenes from the Dog War



THE BOYS ARE HERE

Evening Star, 30 August 1890, p. 12



A lady saves her dog
Wash. Post, 11 March 1900, p. 22

RAID ON THE POUND MEN.—On Saturday evening, Poundmaster Ernstine and his forces, while raiding on dogs in Swanpoodle were set upon by over a hundred residents in that neighborhood, male and female, and for a time the paving stones flew lively. The wagon used in carrying captured animals was completely riddled, and the horses and driver injured. Ernstine finally had to call upon Lieut. Kelly for protection and aid, which resulted in the arrest of two of the assaulting party and one pound man.

Evening Star, 10 August 1874, p. 4

Episodes of the Hunt

Wash. Post, 30 August 1891, p. 9



HIS LAST CHANCE



YOU DARE TOUCH THIS DOG



"NO PIRATES GITS DIS DOG"

Boys vs. Dog Catchers

**Those Were
The Happy Days!**
"Animals We've Been Kind To."
BY DICK MANSFIELD.

HOLD IT BILL!
THEY MAKE CHEWING-GUM OUTEN HIS HOOFS!

REMEMBER THIS BUS?

YOU BETTER STOP GALLOPING THERE'S A POLKEMAN!

IT WAS A SERIOUS VIOLATION TO BE CAUGHT GALLOPING A HORSE.

CAN I KEEP HIM MA — PLEASE?
AND WE AINT GOT ONE FLEA ON 'IM!

REMEMBER SOME OF THE DOGS YOU'D BRING HOME AND WANT TO KEEP!

WELL AH BE DOG GONE
CATCH IT!

HERE COME THAT CREAGH AND LIEUT. KELLY!
RUN JERRY!

DID YUH EVER SEE THE LIKE OF IT?

C'MON JOE, BEAT IT, FAST AS YUH CAN I GOT TOWSER, I HAVE!

I MIGHT AS WELL LET 'EM ALL OUT, 'SIDES THERES LEO ROVERS, DOG IN THERE AND DAN DONOVANS!

I GOT MINE AWRIGHT

THAT'S WHAT I CALL BEING KIND TO DUMB ANIMALS

WUF!
WUF!

THE FIRST HUMANE SOCIETY WE BELIEVE GOT ITS START IN SWAMP-POODLE OR FOGGY-BOTTOM. THE DOG-CATCHER NEVER HAD A CHANCE THERE AND EVERYBODY BELIEVED IN "BEING KIND TO DUMB ANIMALS" REMEMBER TOO WHEN WE DIDN'T HAVE TO MUZZLE "FIDO" AND A SURE CURE FOR DOG-BITE WAS A PIECE OF THE HAIR OF THE DOG THAT BIT YOU APPLIED TO THE WOUND.

MEMORY TEST.
WHAT DO YOU REMEMBER?
ANSWER TO LAST WEEKS.
QUESTION.
WHAT EVENT ONLY HEARD OF IN THE WEST AT THE TIME, OCCURRED AT QUANTICO, VA., OCT. 12-1894?
ANSWER.
THE FAMOUS QUANTICO TRAIN-ROBBERY WAS COMMITTED BY A LONE-BANDIT WHO WAS SENTENCED TO EIGHTEEN YEARS IMPRISONMENT.
NEXT WEEKS.
WHERE WAS "OYSTER BAY" IN WASHINGTON?

Pet Paraphernalia

DOG MUZZLES.
 A LARGE ASSORTMENT
 OF
 DOG MUZZLES,
 All sizes, very cheap, at
E. G. WHEELER'S,
 Seventh and B streets,
 Je12-F, M, W6t Opposite Centre Market.

Daily National Republican, 12 June 1874, p. 2

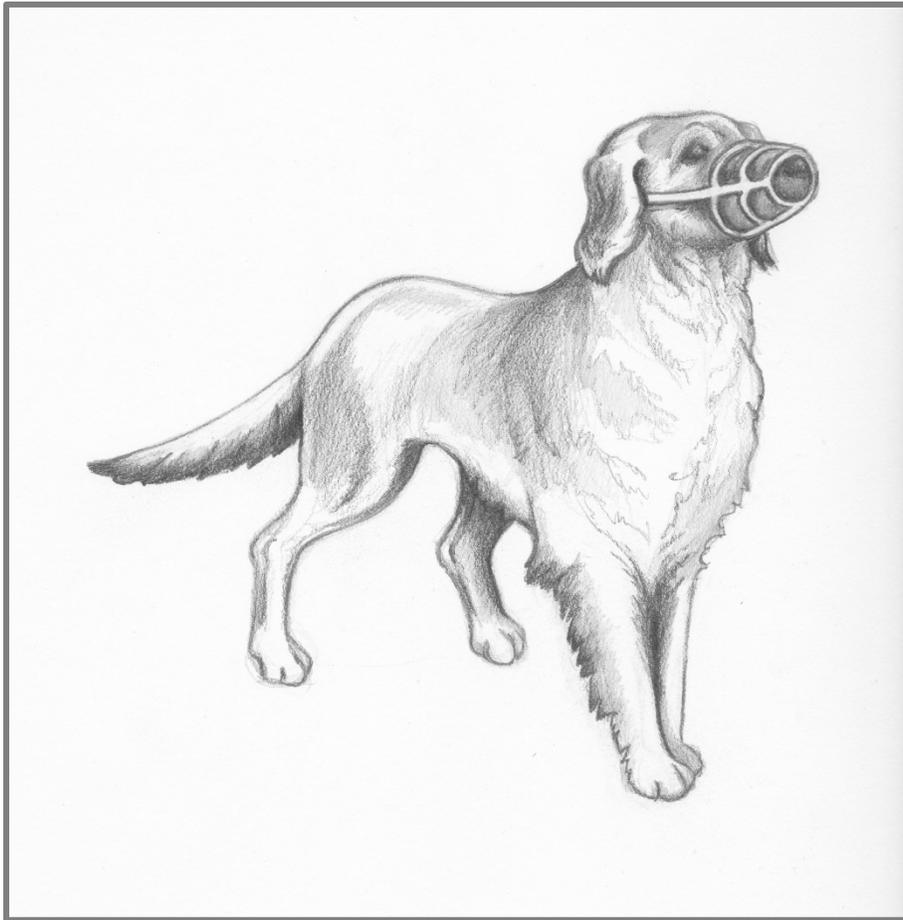
**FOR SALE—SINGING BIRDS, BIRD FOOD AND
 Cages, Gold Fish, Aquariums and Fish Food.
 Largest assortment in the city, at SCHMID'S Bird
 store, 12th st., two doors south Pa. ave. n27-1m***

Evening Star, 30 November 1886, p. 2

Buy Your 
 A
 Xmas
 Present
 At
C. Schneider's Sons
 1207 F Street

Toy Dogs 50c
 Dog Sweaters..... \$1.50 up
 All sizes.
 Dog Blankets..... \$1.50 up
 Dog Harness..... \$1.00 up
 Dog Collars..... 15c up
 Dog Leashes..... 25c up
 Dog Whips..... 25c up
 Combs, Brushes, Bells,
 Locks and Whistles.

Wash. Times, 9 December 1914, p. 3



*Drawing by Laura Friend Smythe;
 Wash. Post, 15 April 1900, p. 26*

BARBER & ROSS

**DOG
 MUZZLES**

The Kind the
 Authorities Approve

All dogs must be muzzled at once—that's the decree of the Commissioners. And the muzzles must be the right kind. We anticipated this decree and ordered an immense stock of muzzles. They are the kind the authorities approve. They are now on sale. Muzzles for all kinds of dogs at low prices.

BARBER & ROSS
 11th and G Streets

Wash. Times, 3 August 1910, p. 3

The Poundmen



Evening Star, 29 June 1901, p. 28

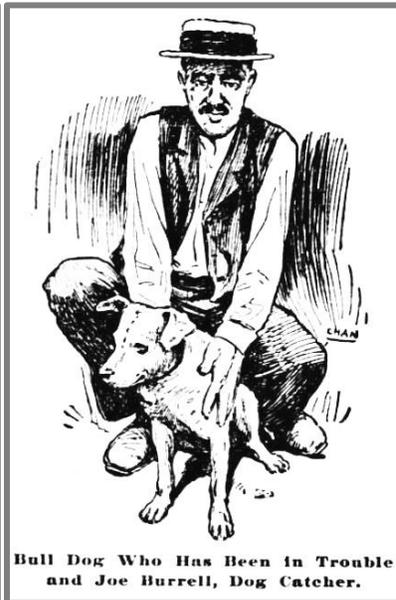
KING OF DOG CATCHERS DEAD.

John Wells, for 30 Years Employed at District Pound, Succumbs.

John Wells, "king of dog catchers," is dead. For thirty-seven years he was employed on the pound force of the District of Columbia government, where he earned the reputation of being one of the most expert dog catchers that ever engaged in that work in Washington, or any other city. It is estimated that approximately 50,000 luckless canines were captured by him and consigned to the pound during that time.

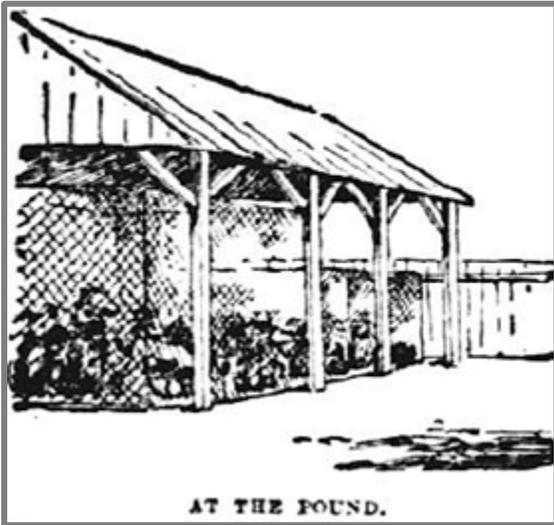
Regret for his death, which occurred Thursday at his home, 431 20th street, was expressed today by Dr. William C. Woodward, health officer; Harry C. McLean, chief clerk of the health department of the District, and other District officials. At his special request, Wells turned over the first shovelfull of earth in the excavations for the new ten-thousand-dollar pound building, which recently was completed. Funeral services will be held at his residence tomorrow.

Evening Star, 8 February 1913, p. 2

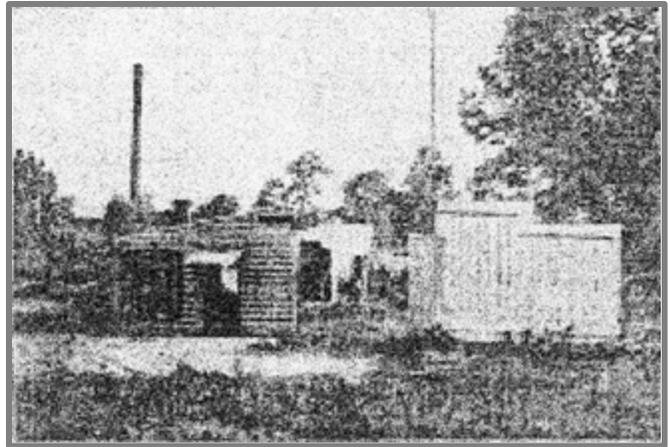


Evening Star, 29 June 1901, p. 28

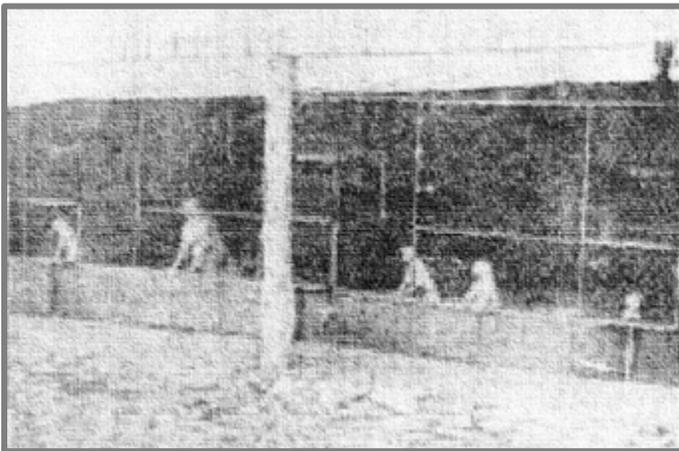
The Old Pound



Evening Star, 30 August 1890, p. 12



Wash. Times, 26 July 1903, Magazine, p. 6



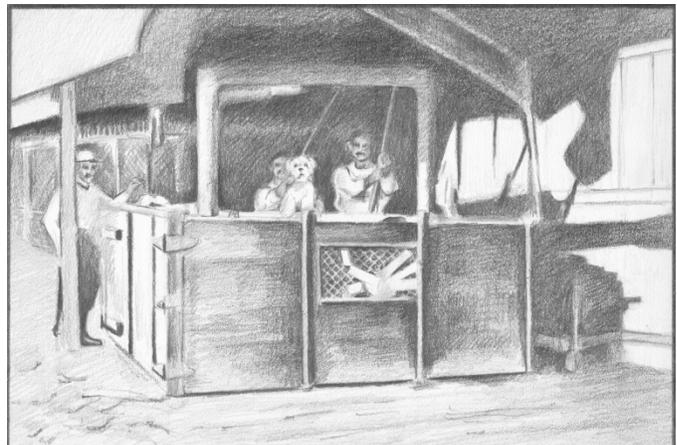
Evening Star, 26 July 1903, Magazine, p. 6



Evening Star, 20 September 1908, pt. 4, p. 4



Evening Star, 30 August 1890, p. 12



*Drawing by Laura Friend Smythe;
Evening Star, 26 July 1903, Magazine, p. 6*

The New Pound

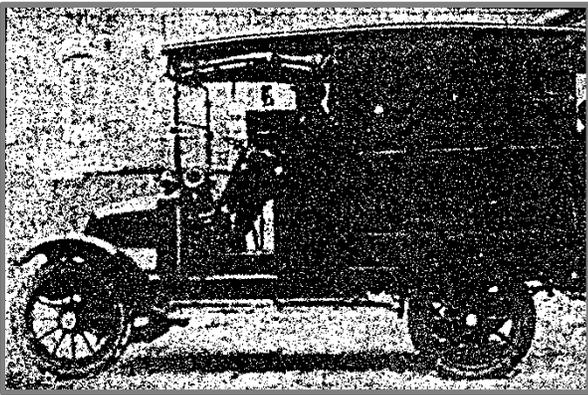
DOG OWNERS' ATTENTION—A meeting of the Dog Owners' Association will be held on Friday, July 24, at 8 p. m., in the parlors of the Chamber of Commerce, Brentano building, 12th & F sts. n.w., by courtesy of the Washington Chamber of Commerce. Every member, those who wish to become members, and every friend of the much abused dog, ladies and gentlemen, are cordially invited to meet with us, to take such action as may be deemed best for the preservation of our rights and for the defense of our property in dogs. Be sure to bring with you the blood and spirit of 1776. T. EDWARD CLARK, President. jy21-4t

T. Edward Clark

Wash. Times, 21 July 1908, p. 2



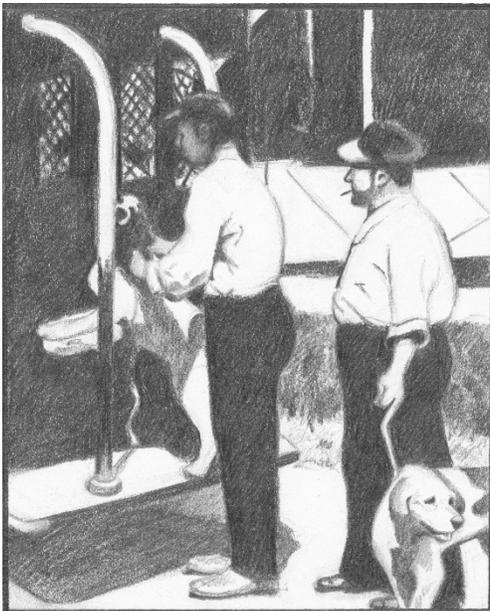
Evening Star, 15 September 1912, p. 11



Wash. Times, 18 December 1918, p. 3

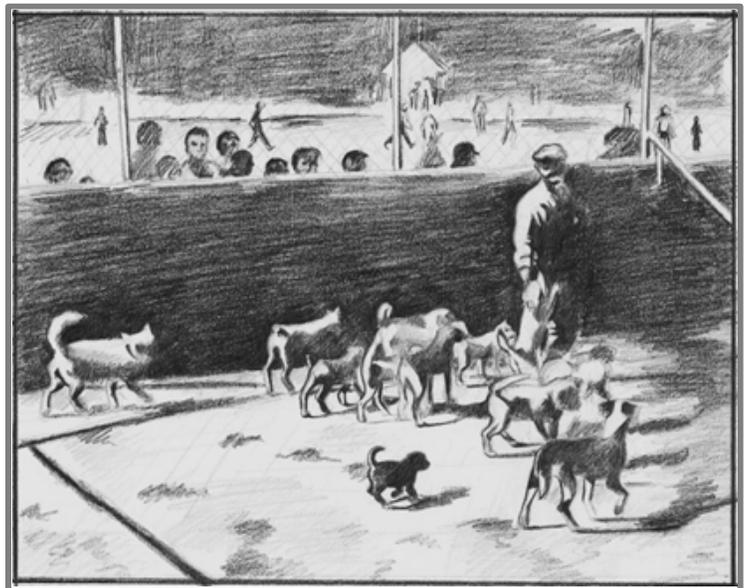


The Pound's annual Christmas Feast for dogs
Evening Star, 24 December 1930, p. 3



Dog Catchers

Drawing by Laura Friend Smythe
Evening Star, 2 August 1937, p. 2



Kids look at dogs and dogs look at kids
Drawing by Laura Friend Smythe;
Evening Star, 5 November 1951, p. 21

Einstein at Rest



Author's photo

WHS Notices

 **OFFICE OF THE WASHINGTON SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.**

CORNER OF ELEVENTH AND F STREETS,
WASHINGTON, D. C., Dec. 22, 1876

All members and friends of the society are requested to report, by post or otherwise, any cases of cruelties coming under their observation, particularly where animals are confined in obscure places without proper food or shelter, to

THEO. F. GATCHEL,
dc2-10a [Star & Critic 101.] Pres. S. P. C. A.

Daily National Republican, 30 Dec 1876, p. 4

THE WASHINGTON HUMANE SOCIETY, rooms 10 and 12 Corcoran Building, 1430 F Street northwest, will thank citizens who will report any dereliction of duty or incivility on the part of its agents.
jy4tf A. S. PRATT, President.

Evening Times, 6 July 1899, p. 3

 **THE ANNUAL MEETING OF THE**
Washington Humane Society will be held **TUESDAY EVENING**, the 10th INSTANT, at the rooms of A. S. Pratt & Sons, Sun Building, 1315 F street, at 7:30 o'clock.
ARTHUR MacARTHUR, Pres.
J. B. T. TUPPER, Cor. Sec.

Wash. Critic, 10 Jan 1888, p. 2

THE EXECUTIVE COMMITTEE OF the Washington Humane Society offers a reward of \$100 to the person who will furnish the evidence leading to the apprehension and conviction of any one who has hitherto docked a horse in the District of Columbia by cutting the solid part of the tail. **AMELIA S. STOWELL**, Secretary.

Wash. Post, 13 Feb 1900, p. 2

NOTICE

Please Blanket Your Horses

To leave them standing without shelter or covering is a violation of the law and will be prosecuted as such.

HUMANE SOCIETY.

Wash. Times, 10 Jan 1912, p. 12

Washington Humane Society

1231 New York Avenue N.W.

Tel. National 2846

Organized 1870 under special Act of Congress. Only organization in District of Columbia authorized by law to initiate prosecutions for cruelty.

The Society invites and carefully investigates, through its agents, complaints of cruelty to children or animals.

It is dependent upon dues of members and gifts to carry on its work.

Membership Invited.

Evening Star, 20 Jun 1937, p. 13

NOTICE TO DOG OWNERS

The dog muzzling law is now in force and all dogs when on the street or in other public places must wear a muzzle, unless on leash accompanied by some one. The Humane Society regards this as a cruel and unnecessary law, but it should be obeyed until October 1 next. Therefore the society earnestly advises all owners, when taking their dogs out, to leave off the muzzle but have the animal on a leash and under full control.

WASHINGTON HUMANE SOCIETY.

Evening Star, 6 June 1930, p. 3

TEAMS FOR HIRE.

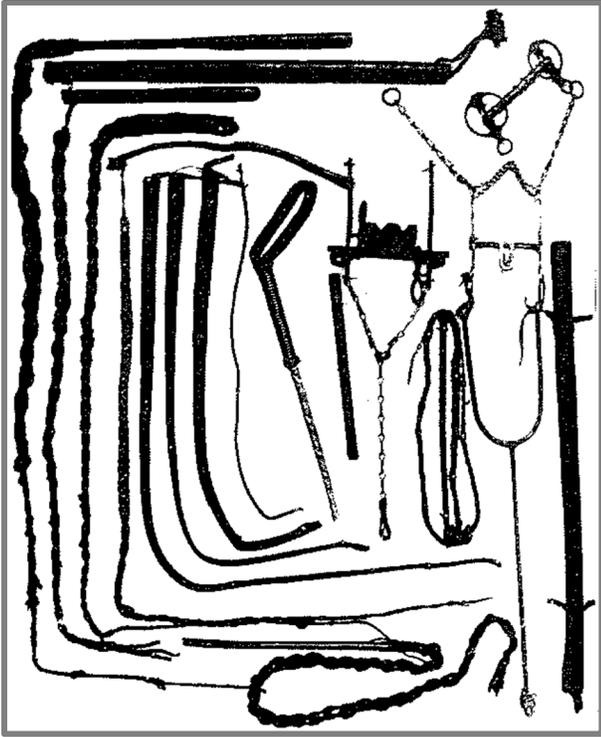
TEAMS SUPPLIED FOR ALL PURPOSES AT
short notice.

TEAM OWNERS' ASSOCIATION.
1047 Jefferson st. n.w.; phone W. 48-E.
ja3-12,4

The antagonist

Evening Star, 8 Jan 1910, p. 15

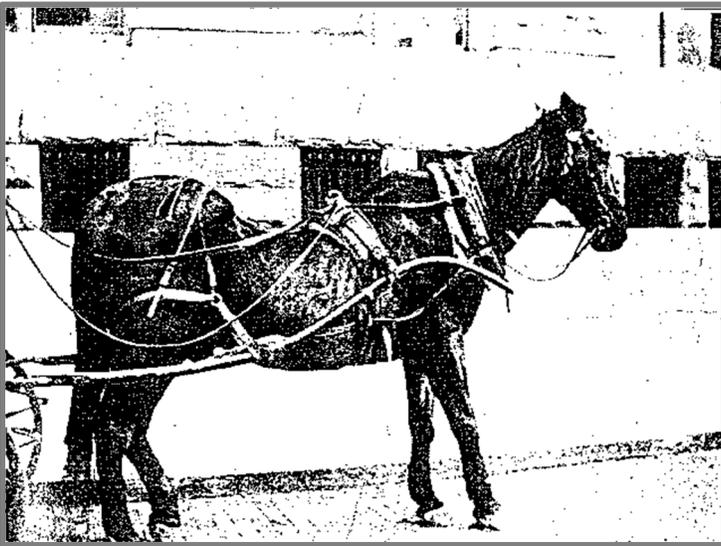
WHS Graphics and Shelter



Horse-control implements
WHS Ann Rpt, 1900



WHS Ann Rpt, 1891

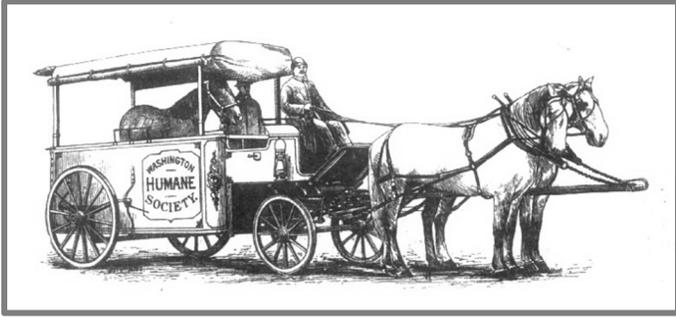


WHS Annl Rpt, 1901



WHS Annl Rpt, 1906

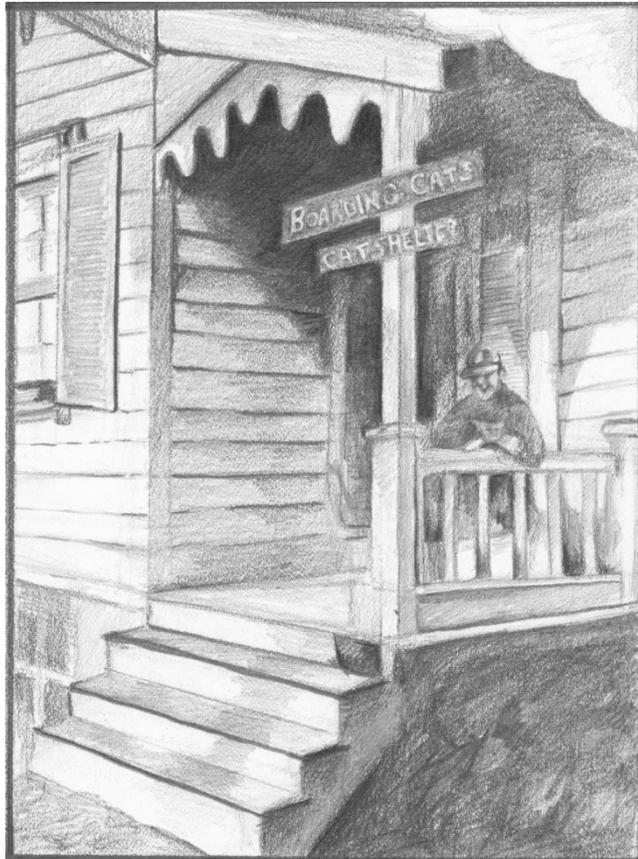
WHS Graphics and Shelter (2)



WHS Ann Rpt, 1892

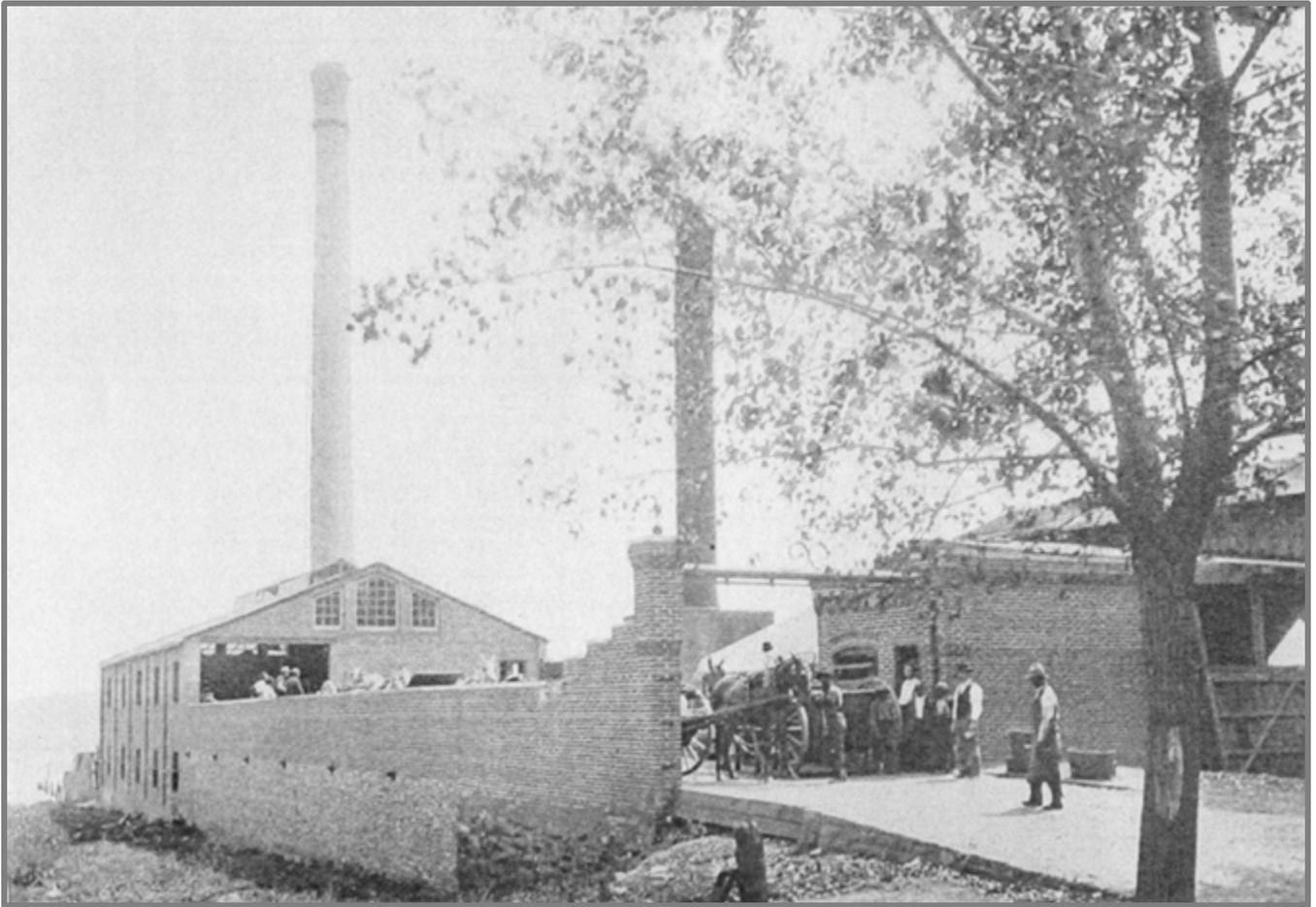


WHS Archives



The Barber Shelter
Drawing by Laura Friend Smythe;
Wash. Times Magazine, 13 April 1902, p. 8

1895 Municipal Trash Incinerator



Health Officer Ann Rpt., 1896