

**BOUNDARIES OF RESPONSIBILITY:
PHILADELPHIA, PITTSBURGH, AND
THE PENNSYLVANIA RIOT DAMAGE LAW,
1834-1880**

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Pennsylvania stands in the forefront of a great many trends in American history, not all of which brought honor to the commonwealth. In the 1830s and '40s, and again in 1877, Pennsylvania experienced rioting to an unrivaled extent in varying combinations of cause, frequency, violence, damages, and death. Beginning in 1834, Philadelphia would experience an ongoing series of riots for more than ten years, punctuated by the horrific burning of Pennsylvania Hall in 1838 and culminating in the massive nativist outburst beginning in May 1844 at the Nanny Goat Market. In the railroad strikes of 1877, Pennsylvania led the nation once again. Although the strikes and related violence began in Martinsburg, West Virginia, Cumberland, Maryland, and Baltimore, those outbursts were soon overshadowed by violence and death in Pennsylvania, most notably in Pittsburgh, but also in Reading, Easton, and Scranton.

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FIGURE 1: *Harper's Weekly* gave its readers a vivid depiction of the industrial violence in Pittsburgh in 1877.

The major episodes of 1844 and 1877 have received ample attention from historians, as has the burning of Pennsylvania Hall. In this study, the riots themselves will serve to introduce an issue that has been largely ignored: how Pennsylvania's legislature and courts assessed responsibility for the damages from these riots, and how laws and precedents from the 1830s and 1840s resulted in a major political and legal struggle over the settlement of Pittsburgh's damages after 1877. The continual resort to riot in Philadelphia in the 1830s caused the legislature, seemingly unconcerned with the possibility of rioting elsewhere in the state, to make the County of Philadelphia responsible for property damage from riots. As rioting persisted into the 1840s, the commonwealth's courts handed down numerous judgments against the county. At the western end of the state in Allegheny City, disorder related to an 1848 strike led the legislature to extend responsibility for riot damages to Allegheny County in 1849. That law would lie in wait for twenty-eight years until 1877, when the rioting prompted by state militia troops firing into a crowd supporting the railroad strike on July 21 resulted in at least twenty-five dead while leaving an area of more than forty square blocks of Pittsburgh in ruins.

The implications of the law of 1849 would touch off a little-known political struggle in the Pennsylvania legislature over where the responsibility for such disorder lay, ironically uniting Pittsburgh and Philadelphia legislators in an unsuccessful effort to shift most of the costs for Pittsburgh's disorder onto the state. That debate can be viewed as a statewide contemplation of the boundaries of community.

Long before the founding of the United States, English law had established the principle of community responsibility for preventing disorder and paying for its costs. But that principle emerged from an era in which crowd action reflected a "moral economy,"¹ where mob violence operated in a quasi-ritualistic way toward enforcing a collective interpretation of communal values against people, for instance, who to make a profit would ship food out of a region in times of hunger. For their part, ruling authorities saw rioting as something they could manipulate and ultimately control, confident that disorder would stay within traditional boundaries.

But the social context of rioting changed rapidly in the new American nation. A multiplicity of interests competed ever more vigorously with less and less agreement on common values in an increasingly open, democratic political system. As both the frequency and intensity of rioting grew by the 1830s and 1840s, a less secure set of economic and political leaders came to view rioting as utterly illegitimate whatever its goal, and they sought to eliminate it by more vigorous policing along with laws like Pennsylvania's proclaiming community responsibility for damages.² But the violence of 1877 caused some of Pennsylvania's leading urban and corporate interests to grope toward a more nuanced approach by arguing that the state should pay most of the enormous bill for damages from Pittsburgh's rioting. Perhaps realizing that such destructive eruptions might be as inevitable as they were deplorable, they sought to persuade the state legislature and courts to reduce Allegheny County's bill for riot damages by expanding, for this case at least, the boundaries of community.

The range and extent of rioting that occurred in Philadelphia in the 1830s and 1840s was well summarized in a commentary from the 1850s: "we had the abolition riots, railroad riots, the negro riots, the weavers' riots, and the Native American riots. Having run short of names, territorial designations were adopted, and we had the Moyamensing, Southwark, and Kensington riots."³ The hot summer season has often been a peak time for such disorder. On the night of August 12, 1834, several hundred whites drove African Americans from a popular carousel on South Street in Philadelphia.

Whites continued to attack blacks over several nights as the violence spread into the adjacent municipality of Moyamensing. At least one death occurred along with numerous injuries and property damage totaling some \$4,000.⁴ Another race riot occurred the following summer, after a black servant nearly killed his employer. This brought whites into the streets to attack African Americans and their homes, injuring many and driving others to abandon their homes for a time.⁵

Just as racism spurred public disorder in the 1830s in Philadelphia, so did the growth of democracy. With the rise of the second party system during the controversial administration of Andrew Jackson, a newly energized public often took its advocacy beyond casting ballots. Moyamensing had a prominent role in the violence as it often did in the years before the consolidation of Philadelphia city and county in 1854. In October 1834 the Whigs of Moyamensing drove Democrats from the polls on election day, even seizing a hickory pole erected to honor President Jackson. In response, Democrats rallied from the nearby municipalities of Southwark and Northern Liberties. They proceeded to attack Whig headquarters and allowed a fire set near the stolen hickory pole to spread to nearby houses once Whigs shot at them. Since a Whig reportedly owned those houses, the Democratic crowd kept firefighters away. The gunfire resulted in at least three dead and fifteen wounded.⁶

This riot moved the Pennsylvania legislature to make Philadelphia's county authorities responsible for the consequences of such disorder. In June 1836 the legislature incorporated into the state election law a clause that gave anyone whose property was destroyed by rioting in the city and county of Philadelphia, "at an election, or at any other time," the right to apply for compensation to a local court. That court would appoint "six disinterested persons" to determine both the amount of the loss and whether the property owner had "any immediate or active participation" in the riot. If the owner was judged not to have any such role, the county would be obliged to pay the loss once the report was confirmed by the court.⁷ This law adopted a principle enshrined in England's Riot Act enacted at the beginning of the reign of George I in 1714. Among other provisions, that act gave anyone who won a judgment for property damaged in a riot the right to recover from the inhabitants of the municipality where the damage occurred.⁸

The whole question of public responsibility for riot damages was of sufficient political interest to merit the attention of the Pennsylvania Constitutional Convention, which met from May 1837 through February 1838 to revise the

Constitution of 1790. Philadelphia delegate Joseph Doran proposed that the principle of public responsibility for riot damages enacted into law in 1836 for Philadelphia be established as part of the "Declaration of Rights" in the new state constitution. His amendment would make it the "duty of the legislature to provide by law" for adequate compensation, not only for property damage but also for injuries. The convention rejected the amendment by a bit less than a two-to-one margin, with several delegates doubting any need to insert this concern, however worthy, directly into the constitution. Still, as one delegate noted, "it is not alone in the city and county of Philadelphia that mobs may come. They may come in the smaller towns. They also are liable to them, and have felt their influence."⁹

Concern over rioting was only heightened by the nation's most destructive case of anti-abolition violence, the devastation of Pennsylvania Hall when it opened its doors with a gathering of white and black, male and female abolitionists in May 1838.¹⁰ That story is all too well known, but the struggle of the Pennsylvania Hall Association to obtain compensation has received much less attention. Under the terms of the 1836 statute, a committee was appointed within one month of the fire to assess the loss, but its members split over whether the hall's owners bore responsibility for the riot by provoking the community to violence. The court then appointed a new panel in December 1840, but it had to appoint additional members after several declined to serve. In July 1841 five members of that committee submitted a majority report that held the owners of Pennsylvania Hall blameless for the riot, despite the controversial nature of the meeting, and evaluated the loss of the building at \$33,000. This figure was only a bit more than \$1,500 above what the county had estimated and about one-third of what the owners wanted.¹¹ Nevertheless, the Court of General Sessions refused to accept that judgment and impaneled another committee. That group settled on an award of \$22,658.29 in July 1843, but the county proceeded to challenge it before the Pennsylvania Supreme Court.¹²

In 1847 the court vigorously affirmed the law of 1836. Counsel for the county commissioners had claimed that statute to be unconstitutional because the committee of inquest only had six members rather than the customary twelve for a jury, and because the settlement would require "parties not in any way concerned in the riot to pay for the damage thereby." The court rejected these arguments, noting that other groups of six and even three had evaluated damage claims under various state statutes. The court also dismissed counsel's other contention: "The innocent may, it is true, be compelled to pay for the

acts of the guilty. But this effect is not peculiar to the case, but necessarily results from the structure of society, and the nature of all institutions.”¹³ Thus in an increasingly individualistic society, the court vigorously affirmed communal responsibility for protecting the rights of property. The decision dismissed another legal point by the county, that the brief repeal of the law from 1839 to 1840 had invalidated the process. A revision of the state election law in 1839 left out the riot damage clause of 1836, apparently by mistake. After that error had been discovered, the legislature re-enacted the clause at its next session.¹⁴

The tortured functioning of the laws of 1836 and 1840 in the Pennsylvania Hall settlement, along with the inadvertent repeal, may have contributed to the rewriting of those laws in 1841. In the somewhat-disjointed way in which the Pennsylvania legislature wrote laws at that time, the new statute was not part of the state’s election statutes, but a supplement to a law incorporating the towns of New Castle and Blairsville. After the defeat of amendments seeking to extend responsibility for riot damages to all counties or just to exempt a few, the new law dealt with riots only in Philadelphia, as had its predecessor. The law of 1841 dispensed with forming a committee to determine the extent of loss, merely giving those whose property had been damaged the right to sue the county. All whose “illegal or improper conduct” caused the destruction of their property through riot was barred from collecting, as were property owners who had sufficient opportunity to inform local authorities of the formation of a mob but neglected to do so. The basic principle of the 1836 law, the right to recover from the county for its failure to maintain order, was unchanged.¹⁵

Yet another form of rioting in the County of Philadelphia may also have had some influence on the legislators rewriting the law. As railroad development proceeded through Philadelphia neighborhoods in the 1830s, various forms of resistance arose. But the most active neighborhood was Kensington, north of the city of Philadelphia along the Delaware. In 1839 the Philadelphia and Trenton Railroad received the legislature’s permission to build tracks along Front Street to connect its terminals in Kensington with the adjacent municipality of Northern Liberties. The Kensington commissioners took legal action to challenge the state’s authority, but the railroad decided to proceed in March 1840, having received favorable lower court rulings. For several days its efforts to build the line were greeted by hostile crowds. Despite support from the county’s sheriff and his posse, the railroad decided to back off. But in July, armed with the state Supreme Court’s decision in its favor, it

recommenced work and strong resistance from the community ensued. After confrontations earlier in the day, on the night of July 27 a crowd destroyed a tavern owned by the railroad's president that had been used as a headquarters by railroad workers and the posse that protected them. The railroad's efforts to begin again in February and March 1841 stirred similar confrontations. Political maneuvering reached a climax in June 1842 when the state legislature repealed the railroad's grant.¹⁶

The law of 1841, like that of 1836, had no appreciable impact in halting rioting in and around Philadelphia. Episodes in August 1842 and January 1843 brought out sheriffs' posses and militia units. In the first, a white crowd attacked black temperance marchers and ignited two days of violence against blacks, forcing many to flee their homes. In the second, efforts by weavers in Moyamensing, Northern Liberties, and Kensington to keep other weavers from reducing piecework rates resulted in three days of violent confrontations.¹⁷

Neither these incidents nor any others in the Philadelphia area would rival the nativist riots of May and July 1844. In May six were killed with many more injured and some \$250,000 of property destroyed when a nativist rally in an Irish neighborhood in Kensington resulted in several days of shootings and arsons, including the burning of two Catholic churches along with a number of buildings and homes. Local and state authorities called in militia and declared martial law. But in the aftermath of a massive, nativist-dominated parade on the Fourth of July, nativist crowds gathered around a Catholic church in Southwark whose parishioners had recently received the state's permission to form a militia unit for self-defense. Nativist efforts to disarm those militiamen and maintain control of the church led to confrontations with an aroused militia determined to maintain order. Although property damage was less extensive than in May, the July rioting saw the deaths of two militiamen and at least ten civilians, with many more wounded.¹⁸

While not deterring this violence, the law of 1841 functioned effectively to enable collection of damages. In cases decided shortly after the riots, state courts consistently supported efforts to collect with interest.¹⁹ Judges allowed collection for a building not damaged directly by rioting but from fire that spread from nearby buildings.²⁰ The courts also ruled that corporate bodies, like religious orders, could collect in the same way as the "persons" mentioned in the act.²¹ The courts rejected efforts by Philadelphia County to take advantage of the restrictions the law imposed on eligibility to collect. While a property owner could not collect if the destruction of property resulted

from "his or their illegal and improper conduct," that did not invalidate the claim of a priest who had been out of town when armed men fired from his property before it was destroyed.²² Also, while the law prohibited a property owner who knew of attempts to destroy his property but failed to give notice to authorities from collecting, that did not embrace situations in which property owners had merely heard rumors or expectations of generalized mob action.²³

Rioting declined in Philadelphia after 1844, and the county's liability for damages helped spur Philadelphia to begin professionalizing law enforcement efforts to respond more effectively to disorder of all sorts. Another factor was growing concern, not necessarily for the victims of rioting, but for its impact on the reputation of Philadelphia and on those groups seen as participating in violence.²⁴ Concern over rioting and the difficulties it posed for law enforcement played a major role in the movement to consolidate Philadelphia's surrounding municipalities. To expand communal responsibility, the municipalities within the County of Philadelphia were consolidated in 1854, making the city and county coterminous.²⁵

While Philadelphia considered expanding its boundaries to discourage rioting, the state extended responsibility for riot damages to Allegheny County on the other side of the state as the result of labor violence in 1848. Cotton mill workers in Allegheny City, across the Allegheny River from Pittsburgh and incorporated into that city some six decades later, sought to reap the benefits of the state's first effort to regulate the hours of labor. In March 1848 the legislature enacted a law making ten hours "a legal day's labor" across the commonwealth for workers in cotton and other textile mills. But while the law prohibited children under twelve from working and penalized those who employed them, workers over that age could agree to work longer hours by special contract. Allegheny City's cotton manufacturers had little interest in working their mills less than the legal limit, even at proportionally lower pay. As the law was to go into effect on the Fourth of July, employers locked out their predominantly young female workforce. In the next few weeks several manufacturers tried to persuade employees to agree to work twelve-hour days. At the same time, groups of workers organized against that effort, thus setting the stage for confrontation when the Penn Cotton Mill tried to resume operation early on July 31.²⁶

Only about forty-five young women came to work that day, and they had to deal with a jeering crowd, largely of women, that would eventually grow to about 1,500. As the morning wore on, the crowd began to throw

stones, mud, and eggs over the fence at the factory, and its managers called for local police, the county sheriff, and a posse. But as has so often been the case in these disputes, the authorities' arrival intensified the hostility of the crowd, which began to try to destroy the factory gates. Shortly before noon, one of the factory's owners told his engineer to send a blast of steam from a pipe toward the crowd, apparently with the hope of scaring them away. But this heightened the crowd's fury, and the mob broke through the gates and entered the factory yard and factory. The authorities managed to move most of the workers out and away from the building, but the crowd beat several employees and police, leaving the mill by mid-afternoon.²⁷

As antebellum riots went, this was a mild affair. No one was killed, no one was seriously injured, and property damage was limited to the factory. But public turmoil over the riot as well as the larger labor dispute persisted for months, reaching a climax when sixteen individuals were indicted for riot, including six cotton-mill girls. In the January 1849 trial, all of the girls were convicted along with several men, though several defendants were not sentenced, having skipped bail. Concern for public order moved a number of local citizens in the immediate aftermath of the trial to petition the legislature to request that the law of 1841 be extended to Allegheny County. A total of five petitions were presented, three to the state Senate and two to the Assembly. They included the signatures of many of Allegheny County's leading businessmen.²⁸ The legislature complied, making Allegheny County liable for riot damages under the same conditions as Philadelphia County.²⁹

Allegheny County had no reason to take notice of that law for the next twenty-eight years. But while Pittsburgh's experience with urban rioting before the railroad strike of 1877 paled in comparison to that of Philadelphia, Pittsburgh made up for that in just twenty-four hours beginning Saturday afternoon, July 21, 1877. Within days of other walkouts and violence along the Baltimore and Ohio Railroad in West Virginia and Maryland, workers on the Pennsylvania Rail Road (PRR) refused to take "double-headers," longer trains with no increased allotment of crew, out of Pittsburgh on Thursday, July 19. Crowds throughout Pittsburgh moved to block the tracks of the PRR as the railroad tried to assemble workers to move the trains. Local authorities, who undoubtedly had some sympathy for the workers, could not move the crowds. Budgetary problems had led the city to lay off about half of its police force a few weeks before, and Allegheny County Sheriff Robert H. Fife made no effort to call out the large numbers of citizens he would need beyond his regular force of deputies to overawe the crowds. From the English

legal tradition, the ultimate responsibility for order in Allegheny County rested with Fife, regardless of municipal boundaries, and railroad officials encouraged him to ask state authorities for militia. When local troops responded slowly and without enthusiasm, state Adjutant General James W. Latta agreed with PRR officials to send the First Division, based in Philadelphia under the command of General Robert Brinton, to Pittsburgh over the line of the PRR.³⁰

Soon after those troops arrived in Pittsburgh on Saturday the 21st, they touched off rioting with their fusillade into a hostile crowd at about 5 p.m. The First Division then retreated into the railroad roundhouse and adjacent buildings. Their presence turned that complex into a target. Through the night, the crowd gathered guns and liquor from the surrounding neighborhood and took advantage of the many freight cars filled with coke and oil that had accumulated over the days of the strike by igniting the cars and rolling them into the besieged troops. The Philadelphia militiamen evacuated through the flames and gunfire on Sunday morning, seeking refuge across the Allegheny River. With the aid and encouragement of the crowd, fires spread throughout the various PRR buildings. Around noon on Sunday, shortly before the fires reached the Union Depot, Adjutant General Latta fled to a hotel across town before taking a steamboat down the Ohio River to Beaver that evening. By that time the fire was beginning to burn out, having destroyed massive amounts of rail equipment along with practically every railroad building and a number of nearby structures.³¹

As Philadelphians learned of the First Division's fate, they could point to a different result at home. Over the next few days, Mayor William Stokley broke up a series of gatherings in sympathy with the railroad strike, making full and sometimes brutal use of the police force beefed up over the years in the aftermath of the 1844 riots.³² This juxtaposition of events imbued Philadelphia's newspapers with a sense of moral superiority. According to the *Philadelphia North American*, while there were "twice as many unemployed and needy people" in Philadelphia as in Pittsburgh, in the former "public sentiment has been educated up to the standard of law and order by the local journals and the bitter experience in the past." Thus Philadelphia curtailed disorder and, "if the same sentiment had prevailed at Pittsburgh the local police and military would have done their duty; the riot would have been soon stopped and no property destroyed. But Pittsburgh is unfortunately a very excitable community." Later the *North American* offered the opinion that Pittsburgh was not really a metropolis

but “simply a manufacturing provincial town. . . . It is a city of mobs and demagogues.”³³

As galling as such criticism must have been, Pittsburgh and Allegheny County faced more pressing matters: the immense extent of the damages and the prospect that the county could be held liable under the law of 1849. The press offered overall damage totals of \$3 million, \$5 million, or even \$7 million. In an attempt at humor, the *Norristown Herald* denied stories that Pittsburgh was planning a “grand cake walk” to pay \$10 million in riot damages.³⁴ In the weeks after the rioting, while the county worked to get a handle on damage claims, Pittsburgh’s newspapers voiced fears that claims could bankrupt the county while suggesting that state legislation could relieve Allegheny County of liability.³⁵ On September 13 the Allegheny County commissioners resolved that the county “was not liable either directly or indirectly” and that they “would use all lawful means to avoid the payment of said losses.” Toward that goal, they authorized a retainer for prominent local attorney George Shiras Jr.³⁶

Although it had no official role in apportioning blame, the Allegheny County grand jury weighed into the effort to divert responsibility for damages in its report in November. In addition to indicting nearly 100 rioters, the grand jury sought to direct liability toward the state and the PRR. The railroad’s role was of special significance in assessing Allegheny County’s responsibility for damages. The laws of 1841 and 1849 closely restricted collection of damages for any party whose property was destroyed “by his or their illegal or improper conduct.” The PRR, of course, experienced greater damage from the riot than any other entity. The grand jury noted that, instead of resolving its dispute with its employees, PRR officials encouraged and assisted the sheriff in calling for state troops. Additionally, the grand jury found it ironic that the PRR not only had connived with state authorities to bring the First Division, but would most likely seek payment for damages from the county, to which it paid only \$5,000 per year in taxes, rather than the state, to which it paid \$700,000.³⁷

The grand jury expressed amazement that with PRR and state officials taking charge of the calling and placement of the militia Allegheny County could be held responsible for the awful result. The grand jury admitted the weakness of the city’s police response. But it believed that the strike, having broken out in numerous places across the nation, was far more than a local phenomenon. Its widespread character, along with the enormity of the violence in Pittsburgh, transformed the whole situation from a riot into

an "insurrection," far beyond the capacity of local authorities to control. Although the grand jury did not mention the laws of 1841 and 1849, surely it realized that those laws referred to damages from riot, not insurrection. Suppressing insurrection was clearly a responsibility of the state—not to mention the national government, which also sent troops to break rail strikes in 1877. The grand jury vigorously condemned those in command of state troops: Governor John F. Hartranft, Adjutant General Latta, and General Brinton. It held them responsible for the consequences of the troops firing into the crowd, even though the grand jury agreed no one in authority ordered them to fire.³⁸

The grand jury also provoked a small constitutional crisis by issuing subpoenas to the governor, Latta, and Brinton. The governor denied the right of another branch of state government to compel him and his subordinates to testify, and the state Supreme Court agreed with his refusal. Nonetheless, the grand jury saw this as nothing more than a "cunningly concerted purpose to screen a great crime or shameful blunder . . . engineered with a devotion to principles of absolutism that would have better fitted the days of the Stuarts and Star Chamber."³⁹

Early in 1878 the state legislature appointed a committee to investigate the rioting. The five members of the Assembly and three state senators, none of whom were from any counties where rioting had occurred, collected nearly 1,000 pages of testimony and offered opinions on the riots. Reporting at the end of the legislative session in May 1878, the committee bitterly criticized Mayor William C. McCarthy of Pittsburgh for his unwillingness to raise a significant force to move against the strikers early in the turmoil. They also expressed their view that neither the mayor nor sheriff had taken the appropriate set of actions expected before calling for state troops. The governor and militia officials did not hesitate to testify fully before the committee, and in their report the committee gave a sympathetic appraisal of the militia's role, emphasizing the difficulty of the situation that the First Division faced. In assessing an issue that would be of utmost importance in determining responsibility for riot damages, the committee commented:

The purpose for which the troops were called out was to assist the civil authorities in enforcing the law, and preserving the public peace, and it was at no time supposed by any one of the military officers that they superseded the civil power, although at some places they were obliged

to act in the absence of the civil officers, the latter having run away, or refused to do anything to suppress the riotous disturbances.⁴⁰

The committee also addressed the grand jury's contention that no riot would have occurred but for the action of the Philadelphia troops. While the firing on the crowd may well have "precipitated and aggravated" the rioting, the committee believed that the kind of mob that had gathered on Saturday evening "would never have dispersed without making serious trouble." Still, the committee refused to characterize the events as an insurrection: "in their origin [they] were not intended by their movers as an open and active opposition to the execution of the law." The committee realized that the strikes and sympathy for them swelled across a number of cities and states, but they maintained that they had in no way been coordinated: "each strike was independent of those on other roads, each having a local cause particularly its own." Concerning the violence in Pittsburgh, if it did result from the action of the Philadelphia troops, as many had claimed, the rioting could not possibly qualify as an insurrection, since their panicked fire could not have been anticipated.⁴¹

Barring legislative action, the final arbiter of Pittsburgh's liability for riot damages would be the state courts. On May 22, 1878, a case brought by shippers whose goods had been destroyed in the riot was decided in Beaver County court, having been moved there on a change of venue from Allegheny County. The court ruled as inadmissible a whole range of arguments from the defense that either questioned the constitutionality of the laws of 1841 and 1849 or sought to deflect responsibility from the county to the railroad or the state. Thus Judge Henry Hice directed the jury to rule in favor of the shippers and it proceeded to do so. But Allegheny County would appeal this ruling to the state's Supreme Court, which would at least hear arguments on the broader issues on which Allegheny County hoped to prevail.⁴²

Along with appealing to the Pennsylvania Supreme Court, Allegheny County worked toward legislative relief. Reports of such a bill arose at the beginning of the 1879 legislative session, in which Henry M. Long, Republican of Allegheny City, was elected speaker of the House of Representatives. The Allegheny County delegation initially wanted a bill in which the state would pay all damages, but a compromise was forged with the help of former state treasurer William H. Kemble, called by one Pittsburgh paper the "accredited mouth-piece of the Pennsylvania Rail Road."⁴³ Others consulted included Alexander J. Cassatt, third vice president of the PRR, and Matthew Stanley Quay,

leading Republican politician and secretary of the commonwealth. Early in February, the bill emerged from the Committee on Ways and Means, chaired by Colonel Elisha Davis of Philadelphia. The legislation called for the governor to appoint a commission to rule on claims. The state would pay three-quarters of approved damages while any county that fell under the laws of 1841 and 1849 would pay one-quarter. The bill offered a figure of \$4 million as the maximum to be paid by the state.⁴⁴

Several Philadelphia newspapers made clear their disgust at the bill. The *Public Ledger* labeled it “shameless,” calling the damages “the direct result” of the mayor of Pittsburgh’s “utter imbecility,” combined with the “poltroonery” of Pittsburgh’s citizens.⁴⁵ To the *Philadelphia Bulletin*, the bill’s assumption that residents of other counties in the state should pay even “a single dollar” was “monstrous and intolerable.” It was based on “precisely the same principle that catered to the mob . . . a cowardly shrinking from responsibility, and . . . an utter disregard of the rights of the people of Pennsylvania and of the duty of the people of Allegheny.”⁴⁶ While the *North American* admitted that it was “undoubtedly hard” for Allegheny County “to face the enormous bill for damages inflicted by a maddened populace,” it added that “the fact that they permitted such a thing to occur is much harder to shoulder.”⁴⁷

Despite such opposition, support from Philadelphia would be crucial to the effort to pass the bill, and it would emanate from the most damaged party and most powerful corporate interest in the state, the PRR. In the riots it lost some 104 engines and more than 2,000 cars along with the Union Depot and its surrounding complex of buildings.⁴⁸ The PRR apparently saw the bill as a way to get its damage claims settled more quickly than might be possible through court action. In addition, the railroad may have seen some benefit in lessening the enmity Pittsburghers felt toward it. The PRR, of course, made no announcement of support. But one of the few things that newspapers both in favor and opposed to the bill could agree upon was that figures connected with the railroad, most notably former state treasurer Kemble, were busily lobbying Philadelphia’s thirty-eight House members to vote for the bill. If most of them supported it, and Allegheny County’s fourteen members could accept that the county would have to pay one-quarter of the damages, the bill would be about halfway to a majority in the state House.⁴⁹

To offer its view of the boundaries of responsibility for Pittsburgh’s riot damages, on February 21, 1879, Allegheny County distributed an “Address to the Legislature” in support of the bill, authored by four of the state’s leading attorneys. These advocates were George Shiras Jr.; Allegheny County

solicitor Stephen H. Geyer; the recently retired former chief justice of the state Supreme Court Daniel H. Agnew of Beaver County; and leading Philadelphia attorney George W. Biddle.⁵⁰ The attorneys implored legislators and citizens across the commonwealth to empathize with the vast majority of Allegheny County's taxpayers, who faced the massive burden of riot damages through no wrongdoing of their own. They hoped that "the justice of the State will not be less conspicuous for this multitude of the innocent than that of the great God, who for a few righteous would have spared the wicked cities of the ancient plain." To move rural legislators and their constituents to identify with the many rural citizens of Allegheny County, the "Address" noted that "mobs of this kind do not infest the country districts." But it continued by declaring county boundaries to be practically irrelevant: "Why shall farms in the skirts of Alleghany [*sic*] county suffer, when adjoining farms go free, in Westmoreland, Armstrong, Butler, Beaver, Washington, and Fayette?"⁵¹

Indeed, Allegheny's advocates coupled their appeal to the values of rural people with an attack on localism that could only have struck the same rural Pennsylvanians as incongruous. Downplaying the role of counties, they claimed that "the people of a State are one, and those of any county bear the same relation to the whole borne by all the others. County lines create no differences in the eyes of justice or of governmental protection."⁵² This emphasis fit well with the attorneys' constitutional argument against the laws of 1841 and 1849. According to section 7 of article 3 of the new state constitution of 1874, "the General Assembly shall not pass any local or special law . . . regulating the affairs of counties."⁵³ In the words of the "Address," the laws of 1841 and 1849 were "special and local as well as partial and unjust in the extreme" and thus "wholly repugnant to the spirit" of the new constitution. The attorneys noted that such laws passed under the old constitution would stand until repealed, but they called for that step along with the state's assumption of damages.⁵⁴

The "Address" then proceeded to draw a clear distinction between the County of Philadelphia, the original target of Pennsylvania's riot damage laws, and Allegheny County. While Philadelphia was entirely urban, consisting of "full and strongly organized governments," Allegheny was, despite the city of Pittsburgh, like the rest of the state's counties, but "an ordinary county. . . . It is not a unit, possessing concentrated force, but an assemblage of independent townships and boroughs, with a separate and limited constabulary and without a common head or source of action." The only legal instrument that such counties could use to deal with significant disorder, the

posse comitatus, was “utterly insufficient” to contend with “such numbers of maddened men” as had menaced Pittsburgh. To place the burden of suppressing massive disorder on a “mere county organization,” and to expect “a mere county” to pay for its failure to do so seemed fundamentally unfair. How could Allegheny County reasonably be expected to suppress “an insurrection before which even the military quailed”? Having earlier called on the legislators to emulate the mercy of the God of the Old Testament, the attorneys invoked one of the ultimate lessons of the New Testament in closing. True justice in this matter could only be found in

the vital principle of all that code which binds into one great family all the nations of the earth; which mitigates the horrors of necessary warfare, and renders intercourse between the most distant regions of the globe practicable and desirable. In a word, it is nothing more than the application to affairs of government and state of that maxim of divine authority which enjoins us, upon all occasions, to do unto others as we would that they should do unto us.⁵⁵

While moral exhortations like those in the “Address” were directed toward the conscience of each individual legislator, the everyday wheeling and dealing characteristic of the legislative process sought to gain support from groups of legislators based on more prosaic matters of economic interest. Here two groups of legislators were mentioned prominently, those from the oil-producing counties of northwestern Pennsylvania and those from counties along the Mason-Dixon line that had experienced damages from marauding Confederate troops in 1863 and 1864. The first group feared that oil producers would be taxed if the state agreed to pay for most of the riot damages. Supporters of the bill worked hard to assuage their fears.⁵⁶ The claimants from southcentral Pennsylvania had received a half million dollars of aid from the state in 1866 along with \$300,000 in 1871, but that had not satisfied all claims, and legislators from Franklin and other counties were looking for support for another claims bill.⁵⁷ Newspapers speculated that the two sets of claimants might work together.⁵⁸

Citizens across the state sought ways to influence the representatives. The traditional means was by petition, and most of those came from rural counties and were generally opposed to the bill. One of the few petitions in support of the bill that was not from Allegheny was from Blair County, reportedly signed by more than 1,000 employees of the PRR.⁵⁹ The Pittsburgh Chamber

of Commerce threatened to boycott businesses that signed petitions opposing the bill. In Philadelphia the Common Council called for the bill's defeat, but the city's Board of Trade refused to come out against it.⁶⁰

Lobbyists from both of the state's urban centers worked hard for the bill, but they received considerable scrutiny from opponents who suspected corruption. Coming from Allegheny County to influence the vote was Christopher Lyman Magee. At the age of thirty-one, Magee had already served two terms as Pittsburgh's city treasurer and was looking to fill the void left by local and state Republican leader Robert W. Mackey, who had just died on January 1, 1879.⁶¹ On March 6 a circular appeared on the desk of each legislator warning of the penalties for bribery.⁶² Magee was never tied to that sort of activity, but he later admitted that he had been in charge of paying some forty-four "country" newspapers across the state from \$30 to \$50 to publish articles he supplied in favor of the bill.⁶³

The debate on the riot damages bill began on March 19 with a speech by Speaker Long, which so exhausted him that he took to his bed for a number of days thereafter. He called the extension of the 1841 riot damages law to Allegheny County "hocus-pocus legislation" and harshly criticized militia authorities for what he termed their "criminal idiocy." He held out the prospect of bankruptcy for Allegheny County if the bill was not passed and warned that such a situation would necessitate help from the state. Refuting the speaker, Republican floor leader Benjamin L. Hewit of Blair County called the July 1877 turmoil a riot rather than an insurrection. While the state military could be called on to enforce the commands of civil authority, it could not supersede it without subverting a fundamental principle of republican government. Charles S. Wolfe of Union County offered a lengthy refutation of Long and the arguments of Agnew, Biddle, Shiras, and Geyer. He also defended the 1849 law, noting that a number of petitions calling for it had come from Allegheny County. One of the more interesting arguments legislators offered in favor of the bill was that, because corporations paid the bulk of state taxes, the vast majority of Pennsylvania's citizens were unlikely to pay higher taxes if the bill passed.⁶⁴

As the prospect of a vote on the bill loomed in the House, its proponents continued to maneuver toward a majority. Allegheny County members kept hoping for an amendment by which the state would pay all damages, but no such amendment came to the floor of the House. Instead, forces behind the bill sought amendments that might widen its support. Speaker Long introduced a set of amendments early in April reducing the maximum

amount of damages to be paid from \$4 million to \$3 million, voiding the act if at some point the state made real estate taxable. The amendments also called for a committee of five to take charge of reviewing damage claims, including prominent members of each party—Republican Galusha Grow of Susquehanna County and Democrat Charles R. Buckalew of Columbia County. Perhaps seeing that these amendments might gain some votes for the bill, the opposition showed its strength, turning them down, 92 to 103.⁶⁵

The first direct vote on the riot damages bill came on April 8, 1879, as opponents carried a motion to postpone action on it by a vote of 103 to 96. The bill's supporters moved to bring the bill back for reconsideration on April 16, but failed by almost the same margin, 101 to 98, which effectively killed the bill.⁶⁶ The state was divided almost evenly over it, but the details of that division are exceedingly complex. The Gilded Age was one of strong political parties and vigorous party identification and discipline. However, the vote on the bill reflected little party unity. Republicans easily controlled the House, and a majority of them voted for the bill while a majority of Democrats voted against it. Still, more than one-third of the representatives in each party voted the other way. On the second or closer of the two votes on the riot damages bill, 28 of 77 Democrats voting were in favor, while 43 of 107 Republicans cast negative votes. Even those legislators affiliated with the Greenback-Labor movement divided on the bill, voting 8 to 7 against it.⁶⁷

Geographic analysis of the vote yields no clearer explanation than the party breakdown. Voting did not split readily along east/west lines. All of Allegheny County's fourteen members supported the bill, as did the three representatives from each of the neighboring counties of Washington and Westmoreland. However, more votes for the measure came from the much larger county of Philadelphia, where lobbying by figures connected with the PRR paid off with thirty-two of thirty-eight legislators voting for the state to pay most of the riot damages. Backers of the bill garnered fifty-two votes, more than half of their total, from twenty-nine of the state's other sixty-four counties, outside of Allegheny and Philadelphia. Thus representatives from a total of thirty-one counties, including Allegheny and Philadelphia, cast votes in favor of the bill, with nine of those counties in the eastern part of the state, seven in the central, and fifteen in the west. The vote against the riot damages bill was more evenly distributed across the state, including legislators from fifty-five of the state's counties.⁶⁸

Although Pennsylvania's two most populous counties gave the bill vigorous support, the rest of the state's counties offer a variegated picture.

Pennsylvania's most rural counties tended to oppose the bill. From the state's twenty-one least populous counties, those with a single representative each, only four votes were cast in favor and seventeen against. Pennsylvania's third-, fourth-, and fifth-largest counties—Luzerne, Lancaster, and Schuylkill—totaled thirteen votes in favor and eight opposed. But the next five in population—Berks, Montgomery, Chester, York, and Erie—cast only one of their twenty-three votes for the bill. In the state's eleventh through fifteenth most-populous counties—Bucks, Crawford, Northampton, Dauphin, and Westmoreland—the vote was seven to ten against.

Even at the county level there was not a great deal of unity. Forty-five Pennsylvania counties had more than one state representative, and in twenty-one of those, representatives cast something other than a unanimous vote. The complex dynamics of the defeat of the riot damages bill prompted one Pittsburgh newspaper to resort to an all-too-common explanation for failure in any campaign, shortcomings in leadership: "With all the abuse heaped on Mr. Mackey, he was the only man we had who could grasp a combination like this and conduct it to success."⁶⁹ Mackey's talents aside, the lack of any clear party or sectional explanation for the defeat of the riot damages bill may show that many legislators, at least on this issue, made a careful assessment of their constituents' views rather than being influenced by larger forces.⁷⁰ Perhaps most important, the bill's failure shows that the power of the state's leading corporation, even when allied with the state's largest urban areas, only went so far.⁷¹

The bill's defeat did not end its opponents' fight against that influence, as they moved quickly to investigate lobbying by the bill's supporters. The investigation revealed that a great many legislators had heard money was available for a favorable vote. By the end of May 1879, the investigating committee charged three legislators who supported the riot damages bill—Emile J. Petroff and George F. Smith of Philadelphia and W. F. Rumberger of Armstrong County—with "corrupt solicitation" of other legislators. But despite sensational revelations of offers ranging from several hundred dollars to \$1,000 and more, the House could not marshal the two-thirds vote needed to expel the accused. The legislative committee took its evidence before the Dauphin County grand jury in August, which indicted not just Petroff, Smith, and Rumberger, but also former state treasurer William Kemble and former legislator Charles Salter, among other lobbyists. Kemble, Petroff, and Rumberger were convicted in March 1880 and sentenced to a year in state prison, a fine of \$1,000 plus costs of prosecution, and disqualification from

holding any state office in the future. However, after these men had spent only a few days in jail, the state Board of Pardons, which had first deadlocked on granting pardons to the men immediately after conviction but before they were sentenced, agreed to release Kemble, Petroff, and Rumberger from their jail sentences, retaining their fines and disqualification from office.⁷²

By the time the crimes and punishments of the legislators and lobbyists had been settled, so had responsibility for the riot damages. In October 1879 the Pennsylvania Supreme Court decided the case of *County of Allegheny vs. Gibson's Son & Co.* The Gibson firm had shipped some sixty barrels of whiskey from Cincinnati destined for Philadelphia through Pittsburgh along the PRR. The barrels stopped in Pittsburgh on July 19, 1877, when the strike started, and they burned in the fires of Saturday and Sunday. Speaking for a unanimous court, Justice Edward M. Paxson held Allegheny County responsible for riot damages, vigorously affirming the laws of 1841 and 1849.⁷³ He traced the roots of those laws back to efforts to keep public order dating from 1285 in "that country from whence we derive the great body of our common law." Englishmen had been held responsible for riotous damages through their local governments since the 1700s by the Riot Act, which had been reaffirmed as recently as 1827. Justice Paxson explained why Pennsylvania had not enshrined that principle in its law until the 1830s by noting that "new countries, sparsely settled, do not early develop riotous tendencies."⁷⁴

The court rejected the contention of Allegheny County's attorneys—Agnew, Biddle, Shiras, and Geyer—that the act of 1841 and its extension to Allegheny County were unconstitutional since they were enacted before the commonwealth's new constitution and contravened one of its basic provisions. To the court, that constitution was not an entirely new frame of government to replace one rejected by the people, but rather an extensive series of amendments to the earlier body of law that would remain in force unless clearly repealed or superseded. As Paxson put it, "some of the machinery supposed to be worn out has been replaced by new, intended to be of an improved character." Still, Allegheny County's attorneys argued that, even if the law had not lapsed, the new constitution's prohibition against local legislation regulating particular counties rendered it inoperative. But Justice Paxson noted that this prohibition was not retroactive, adding that the statutes in question could have been repealed at any point the legislature desired to do so. For Paxson, "the principle that local or special laws were not *ipso facto* repealed by the adoption of the present constitution is too firmly established

to be overturned or shaken,” citing opinions by former chief justice Agnew to buttress the point.⁷⁵

The Supreme Court stated that Allegheny County could have avoided liability for damages under the laws of 1841 and 1849 by proving that the PRR had engaged in “improper conduct” that contributed to the riot. But Paxson denied the county’s contention that the PRR acted improperly in doing what it could to move its trains. By trying to carry on its business, the railroad was only “asserting a legal right and performing a legal duty.” Justice Paxson granted that the militia fired into the crowd, but could not agree that the PRR was responsible for that action. Whether or not the militia moved judiciously against the crowd was “no part of this case.”⁷⁶

The only other way that the county could escape responsibility would be if the court recognized the county’s claim that the turmoil of July 1877 was not a “riot” but something larger, an “insurrection” or even an “invasion.” Paxson rejected this, calling what occurred in Pittsburgh “a mob, and nothing more.” Reviewing three other catastrophic outbreaks of violence—London’s anti-Catholic riots in 1780, Philadelphia’s 1844 riots, and New York’s antidraft riots in 1863—the court stated that “it has never been held that the responsibility of a city or county for the violence of a mob depends upon its size or formidable character, or that the failure of the civil authorities to suppress it, or that their calling upon the military authorities for aid relieved them from liability.” Pittsburgh’s riots were in no way different, and Allegheny County had to pay the damages.⁷⁷

Given the more than two years of political and legal wrangling over Allegheny’s liability, the process by which the county paid can only be characterized as anticlimactic. Ever since the end of the riots, Allegheny County officials and Pittsburgh’s newspapers had maintained, not only that it would be unjust for the county to pay, but that the expense might well bankrupt the county. County authorities estimated damages at almost \$3 million, or nearly five times the county’s annual expenditure. The city’s papers fulminated against the decision, with the *Pittsburgh Post* calling it “the grossest injustice and wrong ever perpetrated under the forms of law in this country.”⁷⁸ Nevertheless, the finality of the decision compelled a close look at the county’s finances, and it became clear that Allegheny could manage the debt needed to finance the damages. According to the *Pittsburgh Evening Chronicle*, “it must not be supposed that Allegheny county is not in condition to meet the demands that may be made upon it.”⁷⁹

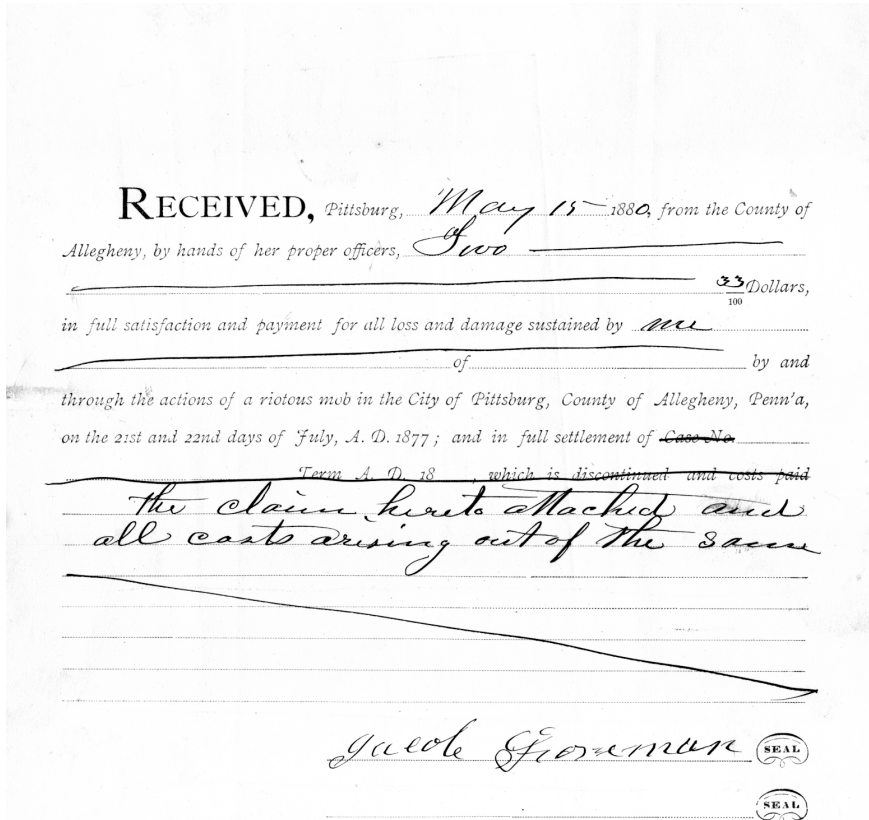


FIGURE 2: Receipt for damages paid by Allegheny County; the original claim was for \$3.10 in lost tools. Record Group 47, Records of the County Governments, Allegheny County, Pittsburgh Riot Claims, Courtesy of Pennsylvania Historical and Museum Commission, Pennsylvania State Archives.

Within a week of the decision, Allegheny County authorities, led by County Commissioner Henry Warner, a former county treasurer, moved to negotiate a deal with the most damaged party, the PRR. The county examined descriptions submitted by the railroad of the equipment, building, and furnishings destroyed in the fire and filed its objections to those claims. The PRR finally arrived at a figure of \$2,282,000 in damages and \$330,000 for two years of interest, or a bit over \$2.6 million. The county offered to

CIRCULAR.

County Commissioners Office,

PITTSBURG, JANUARY 1, 1880.

The following is issued for the information of all concerned:

FORM OF PROOF

to be followed by persons presenting claims for losses of goods or merchandise in cars burned by mob in Pittsburg during riots of July, 1877.

1st. The shippers or sellers of goods must make affidavit to an itemized account of goods shipped, their quantities and cash value, if possible giving original invoice or bill of goods with original bill of lading attached; date of shipment of goods, and whether or not they have received payment for same; also, their statement as to who is the legal claimant for loss.

2nd. The persons to whom goods were shipped must make affidavit, that they have never received the goods or any part of them, certifying to the correctness of shipper's bill, and whether or not they have paid for the goods destroyed, and that they verily believe the goods were destroyed in Pittsburg by riot of July 1877.

3d. Affidavit and certificate from railroad authorities that goods were destroyed during riots of July, 1877, giving date of shipment, date of receipt at Pittsburg, and car numbers.

BY ORDER OF

County Commissioners

OF ALLEGHENY COUNTY, PA.

FIGURE 3: Forms of proof required by Allegheny County Commissioners to pay shippers' claims. Record Group 47, Records of the County Governments, Allegheny County, Pittsburgh Riot Claims, Pennsylvania State Archives.

settle at about 70 percent of the damages, or \$1.6 million with no provision for interest. The PRR accepted, provided it could receive the money within sixty days. While other claims would be considered individually, the hope was that many claimants would settle according to the pattern established by the railroad.⁸⁰

As 1880 began, Allegheny County moved quickly to issue bonds and obtain a sufficient amount from subscriptions to pay the PRR. The bonds were taken without commission by a number of local financial institutions. There was a vigorous demand for the bonds, with approximately half to be paid in ten years and another half to be paid in twenty, with both series yielding 5 percent.⁸¹ Learning that the county commissioners had been consulting lithographers about a design for the bonds, the *Pittsburgh Commercial Gazette* could not resist suggesting facetiously that it could depict “the grand military strategy” of officials during the riot:

In the centre a portrayal of the burning of the depot and round-house and their adjuncts. In the background—as they occupied that position during the troubles—should be a slight sketch of the Mayor and his police. An appropriate pendant to the general sketch would be a portrait of Adjutant General Latta changing his gorgeous uniform for a five-dollar citizen’s suit preparatory to his departure down the Ohio River by steamboat.⁸²

Despite lingering resentment over being forced to pay, Allegheny County withstood the financial burden quite well. Its representatives did introduce bills to reimburse the county in the next two sessions of the legislature, but they received little support.⁸³ To handle the claims it received throughout 1880, Allegheny County issued almost another million dollars in bonds. These were also well received by investors, who reportedly paid premiums of 1 to 2 percent. The total amount of riot indemnity bonds issued would be \$2.65 million, and the damages paid would total approximately \$2.6 million.⁸⁴ Although this amount more than doubled Allegheny County’s debt burden, the county’s financial condition remained healthy. Even though the county courthouse burned on May 7, 1882, Allegheny County proceeded to build a new one without adding further to its debt until 1886, when it issued nearly half a million dollars in courthouse bonds. In the same year the county refinanced about half of its riot bonds, extending the term on more than a million dollars worth to 1906 at a lower interest rate of 4 percent.⁸⁵ That rate reflected



FIGURE 4: Unregistered Allegheny County Riot Bond. Courtesy Joseph F. Rishel.

investors' high opinion of the creditworthiness of Allegheny County, the site of Pittsburgh's booming steel industry. During these years taxpayers faced only small increases in the county tax rate.⁸⁶

The laws of 1841 and 1849 would remain in force through most of another decade in which urban rioting re-emerged, the 1960s. Philadelphia paid nearly a million dollars in damages from rioting in 1964.⁸⁷ But the rioting of that year in a number of American cities was only a prelude to what would occur in succeeding years through 1968 and the extensive rioting across the nation after the murder of Martin Luther King Jr. The city of Pittsburgh called on the state to assume responsibility for those damages, and the state did so, after repealing the laws of 1841 and 1849.⁸⁸ Analysis of that episode is not part of this study, but it may well show an easier acceptance of the principle for which Allegheny County and the backers of the riot damages bill

argued, expanding the boundaries of responsibility to diffuse extraordinary costs of rioting. Nevertheless, substantial local liability for urban disorder arose once again in 1985 from the immense fire that resulted from police efforts to uproot the MOVE cult by dropping a makeshift bomb into their West Philadelphia compound. As of 2010, the city of Philadelphia had paid some \$45 million in costs connected to settling claims and trying to rebuild the neighborhood.⁸⁹

Even with support from Philadelphia and the nation's most powerful corporation, Allegheny County failed in its quest for what today we would label a bailout. Pennsylvania's leading cities came to prominence and power in the Gilded Age, but it is much too easy to overestimate the immediate impact of a long-term process of change. The distrust of growing corporations and cities that the defeat of the riot damages bill reflects is inextricably linked to the persistent localism that, as Morton Keller has noted, explains a great many events in the Gilded Age and even more in antebellum America.⁹⁰

But localism could be expressed in a variety of ways, including the rioters' fear and loathing of the PRR and Allegheny County's motivation for shifting most of the cost of the damages onto the broader shoulders of the state. Allegheny County hoped to persuade enough of its fellow Pennsylvanians to acknowledge that the unprecedented extent of riot damages in some way trumped more abstract concepts of community responsibility for public order. Earlier, the growing psychic and financial costs of rioting moved Philadelphians to change their city's physical boundaries—the ultimate expression of community responsibility—in the consolidation of 1854. Similarly, the massive cost of Pittsburgh's riots served as the primary motivating factor in Allegheny County's quest for an ad hoc fiscal boundary change. That may have given a hollow ring to its call to shift the terms of community responsibility in the riot damages bill.

Just as the argument in favor of the bill cannot be separated from the unprecedented cost of the damages, perhaps the intensification of violence in riots over the course of the nineteenth century reflects a similar sensibility. Those who lit the flaming cars of oil and coke and pushed them into the property of the PRR, along with their ultraviolent counterparts in other nineteenth-century riots, may well have been expressing their realization of significant change. In a society increasingly built on the rights of property, they found they could exert more power, however fleetingly, by destroying property than respecting it. Such a realization was yet another casualty of the loss of a moral economy.

NOTES

The author thanks Joseph Rishel and Thomas White for their careful reading of this article.

1. The classic discussion of this concept is in E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50 (1971): 76–136.
2. Paul A. Gilje, *The Road to Mobocracy: Popular Disorder in New York City, 1763–1834* (Chapel Hill: University of North Carolina Press, 1987), 205–88.
3. William A. Porter, "John Bannister Gibson as a Lawyer, a Legislator and a Judge," in Thomas P. Roberts, *Memoirs of John Bannister Gibson, Late Chief Justice of Pennsylvania* (Pittsburgh: Joseph Eichbaum and Co., 1890), 143–44.
4. John Runcie, "'Hunting the Nigs' in Philadelphia: The Race Riot of August 1834," *Pennsylvania History* 29 (April 1972): 188–92. Also see Sam Bass Warner Jr., *The Private City: Philadelphia in Three Periods of Its Growth* (Philadelphia: University of Pennsylvania Press, 1987), 128–29, and Michael Feldberg, *The Turbulent Era: Riot and Disorder in Jacksonian America* (New York: Oxford University Press, 1980), 41–42.
5. *Hazard's Register of Pennsylvania*, vol. 16: July 18, 1835; also see John Russell Young, ed., *Memorial History of the City of Philadelphia from Its First Settlement to the Year 1895* (New York: New York History Company, 1898), 2:214–15.
6. Warner, *Private City*, 89–90; Feldberg, *Turbulent Era*, 58; David Grimsted, *American Mobbing: Toward Civil War* (New York: Oxford University Press, 1998), 203–4.
7. *Laws of the General Assembly of the Commonwealth of Pennsylvania, Passed at the Session of 1835–36* (Harrisburg: Printed by Theo. Fenn, 1836), 711, for the entire election statute, see 702–15. In February 1838 at the state Constitutional Convention, Delegate John Fuller of Fayette County connected the election riot in 1834 and the relevant clause of the elections statute. See *Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania to Propose Amendments to the Constitution*, reported by John Agg (Harrisburg: Packer, Barrett, and Parke, 1839), 12:23.
8. Joseph B. Ecclesine, comp., *A Compendium of the Laws and Decisions Relating to Mobs, Riots, Invasion, &c, as Affecting Fire Insurance Companies in the United States* (New York: Grierson & Ecclesine, 1863), 17–20. "Municipality" of course, was not the term used, rather "city," "town," "county," and "hundred." Ecclesine notes that, since early in the 1700s, English insurance companies had incorporated into their policies an exemption for "riot, tumult, and civil commotion." That had become customary by the time insurance developed in the early United States. See Ecclesine, *Compendium*, 5–9. The author thanks Charles Sprowls of Duquesne's law library for access to this source.
9. *Proceedings and Debates . . . to Propose Amendments*, 12:12–26. Doran similarly proposed a provision that called on the legislature to enact vigorous penalties for all those guilty of rioting.
10. On the destruction of Pennsylvania Hall and associated rioting, see Warner, *Private City*, 132–37; Feldberg, *Turbulent Era*, 51–52. In condemning the violence and offering a reward for the apprehension of those involved, Governor Joseph Ritner inaccurately proclaimed "for the first time the orderly city of Philadelphia has become the theatre of scenes heretofore only contemplated at a distance." See "Proclamation of Award for the Apprehension of the Incendiary or Incendiaries Engaged in the Burning of Pennsylvania Hall in Philadelphia," May 22, 1838, in

- Pennsylvania Archives*, 4th ser., Papers of the Governors, vol. 6 (Harrisburg: William Stanley Ray, State Printer, 1901), 426–33.
11. *In the Matter of Pennsylvania Hall*, in Robert M. Barr, state reporter, *Pennsylvania State Reports*, 5:204–5 (1847). On the original committee, see *Philadelphia Inquirer and Daily Courier*, June 8, 1838; on the second committee, see *Philadelphia North American and Daily Advertiser*, December 17, 21, and 31, 1840, and January 27, 1841. For the report of that committee see *Philadelphia Inquirer and Daily Courier*, July 15, 1841.
 12. On the fate of the July 1841 report, see *In the Matter of Pennsylvania Hall*, 205; also *Philadelphia North American and Daily Advertiser*, February 9, 1842; on succeeding committee and report, see *Philadelphia North American and Daily Advertiser*, September 19, 1842, and July 1, 1843. Also see Richard B. Kielbowicz, “The Law and Mob Attacks on Antislavery Newspapers, 1833–1860,” *Law and History Review* 24 (Fall 2006): 597. In *American Mobbing* (36), David Grimsted states that the amount of the settlement was “just under \$48,000,” but gives no citation for that assertion.
 13. *In the Matter of Pennsylvania Hall*, 205–6 (quotation on 206), 209. Justice Molton C. Rogers gave the court’s opinion.
 14. *Ibid.*, 205, 210.
 15. *Laws of the General Assembly of the Commonwealth of Pennsylvania, Passed at the Session of 1841* (Harrisburg: Peacock and McKinley, 1841), 415–17.
 16. Feldberg, *Turbulent Era*, 65–71; Joel Schwartz, “‘To Every Mans Door’: Railroads and Use of the Streets in Jacksonian Philadelphia,” *Pennsylvania Magazine of History and Biography* 128 (January 2004): 56–61.
 17. Warner, *Private City*, 140–43; Feldberg, *Turbulent Era*, 39–40, 62–64.
 18. The fullest account of the riots is Michael Feldberg, *The Philadelphia Riots of 1844: A Study of Ethnic Conflict* (Westport, CT: Greenwood Press, 1975). His figures for deaths are on 115 and 156; for property damage, see 115–16. Also see Feldberg, *Turbulent Era*, 9–32, and Warner, *Private City*, 144–51.
 19. On the applicability of interest, see *St. Michael’s Church vs. The County of Philadelphia*, and *Hermits of St. Augustine vs. The County of Philadelphia*, in *Reports of Cases Decided by the Judges of the Supreme Court of Pennsylvania* (Philadelphia: James Kay, Jun. and Brother, 1851), 126 and 119–20 respectively. In this latter case, Justice Molton C. Rogers instructed the jury to give the plaintiffs some benefit of the doubt in calculating damages: “It is reasonable and proper, that allowance should be made for any seeming defect in the plaintiffs’ evidence, caused by the violence of the mob. The law does not require the plaintiffs to prove every article destroyed, you will be justified, therefore, in attending to the general estimate of the plaintiffs’ damages” (see 119).
 20. *Lavery vs. The County [of Philadelphia]*, *Pennsylvania State Reports*, by Robert Barr, State Reporter, vol. 2 (Philadelphia: T and W Johnson, 1846), 231–33.
 21. *Hermits of St. Augustine vs. The County*, 118. See also *St. Michael’s Church vs. The County of Philadelphia*, 124.
 22. *Donoghue vs. The County of Philadelphia*, *Pennsylvania State Reports*, by Robert Barr, State Reporter, vol. 2 (Philadelphia: T and W Johnson, 1846), 233–34.
 23. *St. Michael’s Church vs. The County*, 125; *Hermits of St. Augustine vs. The County*, 117.
 24. For explanations of the decline of rioting in Philadelphia, see Feldberg, *Turbulent Era*, 104–25; Warner, *Private City*, 152–57; Feldberg, *Philadelphia Riots*, 162–94. The last major riot of this

era occurred in October 1849 in Moyamensing, where fights on election day between Whig and Democratic gangs led to an attack on a hotel owned by a mulatto man married to a white woman. After burning the hotel, gangs proceeded to kill three blacks and injure perhaps two dozen others. See Warner, *Private City*, 155; Feldberg, *Turbulent Era*, 59. Warner calls Governor William F. Johnston's offer of a reward for the arrest and conviction of rioters a "hitherto unprecedented step." However, as noted above in n. 10, Governor Ritner had made such an offer after the burning of Pennsylvania Hall more than eleven years before.

25. Warner, *Private City*, 152–57.
26. The fullest account of the dispute is Monte A. Calvert, "The Allegheny City Cotton Mill Riot of 1848," *Western Pennsylvania Historical Magazine* 46 (April 1963): 97–133. For the law see *Laws of the General Assembly of the Commonwealth of Pennsylvania Passed at the Session of 1848* (Harrisburg: J.M.G. Lescure, 1848), 278–79.
27. Calvert, "Cotton Mill Riot," 110–13.
28. For brief references to the bill as it moved through the legislature, see *Pittsburgh Post*, February 9, 1849, and *Pittsburgh Gazette*, February 10, 1849. The clearest statements about the signatures come from discussion of the law of 1849 amid the debate over whether the state should assume responsibility for damages from the 1877 rioting. The *Philadelphia North American* (March 19, 1879) reported that "every reputable business house, every reputable manufacturing concern, corporations engaged in business, lawyers, doctors, capitalists, tradesmen, signed the petitions." Also see *Philadelphia North American*, March 5, 1879. The petitions to the state senate are mentioned, without any details as to the signatures, in *Journal of the Senate of the Commonwealth of Pennsylvania—1849* (Harrisburg: J.M.G. Lescure, 1849), 59:63, 69, and 197. The petitions to the state house are mentioned in *Philadelphia North American*, February 22, 1879. Calvert mistakenly claims that Allegheny County was made liable for damages from this riot. See Calvert, "Cotton Mill Riot," 130–31.
29. For the law, see *Laws of the General Assembly of the Commonwealth of Pennsylvania Passed at the Session of 1849* (Harrisburg: J.M.G. Lescure, 1849), 184. Ecclesine, *Compendium*, notes that six states other than Pennsylvania enacted laws in this period that made local governments liable for riot damages—New York in 1855, Maryland in 1860, Massachusetts in 1839, New Hampshire in 1854, Kansas in 1858, and Maine in 1857; see 26–28, 42, 47–49, 50–51, 77, and 79–80. In 1863 Pennsylvania extended liability for riot damages to Northampton County, see *Laws of the General Assembly of Pennsylvania Passed at the Session of 1863* (Harrisburg: Myers and Singerly, State Printers, 1863), 499–500.
30. The fullest account of the strike and rioting is Robert V. Bruce, *1877: Year of Violence* (Chicago: Quadrangle Paperbacks, 1970), 74–138. On the county sheriff's traditional responsibilities for order in the United States and Pennsylvania, see Kirk H. Porter, *County and Township Government in the United States* (New York: Macmillan, 1927), 45, 55, 89, 93, 164, and 168.
31. *Ibid.*, 138–58, 165–83.
32. The most detailed account of the suppression of disorder in Philadelphia is Philip English Mackey, "Law and Order 1877: Philadelphia's Response to the Railroad Riots," *Pennsylvania Magazine of History and Biography* 96 (April 1972): 183–202; also see Bruce, *1877*, 195–96. For a briefer account of the strike throughout the state, see Howard Harris and Perry K. Blatz, eds., *Keystone*

- of Democracy: A History of Pennsylvania Workers* (Harrisburg: Pennsylvania Historical and Museum Commission, 1999), 92–97.
33. *Philadelphia North American*, July 25 and August 2, 1877. The *Pittsburgh Post* displayed its sense of history in responding to such criticism by noting that it came from “the gentle church-burners of Philadelphia” (August 9, 1877).
 34. Quoted in *Pittsburgh Evening Chronicle*, August 11, 1877.
 35. *Pittsburgh Commercial Gazette*, July 30, 1877; *Pittsburgh Telegraph*, August 1, 1877.
 36. Minutes of the Allegheny County Commissioners, September 13, 1877, Allegheny County Courthouse, Office of the County Executive. In a little more than a decade, President Benjamin Harrison would appoint Shiras to the U.S. Supreme Court. See George Thornton Fleming, *History of Pittsburgh and Environs*, vol. 2 (New York: American Historical Society, 1922), 207.
 37. Grand jury report quoted in *Pittsburgh Weekly Chronicle*, November 24, 1877. The grand jury’s reference to taxation hinted at an argument that played little role in the dispute over responsibility for riot damages but is of historical interest, namely that because of its state charter the PRR was essentially “a state institution” for which the state was responsible. See *Weekly Chronicle*, August 1, 1877, and also *Pittsburgh Commercial Gazette*, August 3, 1877.
 38. *Pittsburgh Weekly Chronicle*, November 24, 1877. While only the term “riot” was in the laws of 1841 and 1849, state legislation on the role of the militia and the governor as its commander-in-chief enacted in 1858, 1861, and 1864 referred to “insurrection” and “invasion” as well as “tumult,” and “riot.” See *Pittsburgh Commercial Gazette*, February 14, 1879. Those who favored Allegheny County’s campaign to gain relief from riot damages frequently referred to PRR President Thomas A. Scott’s usage of “insurrection” to refer to the events of July 1877 in a magazine article. See Scott, “The Recent Strikes,” *North American Review* 125 (September 1877): 352, 357.
 39. *Pittsburgh Weekly Chronicle*, November 24, 1877. For the Supreme Court’s ruling, see *Philadelphia North American*, November 13, 1877.
 40. On the actions of the mayor and sheriff, see Pennsylvania General Assembly, Committee Appointed to Investigate the Railroad Riots, *Report of the Committee Appointed to Investigate the Railroad Riots of July 1877* (Harrisburg: L. S. Hart, 1878), 6–10, 43–45; the quotation is from 31. The terms of the committee’s appointment are on 1.
 41. *Ibid.*, 46–47.
 42. *Pittsburgh Weekly Chronicle*, April 18, 1878; *Gibson’s Son & Co. v. County of Allegheny*, *Pennsylvania State Reports*, vol. 90, *Comprising Cases Adjudged in the Supreme Court of Pennsylvania*, vol. 9 (Philadelphia: Kay and Brother, 1881), 397–401. *Philadelphia North American*, May 24, 1878.
 43. *Pittsburgh Weekly Chronicle*, February 8, 1879; also see *Pittsburgh Commercial Gazette*, February 4, 5, and 6, 1879.
 44. *Pittsburgh Weekly Chronicle*, February 8 and 15, 1879; *Pittsburgh Commercial Gazette*, February 6, 1879. Long’s role and that of the lobbyists is discussed for the riot damages bill and other issues in Robert Harrison, “The Hornets Nest at Harrisburg: A Study of the Pennsylvania Legislature in the Late 1870s,” *Pennsylvania Magazine of History and Biography* 103 (July 1979): 342–45.
 45. *Philadelphia Public Ledger*, quoted in *Pittsburgh Evening Chronicle*, February 6, 1879.
 46. *Philadelphia Bulletin*, quoted in *Pittsburgh Evening Chronicle*, February 6, 1879. Some Philadelphia papers supported the riot damages bill: for example, the *Philadelphia Times* (see *Pittsburgh Weekly*

- Chronicle*, April 5, 1879) and *Philadelphia Inquirer* (see *Philadelphia North American*, February 8, 1879).
47. *Philadelphia North American*, February 6, 1879.
 48. Bruce, 1877, 180.
 49. On the PRR's support, see *Pittsburgh Weekly Chronicle*, February 8 and April 26, 1879; *Philadelphia North American*, February 6, 22, and 28, March 12 and 21, April 11, and May 2, 1879. For quotation, see *Pittsburgh Weekly Chronicle*, February 8, 1879.
 50. On the release of the "Address," see *Philadelphia North American*, February 22, 1879. On Agnew, see J. Fraise Richard and Thomas Henry, *History of Beaver County, Pennsylvania* (Philadelphia: A. Warner and Co., 1888), 158–59; on Biddle, see *Philadelphia North American*, April 30, 1897; on Geyer, see *Pittsburgh Legal Journal* 41 (October 25, 1893): 101.
 51. Daniel H. Agnew, George W. Shiras Jr., George W. Biddle, and Stephen H. Geyer, "Address to the Legislature on the Subject of the Riots at Pittsburg[h] in July 1877," 4, 7, Local History Collection, Sewickley Public Library. For assistance in accessing this rare item, the author wishes to thank Meghan Snatchko of the Sewickley Public Library.
 52. *Ibid.*, 9.
 53. Article III, Section 7, *Constitution of the Commonwealth of Pennsylvania* (Harrisburg: Edwin K. Meyers, State Printer, 1889).
 54. Agnew et al., *Address to the Legislature*, 12–13.
 55. *Ibid.*, 5, 8, 9, 14.
 56. *Philadelphia North American*, February 22, 1879; *Pittsburgh Weekly Chronicle*, April 5, 1879. Also see Harrison, "Hornets Nest," 351–52.
 57. Alexander K. McClure, *Old Time Notes of Pennsylvania* (Philadelphia: John C. Winston Co., 1905), 2:177–78, 275–76. Also see *Philadelphia North American and United States Gazette*, February 15, 1866, and January 4, 1872.
 58. *Philadelphia North American*, February 10, March 13, 1879; *Pittsburgh Weekly Chronicle*, April 19, 1879; *Pittsburgh Commercial Gazette*, April 12 and 14, 1879. Also see Harrison, "Hornets Nest," 351–52.
 59. *Philadelphia North American*, March 20 and 26, 1879; *Pittsburgh Weekly Chronicle*, March 29, 1879; *Pittsburgh Commercial Gazette*, March 25, 1879.
 60. *Philadelphia North American*, March 7 and 25, 1879; *Pittsburgh Weekly Chronicle*, March 29, 1879.
 61. Magee would play a leading role among the state's Republicans until his death in 1901. He worked closely with state representative William Flinn, who gave his maiden speech in the legislature in favor of the riot damages bill. On Flinn and Magee, see George A. Swetnam, *Bicentennial History of Pittsburgh and Allegheny County* (Pittsburgh: Historical Record Association, 1956), 209–14; *The Book of Prominent Pennsylvanians* (Pittsburgh: Leader Publishing Co., 1913), 201; Erasmus Wilson, ed. *Standard History of Pittsburgh, PA* (Chicago: H. R. Cornell, 1898), 1050–51. For their role in the riot damages bill, see *Pittsburgh Weekly Chronicle*, April 5, 1879; *Philadelphia North American*, March 7 and 20, 1879. On Robert W. Mackey, see his obituary, *New York Times*, January 3, 1879.
 62. For appearance of the pamphlet, see *Pittsburgh Commercial Gazette*, March 7, 1879.
 63. *Pittsburgh Weekly Chronicle*, May 17, 1879, and *Philadelphia North American*, May 8, 10, and 21, 1879. This and other lobbying efforts are discussed in Harrison, "Hornets Nest," 346–47.

64. On the debate, see *Pittsburgh Weekly Chronicle*, March 29 and April 5, 1879; *Pittsburgh Commercial Gazette*, April 3, 1879. From 1844 a portion of taxes assessed by counties on personal property including real estate went to the state. In 1867 real estate was exempted from state taxation as various corporate taxes took on a growing share of the tax burden. The indispensable discussion of the complexities of state revenue in the nineteenth century is Thomas K. Worthington, "Historical Sketch of the Finances of Pennsylvania," *Publications of the American Economic Association* 2 (May 1887): 59–60, 85–98.
65. *Pittsburgh Weekly Chronicle*, April 12, 1879; *Pittsburgh Commercial Gazette*, April 4, 1879.
66. *Pittsburgh Weekly Chronicle*, April 19 and April 26, 1879; *Philadelphia North American*, April 17, 1879. This vote may well overestimate support for the bill if it had received an up-or-down vote. Representative Ernest Nakel of Lehigh County stated that, while he was supporting reconsideration, he would vote against the bill for final passage. See *Daily Legislative Record—1879*, part 2 (April 16, 1879), 1118.
67. These calculations and those that follow are based on the list of House members' votes in *Philadelphia North American*, April 17, 1879. Votes are also listed in *Daily Legislative Record—1879*, part 2 (April 16, 1879), 1118. For party affiliations, see John A. Smull, *Smull's Legislative Handbook* (Harrisburg: Lane S. Hart, State Printer, 1879), 713–16.
68. The total number of counties is sixty-six because Lackawanna had not quite been separated from Luzerne County for state legislative purposes at this time. For the purposes of this analysis, the line between "eastern" and "central" counties runs between Lancaster and York, Lebanon and Dauphin, Schuylkill and Dauphin, Columbia and Northumberland, Columbia and Montour, Sullivan and Lycoming, and Bradford and Tioga. The line between "central" and "western" runs between Fulton and Bedford, Huntingdon and Blair, Centre and Clearfield, Cameron and Elk, and Potter and McKean.
69. *Pittsburgh Commercial Gazette*, April 12, 1879.
70. This analysis confirms, in part, that of Harrison, "Hornets Nest," 339–42. In discussing several legislative contests including the riot damages bill, Harrison shows how party discipline varied considerably from issue to issue. He also comments that many legislators hewed closely to their constituents' views; still those views must have been unclear if they resulted in the range of split votes in various counties outlined here. On p. 337, Harrison states that the riot damages bill "was ultimately compromised." I have found no evidence for that assertion.
71. The decreasing power of corrupt influence in American politics by the end of the 1870s is the theme of Mark Wahlgren Summers, *The Era of Good Stealings* (New York: Oxford University Press, 1993).
72. *Philadelphia North American*, April 10, 15, May 2, 7, 8, 9, 22, 30, June 4, 6, August 12, 14, 29, 30, 1879, and March 9, 11, 19, 29, 31, and May 2, 1880. The investigation is discussed in Harrison, "Hornets Nest," 349–52. He incorrectly states that Petroff was not a member of the legislature during the fight over the riot damages bill.
73. *Gibson's Son & Co.*, 9:397–422. Justice James P. Sterrett of Pittsburgh did not participate in the decision.
74. *Ibid.*, 405.

75. Ibid., 407, 408–12 (quotation on 411).
76. Ibid., 415–17.
77. Ibid., 17–420 (quotation on 417). The shippers were represented in the case by three prominent members of the Pittsburgh bar: David T. Watson, M. W. Acheson, and Thomas M. Marshall.
78. *Pittsburgh Post*, quoted in *Pittsburgh Evening Chronicle*, October 7, 1879.
79. *Pittsburgh Evening Chronicle*, October 14, 1879.
80. *Pittsburgh Commercial Gazette*, December 30, 1879; *Pittsburgh Evening Chronicle*, December 30, 1879. Several major claimants settled for figures near 70 percent; see list in *Philadelphia North American*, April 1, 1881. In letters to shippers whose property had been destroyed, the PRR stated that the Allegheny County commissioners had offered to settle their claims for 75 percent. For example, see form letter from PRR solicitor's office attached to claim of J. Robert Hay, January 14, 1880, in Pittsburgh Riot Claims, 1880–1882, Allegheny County Controller Records, series 47:3, Pennsylvania State Archives, Harrisburg. Some 2000 claims were filed through a process that showed considerable attention to detail.
81. *Pittsburgh Evening Chronicle*, January 7, 1880; *Pittsburgh Commercial Gazette*, January 7, 1880.
82. *Pittsburgh Commercial Gazette*, January 8, 1880.
83. *Philadelphia North American*, February 5 and April 1, 1881; January 12, 1883.
84. *Pittsburgh Commercial Gazette*, February 5 and 13, 1880. For total issued see Minutes of the Allegheny County Commissioners, December 14, 1880. Also see *Pittsburgh Commercial Gazette*, January 26, 1881, and January 31, 1883. The *Philadelphia North American*, April 1, 1881, published a statement from the Allegheny County Commissioners giving a total of \$2,592,246.05 in damages paid, but some claims were not settled until after that date. See Pittsburgh Riot Claims, Pennsylvania State Archives.
85. The county's financial condition over these years can be followed in the reports of the County Controller, which can be found in the *Pittsburgh Commercial Gazette*, January 26, 1881; January 31, 1883; and February 1, 1884. For commentary on the impact of building the new courthouse, see *ibid.*, February 9, 13, and 14, 1884. For the refinancing of the riot bonds and the issuance of courthouse bonds, see Allegheny County Controller, *Twenty-sixth Annual Report of the Fiscal Affairs of Allegheny County . . . for the Year Ending December 31, 1886*, 94–96.
86. The millage rate for county purposes was 2½ for 1877, 2¼ for 1879, and 3 for 1880. The millage remained at 3 for 1881 and 1882, increasing to 4 in 1883, and stayed there for 1884 1885, and 1886. See Minutes of the Meetings of the Allegheny County Commissioners, February 15, 1877; February 15, 1879; February 7, 1880; January 31, 1881; February 14, 1882; February 13, 1883; February 8, 1884; February 14, 1885; and February 12, 1886. The minutes for February 14, 1885 note that the commissioners had resolved on September 1, 1884 that 1 of the 4 mills would be set aside to build the new courthouse.
87. "Damage Suits: Who Pays for Riots," *Time*, August 4, 1967.
88. *Pittsburgh Post-Gazette*, July 16 and 19, and August 2, 1968.
89. Catherine Lucey, "Cost Is Beyond Belief," *Philadelphia Daily News*, May 7, 2010.
90. Morton Keller, *Affairs of State: Public Life in Late Nineteenth Century America* (Cambridge: Belknap Press of Harvard University Press, 1977), see esp. 35, 85–121, 162–96.