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WORKING FOR THE
RAILROAD



The Organization of
Work in the Nineteenth
Century

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*Dedicated to My Mother
and the Memory of My Father*

5 THE PERILS OF LABOR



EXPERIENCE generally squared with expectations. Railroading beckoned and provided. Men answered the call of the road and found that the work offered genuine material and personal rewards. Yet, there is another side to the story, one much less sanguine. Mid-nineteenth-century American railwaymen labored under constant adversity. Certain negative aspects of the work—payless paydays, capricious supervision—have already been mentioned. Here attention will focus on even harsher realities. Railroad employment was erratic and without guarantees, the hours of service long, and most crucially, railway workers toiled under the ever-present and pressing threat of accidents and the high probability of injury and death. Along with the satisfactions of labor came great uncertainties and risk.

IN 1870 AND 1872, Marcellus Bliss, a locomotive engineer on the Wisconsin Central, kept a complete record of his daily activities in two personal diaries.¹ Among other items, he listed his exact work assignments—whether he was on the road, in the shop, on layovers or off. The patterns of employment that emerge from Bliss's records are interesting. Bliss occupied a permanent position on the line; during the two years in question he worked roughly the same aggregate number of days. Yet, the number of days he worked each month fluctuated dramatically over the course of each year. The pattern of his employment for 1870

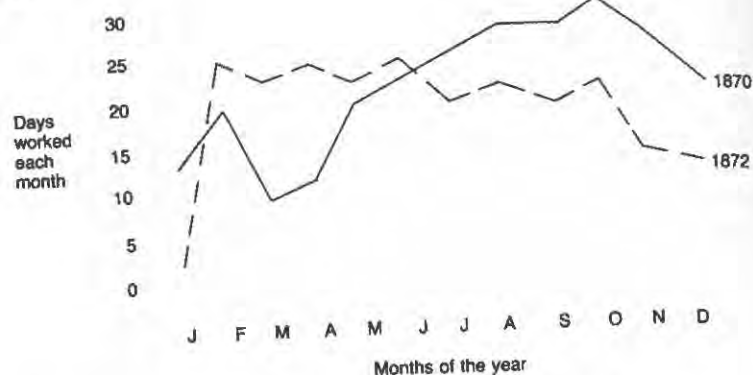
¹ Diaries of M. N. Bliss, 1870, 1872, Bliss Family Diary Collection, Historical Society of Wisconsin.

also varied considerably from that of 1872. These findings are illustrated in the accompanying figure.

Marcellus Bliss's record of attendance on the job points to a basic reality of railroad work in the nineteenth century: that even for those steadily employed, employment was irregular and uncertain. From one month to the next, workers rarely knew how many days they would be called. For the average railwayman—especially the per diem wage earner—the ramifications were enormous. Aggregate yearly earnings, for instance, might have remained the same, but the income available each month often fluctuated substantially. A watchful eye on personal and family expenses had to be maintained as a result, and careful budgeting was required. If need be, provisional employment in other trades might be sought during slack times. Since there is no indication in Marcellus Bliss's diaries that he ever considered or held any secondary jobs, one can assume that, in addition to being highly paid, he was a salaried employee as well.

Seasonal demands and weather conditions played a key role in fluctuations of employment. Men generally worked a full complement of days each month when the roads were busiest and freight and passenger traffic at their peaks. Employment in all branches of the trade thus tended to rise sharply in the autumn, when the hauling of agricultural products reached its crest, and to decline in the winter. A slight rise would occur in the spring, when intensive efforts were needed to repair winter-torn roadbeds, while a leveling-off would follow in the summer months.² Inclement weather also contributed to irregular employment. A series of snowstorms in January 1872 kept Marcellus Bliss off the job for twenty-eight days. Bliss also worked but ten days in March 1870 because of an unspecified illness—a finding that highlights the obvious but easily ignored reality that sickness, injury, attendance to personal affairs, and even strikes and wars, figured in fluctuating work patterns. Unanticipated events and happenings likewise could upset normal employment routines. In August 1867, a contingent of machine shop employees on the Baltimore

² David Lightner, "Labor on the Illinois Central Railroad, 1852-1900" (Ph.D. dissertation, Cornell Univ., 1969), p. 225. See also table 5.2 in this chapter.



Marcellus Bliss's record of attendance on the job, 1870 and 1872.

& Ohio Railroad were temporarily dismissed when a fire completely destroyed their plant.³

Additional factors were involved in the problem of job uncertainty. Railwaymen, as has been shown, labored under the constant threat of disciplinary discharges. Local foremen dispensed justice in a subjective manner that warranted genuine concern and fear. Security of employment was also subject to the vicissitudes of the economy. During periods of recession or currency shortages—or when particular firms were beset by financial difficulties—it was standard procedure for railway executives to order immediate staff and wage reductions.⁴ Even in normal times, efforts at cost cutting jeopardized jobs. The practice of doubleheading, for instance, which involved the hitching of two locomotives together to pull twice as many cars as a single engine, was introduced to halve the number of employed con-

³ J. L. Davis to J. W. Garrett, August 30, 1867, Baltimore & Ohio Railroad Papers, file 1573, Maryland Historical Society.

⁴ Lightner, "Labor on the Illinois Central," pp. 81, 151, 158; *Twenty-Third Annual Report of the President and Directors to the Stockholders of the Baltimore and Ohio Rail Road Company* (Baltimore, 1848), p. 7; Minutes of Board of Managers, November 23, 1853, Delaware, Lackawanna & Western Railroad Papers, Syracuse University Library; George Phelps to D. H. Dotterer, December 2, 1854, Letterbooks of George D. Phelps, 1854–56, *ibid.*; *Ninth Annual Report of the Directors of the Western Rail-Road Corporation* (Boston, 1844), p. 14; Thomas Cochran, *Railroad Leaders*, p. 163.

ductors and brakemen.⁵ It should be noted, though, that there were limits to the number of men that could be cut before services were severely curtailed. High fixed costs and debts prevented railway managers from either instituting substantial short-term reductions during normal periods or from closing down operations during business slumps. A railroad, in this respect, was not a textile mill. A modicum of service had to be maintained, which meant that a core work force had to be steadily employed. Company archives are thus replete with letters from harried local foremen explaining their reasons for not carrying out ordered staff reductions.⁶ For some favored men, railway work then did have the advantage of offering fairly constant employment even in bad times. Other railroad workers, though, were not as fortunate in escaping the iron hand of the market economy.

Organizational changes also affected employment prospects and security. To avoid unnecessary duplications, railway managers often eliminated certain positions following mergers and consolidations. Men were either dropped outright or forced to accept inferior positions.⁷ Internal reorganizations similarly threatened jobs. In 1867 Cornelius Vanderbilt of the New York Central announced a restructuring of divisional boundaries, which obliged most Central employees to choose between moving their homes, living apart from their families, or being dismissed.⁸ Finally, the very fact that nineteenth-century railway companies had changing, ill-defined manpower needs made job insecurity to a certain extent an inevitability. Men frequently reported to work only to find that their services were not needed. Vivid evidence of this is provided in the letters of John Newell, chief engineer on the Illinois Central in the 1860s. Newell's correspondence with local foremen reveals that track crews, for in-

⁵ Reed Richardson, *The Locomotive Engineer*, p. 163.

⁶ Lightner, "Labor on the Illinois Central," p. 84; *Report of the Executive Officers of the Baltimore & Ohio Rail Road Company, on the Subject of Retrenchment* (Baltimore, 1842), p. 8; *Eighth Annual Report of the President and Directors to the Stockholders of the Baltimore and Ohio Rail Road Company* (Baltimore, 1834), p. 36.

⁷ Cochran, *Railroad Leaders*, pp. 311, 315.

⁸ James Stevenson, "The Brotherhood of Locomotive Engineers and Its Leaders" (Ph.D. dissertation, Vanderbilt Univ., 1954), p. 132.

Table 5.1. Number and Percentage of Railway Employees Working Stated Number of Days in 1889

Days worked	Number of employees	% of employees
0- 25	56,404	25.1
26- 50	25,684	11.5
51-100	31,014	13.8
101-150	18,861	8.4
151-200	14,122	6.3
201-250	12,393	5.5
251-300	17,816	7.9
301-365	48,272	21.5

stance, were assembled, enlarged, reduced, and abolished with astonishing frequency.⁹

If the reasons for employment fluctuations and uncertainty are manifold and varied, they are at least fathomable. What is extremely difficult to assess, though, is the precise magnitude of the problem. How irregular was the work? What percentage of the work force was affected and to what degree? High levels of transiency, the fact that many men were hired purely as temporary hands, and a paucity of hard data complicate a thorough evaluation of the issue.

The United States Bureau of Labor did investigate the question of the steadiness of employment in the railroad industry in 1889, and its findings, though not applicable to the time frame under study here, are revealing. The Bureau examined the payroll accounts of sixty of the largest companies then operating in the country. The number of days worked between April 1, 1888 and March 30, 1889 were calculated for close to 225,000 employees. The results of this inquiry are summarized in table 5.1.¹⁰

The Bureau discovered that 58.8 percent of the total number of employees working on the roads under study were employed less than six months. More than a quarter of the group, in fact, were actually on various company books for less than twenty-five days. If five and a half or six days a week of work is considered the norm for the nineteenth century, then the Bureau's

⁹ Lightner, "Labor on the Illinois Central," p. 89.

¹⁰ *Fifth Annual Report of the Commissioner of Labor, 1889: Railroad Labor* (Washington, D. C., 1890), p. 82.

figures indicate that only an approximate one quarter of the railwaymen surveyed were working a full complement of days in 1888 and 1889.

There are, of course, obvious problems with the Bureau's data. Men were not linked across payroll records. A railroad employee could have worked three one-hundred-day stints for three different firms. In that case he would have been counted three times in the 51-100 days worked category, when in actuality he had been employed for 300 days. Since job hopping between companies was a fairly common practice, the figures in table 5.1 are clearly weighted toward the lower end of the scale. The Bureau also made no attempt to filter out purely provisional positions; a vast number of individuals included in the 0-25 days worked category surely must have been temporary hands. Again, the figures are slanted in one direction. Yet, even with these qualifications, the Bureau's statistics are so unevenly distributed that it is safe to draw even the cautious conclusion that less than a majority of nineteenth-century railwaymen found constant employment in the trade. If one also assumes that employment conditions stabilized over the course of the century, as was suggested in chapter 2, then in the pre-1880 period with which this study is concerned the problems of job fluctuations and uncertainty were probably greater in magnitude than is suggested by the Bureau of Labor's study for 1889.

The Bureau's investigation also discovered that not all railwaymen were equally affected by the problem. Highly skilled workers tended to be employed a greater number of days per year than men on the lower rungs. While only 15 percent of the brakemen surveyed, for instance, worked three hundred days or more in 1888-89, over 40 percent of the enginemen were employed full time.¹¹ Data from the pre-1880 period confirm that a clear relationship existed between grade of employment and days worked. Table 5.2 contains information culled from the 1852 payroll account of the Hartford & New Haven Railroad. Average number of days worked each month has been calculated

¹¹ *Ibid.*, p. 136.

Table 5.2. Average Number of Days Worked Each Month for Nine Grades of Railwaymen, Hartford & New Haven Railroad, 1852

Position	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Average number of days worked during year
Lower-level management	26.0	25.8	25.3	25.2	25.4	26.0	26.0	25.3	26.0	26.0	25.7	26.0	308.7
White-collar	26.0	26.0	21.8	23.3	21.9	23.7	22.3	25.3	26.0	24.9	26.0	26.0	293.2
Conductors	26.0	26.0	23.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	26.0	309.0
Baggagemen	26.0	25.8	23.8	26.0	23.4	26.0	24.0	24.0	24.4	26.0	23.1	24.2	296.7
Brakemen	20.0	18.6	23.5	20.9	21.4	23.6	18.5	18.8	25.4	20.8	23.3	17.8	252.5
Engineers	25.9	23.6	24.1	24.8	25.9	24.8	25.9	26.0	26.0	26.0	25.8	26.0	303.8
Firemen	24.0	19.4	22.1	24.3	26.0	23.1	26.0	24.3	23.2	25.8	22.6	20.4	281.2
Skilled shopmen	24.3	21.4	20.3	21.6	23.1	22.6	22.8	23.1	23.0	22.6	23.5	23.2	271.5
Unskilled labor	16.0	18.1	16.8	14.4	18.6	16.3	15.3	17.9	20.9	15.4	17.8	15.2	202.7
Average days worked per month for whole force	23.8	22.7	22.3	22.9	23.5	23.6	23.0	23.4	24.5	23.7	23.7	22.6	
			Low							High			

for nine grades of workers. Fluctuations in employment between grades and seasonal variations are clearly illustrated.¹²

Type of work was as important a factor as grade level in employment fluctuations. Men who worked indoors, for example, were less likely to be affected by changing weather conditions. A report issued by the Baltimore & Ohio Railroad in 1855 thus indicated that employees engaged in the machinery department worked on the average five more days per month than those workers employed in transportation.¹³ The report was based on calculations for the month of February, a time of year when inclement weather normally curtailed train service. Since work in the shops was less affected, the men there remained more fully occupied. Finally, length of service also appears to have played a role in steadiness of employment. Analysis performed on data extracted from the 1852-54 and 1868-70 payroll records of the Hartford & New Haven Railroad revealed very strong, statistically significant correlations between the number of months men were on the company's books and the number of days they were engaged each month.¹⁴ Long-term employees, in other words, tended to work fuller complements of days. Literary evidence suggests that veteran workers were either offered or guaranteed greater work time and the opportunity to have constant employment. Moreover, irregular and uncertain job conditions acted indirectly to encourage diligent and loyal behavior among railwaymen. The chance for continuous employment served as an informal work incentive. Since assignments were in the hands of local foremen, it proved both advantageous and wise to remain in the good favor of one's superior.¹⁵ The arbitrary control of workloads by local supervisors became

¹² Hartford & New Haven Railroad, Payroll Record, 1851-53, New York, New Haven & Hartford Railroad Papers, vol. 90, Baker Library, Harvard University.

¹³ *List of Officers & Employees in the Service of the Baltimore & Ohio Railroad Company with their Occupation and Salary, February, 1855* (Baltimore, 1855), p. 97.

¹⁴ When number of months employed was cross-tabulated with days worked per month, the Pearson correlation coefficients were 0.63 for the 1851-53 payroll account of the New Haven & Hartford Railroad and 0.54 for the 1868-70 record. Level of statistical significance was 0.001 in each case.

¹⁵ Richardson, *Locomotive Engineer*, pp. 171-172.

a festering grievance which railwaymen would take up once they were organized to advance and protect their mutual interests.

While it is extremely difficult to measure the precise magnitude of the problem, irregular and uncertain employment conditions in the industry were serious enough to generate great concern among railway executives. In 1849, stockholders of the Baltimore & Ohio Railroad, for instance, were informed in an annual report that the company was facing obstacles in securing the services of reliable mechanics. Work in the shops was erratic and unsteady, and permanent employment could not be offered. Good men were reluctant to take jobs. B. & O. officials planned to solve the problem by converting the shops, which were purely repair facilities, into car and engine building plants. When men were not fully engaged in the upkeep of old equipment, their time would now be occupied in the construction of new rolling stock.¹⁶ The directors of the Western Railroad in Massachusetts similarly announced plans in 1853 to start building locomotives in company-owned and operated facilities. This move, too, was justified as an effort to secure a corps of dependable, skilled mechanics by regularizing shop employment.¹⁷

Attempts to deal with the problem in other branches of the trade were less concerted. The general issue of employment fluctuations and uncertainty was recognized and discussed, and concern was voiced, but few concrete recommendations were offered. Railway executives for the most part decried the arbitrary control of work assignments by local supervisors. They issued instructions to foremen to divide employment as fairly and evenly as possible. They even made certain suggestions: that married, older workers be favored for retention over younger, single men during periods of retrenchment; and that men laid off during

¹⁶ *Twenty-Third Annual Report of the President and Directors to the Stockholders of the Baltimore & Ohio Railroad Company* (Baltimore, 1849), p. 8.

¹⁷ Stephen Salisbury, *The State, the Investor and the Railroad*, pp. 272-273. In the late 1880s the managers of the Chicago, Burlington & Quincy tried to regularize employment for shop workers in another way. They decided to move the shops to a town where there were other employment opportunities, so that during slack times men could find provisional jobs. See Cochran, *Railroad Leaders*, p. 472.

slack times be the first considered for reemployment when conditions improved.¹⁸

Only in a few cases, however, were substantive measures taken to insure job security for nonshop workers. These exceptions deserve mention. During the Civil War, many companies offered guarantees, sometimes written, of continued employment to men leaving to serve in the army.¹⁹ The Baltimore & Ohio similarly made deliberate efforts during the war to keep all B. & O. employees fully occupied by moving them from destroyed portions of the road to operating areas.²⁰ By far the most innovative action, though, was attempted by Robert Harris of the Chicago, Burlington & Quincy. In the early 1870s, Harris initiated an experiment establishing a system of guaranteed work time for C.B. & Q. enginemen and firemen. Over the years, Harris had received petitions from cabmen complaining that they frequently reported to duty only to be informed by their supervisors that there was no work. Their employment was unsteady and uncertain and so was their income. To assuage the men and deal with a very real problem, Harris proposed to guarantee to those men who were ready to work a payment for nine-tenths of the normal monthly load no matter how many days they were actually employed. If the drivers and their assistants worked a complete complement of days, they would of course be paid in full. Harris's plan was in effect only a short period, for the Panic of 1873 and the economic downturn that followed forced the C.B. & Q. to abandon the experiment.²¹ Harris remained convinced, though, of the importance of offering workers guaranteed work time. After the strikes of July 1877, he ordered a study that disclosed that one-fourth of the C.B. & Q. engineers surveyed worked less than the normal load. On this and other evidence, he concluded that much of the unrest of the summer could be attributed to the fact that "there is not an opportunity

¹⁸ Cochran, *Railroad Leaders*, pp. 271, 274, 295, 388.

¹⁹ *Report of the Board of Managers to the Stockholders of the Mine Hill and Schuylkill Haven Railroad Company, 1864* (Philadelphia, 1864), p. 42.

²⁰ *Thirty-Fourth Annual Report of the President and Directors to the Stockholders of the Baltimore & Ohio Railroad* (Baltimore, 1860), p. 42.

²¹ Robert Harris to George Chalender, October 29, 1873, Chicago, Burlington & Quincy Railroad Papers, Harris Out-Letters, CBQ-3H4.1, Newberry Library.

for full employment."²² Harris's initiatives represented a pioneer effort to deal concretely with job fluctuations and uncertainty. Guaranteed work time, as has been mentioned before, became an early goal and demand of organized railwaymen.

Finally, there is some evidence to indicate that pioneer railway workers tried to create equal employment opportunities among themselves. A veteran engineer on the Kanawha & Michigan Railroad reported in 1894 that drivers on that line practiced an old custom of regulating train mileage to spread the work. "Our little family," he noted, "have agreed among ourselves for the regular men to make \$100 and get off, then let the extra men have the rest during the slack season."²³ The driver referred to this informal arrangement as following custom; unfortunately, other evidence confirming the practice and indicating its prevalence is lacking.

WHEN THEY HAD the opportunity to work, mid-nineteenth-century railwaymen generally put in long hours. A precise accounting of the length of the work day, though, presents difficulties. Before 1880 no studies were undertaken on the subject; figures are available, but they are scant and scattered. More important, the idea and practice of a standardized day had not fully emerged yet. Control over the number of hours worked remained in the hands of local foremen.²⁴ Most often immediate needs and circumstances dictated how much time men spent on the job each day. The management of the Baltimore & Ohio in 1854 could thus describe in an annual report to stockholders the following kind of situation: "For two months [April and May] the entire equipment of the Road was in constant use; extra trips without number were made by the engines, and the men in charge as enginemen and conductors, were for weeks deprived of needful rest."²⁵

²² Robert Harris to J. M. Forbes, August 2, 1877, Chicago, Burlington & Quincy Railroad Papers, Harris In-Letters, CBQ-3H4.1.

²³ Quoted in Richardson, *Locomotive Engineer*, p. 337.

²⁴ Ibid., Dan Mater, "The Development and Operation of the Railroad Seniority System," *Journal of Business of the Univ. of Chicago* 13:398.

²⁵ *Twenty-Eighth Annual Report of the President and Directors to the Stockholders of the Baltimore and Ohio Railroad Company* (Baltimore, 1854), p. 57.

In "normal" times, most mid-nineteenth-century railwaymen worked between ten and twelve hours a day, six days a week. In the 1850s, for instance, track repair crews on the Illinois Central put in a twelve-hour day. They reported to work at six in the morning and broke off at the same hour in the evening. One hour was allowed for dinner. By the mid-1870s, the number of hours worked each day by I.C. trackmen had been reduced to ten.²⁶

Shop workers generally worked a ten or eleven hour day. They reported at 7:00 A.M., had time off for dinner between twelve and one, and quit at six. On Saturdays, it was customary to leave work an hour early, although the men were expected to clean and put away their tools after five.²⁷ When and how this tradition emerged is difficult to ascertain. In 1873 Charles Eliot Perkins, then vice president of the Chicago, Burlington & Quincy, wrote Robert Harris, general superintendent of the line, asking him why men were allowed to leave early on Saturdays without having their pay reduced accordingly. Harris replied that as long as he could remember, workers in the shops walked off at 5:00 P.M. to end the work week, and it was assumed that they would not be penalized. Harris counseled Perkins against fomenting an issue. It was custom, he noted, "One of those things that goes a long way, at least somewhat, towards preventing those combinations by which 'unions' are constantly hurting themselves and bothering everyone else." On Harris's advice, no action was taken.²⁸

Office workers, too, were expected to put in a twelve-hour day. On the Baltimore & Ohio Railroad in the late 1850s, clerks were obliged to report to work at 7:00 A.M. and to leave no earlier than seven at night.²⁹ It is unclear from surviving mem-

²⁶ Lightner, "Labor on the Illinois Central," pp. 76-77, 156.

²⁷ Ibid.; Time Roll, September 1867-February 1869, Illinois Central Railroad Papers, Time Books, IC-3.9; *Rules for the Government of Persons Employed in the Machinery Department, Illinois Central Railroad to Take Effect June 1, 1878*, Illinois Central Railroad Papers, IC-11M2.2.

²⁸ Robert Harris to C. E. Perkins, June 19, 1872, Chicago, Burlington & Quincy Railroad Papers, Robert Harris Out-Letters, CBQ-3H4.1.

²⁹ W. P. Smith to J. W. Garrett, June 25, 1859, Baltimore & Ohio Railroad Papers, file 15213.

oranda whether B. & O. office personnel worked a five or six-day week.

The hours of trainmen were the least fixed and the most subject to variations and fluctuations. Seasonal factors, breakdowns, and scheduling delays rarely allowed for a "normal" day's work. In general, however, enginemen, firemen, brakemen, and conductors before the 1880s worked a seventy-hour week—twelve hours on weekdays and ten on Saturdays.

Exceptions to the norm, however, abound. Conductors on the Brooklyn Railroad in the early 1860s, for instance, were expected to remain on duty fourteen hours a day.³⁰ John Garrett of the Baltimore & Ohio wrote that twelve hours constituted a standard day's work on that line, although he admitted that B. & O. freight trainmen usually worked anywhere from sixteen to twenty hours.³¹ Railroad trade journals in the 1870s similarly reported that train crews were normally on duty between fifteen and seventeen hours.³²

At times, trainmen even worked far in excess of the figures mentioned. Herbert Hamblen relates in his reminiscence, *The General Manager's Story*, an instance when an engineer was on continuous service for fifty-two hours. Hamblen noted that this driver refused to obey an order to make an additional trip and was summarily fired.³³ Articles appearing in the *Locomotive Engineer's Journal* similarly cited cases of train crews operating upwards of a week with only brief periods of rest.³⁴ This apparently was not unusual. In 1883 the Bureau of Labor concluded, after an investigation into the high rates of accidents on American railroads, that excessive hours of work were a prime cause. The Bureau offered the following example as a typical occurrence:

A freight train gang left the starting point at 11:10 A.M. and returned at 7:10 the next morning, at the end of twenty hours. At 8:00, within

³⁰ *American Railway Review*, May 16, 1861, p. 295.

³¹ J. W. Garrett to W. P. Smith, August 29, 1863, Baltimore & Ohio Railroad Letterbooks.

³² *Railway Times*, September 30, 1871, p. 310; *Locomotive Engineer's Journal*, November 1871, p. 491.

³³ Herbert Hamblen, *The General Manager's Story*, p. 189.

³⁴ Quoted in Richardson, *Locomotive Engineer*, pp. 151–152.

an hour of the time of their arrival, they took out another train, returning at 4:40 P.M., at the end of eight hours and a half. Three hours after their arrival at 7:30, they began work again, returning at 10:30 A.M. the next day, at the end of fifteen hours, having been on duty 43½ hours, with the exception of fifty minutes intermission at one time, and three hours at another. "Of course," says one of the brakemen, "I went out with my train the same night." It was on this road that one of the brakemen, overworked on a freight train, fell asleep at his post and was run over and killed by the train he was sent to flag.³⁵

Before 1880 railway executives strongly resisted attempts to reduce hours of work in the industry. Railwaymen, for their part, generally supported the eight-hour reform movement of the late 1860s and celebrated the passage of legislation on the state level limiting the length of the work day. Such measures, however, proved ineffective against management intransigence.³⁶ The following letter from John Douglas, president of Illinois Central to William Osborn, director of the I.C., is revealing. Written in May of 1867, after the Illinois legislature had enacted an eight-hour measure, the letter indicates how easily companies circumvented the law:

At the last session of our Legislature a bill was passed hurriedly and without our knowledge limiting the hours of labor to eight per day, to take effect May 1. Yesterday was a general holiday and the men had a large demonstration which passed off peacefully. . . . The companies leading into this city have all decided to employ the men by the hour working ten hours a day, and we are acting with the balance.³⁷

Reducing hours through union contracts became a major goal and accomplishment of organized railway workers after the 1880s. States continued to pass legislation, but it was not until the passage in 1916 by Congress of the Adamson Act, which awarded the eight-hour day to the nation's railwaymen, that government initiatives afforded meaningful protection.³⁸

³⁵ Charles Clark, "The Railroad Safety Movement in the United States" (Ph.D. dissertation, Univ. of Illinois at Urbana, 1966), p. 53.

³⁶ Paul Black, "Robert Harris and the Problem of Railway Labor Management" (unpublished paper in author's possession), pp. 24–25.

³⁷ Cochran, *Railroad Leaders*, p. 316.

³⁸ Albert Fishlow, "Productivity and Technological Change in the Railroad Sector, 1840–1910," in *Output, Employment, and Productivity in the United States after 1800*, p. 612. A bill to limit employment of railway employees for

Before the 1880s, the question of overtime payments also remained as unsettled an issue as the length of the work day. Printed rule books indicate that most companies adopted the straightforward policy that employees were to perform all tasks assigned to them without expecting extra compensation. Available payroll records, however, indicate that men were often paid for overtime work, though in a rather unsystematic fashion. On the same line, some workers would receive additional pay for services rendered beyond normal working hours, while others, putting in the same extra time, would not. Similarly, while some employees received lump sums for their extra labor, others were reimbursed according to strict overtime payment formulas.³⁹

Unfortunately, one finds little discussion of the issue of overtime prior to 1880 in either printed or manuscript corporate records. From the absence of formal consideration, the fact that men did receive extra compensation, and the haphazard manner in which such awards were dispensed, it can be assumed that the matter of overtime payments, like the actual fixing of the length of the work day, remained a prerogative of local supervisors. Here memoranda in the archives of the Baltimore & Ohio Railroad shed some light. Before 1854, the B. & O. allowed men overtime compensation in all cases according to a complex system of awards. In that year, the company adopted a new policy of "no allowance for extra time." The company, however, did provide for exceptions. In cases of "unusual work" or "exceptional delay," men could be offered compensation, but only at the discretion of local officers.⁴⁰ It is unclear how widespread the practice of local prerogative was in overtime matters in the industry. Important railroads, like the Illinois Central and Chicago, Burlington & Quincy, did institute formal systems of over-

over twelve consecutive hours in each twenty-four-hour period was introduced in Congress in 1884 and defeated; in 1907, Congress passed the Hours of Service Act limiting employment to sixteen consecutive hours in any given twenty-four-hour period. See Lewis Haney, *A Congressional History of Railways in the United States from 1850 to 1887*, p. 317; Richardson, *Locomotive Engineer*, p. 251.

³⁹ These contentions are based on careful studies of the payroll records cited in appendix C.

⁴⁰ W. P. Smith to J. W. Garrett, September 2, 1863, Baltimore & Ohio Railroad Papers, file 1461.

time payments. Employees on these lines, who occupied positions where the length of the work day could be fixed with some degree of certainty—like shopmen, track repair crews, station hands, and clerical personnel—were paid at time and a half for extra labor. The arrangements for trainmen were more complex, involving accounting for extra time spent during delays and breakdowns.⁴¹ Overtime compensation became a standardized and fixed feature of the work after the 1880s with the advent of union contracts.⁴²

A final area of contention involving hours was the question of Sunday work. Nineteenth-century railroad companies faced stiff public pressure to curtail or terminate operations on the Sabbath. Much concern for the moral well-being of railwaymen was voiced.⁴³ Citizens of Hampden County in Massachusetts thus sent the following petition to the managers of the Western Railroad in March 1848, calling for an end to Sunday train running:

We believe that conscientious men, whose services are most valuable, will not labor for the company, if required to work on the Sabbath, and that many, who would otherwise be good and worthy citizens will be overcome by the temptation, by their habitual neglect of the institutions of religion, become at length immoral, and bring up their children in impiety.⁴⁴

Over the course of the century, moral considerations generally gave way to economic ones. In 1869 Robert Harris of the Chicago, Burlington & Quincy could write that "for more than ten years this Road has been run on the principle of giving to its employees Sunday as a day of rest."⁴⁵ Ten years later, Harris sadly admitted that the road could only handle its increased traffic by running trains on the Sabbath. To enable as many

⁴¹ Lightner, "Labor on the Illinois Central," p. 165; Paul Black, "The Development of Management Personnel Policies on the Burlington Railroad, 1860-1900" (Ph.D. dissertation, Univ. of Wisconsin, 1972), p. 296.

⁴² Richardson, *Locomotive Engineer*, pp. 218-220.

⁴³ L. F. Dimmick, *Discourse on the Moral Influence of Rail-Roads*, p. 94.

⁴⁴ Petition on labor on the Sabbath, March 1848, Western Railroad Papers, case 2, Baker Library.

⁴⁵ Robert Harris to C. H. Chappell, March 22, 1869, Chicago, Burlington & Quincy Railroad Papers, Harris Letterbooks, CBQ-3H4.1.

employees as possible to enjoy their well-earned day of rest, Harris did try to limit Sunday running. He was quick to point out, though, that his motivations were not particularly religious. A proper day's rest, he argued, would insure that C.B. & Q. men would be more industrious on the job.⁴⁶

A similar pattern emerged on the Illinois Central. In 1868 John Douglas, president of the I.C., could inform the New York Sabbath Commission that "Sunday labor on this Railroad is reduced to strict necessity for its good effect on employees."⁴⁷ During the 1870s, the line, however, gradually increased its Sunday train service. Religious organizations lodged repeated complaints. I.C. officials countered by justifying their actions in a rather amusing and disingenuous way. Answering a petition from the Reverend Rufus W. Clark, William Ackerman, president of the I.C. in 1882, thus wrote:

I would beg to say, so far as my own observation goes, I think there has been a gradual improvement in the morals of Railway employes throughout the country during the past 10 years, less of intoxication, greater regard for the observance of the Lord's day and a higher standard of morality generally prevails; owing largely to the efforts made by the officers of the leading lines of the Country to afford their men the advantage of reading rooms and other conveniences. I do not believe it is possible to abolish Sunday trains, so the best we can do is to reduce the number to a minimum.⁴⁸

By the 1880s, most companies abandoned all pretense of curtailing Sunday operations. As Henry Brockholst Ledyard of the Michigan Central noted, it was just an "impossibility . . . to [do] way with Sunday work." Ledyard did attempt to placate his critics by ordering the company's shops closed for one hour on Sundays to allow men an opportunity to attend religious services. He similarly arranged to have a coach set aside on each train where passengers and trainmen could worship. The wheels of the Central, however, kept turning.⁴⁹

⁴⁶ Cochran, *Railroad Leaders*, p. 46.

⁴⁷ *Ibid.*, pp. 210-211.

⁴⁸ *Ibid.*, p. 245.

⁴⁹ *Ibid.*, pp. 387, 402.

EMPLOYMENT was erratic and uncertain, and the hours were long. But an even greater specter haunted nineteenth-century American railwaymen. Railroad work was dangerous. Accidents were not just common; they were an integral component of the work. If many men ultimately escaped accidental injuries and death, the fear and threat of such happenings were inescapable and hung over everyone working on the line.

In the early years, especially, the level of technological development was primitive at best, and working conditions were dramatically unsafe. Most companies, for instance, operated their trains on single tracks. Sidings were provided for the passage of oncoming trains, so precise coordination of train movements was imperative. Crude scheduling and signaling systems, and the very unpredictable manner in which early locomotives ran, resulted in frequent collisions.⁵⁰ Faulty roadbed and track conditions, and poorly built bridges and overpasses constructed more often than not with thrift rather than safety in mind, contributed their share to early train wrecks and derailments.⁵¹

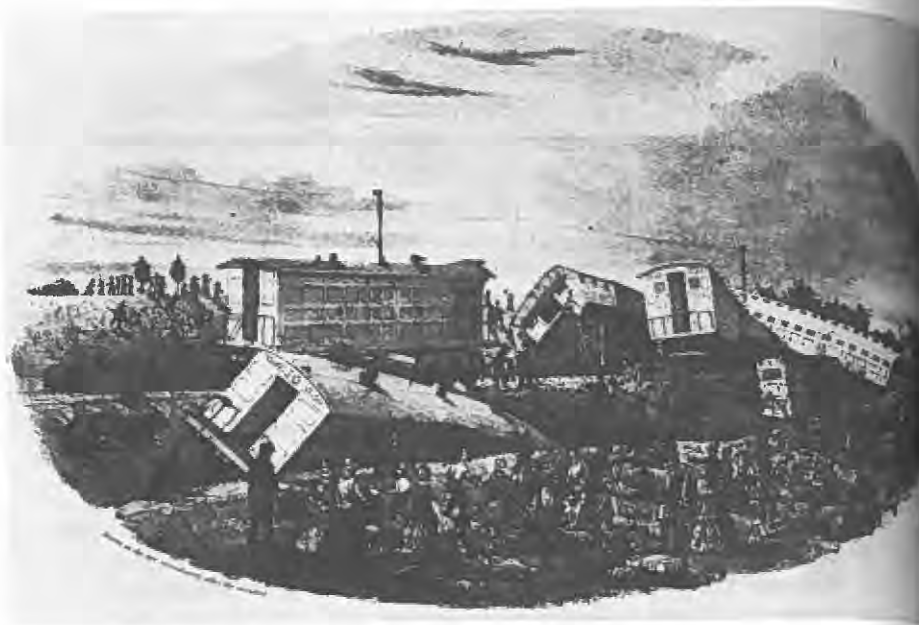
Boiler explosions also frequently occurred. The first recorded train accident in America involved just such an explosion on the South Carolina Railroad in 1830. The fireman on the train, a slave hireling, was blamed for not releasing a steam valve in time. Early boilers even when carefully tended, though, were rarely reliable. To protect passengers, many lines placed "barrier" cars piled high with bales of cotton or sand bags between the engines and the coaches. Little protection, though, was afforded the men in the cab.⁵²

Pioneer locomotive drivers and firemen went unprotected as well from inclement weather and flying sparks and smoke. In the early years, there was much resistance by the traveling public to the introduction of covered cabs; passengers wanted to keep a close scrutiny on the drivers and their assistants, demanding their constant alertness and attention to duty. Only gradually

⁵⁰ Richardson, *Locomotive Engineer*, pp. 97, 117.

⁵¹ *Ibid.*, pp. 177-178. Traction was very poor on the early roads. A plague of grasshoppers in Pennsylvania in 1836 almost brought all train service there to a halt until a sandbox was added to the locomotive to provide greater traction. See John Stover, *The Life and Decline of the American Railroad*, p. 20.

⁵² Stewart Holbrook, *The Story of American Railroads*, p. 27.



A depiction of a train wreck on the Camden & Amboy Railroad, August 29, 1855. (Courtesy of Smithsonian Institution.)

were canvas coverings adopted; wooden and then metal cabs first became common in the 1850s. Before that time, cabmen were totally exposed to the elements. Early engineers and firemen in New England suffered from frostbite in the wintertime. Cabmen everywhere were endangered by flying sparks from the fire stacks of the engines. One pioneer driver thus remembered that one could always tell a member of an engine crew in those days by the holes burned in the back of his vest.⁵³

The absence of automatic braking and coupling devices made the work of the brakemen the most hazardous of all. When the engineer blew the whistle for "down brakes," brake crews scurried to their posts on top of the cars to turn the brake wheels. Normally assigned to two or three cars, the brakemen often found themselves manning five or six as companies sought to reduce

⁵³ Ibid., pp. 38, 115; Richardson, *Locomotive Engineer*, p. 95; Stover, *Life and Decline*, p. 20.

their operating staffs. While running from car to car, it was easy to slip and fall, or to be hit by overhead obstructions. The work was particularly dangerous at night or during storms. Augustus Shaw, a veteran brakeman of twenty-five years, thus described the hazards of his job to a congressional investigating committee in 1890:

Say, for instance, it is a bad night—what we call a blind night on the road—sleeting, raining, snowing, etc. We hear the call for "down brakes." Of course we cannot always be on top of the train. During cold weather we go into the caboose occasionally to warm ourselves. We are called out by a signal of "down brakes." We get out on top of the train. We find that the top of the cars are completely covered with sleet. In attempting to get at those brakes a great many brakemen lose their lives, slip off the cars and again, even if they do reach the brakes, it is more often the case than it is not that they find that the brakes are frozen up, and they cannot twist them. That again occasions danger. They cannot set the brakes at all, cannot set the dog, cannot twist the brake. What we call the dog is the little piece of iron which catches onto the ratchet wheel. As no brakes are set, all will depend on the engine to stop the train, and if the train was going with any speed it would take some time to stop it.⁵⁴

Coupling, too, claimed the limbs and lives of many a brakeman. In the early years, when the link-and-pin coupling system was used, the brakeman had to stand between cars in order to guide the link attached to the drawbar of one car into the side opening of the drawhead of the other. At the same time he would be poised to drop a heavy pin through a hole in the top of the drawhead, which would pass through the opening of the link and establish a couple. The pieces, however, rarely fitted neatly—especially with cars manufactured by different companies—and as the brakeman wrestled with the various parts, the chances of having his fingers and hands crushed were enormous.⁵⁵ The job was so hazardous that "old time" brakemen were often recognized by missing fingers or crippled hands. When applying for new jobs, they carried vivid proof of their experience, and fore-

⁵⁴ Quoted in Clark, "Railroad Safety Movement," p. 20.

⁵⁵ Ibid., pp. 29, 111.



The hand brake system made the job of brakeman particularly perilous. (Reprinted from T. C. Clarke et al., *The American Railway*, New York, 1889.)

men looking for veteran workers were known to consider missing fingers an apt qualification for employment.⁵⁶

Brakemen also risked their very lives while coupling cars. As

⁵⁶ John Stover, *American Railroads*, pp. 151–152.

one part of the train was moved slowly back to be hitched to stationary cars, brakemen often ran alongside guiding the links and pins. If they tripped or had their feet caught in a switch, they easily could be run over by the train. If they were standing between cars and the whole system of drawheads and drawbars collapsed, they could be crushed to death. Brakemen were also crushed by deadwoods, which were wooden blocks placed on the ends of cars both to absorb the impact of coupling and to protect them if the drawbar collapsed.⁵⁷

Finally, to add to the perils of the job, pioneer brakemen and their fellow trainmen faced repeated danger from marauding hold-up gangs and attacking Indians.⁵⁸ Train crews on the Michigan Central in the late 1840s were even frequently set upon along the route by angry farmers who had been refused compensation from the company for livestock killed or disfigured by Central trains.⁵⁹

Workers in the transportation department, however, were certainly not the only railwaymen exposed to unsafe or risky conditions. Accidents routinely occurred in the machine and repair shops and the roundhouses. Exploding boilers, crude tools, unreliable machines, primitive forges, scattered pieces of metal, and the very bustle of activity in the shops took their toll. Shop men received serious burns and bruises and were in constant danger of losing limbs.

The work of yard crews and station hands was arduous and hazardous, too. Whether in switching or coupling cars, or in hauling and loading heavy freight, there was ample chance for injury. The yards, especially, were busy places, and despite precautions, men frequently were hit by shunting engines and cars accidentally set in motion. Finally, track repair workers encountered their share of adversity. Fixing railbeds and replacing tracks involved backbreaking labor. Handcars, used by track crews to travel from point to point, were also particularly dangerous. It

⁵⁷ Clark, "Railroad Safety Movement," p. 57.

⁵⁸ B. A. Botkin and Alvin Harlow, eds., *A Treasury of Railroad Folklore*, p. 187; Keith Bryant, Jr., *History of the Atchison, Topeka and Santa Fe Railway*, p. 56.

⁵⁹ Hank Bowman, *Pioneer Railroads*, p. 77.

was not uncommon for men to be thrown from the cars while manning the cranks.

Grisly evidence of the extent of the hazards of railway work is provided by accident reports compiled by nineteenth-century railroad companies. In the early years many carriers listed detailed information on employee injuries and fatalities in annual stockholder reports. Later, state railroad commissions demanded full accounting of all mishaps, which were also printed in annual statements. What follows is a small sample drawn from the tens of thousands of such reports. The accounts impart the very horror often experienced in the work. In some cases, too, the reports provide a brief but meaningful insight into the lives of mid-nineteenth-century railwaymen. It is rather discomforting to learn even this much about these anonymous Americans because of the gruesome manner in which they were either killed or maimed.

From the *Sixth Annual Report of the Norfolk County Railroad*:

June 26, 1852. Orpheus Holmes, a very worthy man, who has been employed on the road as a brakeman since it was opened, and who had recently been appointed conductor of the freight train, was instantly killed by his head coming in contact with a bridge, while standing on top of a box car.⁶⁰

From the *First Annual Report of the Old Colony and Fall River Railroad Company*:

April 29, 1854. Jeremiah Harrington, road repairer, while relieving another man in turning the hand-car, was caught by the crank and thrown in front of the car upon the track. He was seriously injured in the spine, so as to produce paralysis of arms and legs, of which injury he died.⁶¹

From a *Report of the Central Railroad Company of New Jersey*, January 1, 1855:

September 1, 1854. Michael Darren, in attempting to pass from one loaded dirt car to another, while the train was in motion, fell between

⁶⁰ *Sixth Annual Report of the Norfolk County Railroad Company to the State of Massachusetts* (Boston, 1853), p. 140.

⁶¹ *First Annual Report of the Old Colony and Fall River Railroad Company to the State of Massachusetts* (Boston, 1855), p. 189.



The coupling of cars accounted for the greatest number of accidental injuries and deaths suffered by pioneer railwaymen. (Drawing by Peter Copeland. Courtesy of Smithsonian Institution.)

the cars and was killed. He had arrived in this country but a few days previous, and was in the employment of the company.⁶²

From a *Report of the Hudson River Railroad to the State Engineer & Surveyor of the State of New York*:

June 7, 1865. F. F. Graves, conductor, was killed while coupling cars

⁶² *Annual Reports of Railroad and Canal Companies of the State of New Jersey*, 1855 (Trenton, 1855), p. 21.

at Hastings. Until a short time previous to the accident resulting in his death, Mr. Graves had been serving in the capacity of locomotive engineer, which position he had filled for many years, with credit to himself and the company. On account of ill health, occasioned by the severe duties of his position, he was appointed conductor, and in his zealously for the company's welfare, met with the accident causing his death.⁶³

Prior to 1880 and even 1890, railroad companies resisted all attempts to introduce safety devices like the automatic air brake and the automatic coupler. The Westinghouse brake, for instance, was first tried in 1869. By 1873 it had been improved to the point where the legislature of Michigan passed the first state statute mandating its use.⁶⁴ Few companies operating in Michigan, however, felt obliged to abide by the dictates of the law. In Illinois and other states, moreover, railroads joined forces effectively to block passage of safety-device measures.⁶⁵

The carriers opposed the adoption of safety improvements on several grounds. They argued first that the state could and should not interfere with the day-to-day operations of the roads. They further insisted that inventions like the air brake had not been fully tried and tested, and that it was foolish to force acceptance of less than perfect mechanisms. More to the point, the carriers argued that the costs were much too high. Few railroads could afford to invest in such capital improvements. Ever responsive to public opinion, railway executives even maintained that the state would be fostering monopoly by dictating which devices were to be adopted. The carriers clearly had the Westinghouse Air Brake and Jenney Car Coupler Companies in mind, the pioneers in the field and the two leading producers at the time.⁶⁶

The railroads were joined in their opposition to new safety legislation by state railroad commissions. Throughout the 1870s, the influential railway commission of Massachusetts, headed by Charles Francis Adams, Jr., advised against precipitate actions by the legislature. Railroad managers, not legislators, the commissioners warned, were in the best position to assess their needs.

⁶³ *Annual Report of the State Engineer & Surveyor of the State of New York of the Year Ending September 30, 1866* (Albany, 1867), p. 285.

⁶⁴ Clark, "Railroad Safety Movement," p. 74.

⁶⁵ *Ibid.*, p. 348; Lightner, "Labor on the Illinois Central," p. 364.

⁶⁶ Clark, "Railroad Safety Movement," pp. 184-189, 210.

The link-and-pin couple.
(Courtesy of Association of
American Railroads.)



The railroad corporations of Massachusetts, moreover, "were sufficiently liable for the operation of their roads." Further "legal encumbrances to make them operate more safely or efficiently" were not required.⁶⁷

American railway workers did not immediately champion the adoption of safety devices, either. Locomotive engineers at first opposed the introduction of air brakes. The operation of the brake represented an extra function to them for which they were not guaranteed additional compensation. By 1874, sentiments had changed, and the drivers, under the auspices of the Brotherhood of Locomotive Engineers, came out solidly in favor of passage of safety air brake legislation.⁶⁸ There was also some disagreement among brakemen and conductors concerning the merits of various automatic coupling systems. The principle itself was not opposed. Support for new coupling devices, however, was less than wholehearted among switchmen whose very job security was threatened by their adoption.⁶⁹

Strong opposition by railway managers combined with equivocation by state railroad commissioners and an absence of unanimity among railwaymen acted to delay passage of legislation forcing the introduction of safety devices. It was not until 1893, a full twenty-five years after the invention of both the automatic brake and couple, that Congress narrowly passed the Safety Appliance Act. This bill made it unlawful for common carriers

⁶⁷ *Ibid.*, p. 259.

⁶⁸ *Ibid.*, p. 167.

⁶⁹ *Ibid.*, chap. 5.

engaged in interstate commerce to operate after January 1, 1898, without power driven wheel brakes and mechanisms for operating the trains' brake systems on all locomotives. The act also required automatic couplers on all cars and a sufficient number of cars to have power brakes so that hand brakes would not be necessary.⁷⁰ In the twenty-five years of delay between invention and widespread application, the lives and physical well-being of tens of thousands of American railwaymen had been imperiled needlessly.

A PRECISE accounting of the numbers injured and killed while in rail service before 1889 is impossible. In that year the newly established Interstate Commerce Commission began collecting data on accidents from all railroad companies operating in the country. Before that time, the process of gathering information on casualties was carried out at the state level, but only in states having railroad commissions. The quality and extent of reporting for the pre-1880 period varies considerably from state to state and from year and year.

The 1889 ICC statistics are informative, and since they provide the only complete and reliable base to measure the extent of the hazards of nineteenth-century railway work, they merit examination and comment.⁷¹ For the year ending June 30, 1889, the ICC reported that 1,972 railwaymen had been killed on the job and 20,028 men were injured. Railroad employees accounted in that year for 34 percent of all railway accident fatalities and 76 percent of all such injuries (passengers accounted for 5 percent of the fatalities and 8 percent of the injuries, while "other persons" comprised 61 percent of the deaths and 16 percent of the injuries). In 1889, 704,443 men held positions on the nation's rail lines, which means that in that year one out of every 357 employees was killed in service and one out of every thirty-five injured.⁷² The commission found these figures particularly dis-

⁷⁰ Ibid., p. 237; Richardson, *Locomotive Engineer*, p. 250.

⁷¹ *Second Annual Report on the Statistics of Railways in the United States to the Interstate Commerce Commission for the Year Ending June 30, 1889* (Washington, D. C., 1890), p. 36-38.

⁷² The figure of 704,443 men includes all workers who found employment in the railroad industry in 1889 during the course of the year. It does not represent discrete positions in the trade, which were probably two-thirds of that number.

tressing, pointing out that in England the equivalent statistics for 1889 were one worker in 875 killed and one in 158 injured.

Statistics were also offered on causes of accidents and grades of employees involved. Coupling and uncoupling of cars accounted for 16 percent of all fatalities and 34 percent of all injuries experienced by American railwaymen in 1889. Falling from trains and engines resulted in one-fourth of all deaths and 10 percent of all injuries. Collisions and derailments were responsible for 15 percent of the fatalities and 7 percent of the injuries. A broad range of other kinds of accidents accounted for the rest.

When broken down by grade, the figures are particularly startling. Trainmen—engineers, firemen, conductors, and brakemen—led the most precarious existences by far. While they constituted approximately 20 percent of the entire work force, they accounted for 60 percent of all fatalities and 56 percent of all injuries. The next largest group of employees listed together by the commission were switchmen, flagmen, and watchmen, who represented 12 percent of those killed in service and 11 percent of those injured. The hazards faced by train crews are made even more vivid when put in per capita terms. In 1889, for every 117 trainmen employed, one was killed; for every twelve, one was injured. The ICC found these figures distressing, too, for in England the corresponding statistics were one trainmen in 329 killed and one in thirty injured.

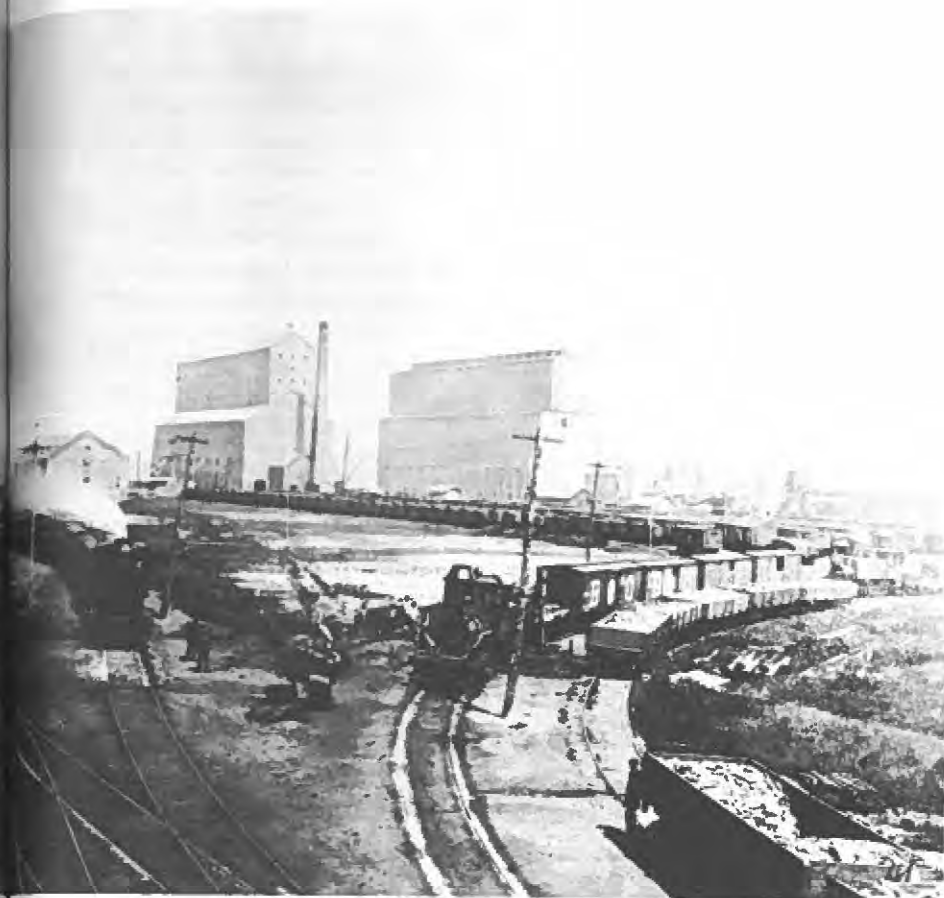
Information provided by state and company reports for the pre-1880 period, though scattered and incomplete, generally conform to the picture presented by the ICC data for 1889. In Wisconsin, for instance, between 1874 and 1880, railway employees accounted for 42 percent of all railway accident fatalities and 74 percent of all injuries; in Michigan between 1872 and 1879, for 39 percent of all accidental deaths and 61 percent of all injuries; in New York, between 1856 and 1880, for 33 percent of all fatalities and 45 percent of all injuries.⁷³ In Massachusetts and Connecticut the figures are slightly lower. In these two states,

⁷³ Robert Hunt, *Law and Locomotives*, p. 155; statistics for Michigan and New York compiled from accident reports listed in the *Annual Reports of the Commissioner of Railroads of the State of Michigan, 1872-79*, and the *Annual Reports of the State Engineers & Surveyor of the State of New York, 1856-80*.



The yards of the Baltimore & Ohio Railroad, Baltimore, Maryland, in the early 1880s. The work of yard crews was arduous and dangerous. (Courtesy of Association of American Railroads.)

passenger service was proportionately greater than in states to the west, where the bulk of traffic was in freight haulage. Passengers, as a result, suffered a greater proportion of the casualties there. Accordingly, in Connecticut, between 1857 and 1880, railwaymen accounted for 24 percent of all accidental deaths and 36 percent of all injuries; in Massachusetts between 1847



and 1871, for 31 percent of all fatalities and 25 percent of all injuries.⁷⁴

Employment statistics on the state level are either unreliable

⁷⁴ *Third Annual Report of the Board of Railroad Commissioners, January 1872* (Boston, 1872), p. cxxii; statistics for Connecticut compiled from data in *Annual Reports of the General Railroad Commissioners of the State of Connecticut, 1857-80*.

or nonexistent for the pre-1880 period, making per capita estimates difficult. In 1855, the railroad commission of New York reported that 18,012 men were employed on the state's operating railway lines. That is the first and last time before 1880 that the commission published aggregate figures on employment. In 1855, thirty-three railwaymen were reported killed in accidents in the state and forty-one were injured, which means that one railway worker in 546 died in service, while one in 439 was injured.⁷⁵ Fairly reliable aggregate figures are also available for Illinois, Iowa, Michigan, and Massachusetts in the mid- and late 1870s.⁷⁶ The annual per capita calculations there range from one in 272 to one in 695 killed and one in 97 to one in 571 injured.

Two points are interesting about the pre-1880 state figures: they are all more favorable in terms of fatalities and injuries than the data presented by the ICC in 1889; over time, too, the per capita rates for men killed and injured become larger, implying a worsening situation. This suggests that either the pre-1880 data are incomplete and suspect and that no conclusions are warranted, or that over the course of the nineteenth century, accidents became more numerous and frequent both relatively and absolutely as the work became more hazardous. Intuitively, the latter contention seems most plausible. As the railroads increased their operations, as passenger and freight traffic multiplied, the demands on workers increased proportionately. So, too, did the chances for mishaps and casualties.

For the pre-1880 period, available evidence also indicates that coupling and falling from trains were the most common causes of accidental injuries and deaths. In Massachusetts, between 1847 and 1871, falling off trains accounted for 29 percent of all fa-

⁷⁵ *Annual Report of the Railroad Commissioners of New York, 1855* (Albany, 1856), p. 342.

⁷⁶ Statistics compiled from accident reports listed in the *Annual Reports of the Boards of Railroad Commissioners of the State of Illinois, 1878-1880, Iowa, 1878-80, Michigan, 1872-80, and Massachusetts, 1867-80*. A recently completed study of accident rates on the Atchison, Topeka & Santa Fe Railroad for the late nineteenth century reveals identical figures to the ones reported here. See James Ducker, "Men of the Steel Rails" (Ph.D. dissertation, Univ. of Illinois at Champaign-Urbana, 1980), p. 7.

talities and 19 percent of all injuries; coupling for 18 percent of all deaths and 20 percent of all injuries; derailments and collisions for 12 percent of all deaths and 19 percent of all injuries; "striking overhead obstructions" for 19 percent of all fatalities and 18 percent of all injuries; and a host of "other" reasons for 21 percent of all deaths and 24 percent of all injuries.⁷⁷ Figures for Connecticut for the period 1857-80 and New Jersey for 1853-80 are roughly equivalent.

Pioneer trainmen were also exposed to the greatest risks of accidental injuries and deaths. In Connecticut, between the late 1850s and 1880, enginemen, firemen, conductors, and brakemen accounted for 60 percent of all employee injuries and 57 percent of all such fatalities; in Massachusetts, for 55 percent of all injuries and 64 percent of all accidental deaths.⁷⁸ A study prepared by the managers of the Illinois Central Railroad in 1884 further highlights the correlation between type of employment and liability to injury and death. For the ten-year period, 1874-84, the company found that the proportion of employees suffering a disabling injury was:

- 1 in 167 office and station workers
- 1 in 36 machinery department employees
- 1 in 30 road department employees
- 1 in 20 men in train service
- 1 in 7 men in switching service.

The report did not specify which workers were represented in the category of "switching service"; whether switchmen and brakemen assigned to switching and coupling chores are included is unclear. The report also listed figures on fatalities. Here, too, the relationship between type of work and exposure to risk is

⁷⁷ *Third Annual Report of the Board of Railroad Commissioners, January, 1872* (Boston, 1872), pp. cxx-cxxii. Figures for Connecticut and New Jersey compiled from accident statements listed in both states' railroad commission reports for years indicated in the text.

⁷⁸ Statistics for Connecticut and Massachusetts compiled from accident statements listed in both states' railroad commission reports for the years indicated in the text.

dramatic. Between 1874 and 1884 the proportions of I.C. employees involved in accidents resulting in death were:

- 1 in 2,120 office and station workers
- 1 in 1,090 machinery department employees
- 1 in 360 road department employees
- 1 in 120 men in train service
- 1 in 90 men in switching service.⁷⁹

Three general points can be made from the above figures. First, accidents resulting in employee injuries and deaths contributed to a certain extent, albeit slight, to the general labor turnover problem discussed in chapter 2. Men disappeared from company payroll records because of accidental disabilities and fatalities. Second, and on a related issue, accidents also resulted in losses in overall efficiency and productivity. From available data, it is clear that during the nineteenth century approximately 3.5 percent of the nation's railway work force at any given moment were disabled.⁸⁰ This represents not only a loss in labor power, but in labor experience and expertise as well. Finally, the sad plight of the nation's pioneer brakemen must be emphasized. Brakemen led the most precarious of lives. Though no more than 10 percent of the total work force, state data from the pre-1880 period for Massachusetts, Connecticut, and New Jersey indicate that brakemen accounted for 35 to 50 percent of all injuries and fatalities suffered during railroad mishaps.⁸¹ Whether in coupling cars or braking, the perils of their labor were staggering. At times the pressure of the work could become unbearable. Suicide even loomed as a desirable alternative. A reporter for a Baltimore

⁷⁹ Lightner, "Labor on the Illinois Central," p. 263.

⁸⁰ The figure of 3.5 percent emerges from statistics provided by the ICC in 1889 and from available pre-1880 state-level data. It is confirmed by a report issued in 1894 showing that on the Pennsylvania, Baltimore & Ohio, and Burlington Railroads—lines employing about 17 percent of the nation's railroad task force—between 3.1 and 3.8 percent of their respective work forces were disabled at any one given moment in time. See Emory Johnson, "Railway Departments for the Relief and Insurance of Employees," *Annals of the American Academy of Political and Social Science* 6:92.

⁸¹ These figures again have been compiled from accident statements listed in the railroad commission reports of the states mentioned.

newspaper filed the following report after interviewing a group of B. & O. brakemen in the summer of 1877:

In two instances, it is said, brakemen after the loss of rest and under the depression of reduced wages, etc., have purposely thrown themselves under the wheels. Nearly all the men talked with said at one time and another when melancholy, they had meditated about stepping over the bumpers and meeting instant death.⁸²

WORKERS disabled in accidents and the widows and families of deceased railwaymen faced a grim and uncertain future. In making claims for compensation for their losses, the legal system offered little or no relief. Railroad companies often granted gratuities to injured men and sometimes paid hospital and funeral expenses, but only in an informal and unsystematic fashion. Structured, comprehensive insurance programs for railwaymen did not emerge until the 1880s.

In the early years, the courts ruled in favor of the railroads in practically all employee liability suits. Judges generally applied the common law principle of implied contract in assessing the merits of claims. Under implied contract, the courts held that an employee in engaging to serve a master accepted all conditions of such service, including all the ordinary risks incident to his employment. In entering into hire, the employee even accepted the risk of negligence on the part of a fellow servant. In their printed rule books, railroad companies accordingly warned workers that they had no legal right to receive compensation for any injury.⁸³

The first railroad employee liability case to be brought before an American court involved a fireman by the name of Murray who was employed by the South Carolina Railroad. Injured in an accident in 1838, he sued the line, but the court ruled in the defense's behalf. Finding that the mishap had been caused by the negligence of the locomotiveman for whom Murray fired, the court declared that the South Carolina Railroad Company could

⁸² Robert Bruce, 1877: *Year of Violence*, p. 45.

⁸³ Clark, "Railroad Safety Movement," pp. 219, 223.

not be held liable for employee injuries resulting from the carelessness of fellow servants.⁸⁴

In 1842 a similar case came before the courts of Massachusetts. A decision here, handed down by Chief Justice Shaw, became the precedent for future suits. The case involved a complaint brought by Nicholas Farwell, an engineer on the Boston & Worcester Railroad. Farwell had been disabled when a careless switchman left a switch open, resulting in a derailment. Farwell sought an award on the grounds that the company had failed to exercise sufficient care by employing an incompetent switchman. The award was denied, the court ruling that:

He who engages in the employment of another for performance of specified duties and services, for compensation, takes upon himself the natural and ordinary risks and perils incident to the performance of such services, and in legal presumption the compensation is adjusted accordingly. And we are not aware of any principle which should except the perils arising from the carelessness and negligence of those who are in the same employment. These are the perils which the servant is as likely to know, and against which he can as effectively guard, as the master. They are perils incident to the service, and which can be as distinctly foreseen and provided for in the rate of compensation as any other. To say that the master shall be responsible because the damage is caused by his agents, is assuming the very point which remains to be proved.⁸⁵

Subsequent court decisions and the passage of legislation on the state level slowly eroded to a certain extent the precedent set in the Farwell case. In several rulings in the 1850s and '60s, the courts declared that the Farwell decision did not completely absolve management from the responsibility of providing and insuring safe equipment and working conditions.⁸⁶ A brakeman in New Hampshire thus was awarded damages when he proved that his injuries were the result of his company's negligence in not properly keeping the track free of snow and ice.⁸⁷ A fireman

⁸⁴ Samuel M. Lindsay, "Report on Railway Labor in the United States," in *Reports of the Industrial Commission on Labor Organizations*, p. 895.

⁸⁵ Clark, "Railroad Safety Movement," pp. 219, 223.

⁸⁶ *Ibid.*, p. 220.

⁸⁷ *American Railroad Journal*, September 20, 1862, p. 727.

in New York employed by the Western Railroad similarly received an award of \$3,500 after being disabled in a boiler explosion. He apparently had notified officials of the Western on several occasions of defects in the boiler, but no repairs were made. The court ruled that his injuries resulted from the actual negligence and malfeasance of the company, and that the Western was liable for damages.⁸⁸

More important were statutory modifications of the fellow servant rule. Under the Farwell decision, judges generally extended the concept of fellow servant to include agents and managers of the corporation. Railroad companies in this way were not held liable for injuries or fatalities caused by the orders of foremen or supervisors. Before 1880 several states enacted legislation reversing this interpretation and rendering railroads subject to damages in consequence of the neglect and deeds of their agents. These states included Georgia (1855), Iowa (1862), the territory of Montana (1873), Kansas (1875), and Wisconsin (1875). These laws also generally expanded the grounds upon which railroad corporations could be held responsible for injuries and represented first steps in the slow evolution of the concept of employer liability.⁸⁹

Despite gradual liberalization in laws and interpretations, the courts in the early period did not represent a source of relief for mid-nineteenth-century railwaymen. In many ways it is not surprising that, even with the great number of accidents, so few personal-injury and wrongful-death actions were initiated against the railroads.⁹⁰ Railway workers either had little access to legal assistance, did not want to jeopardize their chances of receiving voluntary gratuities from their employers, feared for their future employment, or else calculated quite rationally that the possibilities of ultimately winning in court were quite slim. Cases also took time. Records in the archives of the Baltimore & Ohio Railroad reveal that suits remained unsettled at various levels of

⁸⁸ *Ibid.*, April 21, 1855, p. 252.

⁸⁹ Clark, "Railroad Safety Movement," pp. 226-232; Paul Black, "Development of Management Personnel Policies," p. 369; Lindsay, "Report on Railway Labor," pp. 898-899; Charles C. Bonney, *Rules of Law for the Carriage and Delivery of Persons and Property by Railway*, pp. 95-100, 143-150.

⁹⁰ Hunt, *Law and Locomotives*, p. 89.

the legal system for upwards of ten to twelve years.⁹¹ Even with bona fide claims, unpredictability marked the whole judicial process. As Robert Hunt, a leading student of nineteenth-century legal actions involving railroads, has commented: "As often as not ultimate recovery [of employee claims], put through the wringer of a suit at law, rested on fortuitous circumstances quite unrelated to the merits of the controversy. . . . The court[s] wended [their] way, granting recovery here and denying recovery there."⁹²

Two documents are available that can give some inkling of the exact degree to which legal actions proved fruitless. In 1875 the St. Louis & Southeastern Railroad reported to the railroad commissioners of Illinois on damages claimed and paid to employees by the company in the course of the year.⁹³ They included the following: one injured yardman sued for \$10,000 and was awarded \$47.66; an injured switchman claimed \$5,000 and received \$500; another switchman asked for \$1,000 and received \$100; an injured brakeman similarly asked for \$200 and was awarded \$15. Two families of killed brakemen claimed \$15,000 and \$10,000 in damages, respectively, and received no award. The St. Louis & Southeastern further reported that twenty-seven injured employees and the family of one deceased worker chose not to bring suits against the company. Of these twenty-eight cases the company decided to award fourteen with gratuities amounting to \$934.50. Clearly only a small percentage of the railwaymen involved in accidents on the road saw fit to bring the St. Louis & Southeastern to court; of these only half were successful. Those who made no claims appear to have fared better than those who did.

Further evidence on the subject is provided in the annual report of the railroad commissioners of Illinois for 1876. In that year, the fifty-three railroad companies operating in the state reported paying \$3,654.70 in damages to employees killed or injured

⁹¹ J. W. Garrett to T. Perkins, August 15, 1864, Baltimore & Ohio Letterbooks. An enormous backlog of liability cases also existed on the Atchison, Topeka & Santa Fe Railroad in the late nineteenth century. See Ducker, "Men of the Steel Rails," p. 84.

⁹² Hunt, *Law and Locomotives*, p. 153.

⁹³ *Fifth Annual Report of the Railroad and Warehouse Commission of the State of Illinois* (Springfield, Ill., 1876), p. 239.

while on duty. During that year, 102 railwaymen had been injured in accidents in the state and 262 killed. Only twenty-four of these workers received damages amounting to the above figure. The report did not state how many claims were actually filed. What is of interest, too, is that in the same year the fifty-three railway companies operating in Illinois reported paying \$119,288.24 in damages for livestock killed and \$26,100.29 for property burned by locomotives.⁹⁴ Property clearly took precedence over life and limb in Illinois in the 1870s. In this respect, a slave master had a greater chance of collecting on damages if his leased slave was injured or killed in an accident than a wage-earning railwayman.⁹⁵

Finally, while the law only rarely functioned to promote the welfare of railwaymen, it could at times be used directly against them. Nineteenth-century railway workers were subject to criminal prosecution in cases where their overt negligence, carelessness, or malfeasance resulted in injury or death to others, especially passengers. Evidence does suggest, though, that public sentiment against railroad companies often worked to the advantage of railroad employees, as local juries were reluctant to prosecute workingmen of the community.⁹⁶ The ultimate threat of indictment and conviction, nevertheless, remained ever present.

ON AN INFORMAL, discretionary, and completely voluntary basis, American railway companies in the nineteenth century did offer limited relief to employees involved in accidents. Companies frequently paid medical expenses of injured men or awarded them flat charitable grants. While recuperating, disabled men were also often kept on the payroll. The Boston & Worcester Railroad in the 1830s and '40s paid injured men deemed deserving of support

⁹⁴ *Sixth Annual Report of the Railroad and Warehouse Commission of the State of Illinois* (Springfield, Ill., 1876), pp. 444-445.

⁹⁵ Robert C. Black III, *The Railroads of the Confederacy*, p. 30.

⁹⁶ *American Railroad Journal*, September 10, 1853, p. 583; documents accompanying letter of William Osborn to J. W. Brooks, March 31, 1862, Illinois Central Railroad Papers, W. Osborn Out-Letters, IC-106.1.

full wages.⁹⁷ Other lines offered only partial pay during periods of incapacitation. Robert Harris, general superintendent of the Chicago, Burlington & Quincy, advised officials on that line to offer half wages plus medical costs. "If we pay in full," he warned, "there are many men who will take advantage of it, and we will be obliged to watch them with great closeness. Half pay keeps them from want and gives them an incentive to go to work as soon as they can. In some instances the circumstances will justify payment in full."⁹⁸

Railroad companies further attempted to aid disabled employees by making special efforts to employ them in less demanding tasks.⁹⁹ Stockholders of the Fitchburg Railroad thus learned in the company's annual report of 1849 the following about a brakeman who had fallen from the top of a freight car and been run over: "His leg was amputated, and he recovered and is now in the employ of the company as an assistant clerk in the freight department."¹⁰⁰ Injured trainmen on the New York & Erie Railroad in the 1850s were similarly placed in clerical or depot positions; officials on the Illinois Central made a practice of allowing disabled brakemen and others to occupy spots as flagmen and watchmen; and on the Chicago, Burlington & Quincy, the Chariton branch of the road, where there was only limited freight service, was reserved for old and crippled engineers and firemen.¹⁰¹ The C.B. & Q. also offers an example of an unusual form of relief afforded an injured railwayman. In 1871 a machinist, George Emerick, lost a limb when his clothing caught in a revolving shaft. Hearing that Emerick's house was

⁹⁷ Minutes of directors' meetings, vol. 2, p. 264, Boston & Worcester Railroad Papers, Baker Library.

⁹⁸ Robert Harris to H. Hitchcock, February 10, 1870, Chicago, Burlington & Quincy Railroad Papers, Harris Out-Letters, CBQ-3H4.1.

⁹⁹ Paul Black, "Robert Harris," p. 26; report on Jeremiah Hayes, February 10, 1846, Western Railroad Papers, case 3, Baker Library.

¹⁰⁰ *Seventh Annual Report of the Fitchburg Railroad Company to the State of Massachusetts* (Boston, 1849), p. 47.

¹⁰¹ Edward Mott, *Between the Ocean and the Lakes*, p. 401; Lightner, "Labor on the Illinois Central," pp. 125-126; Paul Black, "Development of Management Personnel Policies," pp. 379-380.

badly in need of repair, superintendent Harris authorized the head of the company's building department to rebuild his home.¹⁰²

Railroad companies also extended relief to widows and the families of railwaymen killed while in service. Carriers sometimes paid medical fees and donated burial expenses. They also offered direct monetary awards.¹⁰³ In the first accident involving a company employee, the Boston & Albany Railroad made a \$500 payment, which was roughly equal to one year's wages to the widow of Hiram Bridges, a freight train engineer.¹⁰⁴ The Illinois Central gave Mrs. Mary Cross an award of \$250 when her son, a brakeman, who was her sole surviving support, was killed in a mishap.¹⁰⁵ In 1853 the board of managers of the Delaware, Lackawanna & Western Railroad likewise voted to continue paying the salary of a deceased engineer to his widow for four months.¹⁰⁶ The widow of a station agent on the Boston & Worcester Railroad was not only presented with a \$200 gratuity; she also received an additional full month of her husband's salary and was allowed to remain in a company-owned house rent-free for an extended period.¹⁰⁷

Railroad companies helped the families of employees killed in accidents in other ways. Herbert Hamblen recalled an instance where the widow and children of a fatally injured car repairer were given employment in a car-cleaning gang.¹⁰⁸ Letters in the company archives of the Baltimore & Ohio Railroad reveal that widows frequently wrote company managers beseeching them to employ their elder sons.¹⁰⁹ Finally, the Galena & Chicago Union Railroad offered one widow an unusual gratuity. At her

¹⁰² *Ibid.*, p. 378.

¹⁰³ Lightner, "Labor on the Illinois Central," p. 127.

¹⁰⁴ Salsbury, *State, Investor and Railroad*, p. 105.

¹⁰⁵ Cochran, *Railroad Leaders*, p. 296.

¹⁰⁶ Minutes of the Board of Managers of the Delaware, Lackawanna & Western Railroad, November 9, 1853, Delaware, Lackawanna & Western Railroad Papers.

¹⁰⁷ Minutes of directors' meetings, vol. 7, pp. 126-127, Boston & Worcester Railroad Papers.

¹⁰⁸ Hamblen, *General Manager's Story*, p. 25.

¹⁰⁹ File 1466, Baltimore & Ohio Railroad Papers.

request, the company presented her with a sewing machine so that she could earn her own living.¹¹⁰

In extending relief to injured railwaymen and the families of employees killed while on duty, the motives of nineteenth-century railroad managers were not entirely benevolent. Companies went out of their way to announce publicly and to warn employees that they were absolutely under no obligation to award gratuities.¹¹¹ Some firms, like the New Haven & Hartford Railroad, declared forthrightly that in practically no circumstances would grants of relief even be considered.¹¹² Some railway executives regarded gratuities as merely a means of maintaining good public relations.¹¹³ Others, like Robert Harris, envisioned corporate benevolence as a way of encouraging loyalty. "In so far as this [paying allowances] would indicate to our men," Harris wrote, "that we were disposed to consider the misfortune of those who faithfully served us, I think we would find a full return."¹¹⁴ Charles Eliot Perkins, ever the cold rationalist, frowned on the practice, but nonetheless countenanced relief giving as a matter of "business expediency."¹¹⁵ The true justification lay elsewhere. In offering relief to needy families of the disabled and deceased, all nineteenth-century companies made the recipients sign comprehensive waivers agreeing not to bring suits against the firms.¹¹⁶ Furnishing awards thus provided the roads with a clear and facile avenue for avoiding legal liability. A few copies of such releases survive. The following is taken from the archives of the Illinois Central, and was signed by one Emma Leffingwell, the wife of an I.C. employee, on November 13, 1858:

¹¹⁰ D. W. Yungmeyer, "Selected Items From the Minute Book of the Galena and Chicago Union Railroad Company," *The Railway and Locomotive Historical Society Bulletin*, no. 65, pp. 28-29.

¹¹¹ *Rules and Regulations for Running the Trains on the North Pennsylvania Railroad* (Philadelphia, 1875), p. 3; *Forty-First Annual Report of the Philadelphia, Wilmington & Baltimore Railroad Company* (Philadelphia, 1879), p. 15; Lightner, "Labor on the Illinois Central," pp. 123-124.

¹¹² Cochran, *Railroad Leaders*, p. 261.

¹¹³ *Ibid.*, p. 261.

¹¹⁴ Robert Harris to J. Joy, November 10, 1869, Chicago, Burlington & Quincy Railroad Papers, Harris Out-Letters, CBQ-3H4.1.

¹¹⁵ Memorandum of C. E. Perkins, January 17, 1885, Chicago, Burlington & Quincy Railroad Papers, Memoranda President's Office, 1878-1900, CBQ-3P4.92.

¹¹⁶ Paul Black, "Robert Harris," p. 27.

Whereas, the Illinois Central Rail Road Company has agreed to pay the undersigned Mrs. Emma Leffingwell, widow of Frederick O. Leffingwell, her late husband, the sum of Three Hundred Dollars for the loss of Frederick O. Leffingwell her late husband from injuries sustained by him while in the employment of the said Company, upon their Rail Road, and resulting in his death.

And the undersigned Mrs. Leffingwell having agreed to accept the said sum of Three Hundred Dollars in full payment and satisfaction of all claims and demands for the said loss and injuries,

Now in consideration of the receipt of the said sum of money this day paid me by the said Illinois Rail Road Company the receipt whereof is hereby acknowledged, I the undersigned Emma Leffingwell have and hereby accept and receive the said sum of money in full satisfaction and discharge of the said Company from all claim and demand which I may or can have by reason of such loss and injuries. And I hereby release and discharge the said Company from all and every claim arising therefrom.¹¹⁷

The entire process of dispensing relief—who received grants and how much—was also fairly arbitrary. Robert Harris, in fact, argued that an absence of fixed rules and procedures should mark the process. "Avoid any particular practice lest it might become a common law," he warned the line's officials. If the men ascertained patterns and precedents, their claims would become more numerous and demanding.¹¹⁸ On most roads the power to award gratuities was generally delegated to divisional superintendents. Settlements for less than \$500 were made routinely without consulting central office executives. Small grants could even be made at the local level at the discretion of local foremen and supervisors.¹¹⁹ Attitudes toward offering restitution, it should be pointed out, frequently changed. On the Illinois Central, for instance, in the 1870s a new administration, which looked with a jaundiced eye on corporate charity, ushered in a period of retrenchment. Financial awards, which once were fairly liberal,

¹¹⁷ Waiver of Emma Leffingwell, November 13, 1858, Illinois Central Railroad Papers, IC-3.92.

¹¹⁸ Robert Harris to H. Hitchcock, March 16, 1875, Chicago, Burlington & Quincy Railroad Papers, Harris Out-Letters, CBQ-3H4.1.

¹¹⁹ Paul Black, "Development of Management Personnel Policies," p. 375.

were now considered only in cases where legal actions against the company seemed likely and potentially successful.¹²⁰

An employee's previous standing in the firm, rather than his actual needs, appears to have played an important role in the decision process. A circular issued by the Louisville, New Orleans & Texas Railroad informed workers on that road that, while the company followed the practice of not awarding compensation, exceptions would be made based "on the circumstances of the case and previous good conduct."¹²¹ A memorandum in the archives of the Baltimore & Ohio Railroad similarly indicates that officials were advised to judge the merits of a claim "on what the conduct of the party has been in reference to providence, ability displayed, courage and assertions for the interest of the Company."¹²² Cases on the Illinois Central were often decided on whether the claimant was "deserving" or not.¹²³ The grade of an employee also figured in the size of the award. If a brakeman and a locomotive driver were both injured in an accident, it was not unusual for the engineer to receive a substantially greater gift.¹²⁴

An injured railwayman or his widow could do little to insure corporate benevolence. Victims tried to help their cases by accompanying their claims with letters from clergymen and fellow townspeople attesting to their grievous circumstances.¹²⁵ Nothing was guaranteed. The unpredictable and discretionary nature of relief giving is revealed in the following letter of January 1873 from A. M. Mitchell, general superintendent of the Illinois Central, to I.C. President John Newell, describing how he settled two claims:

Some ten days since, O'Connor a brother of the Fireman that was killed by Engine No. 128 running (broken rail near Peotone February 5) asked

¹²⁰ Lightner, "Labor on the Illinois Central," pp. 187-188.

¹²¹ Quoted in Clark, "Railroad Safety Movement," p. 11.

¹²² H. Evan to James Howison, January 14, 1863, Baltimore & Ohio Railroad Letterbooks.

¹²³ Lightner, "Labor on the Illinois Central," p. 124.

¹²⁴ Minutes of directors' meetings, vol. 3, pp. 217-218, Boston & Worcester Railroad Papers.

¹²⁵ Theodore Snow to Western Railroad Company, July 20, 1850, Western Railroad Papers, case 3; petition to the directors of the Western Railroad on behalf of Mrs. Marcy, 1841, *ibid.*, case 1.

what the company proposed to do in the way of settlement. I replied that it had been the custom of the company to meet surgical and burial expenses and in case a family or parents were in need made small donations. Some other conversation followed and he left saying he would call again. He called yesterday asked if the company were ready to settle. I asked him what terms a settlement was proposed. He stated the sum of \$4000, the only proposition he had to make. I answered that it would not be accepted.

Shortly after he left Ed Davis the Engineer that run the Engine and whose ankle was badly broken called and asked to have a settlement of his case (previously he had been promised his pay as Engineer while off duty). I asked him what settlement he desired. He said if the company paid him \$1000 for settlement for lost time and injury he would sign a release. I accepted the proposition and the money was paid him.¹²⁶

American railway firms continued to dispense relief in an ad hoc discretionary fashion through the 1870s. While European railroads began establishing structured, inclusive insurance programs as early as mid-century, interest in and acceptance of such proposals came only very slowly in the American industry.¹²⁷ In 1889, the newly formed Interstate Commerce Commission found that of the top eighty-five companies operating in the country, only twelve had instituted some kind of formal insurance plan.¹²⁸

Before the 1880s a few attempts were directed at establishing insurance programs, but they were either half-hearted, short-lived, or short-sighted. A constitution of the Boston & Worcester Railroad Mutual Benefit Association dated 1855 exists, but there is no evidence that the company-sponsored and managed society actually ever functioned.¹²⁹ Memoranda in the firm's archives, in fact, indicate that ten years later, in January 1865, the directors of the B. & W. considered the subject of insuring employees and tabled the matter indefinitely.¹³⁰ Herman Haupt, superintendent of the Pennsylvania Railroad, similarly spoke eloquently in the

¹²⁶ A. M. Mitchell to J. Newell, January 4, 1873, Illinois Central Railroad Papers, IC-1N6.3.

¹²⁷ Johnson, "Railway Departments," p. 70.

¹²⁸ *Third Annual Report of the Interstate Commerce Commission, December 1, 1889* (Washington, D. C., 1889), p. 342.

¹²⁹ *Constitution of the Boston & Worcester Railroad Mutual Benefit Association* (Worcester, Mass., 1855).

¹³⁰ Minutes of directors' meetings, vol. 8, p. 308, Boston & Worcester Railroad Papers.

1850s of the need for establishing relief programs, but it was only twenty-five years after his retirement from the line that the Pennsylvania took action on the issue.¹³¹

Robert Harris of the C.B. & Q. characteristically supported a variety of schemes. In 1868 he joined other Chicago railway executives in establishing the Provident Life Insurance and Investment Company. Harris's motives here were not wholly philanthropic. The association represented for him an attempt to counter the more corrupt private insurance companies in the field; he also hoped to entice C.B. & Q. engine drivers away from the newly formed Brotherhood of Locomotive Engineers, which had its own relief program. Harris's organization became insolvent within a year's time. In 1872 he then authorized agents of the Travelers Life and Accident Insurance Company to solicit business from Burlington employees and even arranged for automatic payroll deductions to be paid to the firm. This move effectively placed the Travelers Company in a privileged position, and hampered agents of other insurance groups. Finally, in 1873 Harris helped set up another company-sponsored relief plan, the Protective Association of the Employees of the C.B. & Q. and Leased Lines, but this effort, too, failed to achieve its intended goals.¹³²

Illinois Central officials also experimented with various proposals. In the 1860s, the road established the Illinois Central Relief Club, a compulsory insurance program supported by deductions from wages amounting to one-half of one percent of monthly earnings. The funds were to be used to aid sick and injured men, help with funeral expenses, and make small contributions to the families of deceased employees. The plan sparked opposition from Illinois Central workers, who found the compulsory payments a hardship. The club was then transformed into a voluntary society and disappeared after four years of operation following losses in membership and declining financial reserves.¹³³

¹³¹ *Valedictory Address of the General Superintendent of the Pennsylvania Railroad to the Officers and Employees of the Company* (Philadelphia, 1859).

¹³² Paul Black, "Development of Management Personnel Policies," pp. 388-389, 399.

¹³³ Lightner, "Labor on the Illinois Central," p. 128.

One successful experiment in the early period deserves mention. In 1869 the newly completed Central Pacific Railroad built the nation's first hospital devoted exclusively to the care of railwaymen. An absence of medical services in the region of the country served by the line provided the rationale behind the plan. The hospital was financed by employee contributions of fifty cents a month, automatically deducted from wages. Central men were entitled to free admission and medical attention at the hospital in cases of sickness or injury while in the service of the company. Retired employees were also eligible for treatment. The Central Pacific's Railroad Hospital served as a model for other companies in later years.¹³⁴

In the late 1870s, interest in insurance programs intensified. In 1876 the Philadelphia & Reading Railroad Company established an accident and life insurance system for its workers and contributed an initial endowment of \$25,000. Employees paid premiums based on grade of employment and wages. The benefits they received varied accordingly.¹³⁵ The railroad strikes of 1877 were, however, the precipitating force behind renewed concern for employee relief services. Railway executives began actively to look to insurance programs as a means of assuaging their growing disgruntled and rebellious employees.

Immediately following the violence of July and August 1877, officials of the Chicago, Burlington & Quincy, for instance, heatedly debated the issue in a flurry of interoffice memoranda. True to color, Vice President Perkins strongly opposed all insurance proposals. "Nothing would in my judgement do more to destroy in the end all zeal and esprit-de-corps than to adopt any plan of giving to our employees something for nothing." "Merit," he added, "and merit alone should be rewarded."¹³⁶ John Griswold, chairman of the board, truly frightened by the events of the summer, disagreed. We "had better be thinking it over," he wrote referring to a proposed insurance plan that the company would

¹³⁴ *Annual Report of the Board of Directors of the Central Pacific Railroad Company to the Stockholders* (Sacramento, Calif., 1873), p. 8; A. N. Towne to C. E. Perkins, January 30, 1880, Chicago, Burlington & Quincy Railroad Papers, Papers concerning Employees, 1877-1889, CBQ-33 1870 3.6.

¹³⁵ Circular of the Philadelphia & Reading Railroad Company, April 3, 1877, *ibid.*

¹³⁶ C. E. Perkins to R. Harris, December 7, 1877, *ibid.*

endow with a \$100,000 contribution. "And I think without any undue haste that the sooner these plans are elaborated and adopted the better, in order to show the men that while we would not submit to their dictation we still have their interest at heart and are desirous of making them understand that the interests of the corporation and their own are mutual."¹³⁷ President Harris naturally concurred with Griswold's judgment, declaring again that a company-sponsored and managed program would be an effective means of luring trainmen from allegiance to their brotherhoods.¹³⁸ Divisions within the managerial ranks, however, led to inaction. No plan was adopted, and it took another disastrous and bitter strike eleven years later before C.B. & Q. officials moved to establish a comprehensive, permanent relief program.¹³⁹

The violence of 1877 also caused concern among officials of the Illinois Central. In direct response, they formed the Illinois Central Railroad Mutual Benefit Association. The society, however, enrolled few employees and passed out of existence rather obscurely.¹⁴⁰ It remained, then, for the Baltimore & Ohio to initiate the most enduring and influential insurance program of all. Under John Garrett's leadership, the Baltimore and Ohio Employee's Relief Association was established in 1880. This plan was unique in that the B. & O. assumed all costs of administration. The company also donated a large initial endowment and made membership compulsory. B. & O. employees paid set monthly premiums equivalent to a day's wages and received fixed benefits commensurate with their contributions to the fund. They were covered for fifty-two weeks of sickness (indefinitely for recovery from accidents) and were eligible also for death benefits. Upon joining the plan, B. & O. employees agreed to the stipulation that acceptance of awards represented a waiver of the legal right to initiate damage suits, a feature of all early railroad company insurance programs. In its first year of operation, the B. &

¹³⁷ Cochran, *Railroad Leaders*, p. 344.

¹³⁸ Memorandum. Plan of a Life Insurance Fund and an Accident Insurance Fund, Chicago, Burlington & Quincy Railroad Papers, Papers Concerning Employees, 1877-1898, CBQ-33 1870 3.6.

¹³⁹ Stevenson, "Brotherhood of Locomotive Engineers," pp. 99-100.

¹⁴⁰ Lightner, "Labor on the Illinois Central," p. 141.

O. relief association processed 4,167 claims. It became the model for insurance systems established by other major trunk lines in succeeding years.¹⁴¹

On the whole, pioneer railwaymen were forced to fend for themselves. Many applied to private insurance companies for policies, but they were frequently turned down. One veteran engine driver from Chicago remembered being rejected by two commercial firms. "I did not receive a policy, simply because I was a Locomotive Engineer," he noted, "which they classed as 'extra hazardous.'"¹⁴² Private insurance companies were also notoriously unreliable and often times fraudulent. They charged high premiums and increased them almost at will.¹⁴³ As Herbert Hamblen recalled, "On account of their hazardous calling," pioneer railwaymen were compelled to "carry all the life and accident insurance they are able to, at enormously heavy rates."¹⁴⁴

Railway workers also turned toward cooperative self-help. In 1867, the newly formed Brotherhood of Locomotive Engineers set up the Locomotive Engineers' Mutual Life Insurance Association, which rendered needed assistance to disabled members and their widows and orphans.¹⁴⁵ Other brotherhoods that came into existence later followed suit and it can be assumed that pioneer railwaymen relied on community and ethnically based mutual aid societies as well. Railway workers also acted in less formal ways to extend charity. Despite opposition from management, they made a point of honoring their fellow workers by draping cars on the occasion of a death. More important, railwaymen at an early date established the custom of collecting contributions for sick, disabled, or killed comrades.¹⁴⁶ In Poughkeepsie, New York, for example, employees on the Hudson River Railroad traditionally raised more money among themselves for

¹⁴¹ *First Annual Report of the Baltimore and Ohio Employees' Relief Association* (Baltimore, 1881), pp. 3, 10, 14-15, 77; Johnson, "Railway Departments," pp. 67-73.

¹⁴² Quoted in Richardson, *Locomotive Engineer*, p. 132.

¹⁴³ Stevenson, "Brotherhood of Locomotive Engineers," p. 91. Lightner, "Labor on the Illinois Central," p. 128.

¹⁴⁴ Hamblen, *General Manager's Story*, pp. 220-221.

¹⁴⁵ Richardson, *Locomotive Engineer*, pp. 132-135.

¹⁴⁶ Robert Harris to H. Hitchcock, April 22, 1872, Chicago, Burlington & Quincy Railroad Papers, Harris Out-Letters, CBQ-3H4.1.

the city's St. Barnabas Hospital than was donated by their employer, Cornelius Vanderbilt.¹⁴⁷ The custom of informal mutual assistance had its genesis in the very realities of the trade. As Harry French in his reminiscence *Railroadman* recalled, "Reckless indeed was the worker who 'passed up the hat' when it was offered; one never knew when it would be going around for him or his widow."¹⁴⁸

FOR THOSE who survived the ardors and perils of the work, old age brought little comfort and little relief from the insecurities and uncertainties of railway employment. The work could be as erratic and unsure, the hours as long, and the tasks as risky for old men as for young.

An informal seniority system, though, did emerge in the early period. Managers rewarded veteran workers with choice assignments, placed older men in less demanding positions usually without reductions in pay, and generally promoted them first in good times and dismissed them last in periods of retrenchment. Custom, however, marked the whole process, and seniority rights depended totally on management's good will and grace. Pioneer railwaymen obviously lost all such privileges when transferring to new lines, and there were no guarantees that officials would act consistently or indiscriminately.¹⁴⁹ Clearly defined and enforced seniority rights became an important early aim of organized railwaymen. With few exceptions, the first written agreements reached between managers and railway unions contain seniority clauses. One can infer that the brotherhoods sought to formalize and guarantee what had already been customary.¹⁵⁰

American railroads not surprisingly also lagged far behind their European counterparts in instituting formal pension plans. In France, Germany, and England, carriers at an early date introduced superannuation funds to which both employees and

¹⁴⁷ Clyde and Sally Griffen, *Natives and Newcomers*, p. 221.

¹⁴⁸ Chauncey Del French, *Railroadman*, p. 195.

¹⁴⁹ Mater, "Development and Operation" pp. 393-403; Richardson, *Locomotive Engineer*, pp. 114-115.

¹⁵⁰ Mater, "Development and Operation," pp. 392-394; Richardson, *Locomotive Engineer*, pp. 104, 154, 228-229.

employers made contributions.¹⁵¹ In America the idea was little discussed. Robert Harris as usual spoke in the 1870s of the moral responsibility of railroad companies to provide pensions, but he was a lone voice.¹⁵² The Baltimore & Ohio Railroad did establish the nation's first railroad pension plan in 1884 as part of its overall relief program; it was not until the turn of the century, however, that other firms followed suit.¹⁵³

The Baltimore & Ohio pension program fixed sixty-five as the age at which men, who had worked for the company for at least ten years, could retire and be eligible for benefits. B. & O. pensioners received relief in accordance with the grade of the last position they occupied and the number of years in service to the company. Awards varied from 20 to 35 percent of daily earnings when employed.¹⁵⁴ The real significance of the B. & O. plan lies in its establishing a definite date at which men could retire. For B. & O. employees a new stage of life was thus created, for there now existed a formal distinction between a man's working and postworking life. Before the 1880s, it is unclear exactly when and if railwaymen retired. In fact, the entire issue of when laboring people left the work force in the nineteenth century is itself very uncertain. Musing on this subject in December of 1877, Robert Harris concluded that there were actually very few old men in the trade. The number of railway workers who survived, succeeded and were promoted, and stuck to railroading was small. As he noted, "The charm of the life soon wears away [for young and middle-aged men] and they drift into other avocations before they get old."¹⁵⁵ Yet every pioneer railroad had its celebrated and honored old-timer, its Pop. And one can only assume that in the early years, these hearty souls toiled on the line quite literally to their dying days.

¹⁵¹ Johnson, "Railway Departments," pp. 83-84; F. Jacqmin, *Railroad Employes in France*, p. 6.

¹⁵² Paul Black, "Development of Management Personnel Policies," p. 361.

¹⁵³ Edward Hungerford, *The Story of the Baltimore and Ohio Railroad*, vol. 2, pp. 320-321; Holbrook, *Story of American Railroads*, p. 214.

¹⁵⁴ Johnson, "Railway Departments," pp. 85-86.

¹⁵⁵ Robert Harris to J. N. Griswold, December 10, 1877, Chicago, Burlington & Quincy Railroad Papers, Harris In-Letters, CBQ-31B1.5.