

Philadelphia's City Hall: Monument to a New Political Machine

A LARGE CROWD gathered at the intersection of Market and Broad Streets in Philadelphia July 4, 1874, to celebrate the laying of the cornerstone for a new city hall. For a town whose rapid expansion fostered pretensions of greatness, the speech of former Pennsylvania attorney general Benjamin Brewster must have been welcome. "We are," he said, "erecting a structure that will in the ages to come speak for us with the tongues of men and angels. This work which we now do . . . [may] be all that remains to tell the story of our civilization."¹ Indeed, the Philadelphia City Hall still stands in the heart of the center city business district as a living example of High Victorian building at its best. It also remains a monument to a critical chapter in Philadelphia's political history which has barely been touched upon.² It is a story worth telling, for with the erection of City Hall emerged a pattern which James Bryce was to identify in *The American Commonwealth* as the archetypal nineteenth-century urban political machine. No longer would political corruption be confined to the acts of dishonest individuals but would instead be consolidated, under law, in the hands of a few people who had mastered the art of utilizing public power for private profit.

Philadelphia's rapid population growth and commercial development at mid-century vastly increased the demand for government services. As the city's bureaucracy burgeoned, civic leaders pointed out the need to concentrate those services in a forum which would be both dignified and accessible, in contrast to the prevailing practice of scattering offices according to the lowest rents available. As

¹ *Sunday Times*, July 5, 1874 (all newspapers cited were published in Philadelphia).

² Roger Butterfield's article, "The Cats on City Hall," which appeared in this journal in October, 1953, relates a number of interesting anecdotes on the politics of City Hall, but without reporting the context in which the work advanced.

early as 1838 the Pennsylvania legislature authorized the mayor, the aldermen, and the citizens of Philadelphia, with the approval of the county commissioners, to erect new public buildings on Penn Square in the 9th ward. After considerable discussion the project was abandoned until 1847, when the legislature introduced the concept of choosing autonomous commissioners to direct the work. The city rejected this proposal and a similar plan which passed the legislature in 1860.³

After the Civil War the question was revived, with members of the City Councils, many of whom were themselves buildings contractors, taking the lead. In February, 1867, a new ordinance was drafted which would make buildings commissioners of the committee on city property. The question passed to a special joint committee of Councils⁴ which reported the ordinance back with two amendments designed to satisfy the city's commercial interests. It named as commissioners the mayor, the president of each council, and, in place of the committee on property, a number of prominent businessmen. It also changed the site from Penn Square to Independence Square in the 5th ward commercial area.⁵

The new plan immediately attracted the opposition of Select Councilman William Stokley, a journeyman confectioner who represented the 9th ward Penn Square area. Stokley held only a peripheral role in the dominant Republican Party controlled by District Attorney William Mann. Although he headed the committee which reported out the ordinance, Stokley tried, unsuccessfully, to amend the measure in favor of Penn Square. The measure passed, retaining the Independence Square site with every member of the property committee but Stokley in its support.⁶ The proposal failed, however, in Common Council, where A. Wilson Henszey (10th ward), a member of the Stokley committee who did not sign the report, led the effort to postpone the issue indefinitely.

³ J. Thomas Scharf and Thompson Westcott, *History of Philadelphia, 1609-1884* (Philadelphia, 1884), III, 1772-1773.

⁴ City Councils, like the state legislature, was divided into two branches, an upper or Select Council and a lower or Common Council. Each ward elected one select councilman and one common councilman for every 2,000 taxable citizens in the ward.

⁵ *North American*, Feb. 15, 1867; *Journal of Select Council*, 1867, I, appendix, 700-701.

⁶ *Ibid.*, 285

A year later William Bumm, chairman of the committee on city property, introduced a new bill for public buildings, keeping the Independence Square site, but replacing the businessmen commissioners with men who were more politically oriented. In addition to the mayor and the presidents of Select and Common Councils who were named in the 1867 bill, Bumm listed as commissioners the chief engineer and surveyor, the chief engineer of the water works, the chief commissioner of highways, the inspector of steam engines and boilers, the commissioner of markets and the committee on city property, all of whom were appointed by Councils. Nine other commissioners, all members of City Councils or contractors who could sell their services to the city, were also named.⁷ The bill passed Common Council after its request for six more members was accepted by the select branch. As approved by the mayor January 1, 1869, the commission brought together all the jobbers and contractors who had changed the face of Philadelphia politics under the Mann wing of the Republican Party. As a sop to Stokley, who joined the commission by right of his position in 1868 as president of Select Council, the commissioners elected him president at their first meeting in January. Architectural designs were asked for buildings on Independence Square, but Stokley told the press he would not be satisfied until the buildings were placed on Penn Square.⁸

Unable to gain support for the Penn Square site within the commission, Stokley turned to the legislature where he had an ally in Wilson Henszey who had left his seat in Common Council in the fall of 1869 to gain election to the State Senate. Just as Henszey began his new term, John Rice, a local buildings contractor and common councilman from the 8th ward, guided a resolution through Common Council asking the legislature to pass a bill submitting the question of a site to popular vote. Select Council, led by members of the committee on property, objected to the proposal and passed a resolution the same day asking the legislature not to interfere in the buildings question.⁹ But on March 10 Henszey reported a bill

⁷ *Ibid.*, 1868, II, 246; II, appendix, 204.

⁸ *Public Ledger*, Feb. 11, 1869.

⁹ *Ibid.*, Feb. 4, 1870.

from committee originally introduced by Marshall Hong, a Philadelphia highway contractor, to submit the question of the buildings site to a vote at the next election. The following day Henszey reported an additional bill prohibiting the erection of public buildings on Independence Square.¹⁰

Both bills passed the Senate March 22, with only one dissenting vote in the Philadelphia delegation, from David Nagle, a Democrat. On April 1 Governor John Geary vetoed the second bill, with the explanation that it contained an unnecessary prohibition. Apparently forewarned of the veto, Henszey introduced a bill on March 31 to make Independence Square "a public green forever," thereby blocking any construction plans for the site. Four days later Henszey and George Connell, another Philadelphia senator, amended the bill to insure some buildings on Penn Square with a provision that if the voters rejected the site for the buildings proposed, other new buildings—for the Pennsylvania Academy of the Fine Arts, the Academy of Natural Sciences, the Franklin Institute and the Library Company of Philadelphia—would be located on Penn Square. The rule requiring three readings was quickly dispensed with and the bill passed to the House where William Stokley and Henry Phillips were added to the list of commissioners. On April 5 the bill was approved by the House, although only after Mann's ally William Elliott challenged the decision to make Stokley and Phillips commissioners.¹¹

The bill as passed overturned the earlier commission. Independence Square was prohibited as a site. All work under previous agreement was suspended until the October election when voters would choose a site between Penn Square and Washington Square adjoining the Independence Square site. By a supplement dated August 5, 1870, a new set of commissioners was named which included, along with Stokley and Phillips, two former councilmen with close ties to the business community, Theodore Cuyler and John Price Wetherill. John Rice, the bill's champion in Common Council, assumed the presidency of the new body. Although the commission retained positions for the mayor and the presidents of Councils, none of the

¹⁰ *Journal of the House*, 1870, 325; *Journal of the Senate*, 1870, 589, 609.

¹¹ *Journal of the House*, 1870, 1122, 1150; *Journal of the Senate*, 1870, 589, 609, 731, 930, 990, 1070, 1170.

contractors originally named by the 1868 ordinance were included. Furthermore, the vote of the commission was declared binding, reversing the intention of earlier proposals to give Councils full power to supervise construction. Councils were directed to accept any contracts the commission entered into and to raise the money through a special annual tax on property.¹² Stokley and Henszey had entirely changed the complexion of the first commission.

The *Public Ledger*, the *Bulletin*, and the *North American* attacked the commission, both for its unlimited powers and the proposed Penn Square site, which they argued was too isolated from the city's commercial district. They preferred Washington Square, which, the *North American* claimed, would "confirm the concentration of business of all kinds—commercial, fiscal, legal, governmental, maritime, internal, transportation, insurance etc.—east of ninth street in the old original city of Penn."¹³ The vote on October 10, which followed party lines closely, with the totals for Penn Square comparable, by percentage, to the totals for Republican candidates for local office, gave Penn Square an 18,000-vote majority. Only four wards, the 18th, 19th, 22nd and 23rd, broke the pattern by supporting both Washington Square and the Republican Party. Since none of the deviant wards had an immediate geographical stake in either site, the strongest factor in the vote appears to have been the opposition of ward leaders who were left out of the new commission. William Bumm (18), William Smith (22), and Edward Shallcross (23), all members of the property committee replaced by the new commission, appear to have turned out a large vote against Stokley's Penn Square choice.

Hardly had the new commission taken office when it entered a new controversy by suggesting it would not build separate offices on each of the four blocks constituting Penn Square, but would incorporate instead the entire area for a single mammoth city hall. The business community immediately voiced its opposition to any plan which would block the intersection of the city's major thoroughfares, Broad and Market. Such a site, the *North American* said when the proposal first appeared, "would be the ruin of Broad Street and

¹² Public Law 1404 (Aug. 5, 1870), *Laws of Pennsylvania*, 1871, 1870 appendix, 1548-1550.

¹³ *North American*, Jan. 18, 1869

would expose the trade of Market Street to great damage."¹⁴ A public meeting to protest the scheme directed a delegation of its members to carry to the legislature a petition containing 30,000 signatures against the proposition.¹⁵

Politicians outside the buildings coterie lost no time joining opposition to the commission. William Elliott picked up his attack again, charging that the commissioners had deceived the public by announcing before the election that the intersection would not be used. He recommended that a new bill forbidding erection of buildings on the intersection of Broad and Market Streets be referred to a special committee of Philadelphia representatives, where it would be favorably received. Instead, the bill proceeded to the committee on municipal corporations, where it met with a negative recommendation.¹⁶ William Stokley, who was widely considered the probable Republican nominee for mayor at the June convention, staked out his own position on the side of the business community, saying he was against commissions deciding Philadelphia's future and that he might not back the intersection plan.¹⁷

A legislative onslaught against the commission followed. David Nagle, the only Philadelphia state senator to vote against the bill in 1870, introduced a new measure prohibiting construction at the intersection.¹⁸ Robert Dechert, the only other Philadelphia Democrat in the Senate, followed with a proposal for an entirely new commission to consist of the chief justice of the supreme court, the judges of the courts of common pleas and district courts of Philadelphia, and the Attorney General of Pennsylvania.¹⁹ At the March 6 meeting of the commission, Henry Phillips, the only member not granted a committee assignment, presented a petition signed by 3,400 people against the intersection scheme, and Stokley proposed

¹⁴ *Ibid.*, Sept. 21, 1870.

¹⁵ *Press*, Mar. 7, 1871.

¹⁶ Charles Collis, solicitor for the commission and former assistant city solicitor, defended the commission before the legislature. *Post*, Jan. 26, 1870; *Bulletin*, Feb. 1, 1871, contained in Scrap Books of Samuel C. Perkins (buildings commissioner), I, Historical Society of Pennsylvania (hereinafter cited as Perkins).

¹⁷ *Post*, Feb. 16, 1871, Perkins, I.

¹⁸ *Bulletin*, Feb. 28, 1871, Perkins, I.

¹⁹ *Evening Telegraph*, Mar. 2, 1871, Perkins, I. The selection of court officers as commissioners was first suggested in the 1860 bill.

to submit all commission plans to Councils for their approval.²⁰ On May 5, the *Press*, which was decidedly favorable to William Mann, took a firm position for the first time against the commission, rationalizing its position by pointing to business opposition: "The wealth, influence and respectability of the city are arrayed in deadly opposition to it and will spare no means to secure the repeal of the act creating it."²¹ Democrats, now controlling the State Senate by one vote, passed Dechert's bill abolishing the commission that day.

The *Bulletin* immediately claimed victory, rejoicing that the bill "frees Philadelphia from a mountain load of taxation, debt and trouble."²² "Such a verdict as this," according to the *North American*, "is an indication not to be misunderstood. Petitions signed by thirty thousand of the most intelligent, respectable, and responsible citizens of Philadelphia praying for passage of the bill to abolish the commission had been presented, and even those who had been disposed to tolerate the action of the Board at last surrendered to the force of public sentiment."²³ But on May 11, the House committee on municipal corporations again defended the commission, giving the Dechert bill a negative recommendation. A last effort to pass the bill failed May 26. The Democratic Senate then passed a resolution which would drop the rule prohibiting bills of either house to be submitted to the other within three days of final adjournment and allow a substitute commission bill to reach the house. Although William Elliott continued to fight the commission, voting to drop the limitation, the vote fell short of the necessary two-thirds majority.²⁴

With the ultimate goal of abolishing the commission lost, its opponents renewed opposition to plans for using the intersection. At the June 19 meeting of the commission, with president John Rice absent, the two commissioners closest to the business community, Theodore Cuyler and John Wetherill, voted with Stokley and Phillips to repeal all actions designating the intersection as the site.

²⁰ *Press*, Mar. 7, 1871, Perkins, I.

²¹ *Press*, May 5, 1871, *ibid.*, II.

²² *Bulletin*, May 12, 1871, *ibid.*

²³ *North American*, May 6, 1871.

²⁴ *Post*, May 27, 1871, Perkins, II.

The motion carried by a margin of two votes, while a second resolution, to submit all contracts to City Councils for approval, was referred to a special committee for consideration.²⁵ Neither motion survived Rice's return. The commission held a secret meeting August 14. Neither Cuyler, Phillips, nor Wetherill attended, as invitations to the meeting, mailed only the evening before, failed to reach them in time. A new resolution ended all restraints on the commission, instructing the contractor to proceed at once with excavations "in accordance with plans and specifications to be proposed by the architect."²⁶ Shortly afterward Phillips and Cuyler resigned. Wetherill continued to attend meetings for two months before resigning on January 2, 1872. A final effort to block the intersection scheme failed when Chief Justice Thompson refused to grant an injunction against the commission in the Pennsylvania Supreme Court, ruling its constitutionality had been upheld by the full court during an earlier effort to block construction.²⁷

The final beneficiary of years of bickering over public buildings was William Stokley. By appearing opposed to the most offensive commission proposals, such as the intersection scheme, he tempered public criticism against himself during the critical period preceding his nomination and election as mayor in 1871. "It is to his lasting honor," the *North American* announced, "that, although a member of the Buildings Commission, he has steadily resisted its aggressive proceedings, and since general opinion has showed how distasteful it has become, has been in favor of its abolishment."²⁸ The most consistent critic of the commission, the *Bulletin*, endorsed Stokley immediately before and after his nomination.

Although Stokley appeared to side with opponents of the intersection plan, his actions subsequent to the June 19 meeting do not indicate he actually operated independently of John Rice, whom he had supported in reversing the earlier action of the commission against the intersection site. Far from seeking the commission's abolishment, Stokley worked hard to fill it with allies. When Rice resigned as president in April, 1872, Stokley secured the election of

²⁵ *Press*, June 20, 1871, *ibid.*

²⁶ *Post*, Sept. 15, 1871, *ibid.*

²⁷ *Bulletin*, June 23, 1871.

²⁸ *North American*, June 15, 1871.

former receiver of taxes Richard Peltz, who was joined on the commission by another long-time Stokley associate, through the Harmony Engine Company, Mahlon Dickenson. In January, 1873, Stokley nominated Peltz's brother-in-law, John L. Hill, who had served as an apprentice cutting marble before entering city politics. Although Stokley resigned his appointed position on the commission in January, 1872, he retained his place there by right of his office of mayor, a seat he held until 1881.

Once elected mayor, Stokley moved to blunt the sources of opposition to the buildings organization. Samuel Cattell, who was replaced as president of Select Council in 1872 by the independent-minded William Littleton, was given Stokley's old spot on the commission, possibly with the understanding that he would look after the commission's interests in the upper chamber. Charles Collis, who had served as the commission's solicitor and defended it before the legislature, was elected city solicitor on the Stokley ticket, thereby insuring against any unfriendly law suits from the city. The mayor's closest ally on the buildings question, A. Wilson Henszey, returned to Common Council in 1872. With Stokley's help, he gained election six months later as president and assumed the privilege of making all committee assignments in 1873. Under Henszey's leadership the common branch of Councils, with its responsibility for all municipal expenditures, was unlikely to block appropriations for the commission.

Henszey's victory served a still more dramatic purpose. For six months prior to his election, the commission debated what materials should be used for the new City Hall. The commission approved a contract with Comber and Sargent, July 19, 1872, to lay the foundation in granite. But in August Stokley charged that the contract had been awarded "in violation of the public invitation for bids." At a special meeting August 20 he introduced an injunction against the commission for entering an invalid contract. On September 14 the court of common pleas granted the injunction. Three days later the commission voted to advertise for new bids.²⁹

According to a report in the *Philadelphia Press*, six members of the commission opposed the granite contract, preferring marble

²⁹ *Day*, Aug. 21, 1872; *Sunday Times*, Sept. 15; *Press*, Sept. 18, Perkins, IV.

instead. The granite sympathizers held a majority of one but, the *Press* noted, Henszey's selection as Common Council president over John Bardsley would give the marble lobby control in the commission.³⁰ With Henszey's election January 6, advocates for marble became bolder. John Hill denounced the idea that contracts should go to the lowest bidder as "an old fogey idea," saying that "the contract of Comber and Sargent Co. does not amount to anything."³¹ At the August meeting of the commission Stokley added an amendment to a resolution delaying the decision on building until September, which committed the commission to use white marble in place of granite. At the September meeting of the commission Stokley turned back an effort to raise the question of building materials again, told the commission to speed up deliberations on the marble contract, and said the contract could be made without advertising. When Select Council president William Littleton objected to awarding bids without advertising, Stokley retorted that the commissioners could do anything they wanted if they had enough votes.³²

On October 7 the commission awarded a contract for \$5,300,000 to William Struthers & Son, the largest single contract in Philadelphia history. Local papers praised Struthers' excellent reputation as a builder. But the key to the decision lay in the announcement that Struthers would provide marble from the Lee Quarry in Massachusetts. The owner of the quarry was none other than John Rice, who had done considerable contract work with Struthers throughout his building career. Stokley ally John Hill had served his apprenticeship at the Lee Quarry and his father still worked there.³³ Clearly if Stokley and Rice ever took different positions on the controversial question of building at the intersection, their differences had been reconciled. Although there is no record that Stokley received direct financial reward for permitting Rice such a lucrative windfall, he soon moved into a \$22,000 three-story brown-

³⁰ *Press*, Oct. 19, 1872. Bardsley had a financial stake in a granite decision. His Richmond Granite Co. received \$27,178 in warrants for supplies to the commission in 1871. City controller's books, City Hall.

³¹ *Inquirer*, Mar. 18, 1873, Perkins, IV.

³² *Inquirer*, Aug. 6, 1873; *Public Ledger*, Sept. 9, 1873, Perkins, IV.

³³ See Rice's obituary, *Inquirer*, Feb. 24, 1880. *Sunday Times*, Mar. 14, 1875.

stone house at 1222 Filbert Street, which papers claimed was provided by city building contractors. John Hill had previously purchased a lot nearby at 1215 Filbert for one dollar.³⁴

Thus far Stokley managed not only to draw a significant portion of city patronage under his control, but to establish his political predominance in the process. Indeed, his influence through the buildings commission opened the way to further political alliances. The link lay in the hitherto unexplained scheme to build at the Broad and Market street intersection.

For some time the city's street railway companies had sought political influence to gain competitive advantage and to dampen citizen protest against the extension of new lines. Thus, William Mann, who never took an active interest in street railway management, served as an incorporator of the Fairmount Park and Delaware River Railroad and the Lombard and South Railway.³⁵ The Union Railway, incorporated in 1864, counted among its directors former state treasurer William McGrath and former city treasurer William Kemble. In 1872, city treasurer Peter A. B. Widener and former sheriff William Leeds held large blocks of stock in the Union.³⁶ Only months after the courts affirmed the building commission's authority to build at the intersection, the Union line tested its political muscle by rushing a bill through the legislature granting it power to lay tracks on Market Street, from Front to Ninth.³⁷

The sponsors of the bill could have had only limited interest in attracting business to the new public buildings, since the connection of its existing line to Market, at Seventh and Ninth streets would still leave passengers four blocks east of the buildings complex. The Union's particular interest clearly lay in using the connection to bring its passengers from all parts of the city not toward City Hall but in the other direction, to the Market Street ferry at Front Street, which provided the link from the city to Camden, New

³⁴ Deeds Book FTW 200, p. 139; FTW 98, p. 223, Philadelphia City Hall.

³⁵ George Biddle and J. Rodman Paul, eds., *Acts of Assembly and Ordinances Relating to Pennsylvania Passenger Railways and Steam Railroads within the City Limits with a Digest of Pennsylvania Decisions Relating to Passenger Railways* (Philadelphia, 1884).

³⁶ *Sunday Times*, Feb. 16, 1873.

³⁷ *Ibid.*, Apr. 21, 1872.

Jersey. By law, however, the West Philadelphia Railway enjoyed the exclusive privilege of laying tracks on Market street, from Front, through Penn Square to the Schuylkill River on the border of West Philadelphia. The West Philadelphia held an apparently invulnerable position to the attempted piracy of the Union line until it ran into trouble with the buildings commission.

Having failed to block the Union bill in the legislature, West Philadelphia president John Morton responded with a threat to lower fares, which under an 1868 state law no longer could be set by City Councils, but only by special legislative authority or the individual lines themselves.³⁸ "We presume the extension of your route to Front Street via Market Street might add a few thousand dollars to your treasury per annum, should the fares be as at present," Morton wrote the Union's William McGrath, "but what difference it would make on your long route if reduced some 33%, or lower, you can best determine: Might it not be better for you to continue running your cars down Seventh and up Ninth as heretofore?"³⁹ Neither the state legislature nor the city's Board of Street Railway Presidents responded to Morton's efforts to lower fares, however, and in the meantime the West Philadelphia business was totally threatened by buildings commission plans to take up the company's tracks at Broad and Market. Once that happened, the West Philadelphia could operate again under state law only after the legislature granted specific authorization to lay track around the proposed building site. The commissioners, it seemed, had put the West Philadelphia in a terrible bind.

Morton took his case to the court of common pleas, seeking an injunction against the buildings commission for disrupting the company's business. The court rejected the appeal on grounds that

³⁸ The bill, popularly referred to as the "railway boss act," like the final buildings commission bill, stripped City Councils of the last vestiges of authority over street railways. The bill required Philadelphia companies to pay \$50 license fees for "each car intended to run," but stated further that "said city shall have no power by ordinance or otherwise, to regulate passenger railway companies unless authorized so to do by laws of the Commonwealth, expressly in terms relating to passenger railway corporations in the city of Philadelphia." Public Law 789 (Apr. 11, 1868), *Laws of Pennsylvania*, 1868, 849-850.

³⁹ Directors' Minutes Book, West Philadelphia Railway, Apr. 18, 1872, Wilkes College. (Hereinafter directors' minutes books of individual railways at Wilkes College will be cited as DMB.)

"it would interfere with public improvements." A second judge, however, reversed the decision on October 14.⁴⁰ In November the Pennsylvania Supreme Court invalidated the Union bill on grounds that its title covered more than one subject, in violation of state law.⁴¹

At their December meeting the West Philadelphia directors passed a resolution of thanks to John Morton "for the energy, ability and discretion with which he opposed and defeated the attempts of the Union Passenger Railway Company to infringe upon the franchises of our company."⁴² A month later, however, the Union directors were back in the legislature pushing a new bill granting them rights to run cars on Market Street in compliance with Supreme Court directives. Samuel Josephs, a Democrat with a highly successful record in the Republican 29th ward, introduced the bill on February 4. Samuel Daniels, later rewarded with a position on the Union board of directors, reported the bill favorably from committee and helped defeat proposals to reduce the fare to five cents and require the company to pay 4 per cent on its gross earnings for the next three years to benefit the Centennial. The bill was rushed through the House on February 5. It received a favorable report on February 6 from Senator Elisha Davis, chairman of the joint railway committee and author of the original 1872 Union bill, and passed the Senate on February 7.⁴³ With the Union's position secure in the legislature, company officials told the West Philadelphia it would not lay additional track on Market Street if the West Philadelphia would agree to share its tracks.⁴⁴

Morton rejected the Union offer, seeking instead to secure rights to lay track around City Hall. By a suspension of the rules requested by Alexander McClure, Stokley's opponent for mayor, the authorization bill passed by a voice vote February 28. On March 4, however, Senator Davis requested that the bill be returned to his

⁴⁰ *Public Ledger*, Oct. 16, 1872.

⁴¹ *Sunday Dispatch*, Nov. 24, 1872.

⁴² DMB, West Philadelphia Railway, Dec. 10, 1872.

⁴³ *Journal of the House*, 1873, pp. 246, 255, 258-260; *Journal of the Senate*, 1873, pp. 228, 231, 248. The bill remained the same in substance as the 1872 act, with only a new title to replace the one declared invalid by the Pennsylvania Supreme Court.

⁴⁴ DMB, Union Railway Company, Feb. 8, 1873.

committee on railroads. When a fellow senator suggested he might have a personal interest in blocking the bill, Davis replied sharply: "Suppose it is proper to say the Union Passenger Railway Company has nothing to do with this bill. I simply wish to reconsider this bill. . . ." ⁴⁵ The next day Morton offered to make new concessions to the legislature in order to retain exclusive rights to Market Street. But Davis continued to bottle up the bill in committee. ⁴⁶

The court of common pleas again upheld the injunction against the public buildings commission March 22, but on April 10 the Pennsylvania Supreme Court reversed the decision. The high court cited, in support of its conclusion, a law passed in 1846 which prohibited any court of the city or county from granting or continuing injunctions against the erection or use of any public works erected or in the process of erection by the legislature. ⁴⁷ Completely stymied in the legislature and the courts, the West Philadelphia accepted the only settlement it could get. On April 10 the legislature passed a new bill granting the company the right to lay track around the public buildings, but without the provision, contained in the original bill, which granted the company exclusive rights to Market Street. In addition, the bill barred the company from claiming any damages against the city. ⁴⁸ On May 2 local papers reported that the company would agree to allow the Union to use its tracks on Market, from Front to Ninth, as authorized by the legislature, and on May 13 the West Philadelphia board of directors empowered its president to enter a settlement, noting, however, "that we do not propose to give up our right of appeal to the Supreme Court." ⁴⁹ By August, when Morton reported the settlement, the board gave up even the hope for legal redress, approving the contract without objection. ⁵⁰ For its part, the Union filled in sections of Seventh Street torn up where the company had proceeded to lay its own track and agreed to drop all cases pending in the courts against the West Philadelphia. ⁵¹

⁴⁵ *Journal of the Senate*, 1873, pp. 444, 453; *Public Ledger*, Mar. 5, 1873.

⁴⁶ *Evening Telegraph*, Mar. 6, 1873; *Press*, Mar. 24, 1873, Perkins, IV.

⁴⁷ *Evening Telegraph*, Mar. 22, 1873; *Bulletin*, Apr. 9; *Inquirer*, Apr. 10, 1873, Perkins, IV.

⁴⁸ *Public Ledger*, Mar. 5, 1873; Public Law 340 (Mar. 5, 1873), *Laws of Pennsylvania*, 1873, 1874 appendix.

⁴⁹ DMB, West Philadelphia Railway, May 13, 1873.

⁵⁰ *Ibid.*, Aug. 12, 1873.

⁵¹ *Public Ledger*, May 5, 6, 1873.

In the end, the Union used its superior political power not only to force its way into a lucrative business previously closed to it by law, but also to erect yet another barrier against general efforts to lower company fares. With the controversy over the Market Street fight focused increasingly on Union's high fares, William Kemble moved to cut off the possibility of rate legislation. Taking advantage of Alexander McClure's desire to secure financial support from the legislature for the coming Centennial, Kemble agreed to back a bill passed March 27, 1873, providing that Philadelphia street railways pay a 3 per cent tax on their gross receipts for four years to match state funds for the Exposition. Under the new law, companies which agreed to accept the Centennial tax would be exempt from any fare reduction.⁵² McClure later suggested that he convinced Kemble to support the bill in his own self-interest:⁵³

Knowing the weak point was its special tax on the gross receipts of city railways, the bill was first submitted to William H. Kemble, who was then the master street railway man of the city and who practically dictated the general policy of that important interest. The street railways were greatly interested in the success of the Exposition, as it meant a rich harvest for them, and Kemble promptly agreed not only not to oppose the bill, but to favor its passage as the only way by which an appropriation or an apparent appropriation could be obtained.

In fact, Kemble first suggested the tax just when Morton threatened to engage in a rate war against the Union,⁵⁴ blunting, in effect, the West Philadelphia's major source of public appeal against the Union. The ploy worked beautifully. While the railway companies faced the state tax, they resisted any effort to lower fares to help Morton fight the Union. Ultimately, they refused to pay the gross profits tax either, voting, in the face of the bill's uncertain constitutional status, only to recommend that their stockholders subscribe as individuals.⁵⁵ Kemble first reaped the publicity for proposing the gross profits tax when the Union needed public tolerance. Then, after the charter supplement had been secured, he led charges

⁵² Public Law 28 (Mar. 27, 1873), *Laws of Pennsylvania*, 1873, pp. 52-53.

⁵³ McClure, *Old Time Notes of Pennsylvania* (Philadelphia, 1905), II, 378.

⁵⁴ *Sunday Times*, Apr. 21, 1872. Kemble sketched the terms of the bill as they were to appear almost a year later.

⁵⁵ Minutes Book, Board of Railway Presidents, Jan. 21, 1873; Jan. 20, 1874; June 15, 1875, Wilkes College.

himself against the bill on the basis that it was unconstitutional by requiring taxes on corporations operating in a single county for the benefit of the whole state.⁵⁶

It is difficult today to trace the exact form of collusion between Stokley, the buildings commissioners, and the Union Railway interests. Conceivably, Stokley at first only wanted to protect his parochial interests as 9th ward councilman in opposing the Independence Square site. Soon, however, that interest expanded to cover a city-wide power base, whose misuse of public revenues far exceeded the petty jobbery and thievery of the earlier Mann "machine." Ultimately, Stokley, too, was outdistanced by street railway interests which drew high dividends and high fares while thwarting all efforts at public regulation. For a while, though, their interests coincided.

The intervention of the buildings commission to disrupt traffic on the West Philadelphia line clearly increased the Union line's leverage in the legislature. Any coincidence in the timing is discounted by the special favors Stokley showered on the Union directors at the time of the Market Street fight. Stokley's friends in Councils secured authorization in 1873 to deposit city money in Kemble's People's Bank.⁵⁷ The commission named Union financier and city treasurer Peter Widener as its own treasurer. Another Union stockholder, William Leeds, secured important brick contracts from the commission for his brother-in-law, James Dingee, totaling \$51,064 in 1873 alone.⁵⁸ Another contract was awarded to the Excelsior Brick Company, which listed among its directors Widener's business associate, William L. Elkins. Although the original contract offer by Excelsior was rejected, being the highest of seven bids for bricks in 1871, the commission's executive committee authorized the superintendent to purchase up to 5,000,000 extra bricks for work completed in 1874.⁵⁹ Excelsior never submitted a formal bid for bricks, yet it received \$31,823 in warrants for 1874 and continued as a

⁵⁶ *Sunday Times*, Nov. 6, 1873.

⁵⁷ The Councils committee to verify cash accounts reported \$279,414 in city money deposited in the bank for October. *Journal of Common Council*, 1873, II, appendix, 145.

⁵⁸ Figures computed from daily accounts of the city controller's books, Philadelphia City Archives.

⁵⁹ *Press*, Mar. 4, 1874; *Public Ledger*, May 5, 1874, Perkins, IV.

major contractor for the next five years.⁶⁰ In return for such favors, Stokley clearly gained critical political and financial support for his successful re-election campaigns in 1874 and 1877.

The full history of Philadelphia's political machine deserves attention elsewhere. Suffice it to say that the public buildings commission served as an important link in the pattern of municipal corruption. The erection of City Hall, originally directed and conceived as a public service, opened the way to political patronage and favoritism on a new scale. From there, however, Philadelphia politicians conceived an alliance which merged the traditional patronage of public works with more extensive exploitation of public services, particularly street railways, providing, as Benjamin Brewster unwittingly predicted, an exemplary "story of our civilization" for posterity.

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⁶⁰ The city controller's records also show that Excelsior received \$54,245 in warrants for 1875, \$38,634 for 1876, \$5,241 for 1877.