

## **Interurban Railroaders and Changing Work Conditions on the South Shore Line, 1908–1938**

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The morning of Tuesday, 21 July 1914, dawned fair and warm. In Michigan City, Indiana, six men gathered shortly before seven o'clock in the small railroad yard at the shops of the Chicago, Lake Shore and South Bend Railway. Nearby, a motorman and conductor had coupled a powered, wood-body box motor to a four-car work train in the shops yard, outside the imposing, white brick shop building with its pitched roof. Behind box motor number 500, a flatcar held large reels of steel wire and an upright wooden pole with a block and tackle for hoisting and unreeling the wire. An old freight boxcar, converted into an unpowered line car by constructing an insulated and electrically grounded wood platform atop the roof, held tools, equipment, and the fixtures necessary for repairing or replacing the copper overhead catenary wires. Behind the tool car, two freight gondolas that dated from the construction of the railroad in 1906–1908 held raised plank platforms atop wooden bents placed inside the gondola sides.<sup>1</sup>

At about seven o'clock, the six electrical line workers climbed aboard the box motor that would pull their work train. The motorman moved the controller into the first point, pulling the train out from the shops. The train rolled westward to the passenger station at Eleventh Street and Franklin Avenue, where it picked up foreman O. T. Britt and lineman Albert E. Fellers. The crew then followed about fifteen minutes behind westbound passenger train number 8, a local train from South Bend that stopped at every station and flag stop along the line up to Gary to pick up passengers and milk cans, then ran express from Gary to Pullman, Illinois. Running as an unscheduled extra, the five-car work train had to duck into sidings several times to allow scheduled eastbound passenger trains to pass. The work train and its line crew ran through Hammond about nine o'clock that morning, crossed over to the eastbound track, then stopped on a curve about one hundred feet from the Illinois–Indiana state line and about a quarter of a mile from the South Shore station at Hammond. The thirty-seven-mile trip from the Michigan City shops to Hammond and the railroad's State Line curve took about two hours.<sup>2</sup>

Albert Fellers, known to his coworkers as Bert, had hired on as an electrical lineman for the Chicago, Lake Shore and South Bend Railway from September 1913 until January 1914, then returned just after Easter of that year. In some ways, Fellers's life and work as a lineman represented the historical changes that propelled widespread migration from farms to cities and the technological advances that accelerated the pace of daily life. Born in March 1887 on a farm near Cedar Falls, Iowa, Fellers grew into young adulthood in a rural environment of agricultural work, becoming a strapping six feet, two inches in height and 210 pounds in muscle.<sup>3</sup> When Fellers left the farm at the age of twenty-one in 1908, he found a job as a lineman in Des Moines, climbing poles to string telephone, telegraph, or electrical wires. Although the nature of a lineman's work required a man to move from town to town after he completed each job, Des Moines apparently required enough communication and power lines to keep Fellers employed in the city for two or three years. By 1911 or 1912, though, he had moved on to Ferris, Texas, south of Dallas, followed by Tulsa, Oklahoma.<sup>4</sup> Similar to other men before him who traveled the country to obtain work on steam railroads during the latter half of the nineteenth century, Fellers became a "boomer," a skilled itinerant worker who followed the paths of utility line and interurban railroad construction throughout the Midwest according to the waves of economic booms and busts and the demand for or abundance of electrical linemen.

In 1913 the South Shore Line experienced seventy-four separate instances of pantagraphs atop the interurban cars tangling in the overhead catenary wire and damaging or even tearing down the wires and the pantagraphs. To a large extent, the troubles with pantagraphs catching the overhead wire indicated that the Number 0000 grooved copper contact wire, underneath which the pantagraphs slid

along, had become badly worn after more than five years of daily use. Serious wire breaks occurred somewhere along the railroad twenty-three times in 1913. That spring of 1914, after the railroad had installed eighty automatic block signals along fifty-five miles of its seventy-six-mile line, its superintendent of overhead lines turned toward replacing the copper overhead contact wire with a new grooved steel auxiliary “slipper” wire along the eastern length of the railroad.<sup>5</sup>

Normally, a line crew consisted of a foreman and two men.<sup>6</sup> However, the work of replacing the worn-out copper wire with new steel wire required additional linemen. How Fellers and the other linemen learned about the job stringing the new steel wire has been lost to history, but he hired on and began working for the South Shore just after Easter, 1914. Eventually he earned \$3.60 per day.<sup>7</sup> The men slowly worked westward from Michigan City, covering each foot of the railroad’s middle section, clamping the new steel wire to the old copper contact wire, and twisting the new wire into place just below the old. One of the linemen on the job, Albert “Rusty” Warring, described the work process:

Generally we would string out a coil of wire about a half mile long from a big wooden reel, take and string this wire out, string it out to what you call taut, and then we would tie it from this insulated [line] car. We would tie it at the hangers, that is what you call a catenary construction, where that holds over the mast arm. . . . We took it and tied it tight, and then the wire would lay inside this copper wire, or a little above it.<sup>8</sup>

Now, after three months and thirty-five miles, the line crew reached Hammond, Indiana, on the Indiana–Illinois state border.

Already that morning of 21 July, the temperature at Hammond had risen to the mid-80s by nine o’clock, with winds blowing from the west at more than ten miles per hour. While a little windy and warm, a summer day like this made the work of linemen far easier than outdoor work with broken wires in subfreezing temperatures after one of northern Indiana’s infamous winter “lake-effect” snowstorms or sleet.<sup>9</sup> The characteristics of this section of the railroad line, however, gave a line crew some special problems that overshadowed the July heat and wind.

Just west of the state line on the Illinois side, the South Shore Line’s two tracks crossed two tracks of the Indiana Harbor Belt Railroad on a curve.<sup>10</sup> As the South Shore’s tracks approached the crossings with the Indiana Harbor Belt, the overhead catenary system rose significantly above its usual height, which ranged from eighteen to twenty-one feet, to reach as high as twenty-three feet above the rails.<sup>11</sup> This condition certainly was not unique. At every railroad line the South Shore crossed between Hammond and South Bend, Indiana state law required that all overhead wires at the crossings of two railroad lines exceed twenty-two feet in height, to provide a safe clearance for trainmen on top of freight cars.<sup>12</sup> However, the variations in the height of the wire could not be met by the railroad’s homemade work equipment. The two gondolas behind the work train had fixed, temporary platforms. In addition, the placement of the railroad crossing in the middle of a curve required the linemen to pull the new wire taut and to tie it to numerous pull-off wires connected to wooden line poles on the outside of the curve, forcing the springy, tightly pulled steel wire to follow the curvature of the track at the midpoint between the rails. Finally, the continued operation of the railroad on the westbound track while the line crew worked on the eastbound line required that the electrical current in the overhead be kept live at the usual operating level of 6,600 volts alternating current (AC). Hanging a rising, curving, springy, live high-voltage catenary wire was all in a day’s work for a lineman.<sup>13</sup>

The 6,600-volt AC power system also created some unique work conditions for South Shore linemen and trainmen that differed from those of the 600-volt direct current (DC) systems in vogue on other midwestern electric railroads during the late 1900s and early 1910s. Motorman Carl E. Hedstrom, who worked for the Chicago, Lake Shore and South Bend Railway beginning about 1921, related that

whenever the weather was rainy and a conductor needed to step into a telephone booth alongside the track to call the dispatcher, the conductor would jump into the telephone booth and jump out because the booth was not insulated and the surrounding electric field was so strong. “[T]here would be enough of a static electricity that you could feel it, and none of them wanted to have anything to do with that 6600—that was hot stuff—really hot stuff,” Hedstrom noted. In a nighttime encounter with 6,600 volts sometime before 1926, a carman at the Gary passenger car yard attempted to move an interurban car forward on a wye track to turn it around. Because the carman used the pantagraph in the middle of the car roof, rather than the trolley poles at the ends, the pantagraph slipped to one side of the catenary in the middle of the curve, tearing the wire down onto the track. The live wire on the rails “really made some fireworks” in the dark. Hedstrom’s brother, Roy, who was working as a second carman on the ground, flung up his arms in fright and fled for the safety of the carman’s room inside the freight station. The next morning, his buddies had a good laugh when they found he had thrown his lantern over the roof of the freight house.<sup>14</sup>

At State Line curve that warm July morning, the overhead catenary wires were live with 6,600 volts AC as the linemen worked on the eastbound track. The men climbed off the box motor and threw their screwdrivers, hammers, wrenches, gas tongs, and other wire-working tools up onto the platform atop the converted tool car 305. The line foreman stayed on the ground, while the seven linemen individually climbed two ladders on each side of the tool car. They then jumped over to the covered gondolas and pulled several sawhorses and trestles, which stood between three-and-a-half feet and four feet high and were built of two-by-fours or two-by-sixes, up onto the platforms atop of the cars. The sawhorses were about four feet long, while the top of the cars were about ten feet wide. This allowed less than three feet of platform between the edges of the cars and the sawhorses and planks three and a half feet above. On top of the sawhorses and trestles, the men placed two planks one foot wide by three inches thick, running sixteen feet long. They placed each trestle perpendicular to the wire and parallel to the car ends, then placed two planks on top of the trestles a foot or eighteen inches apart on each side of the overhead catenary wire, so that one man could stand on a plank on one side of the wire and another man on the other side. If the platforms holding the men could not be raised, they would have to rig up a temporary solution. Originally, the foreman in charge had directed or suggested the use of trestles and long planks when the crew first encountered the problem at a railroad crossing. As a result, on three or four separate days, the linemen stood on planks one foot wide, balanced on top of trestles roughly four feet high on top of temporarily constructed plank platforms about eighteen feet above the rails.<sup>15</sup>

A man named Hartley and another lineman stationed themselves on the platform on top of the tool car. The next car, a gondola with a platform, supported Warring and Fellers. A trolley pole mounted on the platform of the car acted as an electrical ground when Warring released it from its hook and guided it into contact with the live overhead wire. Finally, C. F. Buckley, Charles W. Hunter, and Charles Harper stood on the platform above the second gondola. The five men on the gondola car platforms set up the sawhorses and trestles, then staged the long, narrow planks on them along the lengths of the cars. The two men on top of the tool car platform utilized two movable iron ladders affixed to the car to support four boards, two on each side of the wire. Britt, the foreman, remained on the ground.<sup>16</sup>

The men climbed onto the footwide planks atop the sawhorses. Warring stood on the outside of the curved wire, while Fellers stood on the inside of the curve, facing Warring. Below them at their legs, the trolley pole with its grooved wheel pressed up against the wire to draw the static electrical field away from the live 6,600-volt contact wires they would be handling. The men began manipulating the new steel wire, which was tied to the side of the worn copper contact wire on the outside of the curve. The two men loosened the hangers holding the steel wire in order to screw clips onto it, then pull it

under the worn copper contact wire. The clips had eyes on both sides to support the contact wire with a perpendicular span wire and to pull the contact wire into place above the center of the curving track. As they freed the steel wire from thin wire hangers that tied it to the copper wire, the steel wire dropped down and sprang towards the inside of the curve. Fellers and Warring then would pull up the steel wire, attach the clip and steel wire underneath the copper wire, and tighten the clip to hold the two wires together, one under the other.<sup>17</sup>

Atop the plank, Warring held a piece of overhead wire hardware called a strain—a wooden insulator rod about four feet long, with metal eyes at both ends—to pry and pull the steel wire under the copper wire. Usually, a strain would be used as an insulator between the metal cross arm that supported the catenary wires and the clip that held the contact wire. A strain might also be placed between a guy wire and the overhead system, or between a trolley hanger and a perpendicular span wire holding up the catenary. Warring held the strain plumb with the top wire to pull the loose lower wire outward, while Fellers used a lineman’s tool called gas tongs to grasp and turn the heavy, resistant wire. Fellers held the gas tongs in one hand, twisted the wire, then with his other hand attempted to place a clip on the grooves of the wire. Warring pulled outward on the wire, keeping it from springing inward towards Fellers. Fellers secured the clip on the wire and turned the key to tighten it.<sup>18</sup>

*[Insert here the drawing captioned “Chicago, Lake Shore and South Bend—Standard Track and Trolley Construction,” Electric Railway Journal 33 (10 Apr. 1909): 676.]*

Fellers sensed that Warring was losing his hold on the wire. “Have you got it, Rusty?” he asked his partner.

“Yes, I have got it,” Warring assured him.

Somebody yelled “Look out!” Without warning, the trolley pole beneath them flew off the live overhead wire, striking Warring in the leg. The 6,600-volt static charge in the warm, humid morning air shocked his leg, causing him to let go of the strain and wire and jump away instinctively. He “started to step and fall” back off the plank three and a half feet above the platform, lost his balance, but caught the plank with his right hand before he might fall off the platform and the car.<sup>19</sup>

Warring straightened himself out, then looked to see where his partner was. Fellers was not visible on top of the plank or the car platform. Warring described the scene:

When I got straightened up I looked around to see where Fellers my partner was. I missed him and I stepped under the trolley to the other side of the car, and saw him lying on the ground on the opposite side of the west bound track. I made a run after I saw where he fell. I made a run on the original tool car, climbed down the ladder, and was the first man to him after the accident.<sup>20</sup>

The other men saw Fellers fall backwards. The steel overhead wire shot against him while he stood on the plank, throwing him off balance and possibly shocking him, from what Harper could see. Buckley witnessed Fellers step or jump off the footwide plank, down three and a half feet to the narrow outer edge of the platform, where he stood for only a moment before falling backward off the car. Hunter saw the trolley pole fly off the wire, then witnessed Fellers’s plummet to the ground. The back of his head struck the south rail of the westbound track.<sup>21</sup>

One of the men hurried to Hammond to summon an ambulance, which took Fellers to St. Margaret’s Hospital. Britt telegraphed Fellers’s father in Iowa, who immediately boarded a train for Chicago and Hammond. That night, before his father could arrive, Fellers died. He was only twenty-seven years old.<sup>22</sup>

The following morning, Britt accompanied the body to Cedar Falls, Iowa, in the company of the deceased lineman’s father.<sup>23</sup> Whether Britt felt responsible for directing the men to use the sawhorses

and planks instead of a movable platform—whether he questioned why he had not ensured the construction of handrails along the edges of the platform, no one knows.

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Railroading was dangerous work, but not all the dangers were inherently part of railroading. Certain risks existed due to managerial choices, not because of “happenstance” or “the conditions of those times.” In the cut-throat competitive economics of railroad business, company managers often postponed maintenance or repairs on equipment, structures, and rights-of-way to cut operating expenditures. Railroad workers implicitly had to adjust with ingenuity to accommodate more labor tasks, faster paces, deteriorating equipment, and longer work hours. Sixteen-hour work days were commonplace until federal and state laws prohibited the practice in March 1907. Nevertheless, in early June 1910, a South Shore Line conductor inquired of the Indiana Railroad Commission whether the South Shore’s managers could require trainmen to work more than sixteen straight hours. What appeared to an outside observer to be a railroader’s manly behavior or reckless indifference was more truthfully a worker’s requisite skill and nerve in surviving hostile conditions. A rule book for Indiana interurbans in 1908 put each worker on notice that companies disclaimed any responsibility for the conditions they created: “Each employe[e] is expected and required to look after and be responsible for his own safety, as well as to exercise care to avoid injury to others.” Most commonly, the dangers faced by American railroaders were attributed by corporate officials to worker carelessness, not to managerial error or equipment failures. The Indiana Railroad Commission initially perpetuated this condescending corporate myth about the supposed fecklessness of railroaders, commenting in 1909: “What a pity that men who take such good care of others cannot care for themselves!”<sup>24</sup>

Bureaucratic views of workers and their supposed carelessness factored little in the difficult choices that railroad workers had to make when forced to work with inferior or malfunctioning equipment, tight train schedules, and the industrial conditions that might kill a man without warning. As a result, the risk of injury or death cast a constant shadow over one’s daily work. On a hot 9 July 1903, for example, an Aurora, Elgin and Chicago Railroad section hand named Louie Reinke was placing a cross tie in a trench excavated underneath the rails two miles east of Lombard, Illinois. When Reinke swung a pickax to pull the tie under the rails and towards him, the pickax slipped and threw him off balance. He fell backward against the third rail, which electrocuted him instantly. The electric power had been kept live to allow for uninterrupted train operations, but no rubber mats had been placed over the rail to insulate it in case of accidental contact. In Indiana in autumn 1909, a motorman working on a car headlight was killed by an electrical arc. Catenary crossarms fell on a laborer for an Indiana interurban while he was unloading them in spring 1911. In August 1913, Stanislaus Arbacaski, a South Shore Line track laborer, was unloading steel rails at East Chicago when several fell and crushed his foot. On 3 June 1914, a nineteen-year-old electrical lineman for the Michigan Central Railroad barely survived an electrical shock when a telephone wire he was stringing came in contact with a South Shore Line high voltage wire at Tenth and Huron Streets in Michigan City. The young man’s safety belt and spurs prevented him from falling off the pole; he was eventually rescued by firemen. Two and a half months later, a train conductor on the Chicago, South Bend and Northern Indiana Railway stopped his interurban car at St. Marys to call the dispatcher. When he lifted the telephone receiver, a 3,500-volt shock killed him instantly. A summer storm had blown the telephone wire across an overhead electrical wire.<sup>25</sup>

Railroaders at the turn of the twentieth century worked in a system of industrial employment that rewarded those workers who took chances and beat the odds. The fatality rate for trainmen alone peaked in 1891 at nearly ten deaths per thousand workers. Over the next two decades, though, a railroader’s risk of death slowly declined, reaching five in one thousand by 1911. Brakemen on mixed

freights faced greater risks—more than eleven deaths per thousand men during the years 1908 through 1910. During the period 1900 through 1916, however, the percentage of railroad workers who suffered serious injuries on the job steadily rose, despite the technological improvements of federally mandated safety appliances such as air brakes and automatic couplers. Among trainmen alone, the injury rate consistently increased each year from about ninety-two work-related injuries per one thousand trainmen in 1900 to about 147 serious injuries among every thousand trainmen in 1916, the worst year for railroaders. When all railroad occupations are considered together, including electrical linemen, shop workers, station agents, section hands, and office clerks, a railroad worker's risk of suffering a disabling work-related injury nearly tripled between 1891 and 1914 from thirty-three serious injuries per thousand workers to ninety-three injuries per thousand.<sup>26</sup>

At least seven Chicago, Lake Shore and South Bend Railway employees died in work-related accidents between 1 July 1911 and 31 December 1918.<sup>27</sup> This number of deaths might seem tragic, but inconsequential in comparison with the thousands of other railroaders killed annually while working for steam railroads during the 1910s. What makes these accidental deaths of workers on the South Shore Line during the 1910s stand out, though, is not the absolute number, but the fatality rate—the proportion of workers killed to workers employed annually and the resulting risks all workers on the interurban line faced every day.

Nationwide between 1911 and 1918, the average fatality rate among all steam railroad employees declined from 2.09 deaths per thousand workers (about one death per 478 employees) in 1911 to 1.75 deaths per thousand (about one death per 571 employees) in 1918, bottoming out in 1915 at 1.34 deaths per thousand (one death per 746 workers). In addition, fragmentary evidence about all interurban railroad employees in Indiana during the early 1910s suggests that working for an interurban line exposed a railroader to far fewer dangers than on a steam railroad, perhaps due to the shorter routes, lighter equipment, and relative absence of carload freight traffic. During the years 1910–1914, the fatality rate among Indiana's interurban workers ranged from 0.59 deaths per thousand workers to 1.66 per thousand.<sup>28</sup>

The annual fatality rates during the 1910s among railroaders on the Chicago, Lake Shore and South Bend Railway (CLS & SB) far surpassed the national and state averages most years. Between mid-1911 and 1918, the CLS & SB experienced the death of one railroad employee among an average 251 employees every single year, excluding only the twelve-month period 1 July 1912 to 30 June 1913 and the six-month period 1 July to 31 December 1915, when the railroad neglected to report accident data. Seven workers on the South Shore Line were killed during six years within a seven and one-half year period. At minimum, the annual fatality rate among employees of the seventy-six-mile interurban line between South Bend, Indiana, and Pullman, Illinois, during the 1910s exceeded the annual fatality rates of steam railroads spanning entire regions of the country. A railroader was two or three times more likely to be killed while working for the Chicago, Lake Shore and South Bend Railway during any given year than if he worked for a high-speed long-haul steam railroad such as the New York Central or the Pennsylvania. When one considers that this dramatically higher risk of injury or death among South Shore Line employees involved only passenger trains before freight service began in January 1917 and accrued over time the longer they remained employed by the railroad company, the dangerous nature of working for this midwestern interurban railroad and the nerve and courage of the men who endured that work year after year become apparent. A South Shore Line trainman or maintenance worker who remained with the railroad between 1913 and 1923 stood roughly a one in twenty-five chance of getting killed on the job during that ten-year period.<sup>29</sup> Good railroaders on the South Shore had to be better than their counterparts on competing steam railroads if they wanted to survive.

TABLE 1. FATAL WORK ACCIDENTS ON THE CHICAGO, LAKE SHORE AND SOUTH BEND RAILWAY, 1910-1918

Reporting Year	South Shore Employees	South Shore Worker Deaths	Indiana Interurban Employees	Indiana Interurban Worker Deaths	South Shore Worker Fatality Rate (per 1,000)	Indiana Interurban Worker Fatality Rate (per 1,000)	Nationwide Steam Railroad Worker Fatality Rate (per 1,000)
FY 1910	326	NR	7345	9	NR	1.23	1.99
FY 1911	294	0	8520	7	0	0.82	2.09
FY 1912	248	1	8544	5	4.03	0.59	2.04
FY 1913	254	NR	NR	NR	NR	NR	1.98
FY 1914	255	1	9033	15	3.92	1.66	1.84
FY 1915	232	1	NR	8	4.31	NR	1.34
CY 1916	221	1	NR	NR	4.52	NR	1.53
CY 1917	265	1	NR	NR	3.77	NR	1.73
CY 1918	285	2	NR	10	7.02	NR	1.75

Employee numbers include clerical staff, superintendents, and administrative officials with trainmen, maintenance workers, and power distribution employees. NR = data not reported; FY = fiscal year; CY = calendar year. Fiscal years covered 1 July of the preceding year to 30 June of the reporting year, except for CY 1918 data, where the number of worker deaths on all Indiana interurbans was reported for a fiscal year of 1 May 1917–30 April 1918. The archival records of commission reports for all interurbans cover calendar years beginning in 1916; the method by which the commission obtained fiscal year data for its published reports from calendar year submissions is not known. Data for 1919–1924 are missing or too incomplete for comparative use.

Sources: South Shore Line data from Annual Reports of the Chicago, Lake Shore and South Bend Railway to the Indiana Railroad Commission and Public Service Commission of Indiana, Indiana State Archives. Indiana interurban employees data compiled from quarterly and annual data published in each reporting year’s *Annual Report of the Railroad Commission of Indiana* or *Annual Report of the Public Service Commission of Indiana*. Annual nationwide steam railroad fatality rates from Mark Aldrich, *Safety First: Technology, Labor, and Business in the Building of American Work Safety, 1870–1939* (Baltimore, Md.: Johns Hopkins University Press, 1997), 284.

Railroad workers and their families faced lives of poverty, misery, and dependence upon wavering charity after a serious work-related accident incapacitated or killed a man. A South Shore employee during the 1920s reminded coworkers that when someone suffered an injury, regular wages ended for a household’s main provider. Consequently, household expenses for the family had to be reduced to meet the loss of income for the duration of the worker’s recuperation. A long recovery from a serious injury meant the family’s household income was reduced by the lost work time for the entire period. Hospital and medical bills often exceeded any insurance payment, if a railroad worker even held a policy. Electrical linemen, brakemen, and workers in other risky occupations found that they either could not find an insurer or could not afford the high premiums. As an alternative for the uninsured, railroad relief departments and hospitalization programs were more a feature of mainline steam railroads than short-line interurbans, with company doctors determining medical treatment at the same time they

sought to disclaim the company's liability. After misfortune struck, labor unions and fraternal groups attempted to support members and their families through mutual aid and funeral benefit associations, but these worker-sponsored organizations frequently suffered from fluctuating contributions and overwhelming claims. Many were financially unstable.<sup>30</sup>

The possibility of some modicum of justice through the courts seemed the only option left to many injured workers or to surviving family members. A judicial system largely hostile to railroaders' and other workers' complaints against industrial America though, blocked most attempts to secure recompense for serious work-related injuries or death due to conditions, equipment, or practices beyond workers' control. When men were laboring to construct the Chicago, Lake Shore and South Bend Railway across northern Indiana in 1906 and 1907, judges still relied upon a common-law notion of labor relations that harkened back seventy or more years to the time of face-to-face employment and labor inside or near the employer's household. The master-servant relationship between a corporation and a worker came to represent both the divergence of law from the realities of industrial society's ills between 1890 and 1920 and the target of the railroad brotherhoods' legislative reform agenda during those years.<sup>31</sup>

The employer-worker relationship during the interurban era rested in theory upon an understood but unwritten contract between the two parties, in which the worker possessed the right to enter into a contractual relationship with an employer freely and to provide one's labor voluntarily in exchange for the employer paying a wage. In a series of judicial decisions dating back to 1837–1842 that involved railroad workers' injuries and the question of liability, state court judges in both slave- and free-labor states extrapolated the ideas of the master-servant relationship in order to craft three legal precedents that became barriers to workers' recompense. The first common law doctrine, called the *fellow-servant rule*, stipulated that an employer could not be held legally liable for a worker's accidental injury caused by a fellow worker's negligence. The second doctrine held that any hint of *contributory negligence* by a worker, however minor in comparison with an employer's greater negligence, barred a worker from recovering any judgment against the employer. The third legal doctrine that state court justices articulated, the *assumption of risk*, put forth the argument that a railroad worker not only took upon himself the ordinary dangers of employment when accepting a job, but also "assumed" the burden of extraordinary dangers, such as unsafe equipment, broken tools, or dangerous track (and overhead wire, in the case of interurban roads), if the worker either knew or should have known about the danger and accepted employment or continued working despite knowledge of the hazard.<sup>32</sup> The old admonition *caveat emptor* ("let the buyer beware") could properly have been modified to describe the essential truth of railroad and industrial employment during the Progressive Era of the 1890s and 1910s: *caveat faber—worker, beware!*

As a direct result of the judicial decisions that formed the doctrines of the fellow-servant rule, contributory negligence, and the worker's assumption of risk, a legal dilemma evolved in the United States during the latter half of the nineteenth century that made it cheaper for employers to settle after an accident or death than to prevent such incidents beforehand. Sometimes a railroad company paid as little as \$300 to a widow in a lawsuit settlement for a trainman's death, if the railroad paid anything at all.<sup>33</sup> Because county court juries often sympathized with injured railroaders or their surviving relatives, railroad companies benefited from the federal Railroad Removal Act of 1868, which allowed a railroad company to "remove" a lawsuit from a supposedly hostile or corrupt county court to an allegedly neutral (and practically probusiness, antiworker) federal court when the railroad company and worker were "citizens" of different states and the damages exceeded a certain dollar amount.<sup>34</sup> The theory that an employer stood on equal terms when contracting with a wage earner seeking employment, but then became a master disclaiming responsibility for a servant worker's accident when caused by negligent

actions of company agents or other workers, constituted an outright refusal to accept the imbalance of power and the economic reality of industrial labor markets during late nineteenth and early twentieth centuries. “These rules are archaic and unfitted to modern industrial conditions,” wrote the chief justice of the Wisconsin Supreme Court in 1911.<sup>35</sup> Railroaders had to compete for positions; employers did not have to compete for applicants. The pressures of stagnant wages, declining purchasing power, and the necessity of a railroader seeking employment by traveling involuntarily from region to region shaped labor-management conflicts during the Progressive Era.<sup>36</sup>

Gradually, though, state legislatures during the Progressive Era enacted employers’ liability laws to overturn the common law doctrines of the fellow-servant rule, contributory negligence, and some aspects of assumed risk as they affected workers engaged solely in commercial activities within each state. In Indiana as early as 1885, Vigo County state representative and Brotherhood of Locomotive Firemen member Eugene V. Debs fought unsuccessfully for a bill making railroad companies responsible for work-related injuries suffered by men through no fault of their own. In 1893 the Indiana General Assembly enacted a weak employers’ liability law for railroad workers. Twelve years passed before Indiana established a regulatory Railroad Commission, which later was replaced by a Public Service Commission with broader powers beginning in 1913.<sup>37</sup> Other state legislatures also passed protective legislation to establish maximum hours of work and safer working conditions, two common goals of Progressive social reformers from the 1890s through the 1910s. However, the initial reform laws often lacked corresponding methods for enforcement, while appropriations for state railroad inspectors often proved insufficient. State courts also commonly pared down the effectiveness of such protective laws, or found their provisions unconstitutional in violating the Fourteenth Amendment’s guarantee of the freedom of contract between worker and employer. A Texas state appellate court in 1909, for example, struck down a law extending certain safety protections to motormen on electric railways in *Beaumont Traction Company v. Texas*.<sup>38</sup>

On the national scene, Congress responded to public pressures about railroad worker accidents and safety with a program of progressive legislation beginning in 1906. In addition to annual appropriations for the Interstate Commerce Commission (ICC) to employ inspectors of railroad safety appliances, Congress passed a maximum hours of service law on 4 March 1907, limiting a railroader’s workday to sixteen consecutive hours followed by an eight-hour rest. A 1908 law required that steam locomotives be equipped with ash pans that could be emptied and cleaned without requiring a worker to crawl under the locomotive. In 1909 the ICC received an appropriation to investigate the possible use of automatic block signal systems on American railroads that had not yet installed them. The following year, the ICC began reporting steam railroad workers’ accidents individually.<sup>39</sup>

The most significant legislation in terms of its subsequent impact, though, made work accidents too expensive for employers to accept. On 11 June 1906 Congress passed the Federal Employers’ Liability Act, which dismantled railroad corporations’ common-law defenses and held them responsible for correcting insufficient or defective equipment, tracks, and surroundings. Subsequent lawsuits on the behalf of men injured or killed in service provoked fierce opposition by the railroad companies and several appeals to the Supreme Court within a year—an indication of the high court’s interest in reviewing speedily such radical legislation. On 6 January 1908 the majority of five justices ruled that the Federal Employers’ Liability Act exceeded constitutional authority in regulating both interstate and intrastate commerce. Congress responded just as swiftly over the next three months by enacting a new Federal Employers’ Liability Act on 22 April 1908. The new statute fixed responsibility upon the employing railroad corporations for injuries or deaths suffered by railroaders due to negligent acts by officers, agents, or employees of the company, as well as “any defect or insufficiency, due to it’s [a railroad’s] negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves,

or other equipment.” In addition, the new law overturned the judicial traditions of pinning contributory negligence and assumed risk upon a deceased or injured worker in accidents where the railroad company had violated an existing safety law.<sup>40</sup>

Railroaders on both the steam and electric railroads placed great importance in the new law’s potential for deterring hazards that previously had been ignored by companies, as well as its provisions for securing punitive financial damages. An ever-increasing number of injured railroad workers filed suits under the new law in federal courts and, beginning in 1910, in county courts. On 15 January 1912 the Supreme Court upheld the constitutionality of the second Federal Employers’ Liability Act. Under federal law, workers no longer had to tolerate dangerous, insufficient, and unrepaired equipment, or uncorrected problems with structures and surroundings. Railroad companies and their managers now were responsible for correcting problems and ensuring that work conditions were as safe possible. Subsequently, motormen and conductors injured on electric interurban railroads such as the Kansas City Western Railroad, the Spokane and Inland Empire Railroad, and the Washington Railway and Electric Company, or their widows, fought their employers through grueling litigation all the way to the Supreme Court to secure the protections of the federal railroader safety laws or, if those failed, the right of recovering damages under the liability act.<sup>41</sup> In state legislatures and state courts, those remaining interurban railroad workers who were employed in intrastate commerce won the protection of state workers’ compensation laws in Illinois in 1911 and Indiana in 1915.<sup>42</sup>

The political, economic, and social beliefs of wealthy, long-sitting federal district and appellate judges did not change overnight because of a Supreme Court ruling, though. Despite the Supreme Court’s affirmation of the Federal Employers’ Liability Act in the first days of 1912, federal trial court judges demonstrated reluctance to abandon the orthodox common-law traditions that placed property rights and commercial development above the well-being of individual workmen. Indiana’s federal judiciary was no exception, and few federal judges displayed judicial insensitivity and intransigence more boldly than Indiana’s U.S. District Court Judge Albert B. Anderson.<sup>43</sup>

Anderson reigned as the sole U.S. District Court judge for the District of Indiana during most of the Progressive Era and the boom years of Indiana’s interurban railroads. Born in Crawfordsville, Indiana, in 1857, Anderson embraced classical legal doctrines while studying at Wabash College. Subsequently, he won admission to the bar in 1881, then entered private law practice and Republican politics. By all descriptions a stern moralist, Anderson allied with Senator Albert Beveridge in disputes with the regular Republican party leadership in Indiana. When a vacancy developed on the district court bench for Indiana, Beveridge nominated Anderson, who won approval and commenced his judicial duties at age forty-five on 8 December 1902.<sup>44</sup>

Over the next twenty-three years, Anderson developed a national reputation for arrogance, severity, and unflinching opposition to working-class protests against the personal hardships caused by the new industrial order. One Indiana state court judge described Anderson as “lord of all he surveyed,” a man who “brooked no opposition” and who “enjoyed playing cat and mouse with trembling defendants.” Another observer described him as arrogant and severe. In 1912, he conducted a mass trial of thirty-eight officers and members of the International Association of Bridge and Structural Iron Workers. Again in 1920, Judge Anderson presided at a mass criminal trial of forty-three United Mine Workers (UMW) officials, including union president John L. Lewis. Facing defense attorney Charles Evans Hughes, a future chief justice of the Supreme Court, Anderson was forced grudgingly to dismiss the indictments when Hughes pointed out that Anderson had mistakenly attributed an incriminating statement to Lewis that had been uttered by another person not part of the UMW. Beginning in 1919 and continuing until his appointment to the federal appellate court in January 1925, Anderson handed down harsh sentences for violators of the National Prohibition Enforcement Act and used his bench as a

platform for lambasting state and municipal officials about laxity in enforcing prohibition. To middle-class Americans troubled by the incessant class conflict and the violence that arose from the new industrial order, Anderson's courtroom affirmed the societal order and stability that harkened back to the agrarian Midwest of the nineteenth century. The reality of early-twentieth-century industrial life differed from this view, however. Long work days and weeks, crippling industrial accidents, urban poverty, and economic disorder rocked the lives of railroad workers and working-class families in Indiana.<sup>45</sup>

It was in Anderson's court that the parents of deceased lineman Albert Fellers filed suit against the Chicago, Lake Shore and South Bend Railroad on 3 December 1914. Fellers died like most workers, without property or a will for what little was due him—his paycheck. His life's savings and a small insurance policy paid for his funeral. His parents' attorneys filed the lawsuit under the provisions of the Federal Employers' Liability Act of 1908, seeking \$15,000 in wrongful death damages from the railroad and \$60 in unpaid wages from his final days of work. The complaint charged that the South Shore's management had required Fellers, Rusty Warring, and the other linemen to mount temporary, footwide scaffolds atop trestles or sawhorses placed at the ends of each work car and left unsecured to the platform surface. The railroad's management was negligent, according to the complaint, in a litany of failures: the repair car was old and in disrepair, the platform above the car was "loose, shaky[,] and slippery" because the bolts and rods that attached the platform to the support beams had loosened and had "allowed the platform to shift and dip from one side to the other." The platform edges beyond the planks were narrow and lacked railings or handholds "as [were] customary and necessary for the safety of employees" working on overhead wires. Finally, the mere placement of the trolley pole's wheel upon the overhead wire without tying or securing it to the wire constituted negligence, according to the Fellerses' attorneys, when the very nature of the work required tugging, pulling, and prying the contact wire and jarring the trolley wheel. The use of such insufficient and inferior railroad equipment on a sharp curve, where the overhead wire rose about three feet above its normal height and the outer rail of the curve was elevated several inches above the inside railhead, resulted in the creation of conditions that were hazardous for the linemen.<sup>46</sup>

On 2 January 1915 South Bend railroad attorney F. J. Lewis Meyer answered the Fellers family's lawsuit, denying every allegation put forth in the complaint. Testimony by the parents in depositions later that month revealed the frightening uncertainty of supporting oneself and one's family after a debilitating injury. In contrast, the questions posed by the railroad's attorney set up a counternotion that injured workers were incompetent by suffering injury and, therefore, were unworthy of financial recompense. When Meyer learned that Bert Fellers's older brother James also worked as a lineman, but had broken his leg nine months earlier and could not work, Meyer questioned the surviving son's manliness. "Broken leg bids farewell to a good recovery?" he asked the man's father in a patronizing tone. J. A. Fellers answered politely, "In a general way, yes, sir. He has not fully recovered as he has a large ankle and a weak ankle, but we hope it will disappear." "That is, he favors it?" the lawyer retorted mockingly. Meyer then questioned why the elder Fellers, a fifty-seven-year-old former farmer and stock buyer with a weak back and an aggravated rupture, could not resume his occupation buying and raising livestock. The father's testimony and the railroad attorney's questioning of the abilities of the Fellers men to support themselves had no bearing upon the circumstances surrounding Bert's work and death, but nonetheless were printed for the court before trial in April.<sup>47</sup>

The trial took place before Anderson and a jury on 20 and 21 April 1915 in the district court chambers in Hammond, Indiana, within a mile of the State Line curve where Fellers died. Warring took the stand first. While he was answering a question about alternative methods of fastening a trolley pole or other grounding device to the live 6,600-volt overhead wire to draw off the static electricity, Anderson abruptly interrupted him. The train had to move after every clip was attached, the judge

stated, so fastening the pole would slow down the pace of work or was otherwise impractical. Warring corrected the judge's hasty conclusion: linemen usually attached four or five clips on a curve, not just one, before the train would need to move. Also, he knew of other electric railroads that utilized a wire to ground the overhead wire to the car the men stood upon: "When we wanted to move, it would not take but a minute or two to unfasten this wire." He had seen a moveable platform on smaller line cars, but not one the size of the converted gondola car. Also, he had seen other jobs where men used two or three footwide planks for scaffolding, not just a single board. On cross-examination by Meyer, Warring admitted that he, Fellers, and "all the boys helped in putting the planks up there."<sup>48</sup> In legal terms, this meant that each lineman possessed prior knowledge about the trestles and planks and continued to work, so each arguably assumed the risk created by the railroad's provision of insufficiently low work platforms and unsteady scaffolds.

The question of the static electricity felt by the men became a lawyer's exercise in dissecting a split-second instinctive reaction that led to a man's death. Warring told the courtroom, "When the trolley pole flew off we men got a static. Just a current from the—I don't know exactly what it is." C. F. Buckley later admitted, "I cannot explain what the static is." Buckley then testified that in past jobs on the South Shore Line the men had used a grounding wire on the regular line car, the tool car with the insulated platform. "It makes it safer than the trolley pole, because it would not come off." Anderson struck Buckley's conclusion from the written record of testimony. Buckley, a seasoned member of the International Brotherhood of Electrical Workers, then took the judge and the railroad attorney head-on, pointing out that immediately after the accident the railroad company lengthened the trestles at the ends of the platform cars from four feet to six feet to accommodate more scaffolding planks. Clearly, this act implied that the former equipment had been insufficient—a de facto admission of company liability under the 1908 federal law. Meyer objected, stating that the subsequent alterations to the work equipment had nothing to do with the legal case. Anderson tuned out the witness and echoed almost verbatim the corporate lawyer's assertion: "Yes, that has nothing to do with this case."<sup>49</sup>

Buckley and the railroad attorney tussled again when Buckley pointed out that the work cars had neither handholds nor toe rails along the edges to keep a worker from falling. Meyer attacked the idea that a safer platform could have been constructed. Ignoring the possibility of a platform that could be raised and lowered, both the defense attorney and the judge arrogantly mocked the lineman's assessment that a permanent platform could have addressed the higher wire from the State Line curve to Pullman, Illinois. "You would have to work bending down, *as the court suggests*, get down on your hands and knees and work, wouldn't you?" Buckley responded by pointing out the misleading nature of the judge's attempted derailment of his testimony: the lower overhead wire already had been strung across northern Indiana with the existing platforms, so a higher standing surface was not needed at the beginning, only when the crew reached the numerous railroad crossings of East Chicago and Hammond.<sup>50</sup> The judge missed the point: as new difficulties arose for the linemen, the foreman or superintendent of overhead should have authorized new construction of railings and higher permanent platforms to address the problems.

Lineman Charles Hunter was called to the stand next. He described how the Chicago, Lake Shore and South Bend Railway's regular line and tool car had an insulated platform that could be raised to meet changing wire heights. When the Fellers family's attorney questioned Hunter about his own experience with other methods of diverting the static charge besides the use of a trolley pole, Meyer cut Hunter off. "Now that has been gone over, and there won't be any dispute on that, your honor; what is the use of taking up more time?" Anderson agreed: "You [the parents' attorney] have already gone into that, and there is no dispute about it, so that is enough."<sup>51</sup>

The railroad attorney cross-examined J. A. Fellers, about his late son's savings account, the father's withdrawal of the money to pay partial funeral expenses, and his collection of an insurance benefit from his son's death to pay the balance. The family's attorney objected four separate times, but Anderson overruled his objections every time. The existence of a lineman's savings account had no bearing in a wrongful death suit and the existence of an insurance policy would only reduce a possible court award for damages by the amount it paid.<sup>52</sup> The Fellers family did not constitute the worthy poor and therefore, Meyer implied, they did not need the money.

Lineman Charles Harper of Michigan City testified that he saw the steel wire spring against Fellers and that he could not stay on top of the plank and keep clear of the wire. The railroad's attorney then attempted to pick apart the logic of Fellers's instinctive avoidance of the 6,600-volt wire in the last moment before he lost his balance: "If he had taken hold of that wire he would not have got a shock, would he?" The parents' attorney objected, but Anderson overruled the objection and required an answer. Hesitantly, Harper thought about the logical answer: "I do not think he would."<sup>53</sup>

The Fellerses' attorney rested the case. Immediately, the railroad's attorney asked the judge to direct a not-guilty verdict for the railroad. The judge agreed, stating, "Now, in the first place I think it is perfectly plain that the railroad company was not guilty of any negligence whatever; in the next place I think it is perfectly plain that the plaintiff's decedent assumed the risk, on either one of which theories you cannot recover." The next day, the *Hammond Times* summed up the trial succinctly: "Judge Anderson in the federal court at Hammond yesterday made short work of the jury case before him, when he instructed a jury to return a verdict for the defendants [*sic*] in the case of J. A. Fellers, administrator for his son, against the South Shore Line. The ruling was made after the plaintiff had rested his case, and was based [upon] assumption of risk law [*sic*]."<sup>54</sup>

Anderson's foreclosure of any jury decision in the Fellers case revealed not only the interference of a federal judge in factual questions more properly left to a jury but also the inconsistency of his opinions in comparison with other cases involving nearly identical circumstances on other electric railroads. In spring 1914, a New York jury awarded \$75,000 to a severely injured electrician for the New York, New Haven and Hartford Railroad. The electrician, a foreman working on an overhead wire, was shocked when another foreman mistakenly gave the order to turn on a power switch that the first man had directed to be disconnected. The electrician survived, but his burned arms had to be amputated and he required the constant attention of a nurse. An attorney filed suit on his behalf in a county court against the New Haven Railroad under the Federal Employers' Liability Act and won the award, despite threats by railroad officials against a witness, bribery attempts, and indictments of witnesses whose testimony the New Haven Railroad Company attempted to coerce. Other electrical linemen or their heirs who sued the New Haven Railroad under federal law in 1913 or 1914 won damages or settlements ranging from \$16,000 to \$27,500 for injuries or \$20,000 to \$37,500 for wrongful deaths.<sup>55</sup>

Finally, as a result of circumstances closely resembling those in the Fellers accident, a lineman working for the New York, Boston and Westchester Railway Company, a New Haven Railroad subsidiary, was killed in February 1914. The lineman, William Millette, was directed to work on an unsecured scaffold plank that rested on greasy railings surrounding live electrical equipment. While Millette was standing on the plank and working, his feet slipped and he fell against a breaker charged with 11,000 volts AC. Millette died in the hospital later that same day. His widow filed suit against the railroad in the Supreme Court of Westchester County under the provisions of the Federal Employers' Liability Act. A jury awarded the widow and her minor son \$22,750.<sup>56</sup>

How could Americans preserve individual rights amid the increasingly corporate, bureaucratic, economically volatile and violent industrial conditions taking hold of American life? How could judges persist with classical laissez-faire liberalism about employer-worker relations while ignoring the

imbalance of power relationships in a modern, urban, industrial, class-based society? Should industrial employers temper their quest to maximize profits with the installation of faster, more complex machinery and work processes by utilizing devices and practices that improved worker safety, but increased the operating costs of production? More fundamentally, who held responsibility for industrial accidents—careless or ignorant workers? Negligent, heartless employers seeking maximum profits? Or some abstract force of economic “progress” for industry that came at the cost of individual workers’ lives and limbs? Who would pay the costs of supporting permanently injured and indigent workers, their wives or widows, and their children? The churches and synagogues? Private charities? Relatives? Tax-supported public hospitals, poor farms, and police departments?

The questions raised by Bert Fellers’s death were not new. In truth, they merely repeated the public-policy debates in newspapers, magazines, political arenas, and the shop floors and union halls of that time. The circumstances surrounding Fellers’s work and his death represented the larger social problems and class conflict that churned and fractured American society during the twenty-five years from the 1890s until the nation’s descent into world war early in 1917. The attempts of social reformers to rectify the injustices done to workers by exhaustingly long work hours, unsafe work conditions, unenforced or nonexistent state and federal safety laws, and intransigent, unsympathetic judges represent one of the greatest areas of achievement during the Progressive Era.

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When Charles N. Wilcoxon was appointed general manager of the Chicago, Lake Shore and South Bend Railway in October 1909, the year-old railroad already had aroused public outrage and government scrutiny after two collisions killed twelve people and injured scores of others. By the time Wilcoxon was elected president of the railroad in June 1914, the company had been saddled with \$120,000 in debts because of court-ordered judgments from the resulting injuries and deaths. New accident claims continued to pile up while the railroad was attempting to overcome the financial burden of past claims. During the 1910s, the South Shore ranked as one of the poorest electric railway companies among interurbans covering comparable territory. In 1914 the railroad earned less than 1 percent on the monies originally invested in it. Injuries and damages steadily rose from 3.20 percent of total operating expenses in fiscal year 1910 to 6.43 percent by fiscal year 1915, while the actual expenditure on injuries and damages doubled during those years. The entire revenue from package freight service during one year, less than \$5,000, did not cover the expenses incurred because of accidental injuries and deaths during that same year.<sup>57</sup>

Wilcoxon certainly realized that workers’ injuries and deaths placed potential financial burdens on the company. The first employee timetable issued a week after his election to the presidency carried a new motto above the railroad’s name: “Safety First.” Wilcoxon continued as general manager while president and, beginning in August 1916, also oversaw the aggressive development of freight traffic to offset deepening deficits. After experimenting with a locomotive leased from the Spokane and Inland Empire Railroad in mid-1916, the South Shore ordered two identical locomotives from Baldwin-Westinghouse for delivery in mid-October. Freight service began the evening of 8 January 1917, with one round-trip each night between South Bend and Kensington from 7 P.M. until 6 A.M.<sup>58</sup>

At about eleven o’clock the morning of Wednesday, 22 November 1916, thirty-seven-year-old Karl Wilcoxon, Charles’s only son, was struck and killed instantly by a new South Shore Line freight locomotive while the locomotive was switching cinder cars at Michigan City. Karl had been standing in the middle of the Lake Erie & Western Railroad interchange track at Carroll Street in the Michigan City railroad yard, apparently facing away from a slowly approaching locomotive, expecting it to keep to the main track. The new locomotive’s crew was attempting a “flying switch” move by backing onto the interchange track, when the locomotive struck Karl, knocking him down and dragging him for several

feet. Under the wheels, an impact fractured his skull and killed him. Although trackmen were working nearby and all four members of the train crew rode aboard the locomotive—motorman A. S. Hill, conductor Earl Ferner, and brakemen R. Lender and V. White—not one of the men saw Karl before the locomotive backed over him.<sup>59</sup>

Immediately, one of the workmen ran several hundred feet east to the railroad's general office building to call for a doctor and to retrieve Karl's father. The sixty-one-year-old president and general manager of the railroad ran along the tracks to the locomotive on the interchange track, where he found his son's lifeless body. A doctor soon arrived at the scene of the accident, but could do nothing. Railroad superintendent James K. Gray took one of the heavy wooden interurban cars on an urgent special run to Chicago to locate and bring back Karl's wife and his mother, who had traveled to the city to shop.<sup>60</sup>

Karl Wilcoxon knew electric railroads and their equipment. In 1898, at the age of nineteen, Karl ended his education in his hometown of Muncie and began working under his father on electric railways in Pennsylvania, Ohio, Indiana, and Illinois, as well as for a railroad construction company on the Pacific Coast. Karl and his wife lived on Roeske Avenue within walking distance of the shops and rail yard. He had been the South Shore's master mechanic for five months, after working as a signal inspector since 1913. As master mechanic, he was responsible for directing the maintenance and improvement of all motive power and equipment, as well as the supervision of all shop workers.<sup>61</sup>

The day after the accident, the South Shore's general offices and shops closed for the afternoon. At 7:45 that evening, a Presbyterian minister conducted a funeral service at the home of Karl's parents. The following morning, the president of the Chicago, Lake Shore and South Bend Railway accompanied his son's body on a Lake Erie and Western steam train to the family's former home in Muncie for burial.<sup>62</sup>

Three months after Karl Wilcoxon's death, the South Shore Line hired railroad safety expert H. L. Brownell for a weeklong campaign of safety lectures for trainmen, shop workers, and Michigan City schoolchildren. A local newspaper reported, "The trainmen were shown some special films that demonstrated how an accident happens when a careless act on the part of the motorman or conductor occurs." Brownell also showed photographs depicting actual accidents and the resulting injuries or deaths. The safety expert may have encountered some initial skepticism or antagonism from the more seasoned workers, for the same newspaper reported, "Some of the older men on the South Shore declared they never saw or never thought of so many kinds of accidents as the pictures showed." Brownell won their respect as one of their own, though; he had worked as a motorman thirty years earlier, back in the very beginning of electric streetcar operations in the country. "The South Shore is a Safety First company," he assured the trainmen, "and your friends will expect you to talk safety to them. Talk to the children whenever you meet them; they look up to you and will listen and heed your advice. Urge them to keep away from the car tracks and not to hitch or flip onto cars. Be a safety-first helper."<sup>63</sup>

The timing of Brownell's lectures and the South Shore's apparently belated activity in the Safety First movement were not coincidental. A jury in Porter County recently had awarded \$5,000 to the family of a Michigan City girl who had fallen off the platform of car 72 at the Willard Street stop when the train started abruptly before she had boarded. Witnesses testified about the conductor's negligence beforehand and his rude comments about the girl after she fell. The railroad unsuccessfully appealed the verdict and \$5,000 judgment to the Indiana Appellate Court. In a separate case heard in the Lake County Superior Court on 25 January 1917, Elizabeth Samak sought \$5,000 for injuries she suffered when a South Shore car unexpectedly rounded a curve near Hegewisch without sounding a warning and struck her as she walked across the tracks at a public grade crossing at six o'clock the evening of 31 August 1913. The judge and jury in the Samak lawsuit might have been aware of the circumstances

concerning the twelve-year-old Michigan City girl and might have grown somewhat impatient with the railroad's attorney, F. J. Lewis Meyer. Meyer caused a half-day delay in the Samak trial because he had been in Indianapolis arguing the appeal of the Michigan City girl's lawsuit before the appellate court.<sup>64</sup>

Ironically, the very freight locomotives that Charles N. Wilcoxon purchased in 1916 to raise revenues and to turn around the South Shore Line's declining fortunes also brought the added risks associated with nighttime freight switching. Yet another man among the 265 employees of the Chicago, Lake Shore and South Bend Railway died in 1917. The interurban's fatality rate in 1917 corresponded to nearly four deaths per one thousand workers per year, compared with a national steam railroad fatality rate of fewer than two deaths per thousand workers. Railroad officials in Michigan City also reported that fifteen workers experienced serious injuries, a rate of fifty-six per thousand, compared with a national average rate of ninety-four injuries per thousand employees. The following year, though, wartime freight and passenger traffic may have influenced an increase in the risk of injuries to South Shore workers: eighty-six debilitating accidents per one thousand employees, compared with fewer than eighty per thousand nationwide. Also in 1918, two workers died among only 285 employees. The railroad's officials failed to report accidental injuries and deaths in 1919, 1921, 1922, and 1923, but in 1924 a sizable 10 percent of the total workforce—twenty-four out of 240 employees and officers—endured temporary or permanently disabling injuries. Nationwide that year, only about 6.8 percent of steam railroad employees in all blue-collar and white-collar jobs suffered significant injuries at work.<sup>65</sup> If the data can be trusted to reflect a minimum number of injuries, due to possible underreporting and the lack of data from previous years to trace any trends, then the growing risks to workers after the initiation of South Shore freight trains in January 1917 and the rise in wartime traffic become apparent.

Wilcoxon's inauguration of freight service on the South Shore just before the American entry into World War I appeared to hold promise for generating new revenue, but a postwar recession pulled railroads nationwide into a slump. Many interurbans simply disappeared during the 1920s. On the South Shore Line, the initial wartime growth in freight traffic and passenger ridership subsequently plummeted during the early 1920s. South Shore deficits brought deferred maintenance to the right-of-way, overhead catenary wire, and train equipment, resulting in an accumulation of hazards for railroaders. Facing a deficit exceeding \$1 million, Wilcoxon resigned as president and general manager on 1 February 1924.

Wilcoxon's wife had barely survived two strokes the previous October and the circumstances of his son's death may have weighed on his mind. In later winter, shortly after Wilcoxon resigned, he suffered a nervous breakdown. Springtime seemed to bring recovery, though. He resumed normal activities, enjoyed golf outings, oversaw the construction of a new house for his wife and himself, and participated in community events appropriate for a man of his standing.<sup>66</sup>

In July the Wilcoxons took an automobile ride from Michigan City towards Gary on the Dunes Highway, parallel to the South Shore Line. On the return trip, the car somehow ended up in a water-filled ditch. Passers-by pulled the couple and the car to safety and gave them a ride home to Michigan City. Sometime later that afternoon, as Mrs. Wilcoxon slept, Wilcoxon went into an insane rage, crushing his wife's skull with an axe, slashing her face and shoulders with a razor, and striking her repeatedly with a potato masher. He then hanged himself from the rafters in a closet. Observers at the time missed the resemblance of the injuries he inflicted upon his wife to those suffered by their son Karl under the wheels of a locomotive nearly eight years earlier.<sup>67</sup>

Coincidentally, the next day, three federal judges in Indianapolis ordered four steam railroads to commence the reciprocal freight switching agreements with the Chicago, Lake Shore and South Bend Railway that Wilcoxon had sought while president and general manager. The lead judge in the case was Albert B. Anderson.<sup>68</sup>

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The origins of corporate responsibility for improving work conditions on the South Shore Line beginning in 1925 can be found more than a decade earlier in the transformation of public policy accomplished by the Federal Employers' Liability Act of 1908, the Illinois and Wisconsin Workmen's Compensation Acts of 1911, and a progressive response in late 1912 by Middle West Utilities, the holding company owned by Samuel Insull and managed by his brother Martin J. Insull. Historians such as Mark Aldrich and Robert Asher have examined in detail how the various state and federal employee-protection laws during the Progressive Era quickly made the accidental injuries or deaths of workers so costly that they no longer could be considered an incidental expense of conducting business. Employer liability and workers' compensation laws created powerful economic disincentives for continued neglect of unsafe equipment, shoddy practices, and managerial indifference. Except for the institution of a safety program at lawsuit-burdened U.S. Steel in 1906 and at a handful of other large companies, only the enactment of compulsory legislation beginning in 1908 and favorable judicial review of those laws beginning in January 1912 prompted corporate leaders to invent an industrial safety movement for the benefit of the workforce. In response to state workmen's compensation laws and widespread litigation by workers, the National Association of Manufacturers formed a Committee on Accident Prevention in 1910. In September 1912, the Association of Iron and Steel Electrical Engineers sponsored the first meeting of the National Safety Council in Milwaukee, Wisconsin. Several months later, perhaps the first extensive and sustained effort to promote safer working conditions for electric railroad and utility workers began under the auspices of holding company Middle West Utilities with the incorporation of a Bureau of Safety in Chicago.<sup>69</sup>

The new bureau came under the direction of Charles B. Scott, a former claim agent for the Louisville and Southern Indiana Traction Company and the Louisville Northern Railway and Light Company, on 1 January 1913. Prior to his appointment, Scott had served for about seven years as an associate and eventually as the assistant to Martin J. Insull, the general manager of both electric railroads. At the time, Middle West Utilities was the holding organization for more than 230 electrical lighting and power plants, gas and water utility companies, ice-manufacturing works, street railways, and electric interurban railroads in Illinois, Indiana, Kentucky, Missouri, Oklahoma, and certain New England states. The newly incorporated Bureau of Safety would promote efficient, progressive, and safe operating practices and worker-manager safety programs in all of the subsidiary utility and electric railway companies, including Commonwealth Edison in the Chicago area. Within months, the electric railroad industry began reporting about the Bureau of Safety and the Insull management team's approach to improving work conditions as a model for progressive electric railroading.<sup>70</sup>

The development of improved work conditions for workers on Insull-owned railroads near Chicago began in 1914 on the Chicago Elevated Railways (later the Chicago Rapid Transit Company). Chicago Elevated Railways president Britton I. Budd commented in late 1914, two years after the formation of the Bureau of Safety, that "while it is easy to start 'safety first' systems, the difficulty lies in following them up and getting the results which are so essential."<sup>71</sup> Budd's observation proved prescient; the enlistment and conscription of experienced workers into the armed forces in 1917 and 1918 resulted in the hiring of inexperienced replacements and an overall lag in company efforts to promote worker safety. In late December 1919 Budd reorganized the safety program and installed Melvin W. Bridges as the company's safety engineer. Budd laid out his expectations for managers in a meeting 30 December 1919:

Safety work is the most important thing in connection with our job. It is more important than keeping trains running on time. We must bring the organization up to the highest

point of efficiency in the matter of safety of the employees and the public. Recently the enthusiasm has died down a little, and I wish to see it restored.<sup>72</sup>

Under the direction of the safety engineer, committees of workers were formed among the transportation, road, and shop departments on the five geographic divisions of the Chicago Elevated Railways. Each occupational group in each department—motormen, conductors, trackmen, painters, towermen, among others—provided one worker from their group to serve on the safety committee for three months. Safety committee members met every two weeks on company time and received regular wages for the performance of committee work outside of meetings. However, the superintendents and foremen, not the workers themselves, selected the workers who would serve on a safety committee. The committees received and considered a worker's notification about a hazard or suggestion for an improved practice or tool, judged it, and forwarded the original request and their recommendation to the general foreman or superintendent for that department, who served on the divisional safety committee. The divisional safety committees passed suggestions onto the central safety committee: the safety engineer, an engineer in management, and three assistant superintendents of the transportation, road, and mechanical departments.<sup>73</sup> Two weaknesses in the Chicago Elevated Railways system became apparent. First, the department foremen and managers controlled both the composition of local workers' committees and the evaluation of any worker's complaint about unsafe equipment, conditions, or work practices. Second, a worker's complaint had to run the gauntlet of three manager-controlled committees, each increasingly removed from the problem, before action could be taken.

A more democratic program for improving work conditions took shape beginning in August 1916 with Middle West Utilities' acquisition of the debt-ridden Chicago and Milwaukee Electric Railroad and its reorganization as the Chicago, North Shore and Milwaukee Railroad. The North Shore Line's new management team instituted three crucial initiatives in industrial safety work: organizational change, educational change, and workplace and work equipment reengineering. Over the next seven years, those three aspects of improving worker safety would undergo modification, reassessment, and refinement, but the project continued.<sup>74</sup>

On the North Shore Line, as in many similar safety initiatives in other railroad and manufacturing companies during the 1910s and 1920s, organizational change usually involved the creation of a safety department, the appointment of a safety engineer, and the formation of safety committees in which both workers and managers participated. Only unwavering managerial commitment to improving the daily work experiences of railroaders would improve safety and diminish liability claims. In 1918 the Bureau of Safety reported to Budd that a "more business-like consideration of the [bureau's] work by heads of departments and a less facetious attitude by some of them towards sincere suggestions from their subordinates," along with more expeditious work by the central safety committee and better notification of workers about upcoming meetings, would reduce accident-related expenses. Budd immediately made it clear to managers that he expected them to listen to North Shore workers, regardless of rank or occupation. A decade later, North Shore Line master mechanic Henry Cordell, known by trainmen as "a warm, sincere man," reminded attendees of the National Safety Council's Electric Railway Section about the crucial responsibilities managers and foremen held as leaders, instructors, and coaches. A railroad's master mechanic and its safety engineer, Cordell noted, could influence safer railroad operation simply by walking among the workers and interacting with them.<sup>75</sup>

Educational change, the second aspect of improving work conditions, required that the safety engineer teach the supervisors, foremen, and workers about the unseen dangers of existing work practices, then convince them to change the ways that foremen assigned work tasks and workers performed them. Cordell recommended interesting, active, practical safety meetings— “not the long, monotonous kind.” First-aid classes, for example, involved workers in participatory exercises, while first-aid competitions between teams of workers encouraged sustained skills. The approach to worker safety on the North Shore Line also fostered a more democratic and participatory system than the Chicago Elevated Railways. By early 1919, the North Shore Line had organized its 625 trainmen, shopmen, maintenance of way workers, and electrical workers into eleven “safety leagues” that involved all workers from every department and shift. Railroad workers in each safety league elected their own chairman, vice chairman, and secretary for one-year terms, as well as any necessary subcommittees to examine special concerns. The worker safety leagues forwarded information about problems and recommended changes to a central safety committee, composed of the heads of departments and moderated by the superintendent of transportation. Unskilled workers in remote locations, such as track laborers, benefited from the dispatch of an interurban car to their work site for on-the-road educational meetings at least once every two months. During the early 1920s, foremen from the North Shore Line joined Chicago Elevated Railways foremen in attending and completing the Chicago Safety Council’s course in occupational safety and health. On 8 and 9 January 1925 the bureau hosted its annual “Inter-Company Safety Conference” at its headquarters in the Edison Building at Clark and Adams Streets in downtown Chicago. Managers from the railway divisions of Wisconsin Power and Light Company and southern Indiana’s Interstate Public Service joined North Shore and Chicago Rapid Transit representatives in giving presentations, discussing problems, and listening to guest speakers about topics such as “Safety Training Course for Linemen.”<sup>76</sup> In a little over ten years, the issues of reducing workers’ risks and improving work conditions had changed dramatically. What once had been the subject of litigation was now the focus of education.

Finally, the reengineering of work equipment and surroundings allowed safety engineers, foremen, and workers to collaborate on safeguarding all equipment and removing the workplace as a factor in worker accidents. Often, safety engineers, workers, and managers on safety committees surveyed and studied potential hazards, then recommended changes in structures, equipment, and tools in order to reengineer the workplace. Examples of reengineering to remove potential hazards might include redesigning a line car to feature a movable platform and handrails, reconstructing the railroad’s right-of-way with wider clearances, and improving the machinery and layout of the repair shops. Good housekeeping of the equipment and shop surroundings eliminated many of the dangers to maintenance workers. Between August 1916 and January 1919, North Shore Line employees identified and reported 935 perceived problems or hazards; by July 1921, the number had risen to 2,500. Department managers, in turn, approved 85 percent of all suggested changes and expended sizable dollar amounts to correct the problems immediately or as quickly as funds would allow. Company investment in reengineering the workplace and equipment acted in two ways: it provided a visible sign of sincere corporate responsibility for ensuring the safety of intelligent, careful workers, while eliminating or minimizing the ability of certain workers to persist in careless choices.<sup>77</sup>

The new Insull management team’s efforts to improve work conditions on the North Shore Line showed immediate results. By the end of 1918, the worker safety program had reduced the number of disabling accidents suffered by North Shore Line railroaders by 38 percent from the previous year. In economic terms, the new proactive approach to railroad workers’ safety reduced the lost work time resulting from accidental injuries by 34 percent in 1918, when compared with work hours lost in 1917. When the wartime increase in freight and passenger traffic to and from Fort Sheridan and Great Lakes

Naval Training Station are considered, as substantiated by a 60 percent increase in the railroad's gross earnings in 1918, the reduction in work-related injuries takes on greater significance. By 1921 the safety campaign had reduced expenses arising from accidents to a mere 1.18 percent of the railroad's revenue. In early 1923, the North Shore and Chicago Rapid Transit celebrated their successes by inviting employees who had completed a first-aid training course to a banquet and award ceremony in downtown Chicago. By August 1926 manufacturers and industrial managers nationwide had chosen Scott to lead the National Safety Council.<sup>78</sup>

The purchase of the Chicago, Lake Shore and South Bend Railway on 29 June 1925 by Midland Utilities, an Insull-owned holding company for northwest Indiana properties, brought the South Shore Line into the system that operated the North Shore Line and the Chicago elevated lines. Historians often have interpreted the court-ordered sale of the indebted railroad's assets to a new corporation, the Chicago, South Shore and South Bend Railroad, as a watershed event. The arrival of the Midland Utilities management team in mid-July 1925 also seemed to support a break with the past. The history of the South Shore Line from summer 1925 until late 1929 has been portrayed as a time of complete change. Indeed, the railroad underwent physical reconstruction of track, the catenary system, and the power distribution system, while new passenger cars, freight locomotives, and stations visually represented a "new" South Shore.<sup>79</sup> This interpretation is certainly accurate in terms of the visible, physical appearance of the railroad, but it misses something significant. As a corrective to the emphasis upon fundamental change, one crucial and often overlooked source of continuity between old and new must be remembered: the South Shore's workers remained the same. Perhaps the greatest challenge the new management team faced as they reconstructed the railroad from 1925 through 1929 lay not in replacing the rails, ties, and electrical equipment, nor in buying new passenger motors and freight locomotives, but in securing the trust of the employees and reorientating the existing workforce to a new, progressive, safer way of railroading.

The details about the South Shore Line's reconstruction between 1925 and 1929 have been told elsewhere in two standard histories of the railroad and have become something of legend and oral tradition among certain railroad history enthusiasts. Midland Utilities, drawing from talented officials at Chicago Rapid Transit Company and the Chicago, North Shore and Milwaukee Railroad, provided the leadership and finances to rebuild the South Shore from the roadbed up to the overhead wire. By October 1925, merely three months after the new management team took charge of the South Shore, thirteen separate track gangs labored on replacing ties, resurfacing the entire railroad, widening the roadbed, improving drainage ditches, and clearing vegetation and other potential hazards for trainmen from the right-of-way. Between Kensington and Hammond, section hands replaced seventy-pound rails with hundred-pound rails, installed tie plates underneath for the first time, and reballasted the roadbed with crushed rock in place of old cinders. Electrical linemen replaced the rigid catenary system with new "superflexible" wires that would accommodate the anticipated high-speed trains and 1,500-volt DC electrical equipment. Building tradesmen enlarged freight and passenger stations and platforms, while shop workers refurbished the old wood Niles and Kuhlman passenger cars that were used until the railroad received new equipment and converted over to a new 1,500-volt DC power distribution system in late summer 1926. During the first twelve months, the new management team invested over \$2 million in reconstruction and new equipment.<sup>80</sup>

Structural and operational improvements paid off. Passenger and freight revenues rose substantially, propelling the line into Class I railroad status by the end of 1926, boasting more than one million dollars in net revenue for the year. A railroad that in 1925 had operated thirty-five daily trains in three-hour trips every two hours rose to the challenge of running eighty-one trains every day by spring 1928 and covering the line in two hours flat by 1929. In 1929 the railroad won two prestigious industry

awards, the *Electric Traction* speed trophy and the Charles A. Coffin Foundation's prize for the best electric railroad in the country during the previous year. As the committee that awarded the Coffin Medal wrote, "Within four years the Chicago South Shore and South Bend Railroad, usually called the South Shore Line, has moved figuratively from the scrap heap to the front rank among the electric railways of America." The first and only railroad ever to win both prestigious honors in the same year, the South Shore quickly became known by the moniker "First and Fastest."<sup>81</sup>

These accomplishments did not occur without human cost. The South Shore Line that Samuel Insull, Jr., took charge of 15 July 1925 was held together for the next year, he later recalled, with "baling wire and chewing gum." On 10 April 1926 the fragile interim system failed. On the west end of an overlapping "gauntlet" track over the Elgin, Joliet and Eastern Railroad about four miles west of downtown Gary, a faulty electromagnetic relay switch inside a newly refurbished signal caused westbound passenger train number 64, comprised of motor car 6 and trailer 111, to receive a false green signal to proceed from the east end onto the gauntlet track and up the 2.5 percent grade to the bridge. On the west end, eastbound train number 63, consisting solely of motor car 9, had just received a green signal, entered the gauntlet track, and reached the summit on the bridge when the motorman saw the oncoming two-car train. Both motormen set the air brakes into emergency, but the heavy motor cars collided nonetheless, telescoping motor car 9 about five feet into the vestibule of car 6. One passenger was killed, while conductor Dabbert and motorman Kull of ascending westbound train 64 and conductor Landis and motorman Tibbets of eastbound train 63 were injured in the crash. Collectors Howard Kroenig and R. C. Iseminger assisted the injured conductors in evacuating passengers from the two motor cars, which caught fire and burned beyond repair. Courageously, the trainmen separated trailer car 111 and its passengers from the burning car 6 while one of the ticket collectors called the dispatcher. Eleven passengers suffered injuries from the collision and resulting fire. Further changes to the signals eventually reduced failures and restored the confidence of the trainmen.<sup>82</sup>

Even after the new steel Pullman coaches and combination cars arrived in late summer 1926 to replace the venerable but fire-prone old Niles and Kuhlman cars, the close interaction of workers with railroad equipment posed constant risks. At the Randolph Street terminal that the Illinois Central Railroad shared with the South Shore in downtown Chicago, car cleaners, inspectors, and hostlers moved quickly to perform their work in the narrow time windows between scheduled train departures. George Jafros, a car placer, had worked for the South Shore on and off since 1912, beginning at the old Pullman Terminal for about four years, then again during World War I, and finally from 1924 up to 1927. On 4 October 1927, Jafros was at work on a switching track at Randolph Street, adjusting the couplers of two cars that were being connected. According to the train's motorman, Jafros had given him the signal to move the cars together. If the motorman's account is to be believed, Jafros apparently stepped between the cars to loosen the coupling further, as the train slowly lurched forward. The slack of the cars shifted, catching him between them and crushing him. No witness saw whether the motorman might have moved the train without a clear signal from the car placer to proceed.<sup>83</sup>

The nature of the work of replacing ties, moving and spiking rails, stringing overhead wires, dumping rock ballast, increasing train speeds, and operating a railroad without pause amid the reconstruction work placed the 240 old-timers and the 650 workers hired between July and December 1925 at greater-than-usual risk of injury or death. While the new management team's criteria for defining what constituted a reportable injury cannot be ascertained, it is clear that the Midland Utilities group freely reported more worker injuries than both the former Chicago, Lake Shore and South Bend Railway officials ever cared to admit and the Public Utilities Commission felt mandated to report. In 1926, for example, the Public Utilities Commission reported only twenty-three incidents of reportable injuries to workers on Indiana interurbans. The Chicago, South Shore and South Bend Railroad, though,

reported eight times that number—181 work-related injuries throughout 1926 among the 693 workers on the payroll 31 December. While the severity of injuries suffered was not explained by South Shore officials in more measurable terms of lost work hours, the accident rate of 261 injuries per thousand workers surpassed four times the national rate of injuries suffered by steam railroad workers and reportable to the Interstate Commerce Commission.<sup>84</sup>

TABLE 2. FATAL AND NONFATAL WORK ACCIDENTS ON THE CHICAGO, LAKE SHORE AND SOUTH BEND RAILWAY AND THE CHICAGO, SOUTH SHORE AND SOUTH BEND RAILROAD, 1924–1938

Reporting Year	South Shore Employees	South Shore Worker Deaths	South Shore Worker Fatality Rate (per 1,000)	Nationwide Steam Railroad Worker Fatality Rate (per 1,000)	South Shore Worker Injuries	South Shore Injury Rate (per 1,000)	Nationwide Steam Railroad Worker Injury Rate (per 1,000)
CY 1924	240	0	0	0.83	24	100.00	67.63
CY 1925	681	NR	NR	0.87	NR	NR	64.59
CY 1926	693	2	2.89	0.89	181	261.18	59.50
CY 1927	689	1	1.45	0.86	136	162.10	48.05
CY 1928	832	2	2.40	0.76	NR	NR	40.50
CY 1929	829	2	2.41	0.81	16	19.30	34.65
CY 1930	682	0	0	0.62	85	124.30	22.82
CY 1931	637	0	0	0.51	121	189.95	17.55
CY 1932	492	0	0	0.53	31	63.01	16.26
CY 1933	467	0	0	0.52	72	154.18	15.48
CY 1934	463	0	0	0.52	57	123.11	16.26
CY 1935	485	0	0	0.57	77	158.76	15.90
CY 1936	483	0	0	0.64	88	182.19	19.87
CY 1937	507	0	0	0.60	108	213.02	20.38
CY 1938	527	1	1.89	0.51	96	182.16	16.60

Employee numbers include clerical staff, superintendents, and administrative officials with trainmen, maintenance of way workers, and mechanical department employees. NR = data not reported; CY = calendar year. The archival records of Public Service Commission reports for all interurbans cover calendar years beginning in 1916; the method by which the commission obtained fiscal year data for its published reports from calendar year submissions is not known. Data for 1919 to 1923 are missing or too incomplete for comparative use.

Sources: South Shore Line data from annual reports of the Chicago, Lake Shore and South Bend Railway and the Chicago, South Shore and South Bend Railroad to the Public Service Commission of Indiana, Indiana State Archives, Indianapolis, Ind. Annual nationwide steam railroad fatality rates from Mark Aldrich, *Safety First: Technology, Labor, and Business in the Building of American Work Safety, 1870–1939* (Baltimore, Md.: Johns Hopkins University Press, 1997), 284.

Little is known about any efforts to reduce the risk of railroader injuries between mid-July 1925 and the end of 1926. In part, this apparent absence of a worker safety program within the South Shore's

daily operations and managerial structure reflects the paucity of historical evidence about the laborers and skilled tradesmen, the work processes, and any technological improvements in the tools and track-laying equipment used to rebuild sections of the railroad during its first eighteen months. Railroad officials also borrowed “experts” and programs from the Bureau of Safety as needed. An outside expert offered the first training course in first-aid procedures for twenty South Shore employees over the last few months of 1926, for example. In addition, key construction and safety engineers already were occupied with ongoing construction of the North Shore Line’s new twenty-two mile high-speed Skokie Valley Route until early June 1926, along with the purchase of the Chicago, Aurora and Elgin Railroad at the same time and continuation of that road’s own rehabilitation work. Economic decisions and available finances certainly limited Midland Utilities’ ability to invest in a comprehensive in-house worker safety program during this period. The South Shore’s more than \$2 million invested in reconstruction and new equipment during the first year, combined with Northern Indiana Public Service Company’s \$857,000 spent to convert the electrical substations and electrical equipment, appear paltry when compared with the \$21 million spent between 1923 and 1926 to purchase land, design, and construct the North Shore’s Skokie Valley Route and to rehabilitate that railroad’s west freight line between Lake Bluff and North Chicago Junction.<sup>85</sup>

Perhaps in response to the deaths of two railroaders among 693 employees in 1926 and the fatal collision and fire near Gary, the South Shore took steps in late 1926 and early 1927 to follow up on the physical improvements to the road with organizational improvements to promote worker safety, an educational campaign for railroad employees and the public, and a second phase of eliminating job hazards through re-engineering and safeguarding. In early 1927, general manager Charles Jones appointed W. W. Clemmons as the South Shore’s safety engineer within the transportation department, with the sole duty of preventing accidents. Shortly afterward, the South Shore established a new medical department in downtown Chicago under chief surgeon Dr. Hart E. Fisher, who previously had served the North Shore Line, the Chicago Rapid Transit, and the public Service Company of Northern Illinois. While continuing with these companies, Fisher began inspecting working conditions along the South Shore (and also the Chicago, Aurora & Elgin Railroad) in relation to occupational health and analyzed drinking water, paints, varnishes, lubricants, and other chemical compounds for harmful effects. He also examined job applicants and current employees, instructed railroad employees about first-aid treatment, provided medical consultations for employees, arranged for medical services in connection with accident liability cases, and held the authority to approve or disapprove all medical bills and disability or death benefits from company group insurance or worker mutual-benefit associations. More significantly, South Shore Line employees who had completed three months of employment could apply for \$1,000 in life insurance and \$1,000 in accidental death and dismemberment insurance for a monthly premium of one dollar. More than 50 percent of all employees purchased insurance policies under the group insurance program, which the railroad company partially funded. Accident insurance reduced the total amount of damages a railroad company might have to pay under the Federal Employers’ Liability Act for a worker’s injury or death by the amount of the insurance benefit.<sup>86</sup>

Organizational change also required that the railroaders accept ownership of the safety programs. The previous autumn, twenty South Shore employees participated in a six-week first-aid training class sponsored by the company. Nineteen of those twenty joined 310 employees from Chicago Rapid Transit, the North Shore Line, and the Chicago, Aurora and Elgin who had completed similar first aid and railroad safety courses in 1926, as well as seventy other employees of the electric railroads, at the fifth annual first aid and safety banquet in downtown Chicago the evening of February 24, 1927. The banquet, which mixed safety presentations with entertainment by “all-star vaudeville acts,” exposed the South Shore first-aid trainees from Michigan City to the larger work safety programs already established

and functioning on the North Shore and the “L.” In turn, the nineteen South Shore representatives who attended the banquet—six from the electrical department, two from the road department, four from the mechanical department, two from the bridge and building department, two from the signal department, two clerical employees, and general manager Charles Jones—hopefully would return to Michigan City to advocate the South Shore’s worker safety program among their fellow workers.<sup>87</sup>

*[Insert photograph of first South Shore Line first aid trainees: How the Medal Was Won]*

Clemmons quickly organized a full schedule of educational programs for workers in all departments at convenient locations along the line. To encourage full participation, the company paid regular wages for workers to attend safety meetings. Following the practices outlined by Cordell for the North Shore Line, Clemmons showed instructional films from national safety organizations and accident prevention groups, led group discussions about methods for correcting unsafe work practices, and encouraged workmen to write essays about their own thoughts and ideas for presentation to their work groups. Section hands and other workers at remote locations received the same regular training and educational program through the use of the South Shore’s new passenger car number 15 as the railroad’s “Safety First Car.” By the end of 1927, for example, Clemmons had organized 162 separate safety meetings over the course of the year, with an average attendance of eighteen workers per meeting. Around the holidays, safety meetings were being held for trainmen between 8 A.M. and 8 P.M. at Randolph Street Station on 23 November, for car inspectors at South Bend the same day and at Chicago the following day, and for freight handlers at six different freight stations between 7 and 9 December. Clemmons led twenty separate safety meetings each month during 1928.<sup>88</sup>

*[Insert photograph of “Safety First Car”: The Pantagraph 3, no. 1 (January 1929): 4]*

First-aid drills, competitions, and other popular motivators, helped instill discipline in railroad workers who could not be supervised regularly when out on the line. Sixty-six more South Shore employees participated in first-aid training during 1927; fifty-three intended to participate in the next intercompany first aid and safety banquet in Chicago in February 1928. Four teams of employees trained for the 1928 first-aid competition, the most popular technique used by employers to convert workers to safer work practices. The winning team—significantly, the engineering department—represented the railroad at a Red Cross competition among twelve teams from various companies and industries in Chicago on 20 April 1928. The South Shore’s team, supported by two hundred coworkers, secured third place, while a team from the Chicago Rapid Transit, another Insull-owned electric railroad, won the championship.<sup>89</sup>

Along with educational efforts, motivational techniques encouraged workers to change old habits and accept new equipment, clothing, goggles, and ways of working. Foremen were the front line of control, and company officials held foremen accountable for defective or insufficient equipment and unsafe practices in their sections. Eight foremen in the track department, one in the shops, two in the freight station department, and the foreman of the signal department earned “100 Percent Safety Record” cards during the last six months of 1927. The record was sustained by foremen at least until September 1928, when ten reported no lost time among their workers.<sup>90</sup>

In April 1927 the railroad began publishing a monthly magazine called *The Pantagraph*, which acted not only as a means for educating workers about accident prevention, but also as a place for acknowledging both the actions and contributions of individual employees and the accidents that caused the deaths or serious injuries to railroaders. While much of *The Pantagraph* contained chatty reports from worker-correspondents in the individual departments, railroaders also were encouraged to write papers about their work and publish them in the magazine. Ticket collector Kroenig, who had rescued injured passengers after the April 1926 train collision and fire at the Gary gauntlet bridge, published a poem titled “Safety First” in the May 1929 issue. Trainman L. C. Harman crafted a poem titled “Rule

99” about the necessity of a flagman protecting the rear of a stalled train from a safe stopping distance after motorman Joseph Stafford was killed in a preventable rear-end collision with a disabled train at Parson’s Curve south of Kensington, Illinois, on New Year’s Day, 1928. Shopman Harlow Foster wrote an essay titled “Accidents Caused by Lack of Care” for the September 1928 issue. Art Hegelmayer, a truckman in the shops, wrote in the November 1928 issue how “Unsafe Practices in Mechanical Work Cause the Most Accidents,” noting that the 3 million work-related injuries and 24,000 deaths in the United States in 1927 alone equaled the population of Chicago. Hegelmayer echoed the Progressive Era ideas of avoiding waste and promoting efficiency that company president Budd had articulated for the North Shore Line a decade earlier. He added: “These accidents did not just happen. [They] were caused by some kind of failure, machine failure, material failure, or man failure.” Hegelmayer then attested to a mutual interest shared by workers and the employer “to avoid the costly wastes that follow most serious accidents” and identified “mechanical safeguarding” and “a knowledge on your part what safe practice is” as the two most important tasks to master.<sup>91</sup>

News of work accidents, which railroad company officials only twenty years earlier had denied or suppressed, now received prominent mention in *The Pantagraph*. Adopting a phrase from the armed forces in World War I, company officials declared that workmen who died in work accidents through no fault of their own “Died in Service.” Statements made in the company magazine not only acknowledged corporate responsibility for the deaths or injuries of certain railroaders but also used their deaths to illustrate graphically the importance of participation in the work safety program. Charles Deardorff, a conductor on a work train near Bailytown, was standing in the cab of a work motor on Saturday morning, 11 February 1928, when the car suddenly lurched to one side. Deardorff fell backwards out the open doorway onto a wooden line pole, breaking his back. He died the next day. *The Pantagraph* editor commented, “It was while acting as conductor of a work train that he was fatally injured.” On the same page, directly below Deardorff’s obituary, was Clemmon’s “Safety Notes” column. Other railroaders’ deaths also were described in conjunction with work safety articles. Regarding the 4 October 1927 death of Jafros, the editor of *The Pantagraph* wrote, “At all times he abided by the Safety First rules and his work was commended highly by his superiors.” However, the obituary also mentioned that Jafros had changed the beneficiary of his \$1,000 accidental death insurance policy and a separate \$1,000 life insurance policy on a form dated 19 August, but the form was not received by the railroad’s auditor in Chicago until the day of Jafros’s fatal accident. The railroad’s auditor was quoted in Jafros’s obituary in a mildly scolding tone: “The importance of changing beneficiaries without delay cannot be stressed too much.” Immediately below the obituary was a coupon for \$1,000 group life insurance and an additional \$1,000 in accidental death and dismemberment insurance for South Shore Line employees from Aetna Life Insurance Company.<sup>92</sup>

The redesign and reengineering of railroad equipment, structures, surroundings, and work practices began a second phase in January 1927. In the mechanical department’s car shop building, for example, workers installed skylights, enlarged the storeroom, and replaced the flooring to eliminate hazards. Shop workers used hand jacks to raise cars and locomotives off their wheel sets and motors, then to set them down. The dangers of a man standing over a rod inserted into a mechanical jack that might slip and fling the rod upward rivaled the possibility of a car slipping off a jack and falling on a man. In response to the potential hazard, the railroad purchased electric jacks for raising and lowering car bodies. Besides reducing the risk of injury or death, the electric jacks saved about 15 percent of the cost of operating hand jacks and allowed shop workers to labor on actual mechanical work, rather than the physical labor of jacking up cars or lowering them.<sup>93</sup>

South Shore officials openly touted the design and safety features of a new line car, rebuilt from an old wooden passenger motor car, as a marked improvement to the safe work conditions of electrical

linemen. Electrical engineer Charles E. Keevil, on loan to the South Shore Line from the Chicago Rapid Transit, redesigned the electrical and structural features of old heavy wooden South Shore passenger-baggage motor 72 to convert it from a 6,600-volt AC passenger car to a 1,500-volt DC line car, renumbered 1101. In a brief that railroad managers submitted to the Charles A. Coffin Foundation in July 1927 for the fifth annual competition, they wrote that the new line car featured a “revolving platform which can be swung under the wire on the adjacent track. . . . Its advantages are apparent. The platform is elevated from its position on the top of the car [with] air hoists and the equipment has several major safety features.”<sup>94</sup>

Motorman Ed Hedstrom, whose father also worked as a South Shore motorman, operated line car 1101 many times and described the safety features installed in 1927:

I would say the tower [platform] was about ten feet long, and probably about four feet wide, and it had railings on both sides; these railings were on hinges so that when you went up there, the railings laid flat on the platform. And then when you were ready to go to work, you raised the railings, and there were rods that came down from each side of each end, to a cleat in the center of the tower platform; [they] would put a bolt or something through there, and that would make the sides so you could work up there.

The tower also swiveled; it would swivel ninety degrees out on either side. It was quite an operation.<sup>95</sup>

The platform was raised and lowered with a pneumatic lift system. At the top of the platform, three ropes provided complete control for the linemen. A lineman could pull on one rope to pump air into the hoist, lifting the platform. Pulling on a second rope let the air out and lowered the platform. A third rope connected with the signal bell in the cab, allowing the linemen to signal the motorman and conductor below while the car was moving along the railroad on “patrol”—the term used for visual inspections of the overhead catenary wire along the entire length of the railroad.<sup>96</sup> Hedstrom recalled, “There would be two or three linemen sitting on top of the deck, and you’d just run slow, and then if they saw something that had to be fixed—a hanger that was loose or a hanger that was burned through on the top end—why they’d ring the bell and you’d stop.”<sup>97</sup> The usual interurban signals were used: one bell indicating “stop,” two bells for “proceed,” and three bells for “back up.”<sup>98</sup>

*[Insert four photographs showing succession of three line cars, to illustrate engineering changes over time:*

*(1) CLS & SB line car 500 and crew from George Krambles collection*

*(2) CSS & SB wooden line car 1101 from side/rear, Malcolm D. McCarter collection*

*(3) (optional; first to be omitted, if necessary, or used to accompany first page of chapter) color photo of CSS & SB line car 1101 from front, Charles A. Brown collection*

*(4) wooden line car 1101 with linemen at Homan Avenue, Hammond, Edward Frank photo, CERA collection*

*(5) steel car 1100 near Calumet, ca. 1947, from Malcolm D. McCarter collection*

How did the flurry of organizational change, worker education, and redesigned equipment and work practices affect railroad workers over time? South Shore Line officials claimed in July 1927, “Although the absence of adequate records preclude the possibility of a comparison of accidents with past years, it is known that they have decreased during the term of the present management, even with

the greatly increased train service and the large amount of construction work.” No records from the South Shore Line during this period have survived in any public historical institution, and data from Public Service Commission annual reports do not reflect the severity of injuries, only their incidence. However, the number of hours of lost work time during the years 1927–1929 can be inferred from 1929 figures. Although the number of accidental injuries suffered by workers in 1927 decreased by 25 percent from accidents in 1926, the number of hours of work time lost from accidental injuries declined substantially from an estimated 833 days of lost time in 1927 to an estimated 558 days in 1928, then to 430 actual days of lost time in 1929—a reduction of 48 percent in the time lost from work-related accidents over three years. At the same time, though, the number of employees increased from approximately 690 in 1926 and 1927 to about 830 in 1928 and 1929. In 1928 alone, employees worked 100,000 more hours than in 1927, yet reduced the number of work hours lost from accidents by one-third.<sup>99</sup>

However, the rate of injuries to railroad workers on the South Shore Line during the latter half of the 1920s apparently far exceeded the worst of the “Lake Shore” years, 1924. Keeping in mind the problems of defining what constituted a reportable injury and measuring those incidents in terms of work time lost, the South Shore reported accidental injuries to workers ranging from three to ten times the national injury rate for steam railroad workers, excepting a plummet in accidents reported in 1929 and a lack of data from 1928. The rate of fatal injuries to South Shore workers during the halcyon years of 1926–1929 surpassed the national average by as much as two times. In part, this may reflect the problem of a short-line railroad: the hazards of railroad work were ever present, so large railroads such as the New York Central and the Pennsylvania benefited from economies of scale and a reduced risk of liability per worker, while small operations such as a ninety-mile electric interurban experienced similar risks among far fewer workers, greater risk per worker, and a potentially greater financial impact upon the railroad from every accident.<sup>100</sup>

Ironically, the best work conditions for South Shore employees were attained in October 1929, the month of the stock market crash that signaled the plummet into the Great Depression. The company counted only eight days of lost time during the month due to two accidental injuries in the freight station and transportation departments. Workers in the electrical, signal, commissary, communications, and maintenance of way departments avoided any accidents whatsoever. The maintenance of way department employed an average of 235 men, including recent Mexican immigrants to northwest Indiana, in the physically demanding labor of track work, so the avoidance of accidents required overcoming barriers of language and culture, as well as different sensibilities about unacceptable work practices. In November, safety director Clemmons distributed printed copies of accident and fire prevention rules that governed the work practices of all employees beginning 1 December 1929. The 290 rules in the booklet read like a litany of past accidents. Train conductor Deardorff’s death at Baileytown in February 1928 was reflected in Rule 66, “Side doors of motormen’s compartment and other doors on front vestibule must not be opened while train is in motion,” while Jafros’s death at the Randolph Street Terminal in October 1927 may have underscored Rule 72, “Cars must not be coupled or moved where men are likely to be working without first giving ample warning.” The safety rules for electrical linemen alone filled eleven of forty-six pages.<sup>101</sup>

Railroading remained dangerous work in the 1920s and 1930s, but the risks changed dramatically. The percentage of trainmen seriously injured at work declined from the 1916 peak of 147 injuries per thousand men to about sixty-one per thousand in 1929. The Great Depression years drastically reduced freight and passenger traffic on American railroads, but even when one accounts for the decline in railroad traffic by considering the proportion of injuries to a constant denominator of one thousand railroad workers, the decrease in the risk of injury or death faced by railroad workers during

the 1920s and 1930s is still striking. By 1938, the last year that a railroader's assumption of risk was allowed as a railroad company's defense under the Federal Employers' Liability Act, only about twenty-six out of one thousand trainmen suffered serious injuries. The fatality rate among trainmen dropped even more noticeably, from a post-1900 high averaging 9.2 deaths per thousand men in 1906 down to about two deaths per thousand between 1924 and 1927, decreasing even further to an average of 1.21 deaths among every one thousand railroad trainmen in 1938.<sup>102</sup> The improvements in working conditions forced in part by federal laws, the state workers' compensation laws, and the railroads' individual efforts to reduce risks and minimize the costs of accidents are quite striking when viewed over a thirty-year period.

The shift in managerial attitudes about ensuring safe equipment and taking appropriate responsibility for the well-being of railroad workers is most visible when the experiences of South Shore railroad workers during the Great Depression are examined and compared with the conditions of Albert Fellers's time twenty years earlier. Operating achievements in 1930 declined only slightly from the record performance of 1929, with a new speed record set, the *Electric Traction* speed trophy retained for a second year, a new freight terminal constructed at South Bend, a new 32,000 square-foot mechanical department building erected at Michigan City and outfitted with the latest shop equipment, and the original 1908 shop building renovated for use as a car inspection and paint shop. More significantly in human terms, though, the year 1930 brought no worker fatalities for the first time in years, while the workforce returned to the 1925–1927 size. Despite the reductions in operating costs and deferral of maintenance arising from the drop in traffic in 1931, the financial disaster of 1932, and the descent into bankruptcy by autumn 1933, the South Shore Line avoided any worker deaths throughout most of the depression. While the incidence of injuries also rose from 1929 through the end of 1931 and ranged from four to ten times the national average for railroad workers between 1930 and 1938, the railroad continued to reduce the number of lost work days by 62 percent from January until at least October 1931 and cut by 55 percent the number of accidents causing at least temporary disability.<sup>103</sup>

More significant, though, in terms of the railroad's financial survival is the way the company's officials treated workers and the way those workers responded during the otherwise contentious and often violent crucible of labor-management relations during the depths of the Great Depression. Surviving anecdotal and statistical evidence show how the Federal Employers' Liability Act and the Indiana Workmen's Compensation Act functioned not only to provide financial support for injured railroaders but also to minimize the railroad's expenditures that might otherwise have been spent in litigation.

Anton Hoffman worked as a brakeman for the South Shore out of Michigan City. The railroad's general manager, Charles M. Jones, personally considered Hoffman an experienced brakeman, familiar with nighttime freight switching operations and certainly worth his wages of a hundred dollars a month. Sometime between midnight and dawn on 1 June 1932, Hoffman was working a South Shore freight switching job near Marshall Street in Gary, Indiana, just as he had done at Gary many times before. He stepped down from a cut of freight cars to throw a switch, then signaled the engineer to move the cars. As the cut of cars approached Hoffman, he took hold of the grab iron and placed one foot on the stirrup of the leading car. Unexpectedly, his foot slipped the length of the stirrup, throwing him against the side of the moving car. His body then swung outward and the back of his head and his shoulders struck a wooden catenary support pole only twenty-eight inches from the car side. The impact knocked him to the ground and caused a headache, but he got back up, climbed aboard a following car, and finished his shift. Several months later Hoffman noticed a slight impairment of vision. Over the next two years, the impairment developed to the point where Hoffman no longer could see anything except light and dark shadows. The forty-six-year-old Hoffman was legally blind and unable to work to support his wife.<sup>104</sup>

Fewer than three weeks later, another brakeman named George Burgwald was working a nighttime switching job near East Chicago the night of 19 June 1932, when the automatic couplers on two freight cars did not catch. Company rules prohibited trainmen from entering between moving cars, but practical railroading experience usually required a man to couple the cars, or risk the wrath of the dispatcher for leaving a freight train uncoupled and blocking the main line and siding. Burgwald slid between the two freight cars to adjust the uncooperative coupler. As he stood between the cars, either the engineer moved the train or the shock wave from the attempted coupling rebounded through the cars, knocking Burgwald down between the cars. A wheel crushed his left leg. After a nineteen-week recuperation at St. Catherine's Hospital in East Chicago, he returned home to Michigan City, where he underwent subsequent surgeries at St. Anthony's Hospital. Two years after the injury Burgwald's left leg measured two inches shorter than his right leg and he was unable to perform any type of physical labor.<sup>105</sup>

An investigation of the accident scene following Hoffman's injury revealed that the distance between the outer edge of the car stirrup and the face of the pole measured only about two feet, four inches, where a safe clearance should have been at least three feet. Hoffman filed a claim with the railroad company under the provisions of the Federal Employers' Liability Act. After a prolonged negotiation between Hoffman's attorney and the railroad's attorney, railroad officials agreed to pay Hoffman \$3,000—the equivalent of two and one-half years of wages. Under chapter 77 of the Federal Bankruptcy Act of 1933, a worker's claim arising from a work-related injury was a preferred claim, second only to the administrative costs of the receivership or reorganization. General manager Jones signed a petition on 22 May 1934, requesting that the federal court allow the railroad to pay Hoffman the \$3,000. The next day, Judge Thomas Slick of South Bend complied.<sup>106</sup>

Burgwald's accident, while certainly regrettable, resulted from a violation of company rules, according to railroad officials, so the company did not accept liability for his injury. Burgwald countered with the cause for his entry between the cars: one of the automatic couplers was defective and would not couple. His reaction revealed a common complaint of freight brakemen. A Baltimore and Ohio Railroad (B & O) worker once responded angrily to a Safety First poster that urged railroaders not to go between cars to adjust a coupler. If the couplers worked properly and were not defective, the B & O man pointed out, men would not have to risk their lives to compensate for the inferior equipment. In Burgwald's case, more than a year and a half of negotiations failed to bring the railroad and the brakeman to a compromise. On 26 March 1934 Burgwald filed suit in the United States District Court at Hammond, Indiana, seeking \$40,000 in damages according to the terms of the Federal Employers' Liability Act and the Safety Appliance Act.<sup>107</sup>

Unlike the trial conducted in the same federal court in Hammond nineteen years earlier to decide the question of liability for Albert Fellers' death, Burgwald's case found a fairer hearing before Judge Slick, the successor to now-retired Judge Anderson. The terms of the Federal Employers' Liability Act clearly applied to Burgwald's accident; a railroader could not be held to have assumed the risk of his employment if the defective equipment that caused his injury violated a railroad safety statute. After Judge Slick overruled the railroad attorney's assertion that the brakeman's complaint was too vague because it did not give the name of the railroad car's owner, nor its number, the railroad's attorneys filed a petition for a stay of proceedings on 4 December 1934 to resume negotiations. Four days later, the South Shore agreed to pay the permanently disabled brakeman \$6,000—the equivalent of five years of a brakeman's wages. Slick, who also was serving as judge in the railroad's bankruptcy proceedings, signed the court order approving the settlement that same day. Despite the fact that the average real cost to a railroad company for a worker's serious injury had risen about 70 percent between 1910 and 1932,

the \$6,000 settlement actually cost the railroad less than one \$5,000 court-ordered judgment for passenger injuries in 1917.<sup>108</sup>

What is more significant about Burgwald's lawsuit is the fact that it was one of only two filed by an injured railroad worker against the South Shore Line between 1933 and 1938, and possibly during the entirety of the depression. Surviving records, concerning about eighty-one accidental injury claims by seventy-five workers among a total 325 claims filed over a four-year period from 25 May 1934 through 15 May 1938, reveal that injured workers were paid through administrative channels, without litigation, under the terms of the federal or state acts. The \$6,000 awarded to Burgwald and the \$3,000 given to Hoffman comprised not only the two largest payments to workers, but apparently also 60 percent of all monies paid for injuries to workers during those four years. Car inspector Bernard Kabacinski broke his right leg while trying to remove a fuse and suffered partial permanent disability as a result. The railroad provided him with slightly less than \$1,000 under the Indiana Workmen's Compensation Act. Maintenance of way worker Steve Wyatt suffered a permanently disabling injury on 13 February 1936. The railroad supported him with at least \$933 in seven installments between May 1936 and September 1937. Car inspector Fred Raska suffered partial blindness in his right eye when ice or rust flew off multiple-unit jumper cables he was handling between cars and received \$399 under the Federal Employers' Liability Act. Two years later, he remained with the shop force. Most claims amount to just a few dollars, but those few dollars amounted to a day or more of lost wages.<sup>109</sup>

Among the names of injured workers listed in the records as recipients of financial support during the depression years are: Howard Kroenig, who rescued passengers in the 1926 collision and who wrote the poem "Safety First" for publication, receiving about half a month's pay for an injury suffered in December 1936; Arthur Hegelmayer, author of an essay about accident prevention, who incurred minor injuries in November 1936 and July 1937; Lester C. Harman, author of "Rule 99," who suffered a serious, temporarily disabling injury in October 1937; and Wilbert J. Hedstrom, brother and uncle of two generations of Hedstrom motormen, who received the equivalent of a week's wages around Thanksgiving 1935 for an unspecified injury.<sup>110</sup>

What made railroad workers stay with the South Shore Line, despite the dramatically higher risk of a disabling injury—a risk that grew the longer they stayed. What made South Shore employees accept substantially lower wages than the steam railroads, steel mills, and railroad car and automobile manufacturing plants of northern Indiana could offer? Why did so many persist in working for an electric railroad, when Pullman-Standard in Michigan City or Inland Steel in Indiana Harbor paid more during the shaky years of the depression? A hint at the possible answer can be found in Ed Hedstrom's recollection of the experience of working for the South Shore Line under general manager Charles H. Jones:

And you know, that's one of the real nice things that happens when you work for a *family* company. . . . And the South Shore certainly was. And Mr. Jones, Mr. Charlie Jones, could go out and talk to any person on that railroad, and call them by their first name. And you could call him "Charlie"—you could call him "Charlie" if you wanted to, he wouldn't object if you'd call him Mr. Jones, but he didn't object if you called him "Charlie" either.<sup>111</sup>

Much of the experience of working for the electric interurban railroads of the early twentieth-century Midwest, including the South Shore Line, remains forgotten or obscured by the passing of time and the loss of historical documentation. Very little is known about the role played by workers' own labor unions in achieving improvements in work conditions over the decades, for example. On the South Shore Line, motormen maintained an affiliation with the Brotherhood of Locomotive Firemen and Enginemen until about 1925 or 1926, when a separate railroad union, the Brotherhood of Locomotive

Engineers, took over the representation of motormen. Conductors belonged to the Order of Railway Conductors as early as May 1927, while forty-four South Shore brakemen, collectors, and other trainmen formed Lodge 982 of the Brotherhood of Railroad Trainmen on 19 March 1929. Freight handlers, station porters, and clerks were represented by the Brotherhood of Railway and Steamship Clerks as early as 11 June 1934, when the union and South Shore officials entered into a labor agreement. Individual linemen, car men, and shop workers may have held memberships in the International Brotherhood of Electrical Workers, the Brotherhood of Railway Car men, the International Association of Machinists, or other labor unions, but no evidence from the 1920s or early 1930s indicates that the unions influenced work conditions. Indeed, the improvements in railroad worker safety on the South Shore beginning in 1926 appear to have taken place at the volition of company officials, not because of significant union pressure.<sup>112</sup>

Over the course of thirty years from the passage of the Federal Employers Liability Act in 1908 to the U.S. Supreme Court's decision in early 1938 that the South Shore was subject to the Railway Labor Act, a fundamental shift in judicial and railroad managers' attitudes about worker safety accomplished much to improve the work conditions and well-being of railroaders on the South Shore Line.<sup>113</sup> Efforts to educate company officials, foremen, and the workers themselves achieved important changes in defining what was acceptable danger for a worker. Reengineered work processes and equipment capitalized on existing technology to reduce sizably the risks of accidental injuries or deaths. The improvements in work conditions manifested themselves, for example, in the elevating, pivoting platform and railings atop South Shore's line car 1101, rebuilt in 1927 from an old passenger car, and in the employment of safer numbers of men—five linemen, two groundmen, and a foreman—in line crews. A succeeding generation of railroad maintenance equipment, line car 1100, was rebuilt in 1947 from an Indiana Railroad car with the innovations of 1927 prominently featured and improved. The safety features and practices that aroused controversy in 1914 had become acceptable by 1927 and an industrial standard by 1947.<sup>114</sup>

Indeed, much about railroading had changed by 1938. The Railway Labor Act, as amended in 1934, provided workers on the South Shore Line with federally recognized collective bargaining rights, while the Railroad Retirement Act of 1937 supported unemployed, injured, or aged railroad men and women in securing the daily material necessities for living. In 1936 the Interstate Commerce Commission changed its categorization of the South Shore from an interurban line to an electrified mainline railroad.<sup>115</sup> More significantly, though, the majority of electric interurban railroads had simply disappeared by 1938 or were on the verge of abandonment, due to federal and state government financing of paved road construction at the expense of railroad right-of-way taxation, declines in ridership due to the encouragement of a consumer automobile culture, the lack of adequate freight revenue during the depression years, and hostile federal securities legislation that prohibited the types of holding companies that made electric utilities and interurban lines mutually supportive. Sadly, the dismantling of those electric interurban railroads for the market price of scrap metal also ended a unique experience for the men and women who found employment in the electric railroad industry during the early twentieth century and made it a way of life. The stories of those railroad workers, like the interurban lines, are irretrievably lost.<sup>116</sup>

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1. *Chicago Daily Tribune*, 21, 22 July 1914; Testimony of Albert R. Warring, pp. 4–5, and unpaginated photographic exhibits 1, 2, in Bill of Exceptions, filed 21 June 1915, in Law Case 34, *J. A. Fellers, Administrator of the Estate of Albert E. Fellers, Deceased, v. Chicago, Lake Shore and South Bend Railway Company*, heard in the U.S. District Court for the Northern District of Indiana, Hammond Division, Record Group 21, National Archives and Records Administration—Great Lakes Region, Chicago (hereafter cited as *Fellers v. CLS & SB*, except in instances where the source document is the transcript of testimony from the Bill of Exceptions, in which case the initial citation will be abbreviated as above and subsequent citations will be abbreviated with the name of the witness and testimony page numbers alone.)

The work train apparently consisted of box motor car 500, built in 1908 by the Niles Car Company; reel car 308, a thirty-six-foot flatcar with an insulated wood deck; unpowered line car 305 in the middle, a thirty-eight-foot tool car with a wood platform above the roof; and two gondolas (probably from the 310 through 316 series of cars built in 1907 by the American Car Company), measuring thirty-six feet long, ten feet, three inches wide, and eight feet, one inch from the railhead to the top of the permanent side boards. See the roster of Chicago, Lake Shore and South Bend Railway equipment published in Joseph Canfield, ed., *Electric Railways of Indiana*, vol. 3, bulletin 104 (Chicago, Ill.: Central Electric Railfans' Association, 1960): I-20.

2. *Michigan City Evening Dispatch*, 22 July, 1914; Warring testimony, 4–5, and photographic exhibits 1, 2 in Bill of Exceptions, *Fellers v. CLS & SB*; “The Chicago, Lake Shore and South Bend Railway Company, Time-Table Number 21 for the Government of Employe[e]s Only, Effective 4:01 A.M., May 25, 1913,” in the author’s possession. The author wishes to thank David L. Gangwer of Cypress, Texas, the son of longtime South Shore Line worker David Gangwer, for providing this rare 1913 South Shore Line employee timetable. The author has followed the convention of railroads in the area by capitalizing “State Line” when it refers to a proper place name on the railroad.

3. Enumeration of Albert E. Fellers, line 75, sheet 8, enumeration district 6, City of Cedar Falls Black Hawk County, Iowa, Population Schedules (National Archives microfilm publication M623, roll 417), Twelfth Census of the United States, 1900; Records of the Bureau of the Census, Record Group 29, National Archives and Records Administration—Great Lakes Region, Chicago (hereafter cited as NARA—GLR).

4. J. A. Fellers Deposition, 23 Jan. 1915, p. 8, and Testimony of J. A. Fellers, 21 Apr. 1915, pp. 19–20, in Bill of Exceptions, *Fellers v. CLS & SB*; Charles Ludden, “Hot Wires or Travel, All in Lineman’s Life,” *The Pantagraph* 2, no. 3 (Mar. 1928): 3.

5. Fellers deposition, 8; “Reducing Maintenance Costs on a Single-Phase Railway,” *Electric Railway Journal* 46 (4 Dec. 1915): 1112; Annual Report of the Chicago, Lake Shore and South Bend Railway to the Public Service Commission of Indiana for the Fiscal Year Ending 30 June 1914, p. 61, Annual Reports of Electric Railways, Records of the Public Service Commission, Indiana State Archives, Indianapolis, Ind. Complete operation of the new automatic block signal system began 9 March 1914, with commencement of the overhead wire project shortly thereafter.

6. “Reducing Maintenance Costs on a Single-Phase Railway,” 1112.

7. Testimony of Charles W. Hunter, p. 18, *Fellers v. CLS & SB*.

8. Warring testimony, 2.

9. *Chicago Daily Tribune*, 22 July 1914. The best description of wintertime overhead line repair work on the South Shore Line—quite possibly the only description—can be found in Robert L. Winkler, “Saga of the ‘Shadow’ Lineman,” *First & Fastest* 15, no. 3 (autumn 1999): 11–17. Winkler’s first-person account includes a thorough explanation of the South Shore Line’s overhead catenary system that a layperson can understand and anecdotes about the line crew’s work experiences, as well as detailed drawings of overhead catenary hardware and designs from different historical periods on the South Shore Line dating back to 1908.

10. “Hegewisch to Hammond, 1911,” canfield, ed., *Electric Railways of Indiana*, I-60 (detail map 4).

11. Warring testimony, 2–3; “The Chicago, Lake Shore & South Bend Railway,” *Electric Railway Journal* 33 (10 Apr. 1909): 676; “Reducing Maintenance Costs on a Single-Phase Railway,” 1108–9.

12. *Burns’ Revised Statutes of 1908*, section 5786, as reported in A.R. No. 962, “Elevation of Telephone Wires,” and A.R. No. 968, “Elevation of Trolley Wires,” in *Fifth Annual Report of the Railroad Commission of Indiana, 1910* (Indianapolis: William B. Burford, 1911), 184, 185.

13. Warring testimony, 2–3, 5, 7–10.

14. C. Edward Hedstrom, with John D. Horachek, “Six Decades Service on the South Shore Line: Oral History with C. Edward Hedstrom,” Indiana Heritage Research Project Grant No. 90-3005, 1990–1991, pp. 48–49.

15. Warring testimony, 3; Testimony of C. F. Buckley, 11, *Fellers v. CLS & SB*. In 1914 the South Shore Line crossed other railroads at only three places in thirty-two miles between the Michigan City shops and Cudahy, a flag stop six miles west of Gary, but the next five miles through East Chicago and Hammond featured eight separate crossings before the state line. See Buckley testimony, 15, and Canfield, ed., *Electric Railways of Indiana*, I-60–I-63 (detail maps 1, 4, 5–7, 9–13).

16. Warring testimony, 4–5; Hunter testimony, 16–17; “CLS & SB Ry. Co. Employee Timetable no. 21, May 25, 1913,” p. 1; *Michigan City Evening Dispatch*, 22 July 1914.
17. Warring testimony, 4–6.
18. *Ibid.*, 5–6.
19. *Ibid.*, 4–6; Testimony of Charles Harper, pp. 21–22, *Fellers v. CLS & SB*.
20. Warring testimony, 6.
21. Harper testimony, 21–22; Buckley testimony, 12; Hunter testimony, 17; Warring testimony, 6.
22. *Hammond Times*, 21 July 1914; *Michigan City Evening Dispatch*, 22 July 1914.
23. *Michigan City Evening Dispatch*, 22 July 1914; *Cedar Falls(Iowa) Record*, 23 July 1914.
24. On the increase of labor tasks per worker, see the Full Train Crew Act of February 13, 1907 in *Second Annual Report of the Railroad Commission of Indiana, 1907* (Indianapolis: William B. Burford, 1907), 240–41. The necessity of enacting legislation to limit railroad operating crews to work days under sixteen hours is manifest in the federal Hours of Service Law, which passed on 4 March 1907 and went into effect one year later, and Indiana’s Sixteen-Hour Act of 8 March 1907. On the federal law, see Mark Aldrich, *Safety First: Technology, Labor, and Business in the Building of American Work Safety, 1870–1939* (Baltimore, Md.: Johns Hopkins University Press, 1997), 171, 173; *Second Annual Report of the Railroad Commission of Indiana*, 244–45. The Chicago, Lake Shore & South Bend Railway trainman’s complaint that the management required more than sixteen hours of work appears in *Fifth Annual Report of the Railroad Commission of Indiana*, 155. Interurban trainmen were not protected by the sixteen-hour state law, but the railroad commission nonetheless publicly recommended that the electric railroad companies comply with the intended outcome of the federal and state “human endurance” laws. See Circular No. 55, “Hours of Service—Human Endurance Limits,” *Third Annual Report of the Railroad Commission of Indiana, 1908* (Indianapolis: William B. Burford, 1909), 477. The culture of risk and equation of fearlessness with competency is examined in John Williams-Searle, “Courting Risk: Disability, Masculinity, and Liability on Iowa’s Railroads, 1868–1900,” *The Annals of Iowa* 58 (winter 1999): 40–46. The quotation from the rule book can be found in *Third Annual Report of the Railroad Commission of Indiana*, 297. “What a pity” appears in *Fourth Annual Report of the Railroad Commission of Indiana, 1909* (Indianapolis: William B. Burford, 1910), 484.
25. Larry Plachno, *Sunset Lines: The Story of the Chicago, Aurora & Elgin Railroad*, History, vol. 2 (Polo, Ill.: Transportation Trails, 1989), 221; *Fourth Annual Report of the Railroad Commission of Indiana*, 528; *Sixth Annual Report of the Railroad Commission of Indiana, 1911* (Indianapolis: William B. Burford, 1912), 342; *Michigan City News*, 1 Apr., 10 June, 26 Aug. 1914.
26. Aldrich, *Safety First*, 9, 15, 36–40, 86, 184, 284.
27. Annual Report of the Chicago, Lake Shore and South Bend Railway to the Railroad Commission of Indiana for the Fiscal Year Ending 30 June 1912, p. 67, Interurban Railroad Company Annual Reports, 1908–1962, Records of the Public Service Commission of Indiana, Indiana State Archives (hereafter abbreviated CLS & SB Annual Report, FY or CY [for calendar year] [year]). CLS & SB Annual Reports, FY 1914, p. 67; FY 1915, p. 67; CY 1916, Schedules 416, 417, pp. 404, 405; CY 1917, Schedules 416, 417, pp. 404, 405; CY 1918, Schedules 416, 417, pp. 404, 405. The railroad official who wrote the data on the Public Service Commission’s annual report form left blank the boxes for accidents to employees in fiscal years 1910, 1911, 1913, and 1916, while other years featured zeros in certain accident categories, so the author assumed the blank categories to be missing data, rather than an implied reporting of zero. In 1916 the Public Service Commission required both a fiscal year 1916 report and also a calendar year 1916 report, the former covering 1 July 1915 through 30 June 1916. The author chose to omit the FY 1916 report with its missing data, utilizing the CY 1916 report with its data about one worker death and four worker injuries. This choice excludes the six-month period 1 July–31 December 1915, but since no data exists from that time period in the Public Service Commission annual report, the exclusion errs on the side of underreporting the number of worker injuries and deaths.
- The federal accident data compiled annually by the Interstate Commerce Commission (ICC) did not include electric interurban railways at that time. The first ICC accident located about the South Shore Line dates from 1926. The records of all accident investigation reports, 1911–1963, are preserved in the National Archives at College Park, Maryland, with other records of the Interstate Commerce Commission as RG 134.
28. Aldrich, *Safety First*, 284; *Fourth Annual Report of the Railroad Commission of Indiana*, 525–26, 528; *Fifth Annual Report of the Railroad Commission of Indiana*, 292–93, 303–4, 313–14, 327–28, 483; *Sixth Annual Report of the Railroad Commission of Indiana*, 339–40, 351–52, 362–63, 375–76, 475; *Seventh Annual Report of the Railroad Commission of Indiana, 1912* (Indianapolis: William B. Burford, 1913), 608, 618–19, 703; *Annual Report of the Public Service Commission of Indiana for the Fiscal Year Ending September 30, 1914* (Indianapolis: William B. Burford, 1914), 64.
29. Economic historian Mark Aldrich calculated how the odds increased over time in his book *Safety First*, 324 n13. If the annual mortality rate on a certain railroad is  $x$ , then the cumulative probability of death over  $k$  years equals  $1-(1-x)^k$ .

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x)<sup>k</sup>. The probability of risk is based upon an annual mortality rate  $x$  averaging 0.00398 (or 1 in 251) over  $k=10$  years;  $1-(1-0.00398)^{10} = 0.03909$ , or 3.9 deaths per 100 workers.

30. "Safety Pays," *The Pantagraph* 2, no. 9 (Sept. 1928): 4; Sam Evans, press secretary, Local Union 723, Fort Wayne, Indiana, letter to the editor, *The Journal of Electrical Workers* 14 (May 1915): 331; Williams-Searle, "Courting Risk," 47, 51, 54–57; Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919–1939* (New York: Cambridge University Press, 1990), 64–75. The Illinois Traction System was large enough to establish a hospital association for workers in 1907. Originally membership was voluntary, but railroad management made dues to the hospital association a compulsory part of employment by 1912. *Electric Railway Journal* 39 (20 Jan. 1912): 95.

31. Aldrich, *Safety First*, 34, 171.

32. Crystal Eastman, *Work Accidents and the Law* (New York: Charities Publication Committee, 1910; reprint, New York: Arno Press, 1969), 169–71, 175–76; Lawrence M. Friedman and Jack Ladinsky, "Social Change and the Law of Industrial Accidents," *Columbia Law Review* 67 (Jan. 1967): 60–62; Aldrich, *Safety First*, 30–31; Williams-Searle, "Courting Risk," 31, 37–40.

33. Aldrich, *Safety First*, 31; Williams-Searle, "Courting Risk," 58–59.

34. Philip L. Merkel, "The Origins of an Expanded Federal Court Jurisdiction: Railroad Development and the Ascendancy of the Federal Judiciary," *Business History Review* 58 (autumn 1984): 345–46.

35. Friedman and Ladinsky, "Social Change and the Law of Industrial Accidents," 67.

36. Sheldon Stromquist, *A Generation of Boomers: The Pattern of Railroad Labor Conflict in Nineteenth-Century America* (Urbana and Chicago: University of Illinois Press, 1987), 220–23, 228, 272. Some of the numerous other studies of railroad employment include Walter Licht, *Working for the Railroad: The Organization of Work in the Nineteenth Century* (Princeton, N.J.: Princeton University Press, 1983); James H. Ducker, *Men of the Steel Rails: Workers on the Atchison, Topeka & Santa Fe Railroad, 1869–1900* (Lincoln: University of Nebraska Press, 1983); David L. Lightner, *Labor on the Illinois Central Railroad, 1852–1900: The Evolution of an Industrial Environment* (New York: Arno, 1977); Gerald G. Eggert, *Railroad Labor Disputes: The Beginnings of Federal Strike Policy* (Ann Arbor: University of Michigan Press, 1967); Almont Lindsey, *The Pullman Strike: The Story of a Unique Experiment and of a Great Labor Upheaval* (Chicago: University of Chicago Press, 1942); Nick Salvatore, *Eugene V. Debs: Citizen and Socialist* (Urbana: University of Illinois Press, 1982); and Eric Arnesen, *Brotherhoods of Color: Black Railroad Workers and the Struggle for Equality* (Cambridge, Mass.: Harvard University Press, 2001).

37. Clifton J. Phillips, *Indiana in Transition: The Emergence of an Industrial Commonwealth, 1880–1920*, The History of Indiana, vol. 4 (Indianapolis: Indiana Historical Bureau and Indiana Historical Society, 1968), 258–61.

38. *Ibid.*, 258; William G. Ross, *A Muted Fury: Populists, Progressives, and Labor Unions Confront the Courts, 1890–1937* (Princeton, N.J.: Princeton University Press, 1994), 16, 41–42; William E. Forbath, *Law and the Shaping of the American Labor Movement* (Cambridge, Mass.: Harvard University Press, 1991), 191.

39. Interstate Commerce Commission appropriations, 34 Statutes at Large 705, Chapter 3914; "An Act to Promote the Safety of Employees and Travelers upon Railroads by Limiting the Hours of Service of Employees Thereon," 34 Stat. 1415, Chap. 2939; "An Act to Promote the Safety of Employees on Railroads," 35 Stat. 476, Chap. 225; Interstate Commerce Commission appropriations, 35 Stat. 966, Chap. 299; Aldrich, *Safety First*, 176, 286.

40. "An Act Relating to Liability of Common Carriers in the District of Columbia and Territories and Common Carriers Engaged in Commerce between the States and between the States and Foreign Nations to Their Employees," 34 Stat. 232, Chap. 3073; *Howard v. Illinois Central Railroad Company*, 207 U.S. Reports 463 U.S. 499 (1908); "An Act Relating to the Liability of Common Carriers by Railroad to Their Employees in Certain Cases," 35 Stat. 65, Chap. 149.

41. Eastman, *Work Accidents and the Law*, 208; Ross, *Muted Fury*, 43; *Mondou v. New York, New Haven and Hartford Railroad Company*, 223 U.S. 1 (1912); *Kansas City Western Railroad Company v. George B. McAdow*, 240 U.S. 51 (1916); *Spokane and Inland Empire Railroad Company v. United States*, 241 U.S. 344 (1916); *Spokane and Inland Empire Railroad Company v. Edgar E. Campbell*, 241 U.S. 497 (1916); *Washington Railway and Electric Company v. Ann Catherine Scala, Administratrix of the Estate of Alvin Joseph Scala, Deceased*, 244 U.S. 630 (1917).

42. Donald F. Tingley, *The Structuring of a State: The History of Illinois, 1899–1928*, The Sesquicentennial History of Illinois, vol. 5 (Urbana: University of Illinois Press for the Illinois Sesquicentennial Commission and the Illinois State Historical Society, 1980), 101; *The Chicago and Interurban Traction Co., Plaintiff in Error v. The Industrial Board of Illinois et al. Defendants in Error*, 282 Illinois Reports 230; Philips, *Indiana in Transition*, 336–37.

43. Forbath, *Law and the Shaping of the American Labor Movement*, 33; Ross, *Muted Fury*, 3, 5; Rayman L. Solomon, *History of the Seventh Circuit, 1891–1941* (n.p.: The Bicentennial Committee of the Judicial Conference of the United States, [1980?]), 108–9. The broader questions of how workers and judges interacted in the realm of law and how court decisions constricted the American labor movement are explored in Forbath, *Law and the Shaping of the American Labor Movement*; Christopher L. Tomlins, *The State and the Unions: Labor Relations, Law, and the Organized Labor*

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*Movement in America, 1880–1960* (New York: Cambridge University Press, 1985); Morton J. Horowitz, *The Transformation of American Law, 1870–1960: The Crisis of Legal Orthodoxy* (New York: Oxford University Press, 1992); Herbert Hovenkamp, *Enterprise and American Law, 1836–1937* (Cambridge, Mass.: Harvard University Press, 1991); Peter Karsten, *Heart versus Head: Judge-Made Law in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1997); Karen Orren, *Belated Feudalism: Labor, the Law, and Liberal Development in the United States* (New York: Cambridge University Press, 1991); and Victoria Hattam, *Labor Visions and State Power: The Origins of Business Unionism in the United States* (Princeton, N.J.: Princeton University Press, 1993).

44. “Anderson, Albert Barnes,” in *Judges of the United States*, 2d ed. (Washington, D.C.: U.S. Government Printing Office for the Bicentennial Committee of the Judicial Conference of the United States, 1983), 9; Solomon, *History of the Seventh Circuit*, 108–9.

45. Solomon, *History of the Seventh Circuit*, 108–9. Some influential studies of the Progressive Era include Samuel P. Hays, *The Response to Industrialism, 1885–1914*, 2d ed. (1957; reprint, Chicago: University of Chicago Press, 1995); Robert H. Wiebe, *The Search for Order, 1877–1920* (New York: Hill and Wang, 1967); Arthur S. Link and Richard L. McCormick, *Progressivism* (Arlington Heights, Ill.: Harlan Davidson, 1983); Martin J. Sklar, *The Corporate Reconstruction of American Capitalism, 1890–1916: The Market, the Law, and Politics* (New York: Cambridge University Press, 1988); Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State, 1877–1917* (Chicago: University of Chicago Press, 1999); David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865–1925* (New York: Cambridge University Press, 1987).

46. Praecipe for Summons, 3 December 1914, and Complaint, 11 December 1914, pp. 2–5, *Fellers v. CLS & SB*; Probate Case 5263, *In the Matter of the Estate of Albert E. Fellers, Deceased*, Records of the District Court of Black Hawk County, Black Hawk County Courthouse, Cedar Rapids, Iowa.

47. Answer, 2 January 1915, Fellers deposition, 5–6, and endorsement, *Fellers v. CLS & SB*; Enumeration of James Fellers, Jr., line 24, sheet 12A, family number 293, enumeration district 7, Black Hawk County, Iowa, Population Schedules, Thirteenth Census of the United States, 1910 (M624, Roll 392), Records of the Bureau of the Census, RG 29, NARA–GLR.

48. Warring testimony, 8–10.

49. *Ibid.*, 10; Buckley testimony, 11–13.

50. Buckley testimony, 14 (italics added).

51. Hunter testimony, 17–18.

52. Fellers testimony, 20–21.

53. Harper testimony, 22.

54. *Ibid.*; *Hammond Times*, 22 Apr. 1914.

55. “Awarded \$75,000 against New Haven for Loss of Arms,” *The Electrical Worker* 14, no. 1 (May 1914): 237; “Information Wanted,” *The Journal of Electrical Workers and Operators* 14, no. 9 (Jan. 1915): 41.

56. “Gets Verdict of \$22,750,” *The Electrical Worker* 14, no. 7 (Nov. 1914): 551.

57. William D. Middleton, *South Shore: The Last Interurban* (San Marino, Calif.: Golden West Books, 1970), 23–24, 135; *Michigan City News*, 10 June 1914; CLS & SB Annual Reports, FYs 1910–1915, p. 49, and CY 1916, pp. 231, 306.

58. Middleton, *South Shore*, 134, 159; “The Chicago, Lake Shore and South Bend Railway Company, Time-Table Number 21 for the Government of Employees Only”; “Freight Locomotives for the South Shore Lines,” *Electric Railway Journal* 48 (11 Nov. 1916): 1018–21; *Michigan City News*, 10 Jan. 1917.

59. *Michigan City Evening Dispatch*, 22 Nov. 1916; *Michigan City Evening News*, 22, 23 Apr. 1916; “Obituary,” *Electric Railway Journal* 48 (2 Dec. 1916): 1180. The conductor on the locomotive, Earl Ferner, also known as D. E. Ferner, began working for the South Shore Line in 1908, eventually serving as the railroad’s vice president and general manager, as well as a member of the board of directors, before being elected president from 26 September until 31 December 1960. *1960 Annual Report, Chicago, South Shore and South Bend Railroad* (Michigan City, Ind.: Chicago, South Shore and South Bend Railroad, 1961), 12 (copy in the author’s possession).

60. *Michigan City Evening Dispatch*, 22 Nov. 1916; *Michigan City Evening News*, 22 Apr. 1916.

61. *Michigan City Evening Dispatch*, 22 Nov. 1916; *Michigan City Evening News*, 22 Apr. 1916; “Obituary,” 1180.

62. *Michigan City Evening News*, 23 Nov. 1916.

63. *Michigan City News*, 28 Feb. 1917.

64. *Chicago, Lake Shore and South Bend Railway v. Edna Brown, a minor, by her next friend Frank Brown*, 66 Ind. App. 126; *Michigan City News*, 5 Feb. 1917. The Indiana Railroad Commission responded to public outrage over deadly collisions on the South Shore in 1909 and on several Indiana and Illinois interurban lines in September and October 1910 by drawing attention to the Chicago and North Western Railroad’s worker safety initiative propelled by R. C. Richards in the commission’s 1911 report and by recommending that every steam and electric railroad in Indiana adopt safety committees in

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which officers and workers participated. The following year, the commission complained that “Responses to this circular have not been satisfactory.” Only the Indianapolis, Columbus and Southern had organized a safety committee of interurban railway workers and managers under the line’s general manager A. McShane, previously the chief inspector for the Indiana Railroad Commission. After an April 1912 circular pointed out managerial resistance and again urged all interurban and steam roads to form and sustain active worker safety committees, the South Shore’s managers joined the officials of eight other electric railways in reporting to the commission that they either had organized or were organizing a safety committee in spring 1912. No evidence has been uncovered that this promise to become proactive about worker safety actually was carried out and sustained, though. See *Fourth Annual Report of the Railroad Commission of Indiana*, 318, 376–391, and *Fifth Annual Report of the Railroad Commission of Indiana*, 333, 343–44, 598–600, 613.

65. CLS & SB Annual Reports, CYs 1916–1924, p. 403; Aldrich, *Safety First*, 284–85. Indiana state accident data, when it was reported at all, should be treated as underreported. It is not clear what constituted a reportable or unreportable injury under vague state directives for interurbans. As the reader shall see, the post–1925 railroad management team appeared to report every single injury, exceeding by far what the state government considered reportable accidents.

66. Middleton, *South Shore*, 31, 34; *Electric Railway Journal* 63 (12 Apr. 1924): 600; *ibid.* 64 (12 July 1924): 72; *Michigan City News*, 9 July 1924.

67. *Electric Railway Journal* 64 (12 July 1924): 72; *Michigan City News*, 9 July 1924.

68. *Michigan City News*, 9 July 1924.

69. Robert Asher, “Failure and Fulfillment: Agitation for Employers’ Liability Legislation and the Origins of Workmen’s Compensation in New York State, 1876–1910,” *Labor History* 24 (spring 1983): 199–222, and “Industrial Safety and Labor Relations in the United States, 1865–1917,” in Charles Stephenson and Robert Asher, eds., *Life and Labor: Dimensions of American Working-Class History* (Albany: State University of New York Press, 1986): 115–30; Aldrich, *Safety First*, 104, 107–8; “Personal Mention: Mr. Charles B. Scott,” *Electric Railway Journal* 41 (15 Feb. 1913): 312; “Middle West Utilities Bureau of Safety,” *ibid.* (22 Feb. 1913): 368.

70. “Personal Mention: Mr. Charles B. Scott,” 312; “Middle West Utilities Bureau of Safety,” 368; “Safety Should Be First,” *Electric Railway Journal* 41 (12 Apr. 1913): (cover). An extremely informative study of certain Chicago-area utility companies, their consolidation under Samuel Insull’s control, and the equation of electricity with societal progress can be found in Harold Platt, *The Electric City: Energy and the Growth of the Chicago Area, 1880–1930* (Chicago: University of Chicago Press, 1991).

71. Middleton, *South Shore*, 37; “Safety on Illinois Railways,” *Electric Railway Journal* 44 (28 Nov. 1914): 1197.

72. “Chicago Elevated Railways Organize for Safety,” *Electric Railway Journal* 55 (14 Feb. 1920): 340.

73. *Ibid.*, 340–41.

74. “Interurban Railway Safety Campaign,” *Electric Railway Journal* 48 (23 Dec. 1916): 1318; Aldrich, *Safety First*, 123.

75. Louis Resnick, “Remarkable Results on the North Shore’s Safety Campaign,” *Electric Traction* (July 1921): 460; Aldrich, *Safety First*, 123, 127; Henry Cordell, “Paper to Be Presented before the National Safety Council, Electric Railway Section, New York City, October 1–5, 1928,” in John D. Horachek, ed., “One Hundred Per Cent Safety! The Shop Employee’s Contribution to a Safe Railway,” *First and Fastest* 16, no. 2 (summer 2000): 8–11.

76. “Interurban Railway Safety Campaign,” 1318; Aldrich, *Safety First*, 123, 127; Cordell, “Paper to Be Presented before the National Safety Council,” 8, 11; “Girls’ First Aid Team Attracts Wide Attention,” *Electric Traction* (Aug. 1924): 354; Charles B. Scott, “Co-operation Makes Safety Work Successful,” *Electric Railway Journal* 53 (22 Feb. 1919): 359; Louis Resnick, “Remarkable Results on the North Shore’s Safety Campaign,” *Electric Traction* (July 1921): 460; “Safety Council Graduates Receive Diplomas,” *Electric Railway Journal* 62 (7 July 1923): 32; “1925 Annual Inter-Company Safety Conference, Edison Building, January 8–9, 1925,” unpublished attachment in Charles B. Scott, letter to B. W. Arnold, 27 Dec. 1924, in “Safety” file, records of the Chicago, North Shore and Milwaukee Railroad, legal custody of John D. Horachek. The proceedings were published about six weeks after the conference.

77. Scott, “Co-operation Makes Safety Work Successful,” 359–60; Cordell, “Paper to Be Presented before the National Safety Council,” 8–10; Aldrich, *Safety First*, 123, 127; Resnick, “Remarkable Results on the North Shore’s Safety Campaign,” 460.

78. Scott, “Co-operation Makes Safety Work Successful,” 360; Resnick, “Remarkable Results of the North Shore’s Safety Campaign,” 459; “Employees Receive First Aid Awards at Chicago Dinner,” *The Pantagraph* 1, no. 1 (Apr. 1927): 3; Bert W. Arnold, “Accident Prevention from the Executive’s Viewpoint,” *Electric Railway Journal* 68 (21 Aug. 1926): 314.

79. Middleton, *South Shore*, 34–35, 37–70; Norman Carlson, ed., *Chicago, South Shore & South Bend Railroad: How the Medal Was Won*, Central Electric Railfans’ Association Bulletin 124 (Chicago: Central Electric Railfans’ Association, 1985).

80. Middleton, *South Shore*, 37–39, 42, 46; Carlson, ed., *How the Medal Was Won*, 63, 82, 122, 132; “First and Fastest,” promotional booklet, in the author’s possession, 3.
81. Middleton, *South Shore*, 46, 64–65, 68, 69; “First and Fastest,” 3.
82. Carlson, ed., *How the Medal Was Won*, 63, 136; File 1259, “Report of the Director of the Bureau of Safety In Re Investigation of an Accident Which Occurred on the Chicago, South Shore and South Bend Railroad Near Gary, Ind. on April 10, 1926,” *Interstate Commerce Commission Accident Investigation Reports, 1911–1966*, Special Collections, U.S. Department of Transportation Library, Internet URL [www.specialcollections.tasc.dot.gov/scripts/rsi.dll?button&uc=361ZF694&button=9](http://www.specialcollections.tasc.dot.gov/scripts/rsi.dll?button&uc=361ZF694&button=9), 4 August 2001
83. “Geo. Jafros, Car Placer, Dead in Yard Accident,” *The Pantagraph* 1, no. 6 (Nov. 1927): 8.
84. CSS & SB Annual Reports, CYs 1925–1938, pp. 403, 404; *Annual Report of the Public Service Commission of Indiana for the Fiscal Year Ending September 30, 1927* (Indianapolis: William B. Burford for the Legislative Reference Bureau, 1928), 37; Aldrich, *Safety First*, 285.
85. Carlson, ed., *How the Medal Was Won*, 139; Middleton, *South Shore*, 46; George V. Campbell, *Days of the North Shore Line* (Delavan, Wisc.: National Bus Trader, 1985), 109, 111.
86. Carlson, ed., *How the Medal Was Won*, 140; *The Pantagraph* 1, no. 6 (Nov. 1927): 6; *ibid.*, no. 2–3 (May–June 1927): 8; Middleton, *South Shore*, 58; “Additional Authority for Dr. H. E. Fisher,” *Electric Railway Journal* 69 (18 June 1927): 1112.
87. *The Pantagraph* 1, no. 1 (Apr. 1927): 3.
88. Carlson, ed., *How the Medal Was Won*, 138, 140; *The Pantagraph* 1, no. 6 (Nov. 1927): 6; *ibid.* 2, no. 9 (Sept. 1928): 8; *ibid.*, no. 1 (Jan. 1928): 3.
89. Aldrich, *Safety First*, 140–41; Carlson, ed., *How the Medal Was Won*, 139; *The Pantagraph* 2, no. 1 (Jan. 1928): 3; *ibid.*, no. 5 (May 1928): 3.
90. *The Pantagraph* 2, no. 1 (Jan. 1928): 3; *ibid.*, no. 9 (Sept. 1928): 8.
91. *Ibid.* 1, no. 1 (Apr. 1927): 1; *ibid.* 3, no. 5 (May 1929): 4; *ibid.* 2, no. 6 (June 1928): 2, 4; *ibid.* 2, no. 9 (Sept. 1928): 8; *ibid.* 2, no. 11 (Nov. 1928): 3.
92. *Ibid.* 2, no. 1 (Jan. 1928): 8; *ibid.*, no. 2 (Feb. 1928): 8; *Michigan City Evening Dispatch*, 13 Feb. 1928; *The Pantagraph* 3, no. 9 (Sept. 1929): 2; *ibid.*, no. 12 (Dec. 1929): 2; *ibid.* 1, no. 6 (Nov. 1927): 8.
93. Carlson, ed., *How the Medal Was Won*, 134–35, 142.
94. *Ibid.*, 132, 134; Norman Carlson and Arthur Peterson, eds., *Remember When—Trolley Wires Spanned the Country*, Central Electric Railfans’ Association Bulletin 119 (Chicago: Central Electric Railfans’ Association, 1980), 35; Roster of Chicago, South Shore and South Bend Railroad Equipment, p. 1-22.
95. Hedstrom, “Six Decades Service on the South Shore Line,” 123.
96. *Ibid.*
97. *Ibid.*, 120.
98. *Ibid.*, 121.
99. Carlson, ed., *How the Medal Was Won*, 140; “Safety Notes,” *The Pantagraph* 2, no. 1 (Jan. 1928): 3; “Safety Pays,” *The Pantagraph* 2, no. 9 (Sept. 1928): 4; “Clemmons Review 1929 Safety Record,” *ibid.* 4, no. 2 (Feb. 1930): 1; Middleton, *South Shore*, 58. The estimated numbers of lost work hours were calculated from 430 days in 1929 amounting to a reported 23 percent decrease from 1928 days lost, which would imply 558 days in 1928. The 1928 estimate was used in conjunction with a reported one-third reduction in lost days from the 1927 number, which would imply roughly 833 days of lost work time in 1927. The estimates are supported by actual data for the first six months of 1927 and 1928: 533 days of lost time for January to June 1927, reduced by 28.5 percent to 381 days of lost time during January through June 1928. “Safety Pays,” 4.
100. See Table 2 and note 85 for injury and fatality numbers and rates. See also Kathy Keeney, “Four Letters Feared Most by Short Lines, Regionals,” *Modern Railroads* 44, no. 24 (Dec. 1989): 14–15.
101. “High Safety Record is Made in October on South Shore Line,” *The Pantagraph* 3, no. 11 (Nov. 1929): 1; “They Make Riding Smoother,” *ibid.*, no. 12 (Dec. 1929): 3; “Employees Are Urged to Heed Safety Rules,” *ibid.* 4, no. 1 (Jan. 1930): 7; Chicago South Shore and South Bend Railroad—Accident and Fire Prevention Rules, December 1, 1929, pp. 13–26, printed booklet in the author’s possession.
102. Aldrich, *Safety First*, 284–85. A 1939 amendment to the Federal Employers’ Liability Act finally overturned the antiquated notion of assumption of risk. Pub. L. No 76-382, 53 Stat. 1404 (1939), as reported by Daniel Saphire in “FELA and Rail Safety: A Response to Babcock and Oldfather, ‘The Role of the Federal Employers’ Liability Act in Railroad Safety,’” *Transportation Law Journal* 19 (1991): 403.
103. Middleton, *South Shore*, 70–72; see Table 2 and note 85 for injury and fatality sources; “Employee Establish New Safety Record,” *The Pantagraph* 5, no. 12 (Dec. 1931): 2.

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104. Petition to Settle Claim for Personal Injuries to Employee, filed 23 May 1934, Bankruptcy Case 972, *In the Matter of the Chicago, South Shore and South Bend Railroad*, Bankruptcy Case Files, 1925–1946, Bankruptcy Records, 1925–1976, USDC/NDI–South Bend Division, RG 21, NARA–GLR.
105. Petition to Settle Claim for Personal Injuries of Employee, filed 8 December 1934, Bankruptcy Case 972, *In re: CSS & SB RR*, USDC/NDI–South Bend, RG 21, NARA–GLR; Rule 58, Chicago South Shore and South Bend Railroad—Accident and Fire Prevention Rules, 12; Rule 713, Chicago, South Shore and South Bend Railroad—Rules for the Government of the Operating Department, June 1, 1930, p. 78, printed book in the author’s possession.
106. Petition to Settle Claim for Personal Injuries to Employee.
107. Complaint, filed 26 March 1934, Law Case 655, *George R. Burgwald v. Chicago, South Shore and South Bend Railroad*, Law Cases, 1912–1938, Law Records, 1912–1938, USDC/NDI–Hammond, RG 21, NARA–GLR; Aldrich, *Safety First*, 196; Petition to Settle Claim for Personal Injuries of Employee, filed 8 December 1934.
108. Motion to Make Complaint More Definite and Certain, filed 23 April, 1934, and Docket Sheets for Law Case 655, *Burgwald v. CSS & SB RR*, Law Dockets, 1912–1938, Law Records, 1912–1938, USDC/NDI–Hammond, RG 21, NARA–GLR; Petition to Settle Claim for Personal Injuries of Employee, filed 8 December 1934, and Order, filed 8 December 1934, Bankruptcy Case 972, *In re: CSS & SB RR*, USDC/NDI–South Bend, RG 21, NARA–GLR; Aldrich, *Safety First*, 189–90.
109. Petitions and Orders to Settle Claims for Personal Injuries and/or Property Damage, various dates, *In re: CSS & SB RR*.
110. *Ibid.*
111. Hedstrom, “Six Decades Service on the South Shore Line,” 48–49.
112. *Ibid.*, 320–21; “Trainmen Celebrate Lodge Anniversary,” *The Patagraph*, 4, no. 4 (Apr. 1930): 2; Award No. 502, Docket No. CL-489, and Award No. 504, Docket No. CL-491, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes and Chicago, South Shore and South Bend Railway company, *Awards of the Third Division, National Railroad Adjustment Board* (Washington, D.C.: U.S. Government Printing Office, 1938), 9, 15.
113. *Shannahan v. U.S.*, 303 U.S. 596.
114. Hedstrom, “Six Decades of Service on the South Shore Line,” 118, 120; Middleton, *South Shore*, 115.
115. Board Action 5325, *In the Matter of the Chicago, South Shore and South Bend Railroad*, Records of the Railroad Retirement Board, RG 184, NARA–GLR; Railway Labor Docket No. 8, *In the Matter of the Chicago, South Shore and South Bend Railroad*, 214 I.C.C. 167.
116. In March 1992 the Railroad Retirement Board (RRB) and the National Archives and Records Administration (NARA), in accordance with a legally approved records disposition schedule, destroyed hundreds of bound volumes and boxes of payroll and personnel records that the RRB had collected from abandoned railroads for employment data about railroaders prior to the passage of the Railroad Retirement Act of 1937. NARA appraised the records as lacking sufficient historical value to merit preservation and RRB officials approved the judgment. The long list of abandoned railroads that had employee records from the period between 1910 and 1930 in NARA accession 67A638 and 73A187, destroyed in March 1992, includes the names of most of the electric interurban railroads of the United States. Personnel records about the following major midwestern interurban lines were destroyed at that time: Ohio Electric Railway (1917–1923); Indianapolis, Columbus and Eastern Traction Company (1923–1929); Lake Shore Electric Railway (1920–1936); Cincinnati and Lake Erie (1922–1936); Chicago, South Bend and Northern Indiana Railway and Southern Michigan Railway (1917–1934); Interstate Public Service (1916–1932); Union Traction Company of Indiana (1917–1931); Indianapolis and Louisville Traction (1917–1922); Louisville and Northern Railway and Lighting Company (1919–1921); Terre Haute, Indianapolis and Eastern Traction Company (1917–1931); Chicago, Aurora and Elgin Railroad (1922–1936); and Chicago, North Shore and Milwaukee Railroad (1917–1936).