

AMERICAN DEBTORS' PRISON: THE RISE OF THE NEW YORK CITIZEN AS A  
COMMERCIAL PARTICIPANT DURING THE EARLY AMERICAN REPUBLIC,  
1800 – 1836

by

Ryan M. Braeger

A thesis submitted in partial fulfillment  
of the requirements for the degree

of

MASTER OF SCIENCE

in

History

Approved:

---

Kyle Bulthuis  
Major Professor

---

Peter McNamara  
Committee Member

---

Leonard Rosenband  
Committee Member

---

Mark McLellan  
Vice President for Research and  
Dean of the School of Graduate  
Studies

UTAH STATE UNIVERSITY  
Logan, Utah

2013

Copyright © Ryan M. Braeger 2013

All Rights Reserved

## ABSTRACT

American Debtors' Prison: The Rise of the New York Citizen as a Commercial  
Participant during the Early American Republic, 1800 – 1836

by

Ryan M. Braeger, Master of Science

Utah State University, 2013

Major Professor: Dr. Kyle Bulthuis  
Department: History

The following research explores the development of financial culture in the early American republic through the examination of New York's use of debtors' prisons. Beginning with the construction of the historical context surrounding the passage and abolition of the National Bankrupt Act of 1800, the project takes use of a series of archival sources that exemplify the character of credit in early American economic practices. The emergence of republican financial culture was often at odds with federal judicial and legislative action, the result of which was the creation of state policy and third party organizations dedicated to solving the plight of a growing debtor population. As the narrative of debt transitioned from understanding the debtor as a villain towards a victim, traditional criminal punishments no longer represented cultural values. One such institution scrutinized and debated was the debtors' Gaol.

(172 pages)

## PUBLIC ABSTRACT

### American Debtors' Prison: The Rise of the New York Citizen as a Commercial Participant during the Early American Republic, 1800 – 1836

The following historical research project conducted at Utah State University purposes to construct a thorough understanding of debtors' prisons and the impact imprisonment for debt had on the development of financial culture during the period of the early American republic. Whereas past research has focused on subjective conclusions, the goal of this project is to specifically benefit from the collection and analysis of empirical objective data. By providing a micro-history compatible within the larger narrative of American financial development, a more precise context for economic institutions and commercial behavior is established. It is the hypothesis of this research that contrary to previous historical scholarship, a majority of nineteenth-century American debtors were members of an artisan merchant middle class. One of the conclusions stemming from this hypothesis is that the National Bankrupt Act of 1800 was then a turning point in the national dialogue surrounding the need for bankruptcy protection rather than signaling the end to the American debt crisis.

The research utilizes this academic purpose through the collection of secondary literature and archival sources housed at the New York Historical Society. The research was designed around the use of the Recorder Notes of two insolvency courts; the Court of Pierre C. Van Wyck and the Court of Richard Riker, the record of economic seizures found in a monition and writ book, and the survey evidence collected by the Humane Society of New York. All archival materials were collected from the New York Historical Society archives and Utah State University. The data was then organized to emphasize chronological and monetary trends present in the data. The monition and writ book was organized to best illustrate the impact that port seizure had on various economic trades represented in sub-categories such as: agricultural goods, vocational tools, raw materials, and animal products. The Humane Society Reports are organized to show both the rate of debtor retention during the provided months and the effectiveness of relief society efforts.

The results of the research are significant. First, it is made clear that National Bankrupt Act of 1800 was the beginning of a century long conflict between federal and state bodies surrounding the necessity and constitutionality of legislative bankruptcy protection. In the absence of federal response, American consumers answered the hazards found in a high-risk capitalist system by creating state and third party solutions. The early reliance on traditional English industrialization and subsequent policy was gradually replaced by republican financial culture as the narrative of debt transitioned from understanding the debt as indicative of immorality towards credit being valued as a necessary component of free-market participation. New York debtors, on average, owed greater sums than what was associated with impoverished spending. The diverse quantities of goods seized by New York authorities indicate that a possible explanation for the hesitance in creating permanent bankruptcy legislation was that nineteenth-century financial instability was profitable for state government. Specifically speaking on the conditions of those sentenced to the debtors' gaol, the severity of their stay was found to be dictated by chance as a high level of independent volatility exists between prison numbers and Humane Society resources. The privately owned and operated debtors' prisons promised unique experiences when compared with public penitentiaries.

Additional research looking at the political and economic history of third party financial organizations such as insurance companies and the Humane Society is needed to discern the role debt had on political transformations. It is my suggestion that these studies begin at a state level.

Ryan M. Braeger

## ACKNOWLEDGMENTS

First and foremost I would like to thank my committee members, Dr. Leonard Rosenband, Dr. Peter McNamara, and my major professor, Dr. Kyle Bulthuis, for their continued support and dedication throughout the research and writing process. I couldn't have asked for a better group of mentors. It is my hope that the strength of this project be seen as a reflection of my good fortune in working with them.

I give special thanks to my dad and brothers, who have heard more about nineteenth-century American finance than they probably thought was possible. Finally, I feel like this thesis owes a great deal to all those who work at Caffe Ibis and the Logan City Starbucks. The following thesis was written in front of a live audience.

Ryan M. Braeger

## CONTENTS

	Page
ABSTRACT.....	iii
ACKNOWLEDGMENTS.....	iv
LIST OF TABLES .....	vii
LIST OF FIGURES .....	viii
CHAPTER	
I. INTRODUCTION .....	1
II. SIGNED IN RED: INDUSTRIAL ECONOMICS AND THE RISE OF AMERICAN RISK .....	12
III. SOMETHING BORROWED/SOMETHING NEW: THE EMERGENCE OF REPUBLICAN FINANCIAL CULTURE .....	41
IV. COURT OF TREASURE: THE PRICE OF FORGIVENESS IN INSOLVENT NEW YORK .....	67
V. BOWLS OF CHARITY: STAYING ALIVE IN THE NEW YORK DEBTORS GAOL .....	91
VI. CONCLUSION .....	113
BIBLIOGRAPHY .....	120
APPENDICES .....	126
APPENDIX A: CHAPTER IV TABLES AND FIGURES.....	127
APPENDIX B: COMMODITIES GENERAL/SPECIFIC CLASSIFICATION CATEGORIES .....	151
APPENDIX C: CHAPTER V TABLES AND FIGURES.....	158

## LIST OF TABLES

Table		Page
1	Number of Cases by Result and Year .....	128
2	Average Dollar Amount of Each Case by Result and Year .....	130
3	Sum Dollar Amount of All Cases by Result and Year .....	132
4	The Mean, Median, and Modal Values .....	134
5	Number of Hearings Each Month and Year from 1811 to 1813 .....	135
6	Number of Hearings by Occupation and Year .....	136
7	Number of Instances of Each Type of Item Seized .....	138
8	The Amount of Materials Seized by Type .....	139
9	Averages .....	159

## LIST OF FIGURES

Figure		Page
A1	The Total Number of Hearings per Month .....	145
A2	The Mean, Median, and Modal Values of Seized Material by Year of Hearing .....	146
A3	The Amount of Cases Exceeding \$500 Dollars from Year Totals .....	147
A4	The Sum Dollar Amount of Result per Year .....	148
A5	The Occurrence of Case Type .....	149
A6	The Type and Amount of Items Seized .....	150
C1	The Number of Debtors Committed, Discharged, and Retained as Recorded per Month .....	160
C2	The Number of Debtors Committed Compared to Percentage Discharged as Recorded per Month .....	161
C3	The Number of Debtors Retained Contrasted with the Number of New Debtors as Recorded per month .....	162
C4	The Average Number of Debtors Detained and the Total Quarts of Soup Provided as Recorded per Month .....	163
C5	Number of Quarts of Soup per Inmate as Recorded per Month .....	164