



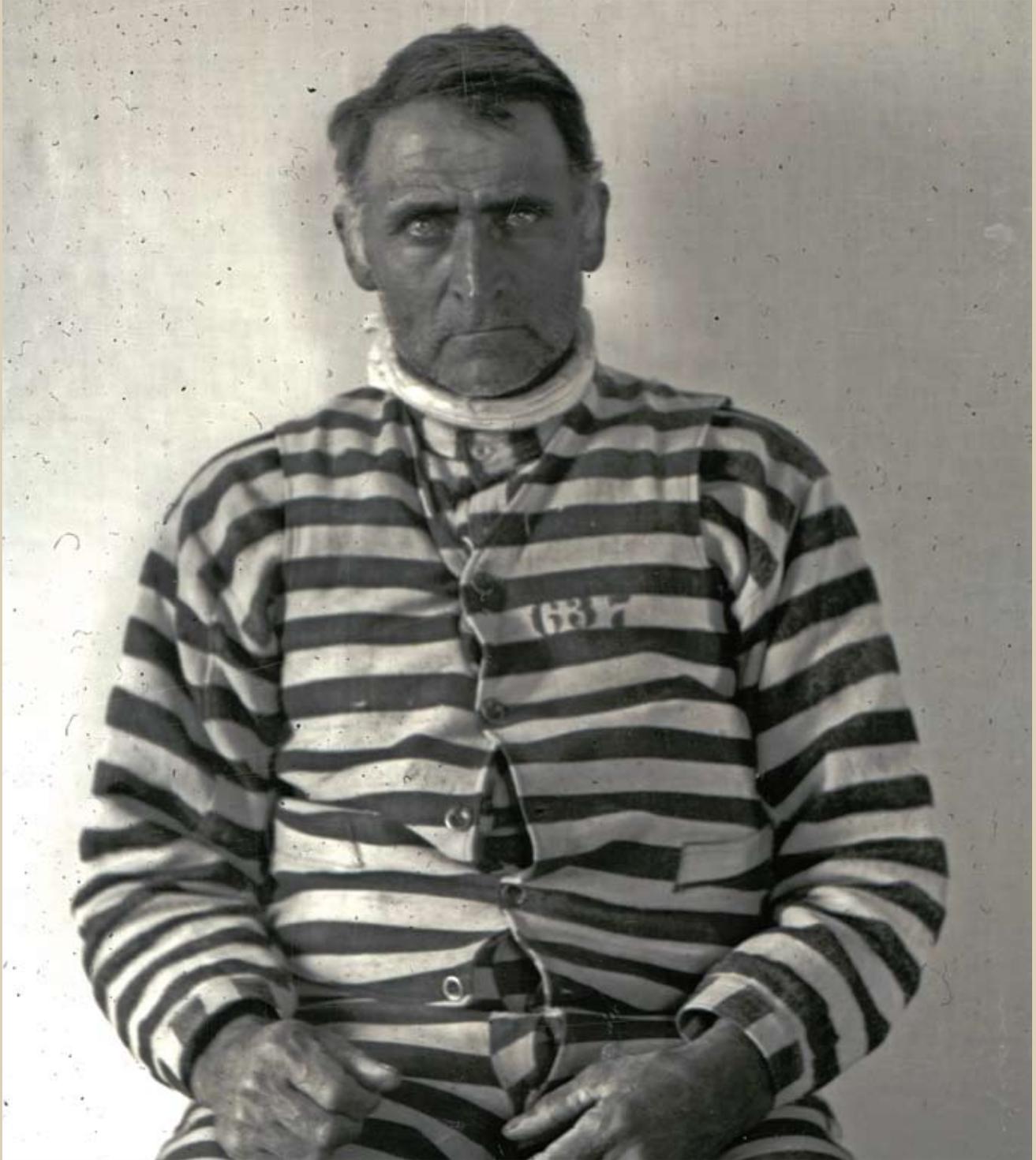
PORTRAITS FROM THE PEN

PHOTOGRAPHS OF PRISONERS IN TERRITORIAL NEW MEXICO

BY SIBEL MELIK



Convicted murderer José D. Gallegos, Inmate No. 637, stares out of the frame with a haunted, angry look in his pale eyes. He wears an ill-fitting prison uniform, and his large hands rest heavily on his lap. The oldest surviving prisoner intake photograph from the New Mexico Department of Corrections Records at the New Mexico State Records Center and Archives is also one of the most intense. Associated records in the collection tell us that the married, forty-four-year-old stock raiser from Las Vegas, New Mexico, entered the New Mexico Territorial Penitentiary in Santa Fe on April 28, 1893, sentenced to life in prison for the murder of J. J. Smith, or Schmidt, “up near Wagon Mound.” His case was appealed to the Territorial Supreme Court, where



Above: José Gallegos, Inmate No. 637. This and all prisoner photographs are from the New Mexico Department of Corrections Records, Courtesy of the New Mexico State Records Center and Archives. **Opposite:** The New Mexico Territorial Penitentiary, ca. 1909. From a postcard by the Neuman Postcard Company. Courtesy Palace of the Governors Photo Archives (NMHM/DCA), Neg. No. 040303. **Opposite Top:** Inmate No. 1619, J. H. Green, entered the Penitentiary on December 14, 1902, sentenced to three years for burglary. He was an eighteen-year-old cook from Las Vegas, New Mexico, and his closest kin was a G. H. Green in Kansas City, Missouri. **Opposite Middle:** Inmate No. 1814, Yen Li was a thirty-year-old Chinese laundryman, sentenced to six months in 1904 for “uttering a false certificate.” **Opposite Bottom:** Inmate No. 1402, George Stephenson was a twenty-six-year-old laborer from Trinidad, Mexico, when he entered the penitentiary on January 23, 1901 with a five-year sentence for a murder committed in Grant County. Three months later he was killed during an escape attempt in which he injured a guard.

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the conviction was upheld. Gallegos died in prison in March 1901, eight years after this photograph was taken. Recently his great-granddaughter contacted the archives to request this image of her ancestor. It may be the only photograph ever taken of him: photography was invented in 1839, when José Gallegos was ten years old.

A NEW LEGAL SYSTEM FOR A NEW TERRITORY

When New Mexico became a territory of the United States, American institutions replaced colonial Spanish and Mexican institutions. The American legal system, based on English law, replaced Roman-based Spanish and Mexican law. The Laws for the Government of the Territory of New Mexico, better known as the Kearny Code, for General Stephen Watts Kearny, were put into place on September 22, 1846, just over a month after

General Kearny took possession of Santa Fe for the United States during the Mexican-American War.

Some of the new institutions had no precedents in the earlier governments. The School for the Deaf, the Indian School, the Insane Asylum, and the new Penitentiary all came into being as a result of the transition to American rule. And new institutions meant that new buildings had to be constructed.

The Territorial Penitentiary building was finally completed and officially opened in 1885 at the intersection of what is now St. Francis Drive and Cordova Road in Santa Fe, where a complex of state government buildings (the Simms, Runnels, and Manuel Lujan Buildings) now stands. The earliest inmates entered the penitentiary in November 1884 and were used as laborers to complete its construction. Pen Road still exists—a short street parallel to and just west of St. Francis Drive. The shopping center at the railroad tracks, just north of the area, was called the Pen Road Shopping Center until a few years ago.



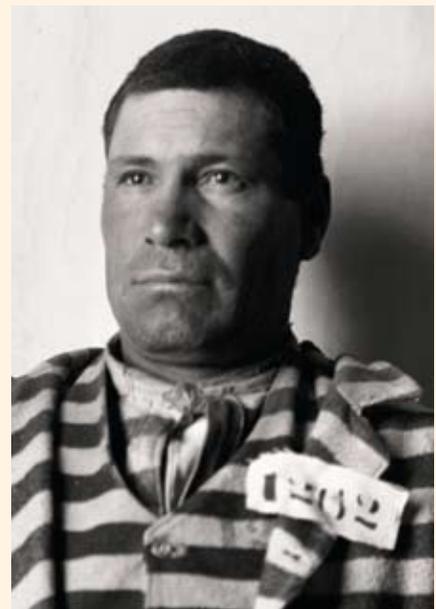
Inmate No. 1640, William Sweeney, and Inmate No. 1644, Fred Eshenoui, entered the penitentiary on April 4, 1903, sentenced to three years for a burglary committed in Colfax County. Sweeney, who was listed as seventeen, was from Kansas City, Missouri. At age thirteen, Eshenoui was the youngest inmate yet discovered among the Territorial prisoners. His listed contact was a Miss Anna Coal of Pueblo, Colorado. Childhood in the late nineteenth century was not the special, protected time that it is now, and these boys were fending for themselves in the Territory. Note how the photographer framed the prisoners between an urn and vines on the studio backdrop.

THE RECIDIVIST

Some of the prisoners show up more than once in the collection. José Albillar first appears as Inmate No. 755, convicted of adultery and imprisoned for six months plus costs. Albillar, a barber from Doña Ana County, was one of a surprisingly large number of Territorial-era prisoners sentenced for the new federal crimes of adultery and bigamy. The Edmunds Anti-Polygamy Act of 1882 may have been intended to target Mormons in the western territories, but many New Mexicans, married in the church but not in civil ceremonies, found themselves snared by the new law. In his book *United States Marshals*, Larry D. Ball writes that New Mexicans considered illegal cohabitants under US law were vigorously prosecuted in San Miguel, Doña Ana, Santa Fe, and Socorro counties. According to Ball, this aggressive law enforcement was an attempt by the authorities to clean up the morality of the territory during the push for statehood. Albillar returned to the penitentiary again, as Inmate No. 1141, and then again as Inmate No. 1262, each time serving a longer sentence. He was twenty-eight years old in September 1894, when he entered the pen for the first time, and thirty-seven when he was released in 1902, having served a one-year sentence for murder and assault with intent to kill, followed by three years for larceny from a dwelling. He does not show up in the penitentiary records again.

Right: José Albillar's intake photo as Inmate No. 755 reveals his poverty: his trousers have been patched many times. Some of the penitentiary photographers posed their subjects in Victorian style before studio backdrops, such as the one here and on the opposite page. Others were photographed against bare walls.

Below: José Albillar's prison garb varies with the seasons. When he was admitted for the last time, in November 1899, he was issued a warm, layered uniform: striped shirt with matching vest and jacket.



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Not very far away on Cerrillos Road, the School for the Deaf (formerly the School for the Deaf and Dumb) and the Indian School remain in use to this day. These buildings, along with the Insane Asylum in Las Vegas (now the State Hospital), remain as manifestations of New Mexico's entry into the United States in the period between the Reform and the Progressive eras. They also show us where the outskirts of Santa Fe were in the late nineteenth century. Prisoners arriving at the pen by train from distant county jails might have glimpsed these buildings as they rolled into town.

THE PHOTOGRAPHS

Officials at the New Mexico Territorial Penitentiary made use of the latest technology of their day to take photographs of inmates when they were admitted to the penitentiary. Prior to the commercial manufacture of dry gelatin glass-plate negatives in 1880, glass negatives were “wet plate,” meaning that the emulsion had to be applied to the glass while wet, by hand, and in the dark, making photography a very specialized undertaking. Whether area photographers or penitentiary staff members took the photographs is not yet clear. However, invoices found in penitentiary records for 1901 show that the pen purchased from the Fischer Drugstore in Santa Fe the 4-by-5-inch photographic plates and chemicals used in developing photographs.

The inmate photographs would presumably have been taken for the bureaucratic purposes of “collection control”—as records for positive identification and keeping track of prisoners who did, in fact, often escape. In most cases there are two images for each inmate, the first in his own clothes, and the second, after processing, in striped prison garb and with his hair shorn. This hygienic measure also served to depersonalize the prisoner, who had been issued an identifying number to substitute for his name. Female inmates were apparently not subjected to the intake haircut. Nor were there separate accommodations for the women prisoners. Anne M. Butler has written about the plight of female prisoners in her book *Gendered Justice in the American West: Women Prisoners in Men's Penitentiaries* (published by the University of Illinois Press in 1997).

The 4-by-5 inch negatives were contact-printed to create positive images, or prints, on photographic paper. Many of these photographs survive, glued onto the inmate intake forms, which evolved over time to replace the Record Book of Convicts, a ledger book originally used to record information during the

A GLIMPSE OF THE PRISON BARS

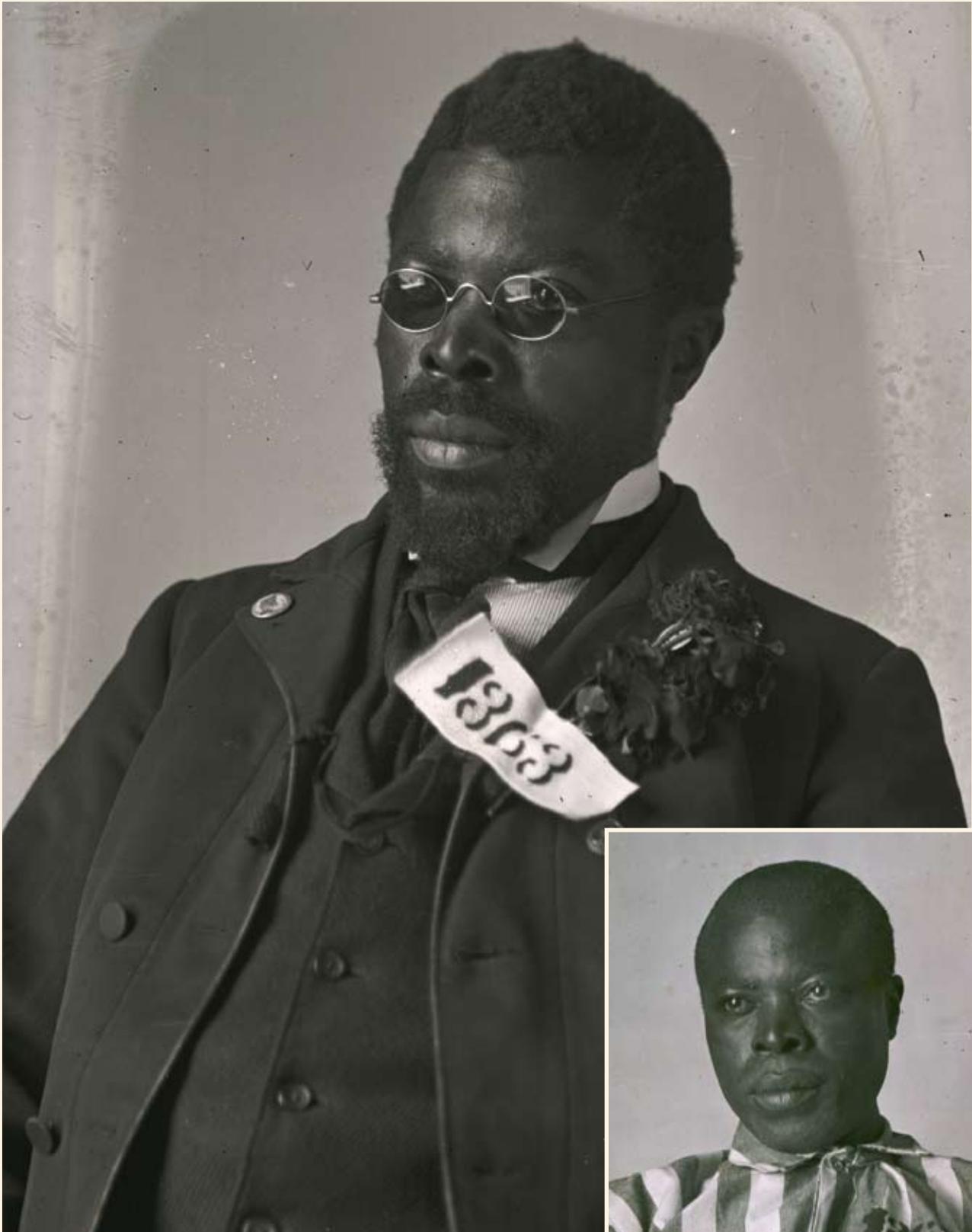
When digitized at sufficiently high resolution, large-format negatives yield an amazing amount of detail. Here Thomas Drayton's glasses reflect the bars on the penitentiary's windows. This revelation of a world never before seen is one of the truly wonderful aspects of digital technology.



Inmate No. 1363, Thomas Drayton, entered the Territorial Penitentiary from Grant County at the age of sixty-six on October 2, 1900. He was convicted of assault with intent to rape and sentenced to five years. He is listed as a “Negro” from “San Domingo, Puerto Prince, Spain,” occupation “hostler.” A hostler worked in a railyard, moving locomotives from one track to another. Drayton was likely the descendant of slaves in the Spanish colony that is now the Dominican Republic. According to the intake form, Drayton had twenty-five children (nine boys, sixteen girls). He was listed as “single (wife dead),” and his contact was a Mrs. Lucy Anderson in Silver City. He was released on June 26, 1904, with an allowance for good time. Beyond these bare facts, his story remains untold.



Above: In this detail of his intake photograph, Thomas Drayton's glasses reflect the penitentiary bars. **Bottom:** A cell house in the New Mexico Territorial Penitentiary. Photograph by Thomas J. Curran, ca. 1893. Courtesy Palace of the Governors Photo Archives (NMHM/DCA), Neg. No. 015206.



Above: Thomas Drayton entered the penitentiary finely attired in his three-piece suit, tie, lapel pin, and boutonniere. **Inset:** Thomas Drayton after he was shorn and dressed in prison garb.



Robert Tórréz devotes a chapter of his book, *The Myth of the Hanging Tree: Stories of Crime and Punishment in Territorial New Mexico*, to the story of Alma Lyons (Inmate No. 2157, left) and Valentina Madrid (Inmate No. 2158, right), two of the very few women pictured in this collection. Childhood friends in Hillsborough, New Mexico,



they were teenagers when convicted of conspiring to poison Valentina's husband in 1907 at the urging of her lover. Days before their scheduled execution, their death sentences were commuted to life in prison. In 1920 their sentences were commuted to time served, and the women were released.

intake process. In the ledger book and intake forms, prison officials recorded each inmate's name, date received, term of sentence, crime, county where convicted, race, age, height, weight, place of birth, occupation, marital status, closest relative or friend with an address, date discharged, and whether convicted of violating federal or territorial laws. Other associated materials in the collection include inmate record books, reports of wardens and superintendents, parole books, physician's record books, punishment record books, annual penitentiary records, and business journals. The State Archives redacts confidential medical information from the records that are made available to the public.

In aggregate, this collection contains a wealth of demographic information. As is the case with most archival collections, contemporary researchers use these images and associated records for reasons very different from the original

intentions of those who created them. Karen Holliday Tanner and John D. Tanner Jr. have meticulously compiled individual prisoner records from the prisoner record books and other primary and secondary sources at the State Archives. They published *New Mexico Territorial Penitentiary (1884–1912) Directory of Inmates* in 2006. The Tanners found that of the 2,332 Territorial-era inmates, only 52 percent were born in New Mexico; the other 48 percent represented forty-six states and twenty-five foreign countries. The Tanners's research also showed that by far the largest percentage of inmates were imprisoned for property crime—over 54 percent of the inmates. A typical crime was “larceny of neat cattle,” a now obsolete English term for domesticated cattle. Some inmates were indeed murderers, outlaws, and con men, while others were imprisoned for stealing a single cow. (There is no similar study for the Statehood era.)

ARCHIVING THE PHOTOGRAPHS

This collection of images and associated materials came to the State Archives in 1970. Most of the negatives were crammed into the original glass-negative containers from more than one hundred years ago. In 2006 I was tasked with surveying the collection of glass negatives in the Department of Corrections Collection and found 4,250 nitrate negatives in addition to 8,450 glass plates—12,700 images in all. Since most inmates had two photographs taken, the number of individuals represented is likely upwards of 6,000. Nitrate negatives replaced glass negatives in the 1920s and were used into the 1940s.

The majority of the glass plates show some evidence of silver mirroring, a deterioration of the silver in the emulsion layer caused by exposure to heat and light during storage. Now that they have been rehoused in acid-free paper enclosures and stored in the temperature and humidity controlled vault at the archives, they are likely to remain relatively stable for quite some time to come.

Archivists are mandated to preserve the materials in our care and make them accessible to historians, genealogists, and researchers. We put the original objects into their acid-free folders and write descriptions, finding aids, and numbers on envelopes. In the past decade, we have started scanning photographic collections to create digital surrogates so the originals will no longer need to be physically handled and the digital image files can be viewed on the web. To date, I have scanned the first 2,700 glass negatives in this collection, trying to get the maximum detail out of the large-format negatives, many of which are quite lovely when they have been well exposed and properly developed. But this is not always the case, and it is frustrating when scores of images in a row are just slightly out of focus or overexposed. Slightly underexposed images retain information in their shadow areas, which can be brought out through careful scanning.

In my day-to-day work with these images, I can see when the photographers changed: individuals will be posed and framed slightly differently; photographic backdrops will be replaced by bare walls, some light, and some dark. Clearly some of the people who took these pictures knew and cared about what they were doing, and some were marginally competent. But despite the skill of the photographer, the images are compelling at a deeply human level because they document a moment in time, an encounter between the photographer and the person being photographed at a moment that was—at least for the subject—pivotal.

Maybe the experience of being photographed was different when it was the first time a person had been in front of a camera. Maybe the way these images look and feel has to do with the longer exposure times required when lenses and emulsions were not as fast as they are today. I have found it meaningful to have this time witnessing each individual human face in the collection. These inmate photographs are the direct, unmediated, primary sources. They are the actual artifacts, where the image, made of light, refracted through the lens, was recorded onto the emulsion on the glass, developed, and fixed. A hundred years from now, long after CDs and computers and hard drives have failed, a future archivist may still be able to see the image fixed on a glass negative by picking up the glass plate and looking at the sky. ■

Sibel Melik is a senior archivist at the New Mexico State Records Center and Archives, where she works with the photograph and moving-image collections. Previously she worked at the Office of Archaeological Studies and the Museum of Indian Arts & Culture/Laboratory of Anthropology. See elpalacio.org for photographs and a description of the process of scanning these glass-plate negatives. See elpalacio.org for a slideshow of more *Portraits from the Pen*.

The New Mexico State Records Center and Archives

Established in 1960, the New Mexico State Records Center and Archives (NMSRCA) is the official repository for state government records and serves as one of the premier research centers for Southwest and borderland history in the United States. Collections in the custody of the NMSRCA include government records for the Spanish Colonial period (1598–1820), the Mexican period (1821–1846), the US Military Territorial period (1847–1912), and state government records from 1912 to the present. In addition to government records, the NMSRCA maintains over 300 collections of private papers and manuscripts. Collections include records in various formats: text records, photographs, audio recordings, maps, drawings, and film and video moving-image materials. The NMSRCA is at 1205 Camino Carlos Rey in Santa Fe. The agency website is <http://nmcpr.state.nm.us/index.htm>. *Heritage*, the online catalog for the Archives Division, can be accessed directly at http://www.nmcpr.state.nm.us/archives/gencat_cover.htm.

Sources and Suggested Reading

Ball, Larry D. *The United States Marshals of New Mexico and Arizona Territories, 1846–1912*. Albuquerque: University of New Mexico Press, 1978.

Butler, Anne M. *Gendered Justice in the American West: Women Prisoners in Men's Penitentiaries*. Chicago: University of Illinois Press, 1997.

Tanner, Karen Holliday, and John D. Tanner Jr. *New Mexico Territorial Penitentiary (1884–1912) Directory of Inmates*. Copyright John D. and Karen Holliday Tanner Jr. Fallbrook, California, 2006.

Tórréz, Robert J. *The Myth of the Hanging Tree: Stories of Crime and Punishment in Territorial New Mexico*. Albuquerque: University of New Mexico Press, 2008.