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ected and receives his salary to perform. If he is not an engineer, and is not competent to superintend repairs, he has no business to hold the office, and his act of employing a superintendent to perform his duties and paying him out of the City Treasury, deserves the strongest and severest reprehension.

Another of the charges made is, that he received monies belonging to the City, and failed to pay them over, and this is proven beyond all doubt. His own paper, left with the Controller when he recently made a payment to the City Treasurer, showed the receipt of monies in September, October and November last, and these monies were not paid to the Treasurer until the 22d of June of this year—after the charges against him had been made public. The Chief Engineer has the same right to keep the public monies entirely, that he has to keep them nine months or a year. The malpractice or the fraud is perpetrated the moment he mixes them with his own, or appropriates them to his own use.

Nor can there be any doubt that he has received a large sum of money belonging to the City within the present year, not one dollar of which has, up to the time of writing this report, been paid into the Treasury.

It will, therefore, be seen that every charge contained in the paper submitted to the committee, concerning which there was opportunity allowed to take testimony as well as these, the accuracy of which could be tested by the records of the Controller's office, have been sustained and proven to an extent that ought to bring conviction to every unbiased mind, and this too, notwithstanding that at the time the committee determined to cease taking testimony, they had scarcely begun or had merely entered upon the threshold of the examination.

And, Samuel Ogden, Chief Engineer of the Water Works, must stand convicted in public estimation, of various acts of malfeasance in office.

It is not intended or designed by this report to cast any censure on those members of the Committee who have signed the majority report or to question their right to make such report. The springs of human action, and the motives that operate to direct the minds and control the conduct of men, are various and sometimes conflicting.

Some men possess great benevolence, and are overflowing with charity for the errors and misdoings of their fellow men. Some are swayed by social or political associations, others by hope of the advancement of their pecuniary interests, and still others by baser or more sordid influences. The safe course for men in public positions is that which will secure to them an approving conscience. Political popularity is always transient and fleeting. The applause of the multitude to-day may be rapidly followed by the execrations of a misguided or mistaken populace, while an approving conscience abides with us while existence lasts.

And it is submitted on the other hand that those who have signed the majority report have no right to cast censure upon—apply foul epithets to, or impugn the motives of those who have favored this investigation. Censure is chosen from among the people to watch over the integrity of the city, and in the faithful performance of their duty have generally a thankless task.

Instead of being censured, they should be commended for making known any act of delinquency or malfeasance they may discover in a public officer. If it is to be the established doctrine that accusers are to be censured and punished, and the accused, even if guilty, should be permitted to continue in his career of wrong doing, then we must reverse all the ancient customs of society, and hereafter Judges must sentence the accusers to the Penitentiary and set the guilty criminal free.

In conclusion, the following resolution is submitted and its adoption recommended.

Respectfully submitted by

ANDREW MILLER,

Minority of Committee on Water Works.

Philadelphia, July 15, 1857.  
Resolved by the Select and Common Councils of the City of Philadelphia, That the subject matter of the investigation into the official conduct of Samuel Ogden, Chief Engineer of the Water Works, be committed to a Joint Committee of three members of each Council, who, under the authority conferred by the 50th Section of the Consolidation law, "for the exposure and correction of evils and abuses, may pursue the said investigation to the extent that to them shall appear requisite," and for that purpose may require the production of and inspect all books and papers, and may compel the attendance of witnesses by subpoena and examine them under oath or affirmation.

COPY OF THE CHARGES.

First.—August 11, 1856.—About 14 cart-loads, say near 20 tons cast iron, warehoused away from the shop in Cherry street to Ogden's foundry, by Hugh McCristal's carts; it was not weighed at the shop, and McCristal said at the time it was not weighed on the road. Ogden told the men at the shop it was to be weighed at B. F. Wright's hay scale, Twentieth Ward.

Second.—August 19, 1856.—Old cast iron log cylinders, hauled, without being weighed, to James Mahoney's Union Foundry, Germantown road. There were about four loads; say 2000 lbs. each.

Third.—August 28, 1856.—Eighty-five copper float balls, for hydrant pumps, and fit for use, were hauled away, without being weighed, to Treiner's, on the wharf, above Race street.

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and paid on Warrant No. 500. (See Controller's Office.)  
To Stephen R. Glenn, Dr. \$12 00  
To eight days cutting pipes at Fairmount, (\$1 50) \$12 00  
To fixtures and moving pipes at do. 31 50  
\$43 50

There were 973 pipes in a pile, received from S. Collwell's Foundry, and landed at Coates street wharf, Schuylkill. They were not moved at all, and no fixtures of any kind were required. They were counted in one hour by Wm. M. Taylor, purveyor under Mr. Graeff. The above bill is a robbery and fraud.

Fifth.—Warrant No. 77.  
To Charles Henderson & Co., Dr.  
Sept. 9, 1856, 15 stop cocks, frames and covers, \$58 00  
September 29, 1856, up to this date they had not been delivered, and it is believed, never have been. Of course, his purveyor can answer.

Henderson is Ogden's old foreman, and the company is Ogden's brother.

Sixth.—A hydraulic pump, property of the city, was sent from Spring Garden Works to be repaired, by putting on a screw, worth about \$3—it was then sent to the Kensington Reservoir at the time it was being cleaned, and a few days after the following bill was presented, and Warrant 558 drawn for it.

To C. Henderson & Co., Dr. \$148 38  
Bill repairs at Schuylkill Works, 40 00  
Hydraulic pump for Kensington basin, 188 38

The repairs, and all the castings for Schuylkill Works and one at Ogden's foundry, at his own prices.

Seventh.—September 23, 1856.—7 loads wrought scrap iron, pump bands fit for use, hauled to Mahoney's, without weighing, supposed to be about six tons.

Eighth.—December, 1856, 800 or 1,000 pounds of old brass, including several two inch stop cocks, that were imported by the old City during the time of the elder Mr. Graeff, and cost \$10 or \$15 apiece, were hauled to the brass foundry of David H. Siner, in Randolph street, Sixteenth Ward, and no return made of the weight or sale of the same.

It will probably be pretended that these stone were of a larger size than ordinary building stone, and therefore were more valuable. But it is well known that large stone cost more than small ones only because of the greater cost of moving and transporting them. These, according to the testimony, were all handled by the men—were removed by trucks into the scow, and unloaded by tipping them overboard into the water. Hence the larger they were the cheaper they could be furnished, for they required less time to be spent in handling them. There cannot, therefore, be a doubt in the mind of any intelligent man, that seventy-five cents a perch was the full value of those stone, and Mr. Ogden is fairly chargeable with having permitted the City to be defrauded to the amount of \$2,131 by this single transaction.

But this is not the darkest part of this stone operation. Lewis Smith testified that he had from 30 to 35 or 40 men employed, and paid them their wages himself, but he could not give the name of any one of those men except Lewis R. Glenn. He was pressed on this point closely, but could not remember the name of a single man.

Lewis R. Glenn, in his testimony, could only remember the name of one man—Michael Carlin—he managed the other scow.

Upon being asked if he remembered John McBriarty, he said yes, he was on the same scow I was. So that Michael Carlin was the only man that either Lewis Smith or Stephen R. Glenn could name out of the 30 or 40 that it was alleged had worked at quarrying or boating the stone; and singular as it may appear, it is nevertheless true, that this name Michael Carlin, appears on the pay rolls filed in the Controller's office as a laborer at work on the repairs to Fairmount dam in the month of September and October, 1856, and he was paid by the City. And the natural inference arising from this fact, is that if other men had been named who had worked for Lewis Smith, their names would also have been found on the City pay rolls. It appears also from the testimony, that Christopher Mason wrote the agreement between the City and Lewis Smith, for furnishing the stone, and that he made out all or nearly all the bills, and certified to the correctness of all of them.

There is also in the Controller's office, among the items charged for repairs to the Fairmount dam, one of eight dollars for towing scows, which certainly ought to have been paid by Lewis Smith if he received from the City two dollars a perch for the stone.

It would indeed seem that every thing connected with the transaction tends to create the suspicion that the City paid for all the labor acquired in furnishing the stone; paid Glenn for counting pipes and removing dead animals, and Mason as Superintendent, and that the whole charge of \$3400 for stone at \$2 per perch is an unmixed and unmitigated fraud.

Upon the 12th and 13th specifications, no testimony was taken. Mr. Escher, as has been stated did not answer when called.

Mr. Robb was in attendance on the second day, to testify concerning the 13th, but had left the room before the Committee were ready to call him.

The charge contained in the 14th specification, is proved by the public records, and Mr. Ogden has himself admitted its truth by paying to the City Treasurer on the 22d of June, the sum of \$523 01, a large portion of which monies had been in his hands for nearly nine months.

The 15th specification is a comment upon the 14th, and needed no proof to sustain it. There is no doubt about Mr. Ogden having received the monies there stated, and up to the time of writing this report, he has not paid a dollar of it into the Treasury.

John Peoples named in the 17th specification, was said to have been subpoenaed but did not appear, and the hasty action of the Committee did not allow of time to examine the pay rolls referred to in the 15th.

The subject matter contained in the 19th, has been herebefore referred to.

The 20th does not contain any charge against Mr. Ogden. Regarding the specific charge made by Mr. Hagner, when before the Committee, viz: That the Chief Engineer had created an office—called it "Superintendent of Repairs," and had appointed to it Christopher Mason, at a salary of \$1,080 per annum; no testimony was taken by the Committee, except that Mr. Mason, when under examination, was asked if he held any office, to which he answered no—that he was only superintending repairs, and was paid only for the days that he worked.

But his bills remaining on file in the Controller's office give the lie to this testimony. The first bill appears to have been presented on the 18th of December last, and this is in the following words:

WATER DEPARTMENT,  
PHILADELPHIA, Dec'r 12, 1856.  
To 56 days services as superintending repairs to Fairmount Dam from Aug. 26, 1856 to October 30, at \$3 per day \$168 00

Approved, SAMUEL OGDEN.

This bill excludes the Sundays.  
The next bears date 14th March, 1857, and is for "Two months as superintending, putting in water-wheel and other repairs at Fairmount, from January 1 to March 1, 1857, at \$90 per month, \$180."

The third was presented on the 3d of April, and is for "One month's salary as Superintending repairs at Fairmount works and Basin at \$90 per month, from March 1st to April 1st, 1857, \$90 00." And the bills presented in May and June, are similar in their wording, and a bill of similar character, for \$90 for the month of June, was presented in the beginning of this month, which the Controller refused to countersign.

Here, then, is the clearest evidence that Mr. Mason held an office, the salary of which was \$90 per month.

He calls it salary in his bills, and they all have the approval of Mr. Ogden. He must have been appointed to this office by the Chief Engineer, for no one else had the power to appoint him. The charge therefore that he had created an office without the authority of an ordinance, and appointed Christopher Mason to it at a salary of \$90 per month, is fully sustained by the testimony. Yet the Committee in their report have the conscience, or rather the lack of conscience, to say, "Nor does it appear that the charge that he (Mr. Ogden) had created any office or appointed any officer in violation of the law, has been sustained by a single proof brought before the Committee."

The heinousness of this offence may not be so apparent to the casual observer, but let us see to what serious evils such mal-practices must lead. If the Chief Engineer of the Water Works can appoint or employ one man to superintend affairs without the authority of Councils, he may appoint ten for the same purpose—ten more to superintend the laying water-pipe, and ten as every reservoir and engine-house. And if he can without an ordinance of Councils fix a salary at \$90 per month, upon the same principle he may fix it at \$500 per month. Every head of the several Departments possesses the same power with regard to the appointment of clerks and assistants as the Chief Engineer of the Water Works, but they, when in need of additional help, are obliged to make application to Councils. What more effectual mode of plundering the public treasury could be devised than that of giving men places, wherein they may draw high salaries and share them with the appointing power?

Besides what need has Mr. Ogden for a superintendent of repairs? The ordinance under which he was elected, contemplates that he shall be an engineer, and calls him Chief Engineer, while Mr. Mason is only a contractor.

An engineer is certainly more competent to superintend the repairs of a dam—the erection of a water-wheel, or the putting of a reservoir, than a contractor; and, moreover, these are the very duties for which the Chief Engineer, is