

THE RAILROAD AS A FACTOR IN
ARIZONA HISTORY

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INTRODUCTION

From the opening of the first passenger and freight transportation road by the Baltimore and Ohio in 1830, to 1927, when the construction peak was reached in railroad building, there has grown up one of the greatest industries in the United States. This huge industry has developed a large class of workmen with occupational problems quite different from other trades, for from its very nature it has been from the first extremely hazardous. These men realized at an early period in the railroad growth, that to secure safety, tenure, and increased wages, active participation in federal and state politics was necessary.

This activity in itself has furnished material for a study to show that the Brotherhood of Railroad Trainmen has been a factor in helping to develop federal and state history.

Effective organization was accomplished soon after the first lodge was established in 1883. Since state regulation had been attempted but was unsuccessful, the trainmen felt that federal regulation was the only solution to their problem and they accordingly set about using their influence to secure the passage of a number of Federal Laws, which have succeeded in regulating interstate traffic, thereby reducing the hazards to a considerable degree.

Arizona, the youngest state in the union, was slow to develop. Being a territory for a long period, subject to direct federal control, its politics were dominated by the more powerful corporations with the people having very little voice in affairs. The Enabling Act changed all this and the various labor groups in the state played a great part in shaping the laws of the new state, the railroad organizations being one of the most active.

However with the passage of desirable laws, activity of these workmen could not cease. They must be ever on the alert to guarantee continued enforcement of the laws and to cope with the ever-changing conditions of a rapidly changing economic world, for new problems arise with the improvement of equipment in this age of invention.

CHAPTER I

RAILROADS OF THE UNITED STATES AND THE BROTHERHOODS.

With the growth of the railroads in the United States, the problems of the working man have grown also. At the insistence of groups of individuals, legislation has been passed which tends to correct these defects. The first constructive steps along this line were made by the Federal Government and the several states later added more.

The purpose of this chapter is to go into the history of the transportation systems and organizations of workmen so that we may have a better understanding of the legislation which was passed, first by the Federal Government to safeguard the lives of the workmen, and next by our own state, which had in mind, not only the workmen but the public as well.

The first railroad in the United States was constructed in 1795 in Boston and was an inclined plane used for moving brick.¹ In 1810 a road a mile long was built from a powder magazine to a mill.² This was followed by a wooden-rail tramway at Bear Creek, Pennsylvania in 1818.³ Maunch Church Railroad in Pennsylvania was nine miles long in 1827 and was

1. Encyclopaedia Britannica, Encyclopaedia Britannica, Inc., New York, 14th ed., 1929. Vol. XVIII, p. 935.

2. Ibid.

3. Ibid.

used to transport anthracite coal. By 1829 considerable use was being made of wood, stone or iron over which cars were being drawn by horses or stationary engines.⁴

The longest railroad in the world was finished to Hamburg, South Carolina in 1833, with one hundred thirty-five miles of track.⁵ The Baltimore and Ohio was the first road built for transporting passengers and freight. Construction was begun in 1828. On May 24, 1830, thirteen miles were opened in Maryland and by December 1, 1831, it had been extended to Frederick City. It was built as rapidly as possible and by 1834 had reached Bladensburg, near Washington.⁶

Once the excellence and desirability of transportation facilities afforded by railroads were realized, the general desire was to provide maximum mileage in the briefest possible time.⁷ The railroad promoter was viewed as a public benefactor and every effort was made to encourage him.⁸

The Southern Pacific line from New Orleans to San Diego and the Union Pacific from Salt Lake City to San Francisco were projected during the decade prior to the Civil War.⁹ After the Civil War the transcontinental line of the Union Pacific was completed in 1869 and the transcontinental lines

4. Johnson, Emory R., Amer. Railway Transp. p. 21-23

5. Ibid.

6. Ibid.

7. Bernhardt, Joseph, Interstate Commerce Commission Monographs of the United States Government. vol. 18, p. 2.

8. Taussig, Frank, Principles of Economics, p. 393-394.

9. Murdock, John R., Outline of Arizona and Southwestern History, p. XIV.

of the Southern Pacific and the Atlantic Pacific were surveyed and built.¹⁰ The Southern Pacific was built through Arizona and joined with the Texas and Pacific,¹¹ near El Paso, Texas.¹² One hundred two miles were completed by 1869, and, in the subsequent four years one hundred seventy-two additional miles were constructed.¹³ The year 1881 marked its completion from San Francisco to New Orleans, two thousand four hundred eight-nine miles.¹⁴ The Atlantic and Pacific was built from Sedalia, Missouri, along the 35th parallel. Later its name was changed to the Atchinson, Topeka, and Santa Fe.¹⁵ It was completed to San Diego in 1893.¹⁶

By 1902 there were 202,471 miles of railroad in the United States.¹⁷ In 1897 there were 824,476 employees, while in 1903 there were 1,189,315 employees.¹⁸

The following table will show the growth of the railroad mileage in the various sections of the United States from 1840 to 1927. The peak was reached by 1920 and from that date to 1927 each section listed had lost mileage.¹⁹

10. Murdock, John R., Outline of Arizona and Southwestern History, p. XIV.

11. Riegel, Robert Edgar, The Story of the Western Railroads, p. 182

12. Ibid.

13. Encyclopaedia Britannica, op. cit., Vol. 18, p. 936.

14. Riegel, op. cit., p. 183.

15. Murdock, op. cit., p. XIV.

16. Encyclopaedia Britannica, op. cit., Vol. 18, p. 396.

17. "Statistics for 1902-1903", Independent, 55: 1590 (July 2 1903).

18. Ibid.

19. Encyclopaedia Britannica, op. cit., Vol. 18, p. 935.

Length of Railway Lines in United States

Yr.	N.Eng.	M. At.	N.Cent.	W.Miss.	S&E Miss	Total
1840	517	1566	80	636	none	2799
1850	2507	3105	1272	1799	none	8683
1860	3660	6353	9592	8838	1840	30283
1870	4494	10991	14701	11501	12191	53878
1880	5997	15949	26382	14908	31435	94671
1890	6718	19842	36923	29492	70622	163597
1900	7521	24691	41006	35546	84582	193346
1910	7722	27379	44929	47025	113184	240439
1920	7941	28096	44905	49556	122347	252845
1927	7636	27741	43684	48392	121678	249131

By 1935 transportation had claimed the most numerous and varied class of employees in the railroad service and was the closest in contact with the general public.²⁰ The number of men employed had grown in proportion to the number of miles of railroad constructed.²¹ In May 1928, the Brotherhood of Railroad Trainmen alone, had 184,355 members employed.²²

The proper administration of the transportation department was of first importance to the company concerned. Trains had to be run safely and on time; freight had to be promptly handled without friction with shippers; ingenuity and resourcefulness were always demanded to meet unexpected conditions, such as moving business despite blockades, accidents, washouts and snow-storms; and the maximum tonnage had to be moved with a minimum of cost.²³ The men in the transpor-

20. Wilgus, Wm. J., "Railroading," Cosmopolitan, 35:463, August 1903.

21. Independent, 55:1590, July 2, 1903, "Statistics for 1902-3"

22. The Railroad Trainmen, May 1935, p. 284.

23. Wilgus, op. cit., p. 463.

tation department were above all others expected to render faithful, loyal service. Enginemen and firemen, conductors, baggagemen and trainmen carried the safety and comfort of the train service in their hands.²⁴

There were many unions representing railroad workers. The Railway Brotherhoods or labor unions were formed by employees of railways to advance their interests and promote their social, moral, and intellectual welfare.²⁵ The larger and more typical organizations have been distinguished for their generally conservative attitude, their large mutual benefits and insurance funds and their organization of grievance committees for arranging differences between their members and employers and avoiding strikes.²⁶ As a rule they have maintained pleasant relations with employers and have been instrumental in obtaining increased wages and general improvement in the condition of railway labor.²⁷ It was alleged that in 1935 more than one million of the railway workers were members of one or another of the twenty-six or more labor unions that existed in this field.²⁸ The so-called "Big Four" among these organizations were the Brotherhood of Locomotive Engineers, organized March 17, 1863; Order of Railway Conductors of America, organized July 6, 1868; the Brotherhood of Locomotive Firemen and Enginemen, organized December 1, 1873; and the Brotherhood of Railroad

24. Wilgus, *op. cit.*, p. 463

25. *Encyclopaedia Americana*, Vol. 23, p. 160.

26. Thompson, Slason, *Short History of Amer. Railroads*, p. 250-252.

27. *Ibid.*

28. *Encyclopaedia Britannica*, *op. cit.*, p. 940

Trainmen organized September 23, 1883.²⁹

A chart of the membership of the four Brotherhoods is given which shows the number belonging each ten year period from 1890 to 1928.³⁰

Yr. :	Eng. :	Cond. :	Fire. :	Train. :	Total :
1890 :	----- :	14453 :	18657 :	13562 :	46672 :
1900 :	35600 :	24600 :	36000 :	43200 :	139400 :
1910 :	67400 :	46000 :	69200 :	113900 :	296500 :
1920 :	86900 :	56000 :	125900 :	184600 :	453400 :
1928 :	88000 :	60000 :	108401 :	200000 :	456401 :
:	:	:	:	:	:

The large increase from 1910 to 1920 was partly attributable to the policy of the United States Railroad Administration in 1918 and 1920 of appointing union officers as its representatives in negotiations concerning wages and conditions.³¹ The great Brotherhoods have been able substantially to maintain the gains of this period but most other organizations of railroad labor have passed wholly out of existence.³²

Eight railroad unions have never become affiliated with the American Federation of Labor. In 1914 their combined membership was 373,339 men.³³ Of these unions the largest is the Brotherhood of Railroad Trainmen; the Brotherhood of Locomotive Firemen and Enginemen; the Brotherhood of Locomotive Engineers and the Order of Railway Conductors.³⁴

29. Thompson, op. cit.

30. Encyclopaedia Britannica, op. cit., p. 940

31. Ibid.

32. Ibid.

33. Groat, Organized Labor in America, p. 55

34. Ibid.

By 1917 there were three unions each with a membership of over 100,000. These were the United Mine Workers of America, the United Brotherhood of Carpenters and Joiners of America and the Brotherhood of Railroad Trainmen.³⁵

When William Doak was selected by President Hoover to fill a vacancy in the cabinet caused by the resignation of James J. Davis, Secretary of Labor, William Green, president of the American Federation of Labor, protested his appointment on the grounds that the Brotherhood of Railroad Trainmen were not affiliated with the American Federation of Labor.³⁶ Mr. Hoover replied,

"Mr. Doak has been identified with organized labor all his adult life. He has been endorsed by several score of labor unions. I know he will represent all labor in his public duties."³⁷

In an Editorial in the Philadelphia Record of April 27, 1934, A. F. Whitney, President of the Brotherhood of Railway Trainmen and Chairman of the Railway Executive Association was quoted as saying:

"If American labor in general was as well organized as the Railroad Brotherhoods, the complicated machinery of N. R. A. would not be necessary."³⁸

Since this chapter is concerned with the Railroad Brotherhoods and since each of the four Brotherhoods have the same general form this discussion will be limited to the Brotherhood of Railroad Trainmen which has become the

35. Groat, op. cit., p. 130.

36. New York Times, Nov. 29, 1930.

37. Ibid.

38. Report of President of Brotherhood of Railroad Trainmen, p. 263.

largest of the four organizations. From a small beginning in 1883, it has developed into one of the largest and most influential labor organizations, due probably to its dislike for extreme or radical actions and its business like management.

The Brotherhood of Railroad Trainmen, formerly the Brotherhood of Railroad Brakemen was organized at Oneonta, New York, September 23, 1883. Employees of the Susquehanna Division of the Delaware and Hudson Railroad, in the train and yard service, met in a caboose and made plans for forming a Brotherhood.³⁹

A previous organization had existed which paid weekly benefits to members who lost time because of illness or injury. However, the trainmen wished to form an international organization similar to that of other transportation brotherhoods. On September 23, 1883, the Brotherhood of Railroad Brakemen was organized.⁴⁰

This lodge was the Grand Lodge of the Brotherhood. In March 1884 the charter was issued for subordinate Lodge #1 at Oneonta, New York from the membership of the Grand Lodge.⁴¹

The summer was spent in organizing new subordinate lodges and in October twenty-nine delegates met at Oneonta for the first annual convention. The membership totaled 901. From this time on the growth of the organization was rapid

39. "History of the Brotherhoods," The Railroad Trainmen, May 1935, p. 269.

40. Ibid.

41. Ibid.

and it enacted by-laws which made it one of the most powerful labor organizations in existence.⁴² In 1935 there were 1,014 lodges in the United States and Canada.⁴³

In May 1895 P. H. Morrissey was elected President. Under his leadership much was accomplished in the way of improved working conditions and increased wages. Wages of \$1.80 were the rule at that time and probably would have increased very little had it not been for the efforts of the trainmen.⁴⁴ He served until January 1, 1909 when he resigned to go into private business and W. G. Lee succeeded him as President. Mr. Lee served until June 30, 1928 and was succeeded by A. F. Whitney.⁴⁵

The name of the organization was changed from the Brotherhood of Railroad Trainmen by action of the Convention held in St. Paul, Minnesota in 1889.⁴⁶ Headquarters were established in Cleveland, Ohio in 1899. A large building was built in downtown Cleveland and Grand Lodge headquarters were transferred to it November 20, 1921.⁴⁷

The purpose of the organization as set forth in its preamble is as follows:

42. "History of the Brotherhoods," The Railroad Trainmen, May 1935, p. 269.

43. Directory of the Grand Lodge and Subordinate Lodges of the Brotherhood of Railroad Trainmen, March 1935.

44. Bradner, Sam, Interview, Oct. 21, 1935.

Mr. Bradner has been a member of the Brotherhood of Railroad Trainmen since 1895. He was a delegate to the Constitutional Convention in Arizona and was Speaker of the First House.

45. Trainmen Journal, op. cit., p. 269.

46. Ibid.

47. Ibid.

"To unite the Railroad Trainmen, to promote their general welfare and advance the interests, social, moral and intellectual; to protect their families, by the exercise of a systematic benevolence, very needful in a calling so hazardous as ours, this fraternity has been organized.

"Persuaded that it is for the interests both of our members and their employers that a good understanding should at all times exist between the two, it will be the constant endeavor of this organization to establish mutual confidence and create and maintain harmonious relations."⁴⁸

Conductors, baggagemen, yardmasters, and switchmen,⁴⁹ besides trainmen were eligible for membership. Length of service required for membership varied. When first organized, three years of service as a brakeman were necessary. This period was reduced to one year and later⁵⁰ only thirty days of actual work were required.

The protective department regulated the making of contracts concerning wages and service conditions. Every other department of the organization depended entirely upon the success of this protective feature of the Brotherhood, and its record of achievement was reflected in every other⁵¹ accomplishment the organization had to its credit.

Starting with very few men and without influence, it developed through the years into a splendid machine with thousands of earnest, honest and determined members, who worked with the single purpose in mind of improving the

48. Trainmen Journal, op. cit., p. 269.

49. Chautauquan 39:340-6, June 1904, Cadwallader, Starr
"Organizations of Railway Employees," p. 342.

50. Quinn, C. C., Conference, Nov. 3, 1935.

51. Trainmen Journal, op. cit., p. 270.

working and living conditions not only of themselves but every other class of employees in the United States and Canada.⁵²

Through its protective work the Brotherhood has secured better wages, a shorter work day, and improved service conditions, as well as rights to promotion and protection for employees.⁵³ At the time of its organization men were not conceded the right to be represented by their association; hours of service were unlimited; train and yard men worked for a wage as low as \$1.00 per day; they could hold their jobs only by favor of their employers, being dismissed whenever their superior desired and having no power to protest; they were without legal redress; work was performed under the most dangerous conditions, braking altogether by hand, the old "man-killer" link and pin coupler demanded its toll at a rate that meant death or disability to about forty men out of each thousand train and yard men employed. These men were without insurance, due to the hazards of the service that barred them from participation in any of the fraternal or old line associations.⁵⁴

The Brotherhood has worked diligently to correct the injustices and unfair conditions of service and has brought to the employee the assurance that so long as he performs

52. Trainmen Journal, op. cit., p. 270

53. Ibid.

54. Ibid.

his duty he will be protected in his employment. Legislation has been enacted that has placed him in the same position before the law as was enjoyed by every other citizen.⁵⁵

The Brotherhood arranged agreements and other wage arrangements in various forms with railroads representing about 270,000 miles of the 282,000 approximate miles of railway in the United States and Canada.⁵⁶

They were negotiated by committees of employees, through the instrumentality of the Brotherhood and organizations cooperating with it, to cover train and yard service. They fixed the rates of wages, hours of labor, and general rules governing employment; such as guaranteeing rights in the service, freedom from dismissal without just and good cause and a fair hearing for every employee charged with offenses. These agreements are recognized as binding both upon the railway companies and the organizations and they have tended not only to raise the standard of the employees but have tended toward establishing friendly relations with railroad employers.⁵⁷

The first "grievance committee" was believed to have been added to adjust differences between members rather than between railroad companies and their employers as is the function at present.

55. Trainmen Journal, op. cit., p. 270.

56. Ibid.

57. Ibid.

Rules were adopted in 1888, governing the work of the grievance committee in adjusting differences between the Railway Companies and the Brotherhood.⁵⁸ The following procedure was observed in handling grievances against employers. A member or members having a grievance reported the same to their local organization, which, in case the majority voted to sustain the grievance referred it to a local grievance committee, who investigated and attempted to come to an understanding with local officials. If the case was found to be of merit it was turned over to the general committee and presented by the general chairman, a salaried man paid by the subordinate lodges, to the general manager of the system. The Vice-President of the district investigated in case of disagreement and as a last resort a strike vote was ordered by the Grand Lodge officers.⁵⁹

It was several years before progress was made. In many instances the committeemen were discharged as soon as they attempted to serve as such. Membership in the Brotherhood on quite a few lines carried with it threatened loss of position, which very often became a fact, but the men were determined their organization should live.⁶⁰ Many were discharged but their determined spirit resulted in an organization strong enough to present its demands for increased wages and improved service conditions in

58. Trainmen Journal, op. cit., p. 270

59. Cadwallader, op. cit., p. 346.

60. The Railroad Trainmen, op. cit., p. 272

such a manner they could not be ignored.

From 1913 until the general movement for the eight our day and time and a half for overtime, the protective work was practically at a standstill due to the war in Europe. Much has been accomplished since 1917 by the protective department.

Application of the eight hour day was agreed on March 19, 1917. Time and one-half for overtime was given yard service employees April 10, 1919.

Beginning with 1917 and extending through 1928 the organizations were concerned primarily with wage problems. Increases were secured in all sections of the United States and in all branches of the train service. The wages of trainmen were increased from \$2.67 to \$5.84 during this period.⁶¹

Reduced business because of economic conditions led the railroads on Dec. 15, 1931 to file notice of their intentions to reduce wages fifteen per cent. A settlement reached by arbitration January 31, 1932 provided for a ten per cent reduction to be effective for one year.

In May 1932 the Interstate Commerce Commission held hearings, directed by Congress, to investigate the practicability of applying the six hour day in railroad service.

From October 1932 to February 1935 the companies signified their intentions of reducing wages three different times. Each time they reached an agreement with the

61. Trainmen Journal, op. cit., p. 272.

Brotherhood officials whereby previous reductions were extended. The reductions were eventually removed, a small per cent each year, until the original wage schedule was in effect. The last five per cent reduction was discontinued April 1, 1935.⁶²

With the introduction of the automatic coupler and the power brake so many devices were in use that the hazards of train and yard employees were considerably increased. Few of these devices were interchangeable, companies would not agree to special types, and state legislatures were not assisting in solving the problem, so the Brotherhoods decided to ask for Federal aid.⁶³

The transportation Brotherhoods sent a representative to Washington and after three years of earnest endeavor the Safety Appliance Law was enacted and signed by President Harrison in 1893.⁶⁴ This bill was passed because of pressure exerted by railroad employees and set a precedent for states to take the same power and pass laws to aid the working man and the traveling public and expedite the handling of freight.⁶⁵ This may be considered as the beginning of practical legislative work by the Brotherhoods.

62. Trainmen Journal, op. cit., p. 272

63. Ibid.

64. United States Statutes at Large, 52d Congress 1891-1893, Vol. 27, Washington Government Printing Office, 1893, p. 531, Chapter 196. "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes."

65. Bradner, Sam, Interview, Oct. 21, 1935.

In 1935 each organization was represented in Washington and their efforts have resulted in much beneficial legislation. This legislation has materially assisted in decreasing hazard, provided redress for injuries arising out of the service, as well as made the engine and train service more profitable to the railroad companies.⁶⁶

In addition to assisting in the enactment of legislation which would be of benefit to railway employees, these legislative representatives used their efforts in defeating legislation which would be detrimental to employees.⁶⁷

At the Boston Convention in 1893 a communication from Ohio signed by twenty eight delegates asked that they be permitted to organize and maintain a State Legislative Board. Boards were formed in many states and members have taken a more active interest in legislative matters generally. They have found it was to their interest to watch carefully the proceedings of law makers.

Participation by Legislative Boards have resulted in the following legislation: absentee voters; initiative and referendum; automatic fire door; blocking of frogs,⁶⁸ switches, guard rails and crossings; clearances; first aid equipment for passenger trains, light engines, and yard engines; regulating trains where two railroads cross at grades; electric

66. Railroad Trainmen, op. cit., p. 272

67. Ibid.

68. A frog is a device made of rail sections so constructed and assembled as to permit the wheels of one rail of a track to cross another rail of an intersecting track.

headlights; height of bridges over railroad tracks; makeup of passenger trains; qualifications for telegraphers, conductors, engineers, and flagmen; reporting the loss of human life on railroad property; relief associations; standard caboose; self-cleaning ash pans; semi-monthly pay day; abolishment of surprise tests in train operation; stop, look, and listen signals before railroad crossings at grades; safety appliance standards as fixed by public utilities commissions; state liability; safety guards for overhead structures; prohibiting railroad companies from discharging their employees on the report of a spotter without giving the employee a trial; switch lights on derails; terminal removal; vestibule cab; service letters; and rehabilitation.

The most recent efforts of these boards have had to do with the proper handling of trains, limiting of the length of trains, clearance of overhead and side obstructions along railroad tracks, proper construction of cabooses, safety walks and rails on bridges, vesting power in public utilities commissions to promulgate and enforce safety regulations, the regulation of busses and trucks, garnishments, education, loan sharks, and employer's liability.⁶⁹

At the time of the organization of the Brotherhood it was impossible for men to enjoy the advantages of insurance as did men in other occupations. The work was too hazardous for an insurance company to take the risk, consequently

69. Railroad Trainmen, op. cit., p. 274.

sickness, disability, or death meant serious hardship to the family of the afflicted. Railroad men were generous and they assisted each other when necessary by collections, or "passing the hat" as it was called. Since they were independent and did not like to be begged for, a plan for mutual help and mutual benefit found favor with them.

The first claims in the Insurance Department were paid January 1, 1885. Two policies of \$300 each were paid on that date. Up to and including March 31, 1935, \$111,604,298.-06 had been paid to policy-holders or their beneficiaries. This amount covered 71,664 death and disability claims.

In 1883, with thirty seven lodges organized, the constitution provided for a policy of \$300. At Houston, Texas in 1931, a modern plan for insurance was adopted. This plan provided men the finest insurance in existence for men engaged in transportation work.

Since the Brotherhood is a mutual non-profit organization, it is claimed by the officers that insurance can be furnished at a cost less than that furnished by commercial companies.⁷⁰

A legal aid department was formed to render aid and assistance to injured members or their dependent widows and orphans, when advice and counsel was most needed. In short it was to advise the dependents of their rights respecting claims for damages.

70. Railroad Trainmen, op. cit., p. 274

Conventions were held annually until 1890. The meetings were then changed to every two years, and the delegates were paid a per diem and expenses. At San Francisco in 1913 it was decided to meet every three years. Here the constitution was revised if the majority of the delegates desired and the officers for the succeeding period were elected.⁷¹

The General Chairmen have organized an International Association of General Chairmen to bring into closer relationship the General Chairmen of the Brotherhood on all the railroads in the United States and Canada. They meet annually in October. The Association recommended a Labor-Statistical Department. This department has collected, compiled and maintained data as to rates of pay, rules and working conditions, and other related matters to be used in handling wage movements, as well as maintaining records of awards, decisions, interpretation, and other related material. It has furnished advice and information to general committees and the membership on request, which has been of assistance in handling schedule questions with managements. Since its organization in 1929 it has been of invaluable service in gathering and supplying statistics and other information to officers and committees. The expense of maintaining this committee has amounted to ten cents per member per year.⁷²

71. Railroad Trainmen, op. cit., p. 274.

72. Railroad Trainmen, op. cit., p. 280.

One of the most commendable departments in the whole organization has been the Tuberculosis Department. The Tuberculosis Fund was created by and maintained from a twenty-five cent per month assessment on all members in good standing. This fund has performed a wonderful service in giving the proper care and medical treatment to those members suffering from this dread disease.

From January 1, 1923 to January 1, 1936, 1,898 members have been under its care with a resulting total expenditure of \$5,337,152.49. February 1, 1936 eighty five members were receiving hospitalization and fifty-nine members were receiving a home treatment allowance.

A home is maintained by the four Brotherhoods at Highland Park, Illinois, where aged members are cared for. The expenses are divided between the Brotherhoods and are based on the number of members each one of them has in the home.⁷³

The first railroad was constructed in the United States in 1795. Improvement and extension moved very slowly. During almost four decades less than 150 miles of railroad were built. After 1840 the rapid expansion began. In 1869 there was one transcontinental line, the Union Pacific, and the Southern Pacific and the Atlantic Pacific were built soon after. The period of greatest activity was probably between the years of 1860 and 1890, when approximately

⁷³. Railroad Trainmen, op. cit., p. 280

133,000 miles of track were laid. The number of employees also increased at a rapid rate.

As in all other occupations, railroad men are inclined to group together. The first organization, that of the Locomotive Engineers was organized in 1863 and before many years there were twenty-six railroad organizations, representing as many groups of railroad workers. Many of these were never very strong and soon ceased to exist. However, the four Brotherhoods, the Engineers, the Firemen and Enginemen, the Conductors and the Trainmen, because of conservative principles and good management, have become a power in the political life of the several states and the federal government.

The first trainmen lodge was organized in 1883 with a very small membership. It was at first intended only to advance the interests of the members in so far as working conditions were concerned but its work has been extended to protection for death and injury and care of the sick and aged members. All men in the train service, enginemen excepted, are eligible after thirty days service and the membership in 1928, included 184,355 members and approximately a thousand lodges.

Their main interest has been to secure safer working conditions and better wages for the men employed. Through their national and state legislative committees they have secured the passage of many safety laws and have secured government supervision and regulation for all interstate

railroads. These safety laws will be discussed in detail in the following chapter.

Through their grievance committees, local misunderstandings between the men and the company are discussed and settled with satisfaction to all parties concerned. Rules under which they work, wage schedules and discipline problems are discussed and settled by these committees and the managers by a system of compromise quite satisfactory to both sides. Matters on which they cannot agree are laid aside to be discussed at another time. It is said that in most cases the friendliest relations exist between the men and their superiors. It is felt that the railroad men have to thank the Brotherhood of Railroad Trainmen for the greatly improved working conditions and better wages.⁷⁴

74. This last sentence was the expression of Ezra Shelley, a retired conductor of the Southern Pacific, living in Tucson, who has been a member of the Brotherhood of Railroad Trainmen here since 1895.

CHAPTER II

FEDERAL REGULATION OF AMERICAN RAILROADS DUE TO THE PRESSURE EXERTED BY THE RAILROAD ORGANIZATIONS AND THE PUBLIC.

In the previous chapter the growth of the American railroads and the Railroad Labor Organizations were discussed. This chapter is designed to trace the growth of Federal legislation regulating the railroads, which developed as a result of activity on the part of employees, organizations of railroad men, and public sentiment expressed through newspapers and magazines.

From the first inclined plane designed to move brick, built in 1795, until December 31, 1929, 260,570 miles of railroad had been built and were being operated. This represented 880 companies reporting with 53 companies operating more than 1000 miles of track.¹

In the early days of railroading public attention was directed to construction rather than operation. Under an imperative popular demand general laws were enacted in many states enabling projectors of roads to organize at pleasure and to select their own lines. After the construction was completed the directors were also permitted to operate practically as they saw fit and with the same freedom as

1. Moody's Manual of Investments, American and Foreign, Railroad Securities, John Sherman Porter, Editor-in-chief, 1931, Press of Publishers Printing Co., New York, p.XXXI.

in ordinary business. True these builders assumed great risks. If the venture proved successful, they were at liberty to charge, if they saw fit to do so, rates which would net them a handsome return, since they had conferred a great benefit on the public. This liberal attitude was no doubt responsible for the evils which finally resulted in government legislation and regulation. Much public money invested in railroads was lost, rates were changed at pleasure and without public notification, localities and shippers were favored, much free transportation was granted outside the railroad service² and accidents were altogether too numerous.

Many states early attempted supervision in an attempt to reduce the number of accidents. Commissions were appointed in New Hampshire in 1844, Connecticut in 1853, Vermont in 1855, and Maine in 1858.³ The early state legislation attempted to regulate only the most important causes of accidents, such as, coupling and uncoupling cars, the system of braking, switches and guard rails, the erection of warning posts to indicate the nearness of bridges and other superstructures, and insuring that such structures were of sufficient height.⁴

2. Bernhardt, Joshua, Interstate Commerce Commission Monographs of the United States Government #18, Institute of Government Research, The John Hopkins Press, Baltimore, Maryland, 1923, v. 18, p. 2.

3. Ibid.

4. Willoughby, W. F., "Accidents to Labor as Regulated by Law in the United States". Bulletin of Department of Labor 6:1-11, Jan. 1901.

The so-called Granger movement of the early '70's stimulated the effective beginnings of public control of the railroad industry. Middle west farmers, smarting under sharp decline in prices of agricultural products, attributed their ills to the high level of transportation charges, protested against the dominance of economic life by capitalistic eastern-controlled private railroad corporations and resorted to stern measures for the suppression of this overwhelming power. Maximum rate laws were enacted in many states and administrative commissions were established with power to maintain just and reasonable charges.

The atmosphere surrounding this assertion was charged with sharp conflict. The public maintained a bitterly censorious attitude and the legislation passed was considered as escape from tyranny, while the legislative acts were denounced by industrial interests as a dangerous threat against the security of private property. Whatever the judgment may be as to the wisdom of this legislation it served as a basis for later federal regulation. It also firmly established the right of the state to regulate the railroad carriers, for when the validity of the state statutes were attacked on numerous grounds in the courts, the public authorities were upheld in every case. In vain the railroads insisted on the traditional immunity of private business to public regulation and the alleged sanctity of charter agreements.

During the 80's the railroads had been extended to practically every portion of the country. Agricultural commodities were moving eastward, while manufactured products were moving westward. Most of the railroad commissions were simply "advisory" groups and many of the Granger Laws had been repealed by this time, or had become inoperative. Traffic in many sections of the country was entirely free of public control. High rates and speculation naturally accompanied this unprecedented and unequalled addition of railroad mileage.

Congressional railroad legislation had been the subject of discussion in both Houses for more than a decade but had never emerged altogether from the stage of preliminary skirmishing.⁵

By 1870 there was a strong public demand for government regulation. For since much of the traffic had grown to be between states the separate states and their commissions were unable to cope with the problems arising. The only method of enforcement was by public opinion through publicity.⁶

Although the question of lower rates was attacked first by the states in the early 70's, agitation for national action began almost at the same time. In 1872 President Grant recommended the appointment of a Senate committee to

5. Sharfman, I. L., The Interstate Commerce Commission, p. 15-6. From 1871 to 1875 there were commissions in Illinois, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

6. Bernhardt, op. cit., V. 18, p. 4.

provide transportation to the Atlantic seaboard at a lower cost. The committee reported in 1874 but no legislation was passed. However the publicity tended to lower the rates. The demand for legislation to remedy the other evils did not cease. Public sentiment was definitely against monopolies.⁷

An Act sponsored in 1878 by John H. Reagan of Texas was the predecessor of the Interstate Commerce Act. In 1885 the Senate resolved:

"that a select committee of five Senators be appointed to investigate and report upon the subject of the regulation of the transportation by railroad and water routes in connection or in competition with said railroads of freight and passengers between the several states."⁸

This committee was to work through the office of the Secretary of the Interior for administrative purposes but was practically an independent governmental agency. It was estimated at this time (1885) that three-fourths of the railroad traffic was interstate.⁹

7. Bernhardt, op. cit., V. 18, p. 5, "The Windom Committee" Richardson, James, Messages and Papers of the Presidents, Vol. VII, p. 195, from the fourth annual message of President Grant, Dec. 2, 1872.

"The attention of Congress will be called during its present session to various enterprises for the more certain and cheaper transportation of the constantly increasing surplus of Western and Southern products to the Atlantic Seaboard. The subject is one that will force itself upon the legislative branch of the Government sooner or later, and I suggest, therefore, that immediate steps be taken to gain all available information and just legislation".

8. Senate Miscellaneous Document, No. 11, 49th Congress, Special Session, p. 1. "The Cullom Committee".

9. Ibid.

Congress had been under a pressure for some time, exerted by railroad employees, especially Brotherhood members, who desired protection in their work. This irresistible demand supported by public opinion led to the Act of 1887.

On February 4, 1887 the Interstate Commerce Act was passed and the Commission was organized March 31, 1887. During the following years it has been amended on numerous occasions and supplemented by a considerable volume of related legislation. There were in 1935 seventeen acts, concerning the regulation of railroads.¹⁰ This paper is concerned only with those relating to railroad labor.

Soon after its organization the Interstate Commerce Commission received a petition signed by 10,000 railroad employees asking that the matter of safety legislation be taken up with vigorous purpose. President Harrison interested himself in the matter and each succeeding January for three years sent a special message to Congress, calling the attention of that body to the imperative necessity for some action. He said,

"It is a reproach to our civilization that any class of American workmen should, in the pursuit of a useful and necessary vocation, be subjected to peril of life and limb as great as that of a soldier in time of war."¹¹

10. Sharman, op. cit., pp. 11-19.

11. Adams, Henry C., "The Slaughter of Railroad Employees", Forum 13:500-506, June 1892.

A Compilation of the Messages and Papers of the Presidents, Prepared Under the Direction of the Joint Committee on Printing, of the House and Senate, Pursuant to an Act of the 52nd Congress of the United States, Vol. XII, Published by Bureau of National Literature, 1897. From the First Annual Message of Benjamin Harrison, Dec. 3, 1889, p. 5486.

The Act as passed provided for a commission which was directed to aid the President

"to establish and maintain just and reasonable transportation facilities and rates.....to provide for the safety of employees, passengers, and property and to function as a correlating agency between the competitive factors in the transportation industry".¹²

In the Third Annual Report of the Interstate Commerce Commission in 1889 the chairman reported having called a conference of State authorities engaged in railroad regulation to consider the problems. The report stated:

"Thousands of railroad employees every year are killed in coupling and uncoupling freight cars used in interstate traffic and in handling the brakes of such cars".¹³

The report further stated:

"That most of these accidents can be avoided by the use of uniform automatic couplers and train brakes"¹⁴ and

"These subjects are within the proper scope of the powers of the Congress of the United States while attempts of the individual states to deal with them have resulted, and must continue to result in conflicting regulations".¹⁵

On March 2, 1893 the first of a series of laws was enacted by Congress which conferred upon the Interstate Commerce Commission, its jurisdiction in matters of safety and accident prevention. Railroad journals as well as the employees had urged for many years, abolition of the

12. Bernhardt, op. cit., V. 18, p. 1.

13. House Miscellaneous Document 51-1, Vol. 1 #50, Washington Government Printing Office, 1890, pp. 44-45.

14. Ibid. p. 44.

15. Ibid. p. 44.

"awkward, expensive and mechanically defective hand coupler, for a standard height of drawbar and for a system of continuous braking and heating".

State laws had been passed but lacked uniformity, in that a style of coupler in one state would not couple with cars of another state. The resultant situation was obviously more dangerous than the one which existed in the beginning. It became clear that uniform legislation was necessary and federal regulation was the only solution to the problem.¹⁶

The Act was designed

"To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving wheel brakes".¹⁷

The bill provided that after January 1, 1898, it would be unlawful for any railroad doing interstate business to employ any car or cars equipped with automatic couplers that would not couple by impact¹⁸ and which can be uncoupled without the necessity of a man going between the ends of the cars.¹⁹ They were not to run any train in interstate business that did not have a sufficient number of cars equipped with power brakes to control the speed of the train, without compelling the brakeman to use the handbrakes for the purpose. Such appliances no longer requiring a

16. Bernhardt, op. cit.

17. U. S. Statutes at Large, 52nd Congress 1891-93, Vol. 27, p. 531.

18. Mitchell, W. M., "The Safety Car-Coupler Problem", Eng. Mag. 5:519-523, July 1893.

19. Sharfman, op. cit., p. 249.

brakeman to go between the ends of the cars to couple or uncouple a car or to go on top to regulate its speed while moving, would avert a source of death which had been quite fruitful.²⁰

In addition to these the Act also required cars to be provided with "secure grab irons or handholds" and to comply with a standard height of drawbars for freight cars, this height to be decided by the commission.²¹

There was in use on railways reporting to the Interstate Commerce Commission forty-five different types of couplers. In 1889, 80,510 cars were equipped with various kinds of couplers. In 1890 there were 115,319 cars equipped with couplers, an increase in one year of 35,809 cars with coupler equipment. This should have reduced the number of casualties and would have done so had the couplers been of uniform type, but as a matter of statistical record there was no decrease in casualties from the preceding year.²²

Because of pressure from the railroad companies the

20. Mitchell, op. cit., p. 519.

21. Sharfman, op. cit., p. 249.

22. Mitchell, op. cit., p. 520.

Couplers are the mechanical devices by which cars are connected together. Before the advent of the Master Car Builders "D" coupler, now in use in the United States and Canada, connections were made by the "link and pin". This was hazardous and resulted in many injuries. Automatic Master Car Builders Association couplers were subsequently developed and are now required by law. (Encyclopaedia Britannica).

time for compliance with the act was extended to January 1, 1900.²³ Many thousands of cars had already been constructed which were in such good condition that the companies could hardly be expected to discard them for the sake of uniformity. This was a plausible argument in favor of postponing the effective date of the act until the older cars had outlived their time of usefulness. However, there was no reason why the new cars being built or the old ones being sent to the shop for repairs, were not being equipped to comply with the law.

There had been many reasons for lack of uniformness. The gage of early railroads had not been standard and companies were compelled to manufacture their own cars. There were as many varieties of cars as there were shops for each shop had its own master builder with

23. Sharfman, op. cit., p. 249.

The air brake is a brake operated by compressed air which was invented in its first form by George Westinghouse in 1869. In an air brake, the air is compressed by some form of a pump on the steam locomotive or by a motor compressor on electric or internal combustion locomotives or cars and is conveyed by pipes and flexible hose between the cars to cylinders and pistons under each car, by which the pressure is transmitted by brake levers and thence to the brake shoes against the wheels. The adhesion of the wheels to the rails governs the amount of pressure that may be applied by the brake shoes. Various types are used. The automatic air brake is in general use under American rolling stock. This system is designed so that the brakes will be applied automatically in case air escapes from the system or the train breaks in two.

his own ideas. Peculiarity of shape was no more prominent than the coupling device, whose size, shape and height varied with each company and contributed to the dangers of coupling and uncoupling.

Those opposing the bill estimated that such a bill would require the expenditure of \$75,000,000. It was felt that such an amount expended would be a good investment if it insured protection from injury of 22,396 persons and saved the lives of 2,451 more each year, to say nothing of the wrecks with their attendant loss of property, delayed trains, damage suits, and inconvenience.²⁴

The rapidity with which the appliances were introduced beginning with 1892 is shown in the following table.

							25
:Yr.ending:	Total	:Fitted power brakes:		:Fitted Auto. Coup.:			
:June 30	: Cars, Loc:	No.	: %total	no.	: %total		
: 1892	: 1,248,228:	256,869	: 20.59	: 244,334	: 19.57	:	:
: 1893	: 1,308,734:	299,027	: 22.85	: 322,238	: 24.62	:	:
: 1894	: 1,313,570:	330,992	: 25.20	: 357,621	: 27.23	:	:
: 1895	: 1,306,260:	362,498	: 27.75	: 408,856	: 31.30	:	:
: 1896	: 1,333,599:	448,854	: 33.66	: 545,583	: 40.91	:	:
: 1897	: 1,333,466:	525,286	: 39.39	: 678,725	: 50.90	:	:
: 1898	: 1,362,408:	641,262	: 47.07	: 909,574	: 66.76	:	:
: 1899	: 1,412,619:	808,074	: 57.20	: 1,137,719	: 80.54	:	:

From the above table it appears that in 1899 out of a total 1,412,619 cars and locomotives the number fitted with power or train brakes was 808,074 or 57.20 per cent and the number fitted with some form of automatic coupler was 1,137,719 or 80.5 per cent. There was an increase during the year

24. Mitchell, op. cit., p. 523.

25. Willoughby, op. cit., p. 6.

in train brakes of 166,812 and in automatic couplers of 228,145, while there were 50,211 more cars and locomotives added. Of the number of locomotives and cars in the passenger service practically all were fitted with the power brakes by 1899. Of a total of 20,728 freight locomotives 19,926 were fitted with train brakes and 9,300 with automatic couplers. Of the 1,295,510 freight cars 730,670 were fitted with train brakes and 1,067,338 with automatic couplers.²⁶

In no other department of industry in the United States were equally complete and accurate statistics of accidents to employees available at this time, as that of railway transportation. Beginning with 1889 the Interstate Commerce Commission published in its annual report all accidents occurring to railroad employees.

TABLE NO. I. TOTAL RAILROAD EMPLOYEES AND THE NUMBER KILLED²⁷ AND INJURED IN THE UNITED STATES, YEARS ENDING JUNE 30, 1889 TO 1899.

:Year:	Total :	Trainmen	:Sw.Fg.W.	:other emp.:	Total	:
:	: Emp.	:kill.:	inj. :	k.:	inj.:	k. : inj. :
:1889:	704,743:	1,179:	11,301:	229:	2,155:	564: 6,572:1,972:20,028:
:1890:	749,301:	1,459:	13,172:	234:	2,307:	758: 6,917:2,451:26,396:
:1891:	784,285:	1,533:	15,421:	301:	3,019:	826: 7,700:2,660:26,140:
:1892:	821,415:	1,503:	16,521:	294:	3,254:	757: 8,492:2,554:28,267:
:1893:	873,602:	1,567:	18,877:	307:	3,304:	853: 9,548:2,727:31,729:
:1894:	779,608:	1,029:	13,102:	216:	2,321:	578: 7,999:1,823:23,422:
:1895:	785,034:	1,017:	14,748:	248:	2,933:	546: 8,015:1,811:25,696:
:1896:	826,620:	1,073:	15,936:	210:	2,751:	578:11,282:1,861:29,969:
:1897:	823,476:	976:	13,795:	201:	2,423:	516:11,449:1,693:27,667:
:1898:	874,558:	1,141:	15,645:	242:	2,677:	575:13,439:1,958:31,761:
:1899:	928,924:	1,155:	16,663:	273:	2,992:	782:15,268:2,210:34,923:

26. Willoughby, op. cit., p. 7

27. Ibid.

TABLE II. NUMBER OF EMPLOYEES FOR EACH ONE KILLED OR INJURED BY RAILROAD ACCIDENTS IN THE UNITED STATES, YEARS ENDING JUNE 30, 1889 TO 1899. 28

	Trainmen		Switchmen		Other		All	
Year	k.	inj.	k.	inj.	k.	inj.	k.	inj.
1889	117	12	114	15	946	81	357	35
1890	105	12	161	16	737	81	306	33
1891	104	10	134	13	707	76	295	30
1892	113	10	146	13	805	72	322	29
1893	115	10	150	14	760	68	320	28
1894	156	12	200	19	997	72	428	33
1895	155	11	174	15	1070	73	433	31
1896	152	10	211	16	1072	55	444	28
1897	165	12	218	18	1198	54	486	30
1898	150	11	195	18	1142	49	447	28
1899	155	11	178	16	897	46	420	27

TABLE III. RAILWAY EMPLOYEES KILLED IN THE UNITED STATES BY CAUSES, YEARS ENDING JUNE 30, 1889 TO 1899. 29

Causes	1889	90	91	92	93	94	95	96	97	98	99
coup. &	:	:	:	:	:	:	:	:	:	:	:
uncoup.	:	:	:	:	:	:	:	:	:	:	:
tr.	a	265	288	253	310	181	189	157	147	182	180
S. F. W.	a	75	111	115	109	63	90	58	58	90	74
Other	a	29	16	10	14	7	12	14	9	7	6
Total		300	369	415	378	433	251	291	229	214	279
Fall tr.	:	:	:	:	:	:	:	:	:	:	:
& eng.	:	:	:	:	:	:	:	:	:	:	:
Tr.	a	456	467	485	507	344	343	373	325	356	337
S. F. W.	a	32	55	45	50	42	49	42	32	50	60
Other	a	73	76	81	87	53	60	57	51	67	62
Total		493	561	598	611	644	439	452	472	408	473
Overhead:	:	:	:	:	:	:	:	:	:	:	:
Obst.	:	:	:	:	:	:	:	:	:	:	:
Tr.	a	81	72	75	66	44	42	57	35	46	39
S. F. W.	a	3	3	1	3	4	1	2	5	3	3
Other	a	5	3	4	4	2	9	4	2	2	3
Total		65	89	78	80	73	50	52	63	42	51
Collision	:	:	:	:	:	:	:	:	:	:	:
Tr.	a	197	230	221	189	101	104	146	126	142	155
S. F. W.	a	3	5	9	8	5	3	2	7	9	11
Other	a	35	68	56	50	39	27	30	31	29	21
Total		167	235	303	286	247	145	134	178	164	180

28. Willoughby, op. cit., p. 8.

29. Ibid. p. 10.

TABLE III. (continued)

: Causes	:	1889:	90:	91:	92:	93:	94:	95:	96:	97:	98:	99:
: Derail	:	:	:	:	:	:	:	:	:	:	:	:
: Tr.	:	a	:121:	168:	115:	130:	90:	116:	95:	124:	120:	125:
: S. F. W:	:	a	: 2:	6:	6:	6:	4:	1:	8:	4:	4:	3:
: Other	:	a	: 27:	32:	24:	17:	14:	15:	14:	11:	9:	19:
: Total	:	125	:150:	206:	145:	153:	108:	132:	117:	139:	133:	147:
: Other Accidents	:	:	:	:	:	:	:	:	:	:	:	:
: Tr.	:	a	: 69:	40:	59:	90:	63:	32:	37:	29:	42:	35:
: S. F. W:	:	a	: 10:	2:	4:	9:	3:	3:	3:	5:	2:	4:
: Other	:	a	: 61:	15:	21:	26:	19:	7:	13:	12:	9:	6:
: Total	:	189	:146:	57:	84:	125:	85:	42:	53:	46:	53:	45:
: High Way Crossings	:	:	:	:	:	:	:	:	:	:	:	:
: Tr.	:	a	: 5:	3:	5:	4:	:	2:	4:	1:	1:	:
: S. F. W:	:	a	: 13:	11:	10:	13:	9:	11:	10:	13:	16:	10:
: Other	:	a	: 4:	6:	11:	15:	7:	4:	10:	9:	4:	9:
: Total	:	24	: 22:	20:	26:	32:	16:	17:	24:	23:	21:	19:
: Stations	:	:	:	:	:	:	:	:	:	:	:	:
: Tr.	:	a	: 35:	32:	25:	34:	27:	30:	34:	22:	21:	24:
: S. F. W:	:	a	: 15:	17:	17:	14:	14:	17:	15:	6:	4:	8:
: Other	:	a	: 48:	78:	67:	69:	52:	45:	43:	33:	29:	51:
: Total	:	70	: 98:	127:	109:	117:	93:	92:	92:	61:	54:	83:
: Other Causes	:	:	:	:	:	:	:	:	:	:	:	:
: Tr.	:	a	:230:	233:	265:	237:	179:	159:	170:	167:	231:	260:
: S. F. W:	:	a	: 75:	81:	87:	95:	72:	73:	70:	71:	64:	100:
: Other	:	a	:476:	532:	483:	571:	385:	367:	393:	358:	419:	605:
: Total	:	539	:781:	856:	835:	903:	636:	599:	633:	596:	714:	905:
:	:	1972	:2457:	2660:	2554:	2727:	1823:	1811:	1861:	1673:	1958:	2210:

Abbreviations:

Tr. -- Trainmen
S. -- Switchmen
F. -- Firemen
W. -- Watchmen

TABLE IV. EMPLOYEES INJURED

30

:Causes:1889:1890:1891:1892:1893:1894:1895:1896:1897:1898:1899:											
:Coupling and uncoupling :											
:Tr. :	a :	6073:	7155:	7766:	8753:	5539:	6077:	6457:	4698:	5290:	5055:
:S.F.W:	a :	1528:	2044:	2252:	2290:	1492:	1826:	1686:	1325:	1486:	1533:
:Other:	a :	241:	232:	301:	234:	209:	234:	314:	260:	212:	177:
:Total:6757:7842:9431:10319:11277:7240:8137:8457:6283:6988:6765:											
:Falling from trains and engines :											
:Tr. :	a :	1838:	2492:	2540:	2984:	2203:	2543:	3115:	2726:	2979:	3053:
:S.F.W:	a :	213:	300:	342:	321:	274:	363:	330:	357:	359:	377:
:Other:	a :	312:	397:	362:	475:	392:	391:	453:	544:	521:	540:
:Total:2011:2363:3191:3244:3780:2869:3297:3898:3627:3859:3950:											
:Overhead obstruction:											
:Tr. :	a :	313:	357:	353:	396:	353:	294:	304:	307:	335:	349:
:S.F.W:	a :	18:	25:	25:	36:	31:	27:	33:	15:	37:	49:
:Other:	a :	14:	30:	22:	12:	23:	22:	21:	53:	25:	28:
:Total: 296: 345: 412: 400: 444: 407: 343: 358: 375: 397: 426:											
:Collisions:											
:Tr. :	a :	866:	1189:	1103:	1260:	688:	742:	789:	754:	829:	1173:
:S.F.W:	a :	22:	55:	46:	43:	25:	45:	37:	33:	36:	70:
:Other:	a :	146:	306:	209:	188:	181:	221:	221:	156:	206:	185:
:Total: 820:1034:1550:1358:1491: 894:1008:1047: 943:1071:1368:											
:Derailments :											
:Tr. :	a :	572:	686:	612:	704:	502:	548:	518:	573:	538:	600:
:S.F.W:	a :	30:	47:	34:	36:	30:	38:	36:	41:	33:	45:
:Other:	a :	121:	186:	189:	127:	116:	115:	105:	95:	161:	140:
:Total: 655: 723: 919: 835: 867: 648: 701: 659: 709: 732: 785:											
:Other Train Accidents :											
:Tr. :	a :	574:	268:	314:	515:	382:	374:	405:	372:	422:	468:
:S.F.W:	a :	60:	11:	12:	28:	18:	9:	28:	28:	26:	31:
:Other:	a :	197:	40:	52:	107:	70:	51:	53:	62:	42:	19:
:Total:1016: 831: 319: 378: 650: 470: 434: 486: 462: 490: 578:											
:Highway Crossings :											
:Tr. :	a :	20:	15:	12:	12:	11:	12:	91:	6:	8:	5:
:S.F.W:	a :	7:	19:	19:	15:	12:	18:	20:	20:	32:	12:
:Other:	a :	7:	16:	18:	16:	23:	27:	49:	7:	8:	21:
:Total: 45 : 34: 50: 49: 43: 46: 57: 160: 33: 48: 38:											
:Stations :											
:Tr. :	a :	298:	450:	409:	404:	373:	499:	542:	548:	672:	612:
:S.F.W:	a :	43:	79:	78:	45:	59:	86:	81:	62:	88:	115:
:Other:	a :	399:	898:	908:	809:	668:	745:	848:	778:	1197:	1412:
:Total: 699: 740:1427:1395:1258:1100:1330:1471:1388:1957:2139:											
:Other Causes :											
:Tr. :	a :	2618:	2807:	3412:	3849:	3051:	3659:	3715:	3811:	4572:	5408:
:S.F.W:	a :	386:	439:	446:	490:	380:	521:	500:	542:	580:	760:
:Other:	a :	5480:	5595:	6431:	7580:	6317:	6209:	9218:	9494:	:	:
:Total:7729:8484:8841:10289:11919:9748:10389:13433:13847:16219:18854:											
:20028:22396:26140:28267:31729:23422:25696:29969:27667:31761:34923:											

In the six years following 1894 there was an improvement. The increase in deaths and injuries in 1898 and 1899 was due to a large increase in railway traffic.³¹ This necessitated working the men harder, bringing into the service a large number of men unskilled in railroading and therefore more liable to accidents and the increased use of inferior equipment, which but for the demand would have been put out of service. The airbrakes themselves probably contributed to this increase to a certain extent for they often caused a violent shock when applied, which of course increased the danger to men on the cars in trains having heavier cars, more powerful locomotives, and longer freight trains.³²

Table number II shows more emphatically the extent to which railroad work had been made more secure as the result of this legislation. During 1890, one for each 105 trainmen employed was killed. In 1897 only one for each 165 was killed and in 1897, one for each 155.

Although the number of employees was 180,000 greater in 1899 than in 1890, the number of deaths due to accidents in coupling and uncoupling was 109 less in 1899, those caused from falling from trains 102 less and from overhead obstructions 44 less. These are the classes of accidents that the federal law concerning safety appliances was intended to

31. Willoughby, *op. cit.*, pp. 10-11.

32. "Safety Appliances", *Sci. Amer.* 53:22145-7, June 28, 1902.

remove and the figures just given show that its enactment was justified.³³

However it was still apparent, in spite of the progress thus made that considerable amendment and extension of the safety laws would be necessary to give passengers and employees the full degree of protection which was both practical and desirable.³⁴

An Act was passed in 1888 providing for arbitration in settling disputes. President Cleveland in his special message to Congress on April 22, 1886, suggested the need of such a board. The provisions of the act were largely administrative and contained no declaration of principle.³⁵ The disastrous Chicago strike of 1894 showed the need of machinery for amicable settlement between the carriers and their employees. Congress, realizing the ineffectiveness of this Act, passed the Erdman Law of June 1, 1898. It provided that whenever a strike was anticipated the commission should immediately begin an investigation by obtaining testimony from all persons and to enforce such recommendations as might be made by this commission.³⁶

33. Willoughby, op. cit.

34. Bernhardt, op. cit., V. 18, p. 17.

35. Wright, Carol D., "Steps Toward Government Control of Railroads", Forum 18:704-13, February 1895.
Messages & Papers of the Presidents, op. cit. Vol. XI, p. 4980.

36. The Chicago Strike.
U. S. Statutes At Large, 55th Cong. Sess. II, Vol. 30, Ch. 370, 1898, pp. 424-428.

In addition the Erdman Law forbade railroads or other carriers engaged in interstate commerce to discriminate against or discharge employees because of their membership in labor unions. This was the first anti-blacklist law. Also it decided that the favorite weapon of the unions, the boycott was illegal when used to restrain or injure the free movement of merchandise from one state to another.³⁷ The first attempt to use the law, a year after its passage, resulted not only in failure but in repudiation of the principle of the law by the chief railroad companies involved. A second attempt was made to use it in 1906.³⁸ Two years later, in 1908, it was declared unconstitutional.³⁹

Despite the new appliances required by law, accidents still were numerous and were brought to the attention of the public through the newspapers and magazines. Many

37. The Nation 86:115, Feb. 6, 1908, (Editorial).

38. Bernhardt, op. cit., p. 17.

39. Supreme Court of the United States, Lawyers Edition #52, Oct. Term, Lawyers' Cooperative Publishing Co., Rochester N. Y., 1908, pp. 436-450.
Reasons unconstitutional.

"1. Personal liberty as well as the right of property is invaded without due process of law, in violation of United States Constitution, 5th amendment, by the provisions of the Act of June 1, 1898.

"2. There is no such connection between interstate commerce and membership in a labor organization as to authorize Congress, by the Act of June 1, 1898, section 10 to make it a crime against the United States for an agent or officer of an interstate carrier, having full authority in the premises from his principal, to discharge an employee from service to such carrier because of such membership on his part."

The purpose of the bill was to reduce to a minimum, labor strikes which affect interstate commerce.

causes were advanced for the accidents and remedies were recommended.

On July 1, 1901, President McKinley signed an Act that required all carriers to report all accidents monthly under oath.⁴⁰ These reports showed that among trainmen one out of every 135 employed was killed and one out of every 10 was injured.⁴¹ Among the reasons advanced for this increase in accidents were: yearly increase of business, with the public demanding faster time in passenger service and more prompt handling of freight; mistakes made by the train dispatchers, although thoroughly trained and competent men were required; carelessness on the part of enginemen or conductors, because of familiarity with their duties, which tends to the disregard of small precautions;⁴² imperfect signalling equipment;⁴³ carelessness on the part of some employees in the train service;⁴⁴ lack of discipline among employees;⁴⁵ to national temperament, which manifests itself in a desire

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40. Moseley, Ed. A., "Railroad Accidents in the United States", Review of Reviews 30:592-6, Nov. 1904.
 41. U. S. Statutes at Large, 56th Cong. Sess. II, Vol. 31, Chap. 866, 1901, p. 1446.
 42. "Railway Accidents" (Editorial) Sci. Amer. S. 56:23038, July 25, 1903.
 43. Hollister, W. C., "The Wreck-Master's Work", Cosmopolitan 33:16-24, May 1902.
 44. Buchanan, Joseph Ray, "No More Railway Accidents", Harper's Weekly 47:1068-9, June 27, 1903.
 45. "Increasing Railroad Fatalities", Sci. Amer. 90:418, May 28, 1904.
 46. "How the Law May Prevent Railroad Accidents", Sci. Amer. 96:506, June 22, 1907.

to take chances on the part of the engine crew;⁴⁶ while railroad companies were accused of placing a cheap estimate upon life, since they had undertaken no special measure to check the growth of fatalities among railroad passengers.⁴⁷ Certain accidents were unavoidable, such as elemental disturbances, land slides, washouts and broken rails. And while they were to be regretted, no human foresight could have prevented them.⁴⁸

To prevent the disregarding of signals, it was recommended that three men be placed in an engine. The construction of the early engines was such that communication between the engineer and fireman was difficult. Since the fireman was forced to devote his entire time to the fire, any trouble in the mechanism in the engine might cause the engineer to fail to notice a signal or an accident to the engineer might result in a serious accident.⁴⁹

To prevent block signal accidents, it was recommended that the rules be enforced in operating the block signal. Only one train was to be allowed in the block at a time, slowing up traffic but preserving the value of the block

46. "How Much Then, is a Man Better Than a Sheep?" (Editorial) *Sci. Amer.* 88:110, Feb. 14, 1903.

47. "Railway Horrors vs. 'Horrors of War', An Appalling Record", *Sci. Amer.* 88:408, May 30, 1903.

48. Moseley, *op. cit.*, p. 593.

49. *Ibid.* "Mother Hubbard" engine. Engineer on right, Fireman on left to rear, cannot see engineer for boiler.

system.⁵⁰

Radical improvement was necessary in handling trains by telegraphic orders or they were to be abolished entirely. Many accidents were thought due to mistakes made because of the fatigue from excessive hours on duty.⁵¹

An automatic device called a "train-stop" was recommended for engines to automatically stop a train if for any reason the engineer failed to observe a signal.⁵²

In order to prevent carelessness in safeguarding the lives of passengers and employees on the part of railroad companies, through lack of signal systems or inefficiency of signal systems already installed, it was recommended that a yearly black-list of railroads be furnished by the government. Through public opinion, as reflected through the treasury, officials would come to insist on greater safety on their roads. This, it was believed, would result in decreasing the number of hours employees would be required to work.⁵³

The Safety Appliance Act of 1893 was amended by the Act of March 2, 1903 and the Act of April 14, 1910. They simply clarified the first law and extended its scope to all types of cars used. The Act of 1910 also required the cars to be

50. Moseley, op. cit., p. 594.

51. Ibid.

52. Sci. Amer. 88: op. cit.

53. "The Need of a Railroad Black-list", Worlds Work 13: 8598, March 1907.

equipped with sill steps, hand brakes, running boards, ladders, and grab irons in connection with such ladders. The Interstate Commerce Commission was to designate their number, dimensions, location and manner of application. In the words of the Supreme Court

"Congress has so far occupied the field of legislation, relating to the equipment of freight cars with safety appliances as to supersede existing legislation and prevent further legislation on that subject."⁵⁴

Two measurements were required for a day's work, the number of hours and the number of miles covered. Eighty to a hundred miles constituted a day's work. The nature of the service makes the hours necessarily irregular. In the normal operation of railroad traffic, emergencies often arose which required the men to work twenty to thirty hours and as much as thirty-six. This condition was desirable to neither the road or the men. A normal day was from ten to twelve hours in length. The Brotherhoods felt during the latter part of the 90's that the necessity of changing train and engine crews at established points where terminal facilities were provided, made it difficult to arbitrarily fix the hours of labor of train and engine crews, but that dispatchers and yard employees in large and busy yards should work only eight hours. In all other classes, ten hours was

54. Sharfman, op. cit., pp. 252-255

a reasonable day's work, they believed.⁵⁵

Protection of the public demanded that accidents caused by over-work or over-fatigued employees in transportation service should be prevented if possible. Several states had passed legislation on the subject. New York, Ohio, and Minnesota set ten hours as a legal day for all classes in the railroad service. Many states provided that employees should not be compelled to work more than a specified number of hours continuously after which there must be a specified period of rest.

July 4, 1899 the representatives of five organizations of railroad employees, 2,300 men, met at Carnegie, Pennsylvania and adopted resolutions which were sent to President McKinley and both Houses of Congress, petitioning for legislation to restrict the hours of labor of transportation employees of interstate railroads to eight out of twenty-four hours.⁵⁶

It was felt that the railroad employee had a right to receive reasonable compensation, to labor under suitable regulations and to work a proper number of hours per day. If necessary Congress should act on the matter.⁵⁷

55. Lindsay, Samuel McCune, "Railway Employees in the United States", United States Department of Labor Bulletin, 6:1024.

56. Ibid. pp. 1036-1037.

57. Newcomb, H. T., "The Problem of Railway Labor", Public Opinion 21:14, July 2, 1896.

By 1906, Congress was considering such legislation. Senate Bill 5133 had been presented by the committee on Education and Labor.

"The Committee thinks the legislation to be of value in view of the fact that many railroads are known to permit their trainmen to remain on duty for a length of time which is not only detrimental to the workmen, but dangerous to the life and property in their care.

"Nearly all railroads have appreciated the necessity of limiting the hours of labor in operation of trains and that the Brotherhoods of Railroad employees have at present liberal contracts with very many of the most important railway systems of the country.

"The object of the bill is to correct conditions which exist here and there in the United States under which men are still worked beyond a reasonable time. The committee believes sixteen hours of continuous labor in the train service is all that any man should be required to perform, and in the interests of the public safety, no man ought to be permitted to assume the difficult and responsible business of operating a railway train who has not had a proper time for rest.

"It has been thought advisable considering the whole subject, that Congress should itself, by the passage of this act, prohibit the employment of men in operation of trains for a longer continuous period than sixteen hours. Rest and the refreshment of sleep after so great a length of time is not only necessary for the welfare of the men employed but the public has a direct interest in the prevention of accidents which too frequently follow overworking of these employees."⁵⁸

The chairman of the Interstate Commerce Committee,

58. Senate Report 4246, "to Promote the Safety of Employees and Travelers Upon Railroads", 59th Congress, 2nd Session, V. 2, pp. 1-9, Feb. 16, 1907.

Edward A. Moseley, reported to the Senate committee by a carefully worked out table of accidents caused from excessive hours of service as accurate as it was possible to make it from the reports which the railroads furnished.⁵⁹

The President urged the third session of the 58th Congress and the first session of the 59th Congress to pass legislation limiting the hours of service in the interests of public safety.⁶⁰

The Act was passed March 4, 1907.⁶¹ It provided

"That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or knowingly permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be required or permitted to continue on duty, or go on duty, without having had at least eight hours off duty within such twenty-four hour period, unless immediately prior to said twenty-four hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty;....."⁶²

It differed from earlier legislation in that it attacked the problem from the standpoint of averting or

59. Senate Document 406, 59th Congress, 1st Session, V. 7, 4915, "Casualties Due to Excessive Hours of Labor".

60. House of Representatives Report 7641, "Limiting the Hours of Service of Railroad Employees", 59th Congress, 2nd Session, V. 2, pp. 1-9, Feb. 16, 1907.

61. Sharfman, op. cit., p. 256.

62. House Report 7641, op. cit., p. 1.

reducing casualties grounded in human error, in so far as such error may result from overwork, rather than in inadequate or defective mechanical devices. The limiting of the hours of service it was believed would relieve the employees of over-fatigue and resulting indifference and thus avert accidents which lead to injuries and destruction of life and property.⁶³

There were two methods suggested for enforcing the Act. First, government inspectors could check on the companies, or, second, the carriers could report the excessive service and reasons for it. A ruling was made that beginning with March 3, 1908, all carriers must file reports, under oath, of every instance where employees had been on duty longer than periods prescribed by law. The carriers contested the validity of the Commission's authority but it was upheld in the courts and these reports have been required since.⁶⁴

The accident Report Act of 1901 was not a success. Since the annual reports required of the railroad companies also required accident reports, there was as a result duplication of returns, increased expense, discrepancies in results, and delay in publicity. And what was of greater importance no provision was made for the investigation of accidents. The reason for collecting such information was

63. Sharfman, op. cit., pp. 256-258.

64. Ibid. p. 263.

to aid if possible in working out preventative measures for the future and investigation was usually necessary to determine the real cause of the accident. The reports did not usually give the necessary information. So The Accident Reports Act of May 6, 1910 was passed.⁶⁵

This Act repealed the Act of 1901 and relieved the carriers of reporting accidents in their annual reports. It authorized the Interstate Commerce Commission to gather information, concerning accidents and conduct investigations. Carriers were to make a monthly report of accidents, under oath, while the Commission was authorized to prescribe the rules and regulations to govern these reports and the method and form in which they were to be made. The scope was broadened to include every type of casualty and the publication of the results was unified. The most important feature of the Act was the giving to the Commission of the power to investigate. It was empowered to investigate all collisions, derailments, or other accidents resulting in serious injury to persons or property which may occur on the line of any railroad engaged in interstate commerce, including all the attending facts, conditions and circumstances and it may report these investigations, when it is in the public interest.

The Commission was empowered to discover the cause of

65. Sharfman, op. cit., pp. 265-267.

U. S. Statutes at Large, 61st Cong. Sess. II. Vol. 36, pt. I., Chapter 208, p. 350.

accidents and secure the necessary data for further development of safety legislation.⁶⁶

Through the use of the previously discussed Acts together with public pressure, further legislation was passed. The Ash Pan Act of May 30, 1908 was followed by the Boiler Inspection Act of Feb. 17, 1911. The Ash Pan Act required a locomotive to be equipped with an ash pan which could be emptied or cleaned without the employee going under the locomotive. The Boiler Inspection Act required the carrier to equip its locomotives with safe and suitable boilers and to assure their maintenance in proper condition. To prohibit the use of unsafe boilers, all boilers were required to be inspected from time to time. A nation-wide inspection system was established and defective boilers were required to be repaired before the locomotive was again placed in service. This was later expanded to locomotive inspection service.

Work in this field early disclosed serious defects in locomotive apparatus not covered by the Boiler Inspection Act. Accordingly, March 4, 1915 an amendment was passed making the authority of the Commission apply to the entire locomotive and tender and all its parts and appurtenances. It superseded conflicting state legislation although it

66. Sharfman, op. cit., pp. 269-270.

made no attempt to regulate headlights.⁶⁷

The Newlands Act of 1913 provided for an Arbitration Board of six members, two members to represent each side and two intermediaries chosen by a majority vote of the four. Wage controversies followed one another rapidly between 1910 and 1916, due to the rapidly increasing cost of living and rapid rise in prices. In 1912 the Engineers on 52 roads demanded higher wages and standardization of pay on all roads. The reason given for the request was the increased cost of living. The roads opposed the increase on the grounds of inability to pay and the probability that other employees would request a similar increase in pay. The question was settled by voluntary arbitration.⁶⁸

What the railroads feared took place. One organization of employees after another came forward with demands for increased wages. Mediation resulted only in truces. The decisions of the arbitration boards were unsatisfactory. Prices were continually rising. In 1916 the first nation wide labor movement in the railroad field occurred. This was an unusually restless year due to the European war and there was a scarcity of labor due to the diminished immigra-

67. U. S. Statutes at Large, 60th Cong. Sess. I., Vol. 35, pt. I, Public Laws, Chap. 225, 1908, p. 476.
U. S. Statutes at Large, 61st Cong. Sess. III, Vol. 36, pt. I, Chap. 103, pp. 913-916.

68. Dixon, op. cit., pp. 92-97.
U. S. Statutes at Large, 63rd Cong. Sess. I, Vol. 38, Chap. 6, pp. 103-108.

tion. Employees everywhere were demanding higher wages, shorter hours and union recognition. It was under these conditions that 400,000 men made a demand on the managers of 200,000 miles of railroad for a basic eight hour day and time and one-half for overtime.

The railroads replied that under the guise of a shorter day the men were trying to get an increase in wages. They further contended that the working day could not be shortened to eight hours, and that the men would receive for eight hours what they had originally received for ten, while the two additional hours would be overtime, to be paid for at penalty rates. They estimated the daily pay would be increased 25 per cent and overtime $87\frac{1}{2}$ per cent which would amount to \$100,000,000 per year.⁶⁹

Public opinion was still concerned with the number of accidents yearly and their causes. They felt that many accidents could be traced back to the exhaustion and lack of vigilance on the part of railroad men due to the long hours on duty.⁷⁰

For the fiscal year ending June 30, 1913, a total of 261,332 men were recorded as exceeding sixteen hours. Of these, 71,000 men worked between 17 and 18 hours and 1,095 between 27 and 28 hours. In 1915, 819 carriers reported

69. Dixon, *op. cit.*, pp. 92-97.

70. "Railway Hours and Service", (Editorial) Nation 103:167.

that no excess of service was permitted, while 419 reported 78,940 instances in which the sixteen hour limit was exceeded. The railroads did not deny these figures but said that these hours were used to fix rates of pay while the men replied that in order to earn a sufficient income it was necessary for them to work excessive hours.⁷¹ Most roads had rules of rest but these rules were permissive and not mandatory.⁷²

Conferences and efforts at mediation failed. Arbitration was favored by the carriers but refused by the men. President Wilson took a hand and proposed the adoption of the eight hour day without punitive overtime. He promised to use his influence for the creation of a federal commission to investigate the situation and report measures of relief. This the Brotherhoods favored but the managers flatly rejected it. Both sides prepared to fight to the finish. A country wide strike was called for September 4. The President requested the withdrawal of the strike order but was informed that the convention of the Brotherhood Chairmen who had called the strike and had dispersed August 27 was the only body empowered to withdraw it and that it was too late to reassemble the convention.

71. "The Railway Eight Hour Day", Nation 103:167, Aug. 24, 1916.

72. Moseley, op. cit., p. 595.

"It was piece of cold blooded strategy which showed discourtesy to the President and a cynical indifference to the public consequences that should have lost the Brotherhoods all public support. But they were now on the war-path."

August 29 the President sent a special message to Congress asking legislation to avert the impending catastrophe and to provide against a future occurrence of such a situation.⁷³

"The representatives of the Brotherhoods", he said, "Accepted the plan, but the representatives of the railroads declined to accept it in the face of what I cannot but regard as the practical certainty that they will be ultimately obliged to accept the eight hour day, by the concerted action of organized labor, backed by the favorable judgment of society. The representatives of the railway management have felt justified in declining a peaceful settlement which would engage all the forces of justice, public and private, on their side to take care of the event.....The railway managers based their decision to reject my counsel in this matter upon their conviction that they must at any cost to themselves or to the country stand firm for the principle of arbitration, which the men had rejected. I based my counsel upon the indisputable fact that there was no means of obtaining arbitration. The law supplied none; earnest efforts at mediation had failed to influence the men in the least. To stand firm for the principle of arbitration and yet not get arbitration seemed to me futile, and something more than futile, because it involved incalculable distress to the country and consequences in some respects worse than those of war, and that in the midst of peace.....Having failed to bring the parties to this critical controversy to an agreement, therefore, I turn to you, deeming it clearly our duty as public servants to leave nothing undone that we can do to safeguard the life and interests of the nation."⁷⁴

73. Dixon, op. cit., p. 99.

74. Congressional Record 64th Cong. 1st Session Aug. 15-Sept. 8, 1916, Vol. 53, part 13, pp. 13361-13363.

September 2, 1916 Congress passed the eight hour day with the necessary overtime pay to be not less than the pro rata rate of pay. The sole object of Congress was to avert a strike. The strike order was withdrawn immediately. For the next six months the constitutionality of the law was considered. The United States District court declared it unconstitutional and it was appealed to the highest court.⁷⁵ The men continued on a ten hour basis but were to get back-pay from January 1 if the decision was favorable. As time went on there was no decision and it became more evident the United States was to enter the war. Labor became more and more restive. Leaders of the railroad employees decided they must make the gift of Congress operative, so a strike was called again for March 19, 1917. Meanwhile the managers, because of the acute political situation and under the spur of patriotism, yielded and put the eight hour day into effect. March 19th the United States Supreme Court

75. U. S. Statutes at Large, 64th Cong., Sess. I, Vol. 39, pt. 1, Chap. 436, pp. 721-722.
 Supreme Court Reporter 242-244, U. S. Vol. 37, Oct. term 1916, pp. 298-318--Unconstitutionality of Adamson Eight Hour Day Law.
 Reasons the Western District Court of Missouri enjoined the enforcement of the statute.
 "1. Entire want of constitutional power to deal with the subjects embraced by the statute.
 "2. Such abuse of the power, if possessed, as rendered its exercise unconstitutional, a, equal protection of law and penalties, and b, want of due process resulting from the improvidence with which the statute was enacted and impossibility in practice of giving effect to its provisions. It amounts to a decision without a hearing."

upheld the law.

An eight hour commission found the complete elimination of overtime not practicable. Work performed in ten hours could not be done in eight. Speeding up trains was considered but it was finally decided to continue the existing methods of operation with overtime. The railroad officials felt it was not possible to speed up trains or relocate terminals.

The estimate increase in wages under the Adamson Act was: Passenger service \$2,532,000 or 2.73 per cent; freight service \$31,669,000 or 15.05 per cent; yard service \$27,333,000 or 24.6 per cent and hostlers \$1,875,000 or 25 per cent; a total increase of \$63,409,000.⁷⁶

In 1920 Congress passed the Transportation Act which endowed the Commission with authority to prescribe train control devices. This act was designed to reach the human factor in railroad accidents. Unlike the Hours of Service Act, which aimed to reduce casualties springing from overwork, these provisions were directed to the prevention of accidents, primarily collisions which arise from disregard of signals or other failures to observe operating rules. It dealt with the installation of mechanical devices, automatically operative, whereby the observance of situations threatening danger may be rendered independent of the

76. Dixon, op. cit., pp. 100-103.

judgment or responsiveness of the train service employees. ⁷⁷

These provisions were the result of years of investigation. The block signal system had been improved and its use was compulsory. Funds had been set aside by the government at different times for experiments with train control devices. Hundreds of devices were tested and are still being investigated.

The Act gave the Commission authority to order any railroad to install on the whole or any part of its road automatic train-stop or train control or other safety devices. These devices must comply with such specifications or requirements as it may prescribe. The only limitation is that these orders must be published at least two years before the date fixed for compliance with their terms. It rests entirely with the Commission as to the character of the appliances and the rapidity with which they are installed.

The provisions in the development of safety legislation places the Interstate Commerce Commission in the position as the dominant federal agency for controlling all aspects of the railroad industry. ⁷⁸

In 1924 the Commission's jurisdiction was extended to

77. Sharfman, op. cit., p. 275.
U. S. Statutes at Large, 66th Congress, Session II,
 Vol. 41, pt. I, Chap. 91, p. 456.

78. Sharfman, op. cit., p. 280.

all locomotives and tenders and the Supreme Court held that this legislation precluded all State Legislation.⁷⁹

Despite regulatory efforts of the government and the publicity campaigns of the carriers, the number of railroad accidents still leaves room for improvement. The alarming increase in the number of accidents due to derailments, (an increase from 6,697 in 1911 to 22,477 in 1920) has led to the conclusion that the size and weight of equipment has outrun the physical condition of track and roadway and that efforts must be directed to restoring the balance. The larger roads are substituting steel for wooden equipment as rapidly as circumstances permit.

Trespassing on trains and tracks is responsible for 40 per cent of the deaths in railroad accidents but this field is neglected by national legislation, probably because it falls within the police powers of the states. Separation of powers is rapidly being abandoned as far as it applies to railroad transportation.⁸⁰

During the early years of railroad building a community which had a railroad was considered very fortunate. Companies were encouraged to build, by localities which furnished money and made no effort to regulate the operation of these carriers.

As early as 1844 a few states attempted regulation by

79. Sharfman, op. cit., p. 274.

80. Dixon, op. cit., p. 78.

commissions, with the reduction of accidents in mind. During the 70's the public began to demand rate control. Many states enacted rate laws which were bitterly opposed by the corporations, but the right of the state to regulate the railroads was definitely established.

Government regulation had been freely discussed but had never become a reality. A committee was appointed by President Grant in 1872, which was known as the Windom Committee, to procure cheaper rates from the West and South to the Atlantic ports. This marked the beginning of government interest in the transportation field.

Another committee was appointed in 1885, due to the growing insistence of railroad employees for protection in their work, to investigate and report on the regulation of transportation by railroad and water. This led to the Interstate Commerce Act of 1887, which provided for a commission to regulate railroad transportation between the states.

There was hardly a session of Congress after that date which did not see bills introduced intended to improve the hazardous conditions under which the railroad men were forced to work. Thousands of men were killed or injured each year by the equipment in use and the companies were not inclined to improve conditions.

Legislative representatives of the Brotherhoods with the aid of lawyers drew up desirable bills and friendly Congressmen introduced them. Individual members and

organizations were encouraged to address the Interstate Commerce Commission in behalf of the proposed legislation.

The first law in the interests of safety and accident prevention was passed March 2, 1893 and required that all cars used in interstate commerce be equipped with automatic couplers, driving wheel brakes, grab irons and standard height drawbars for freight cars. The companies were given until January 1, 1900 to comply with the act.

An attempt was made to settle disputes between the companies and their employees by arbitration. An act, known as the Erdman Law, was passed in 1898 but in 1908 it was declared unconstitutional.

In 1901 an act provided that all railroad companies report all accidents monthly. The Safety Appliance Act of 1893 was amended in 1903 and again in 1910. Its powers were extended and made more definite.

An act making it unlawful for men to work longer than sixteen hours was passed in 1907. The Ash Pan Act of 1908 and the Boiler Inspection Act of 1911 provided further protection for employees, while the Newlands Act of 1913 again attacked the problem of peaceful settlement by arbitration.

September 1916 the Adamson Act or Eight Hour Day Law was passed to prevent a nation wide strike. It was declared unconstitutional by the United States District court but this decision was reversed by the United States Supreme Court and the law has continued to operate.

The Transportation Act of 1920 provided train control devices designed to reach the human element and the act was the result of years of experimenting with such devices. For such experimentation Congress set aside large sums at various times.

It has been said that had it not been for the earnest efforts of the railroad labor organizations, safety legislation would not have been enacted.⁸¹

81. A statement from a letter to the writer from J. A. Farquharson, National Legislative Representative of the Brotherhood of Railroad Trainmen, dated Feb. 17, 1936.

A hand-drawn map of Arizona, showing its geographical outline and internal features. The map is oriented with North at the top. Key features include:

- Railroads:**
 - Santa Fe:** Labeled at the top left, running horizontally across the upper portion of the state.
 - Ash Fork Williams R.R.:** A branch line extending east from the Santa Fe line.
 - Elbert R.R.:** A line running east from the Williams R.R. area.
 - A.T.S.F. R.R.:** Labeled in the central-western part of the state.
 - Southern:** Labeled in the southern-central part of the state.
 - San Antonio:** Labeled in the southern part of the state.
 - El Paso Southern R.R.:** Labeled at the bottom right corner.
- Towns and Cities:**
 - Topock:** Located on the Santa Fe line in the northwest.
 - Parker:** Located on the A.T.S.F. R.R. in the west-central area.
 - Wickenburg:** Located in the central part of the state.
 - Phoenix:** Located in the central-eastern part, with branches to Prescott and Mayer.
 - Tempe:** Located south of Phoenix.
 - Flag:** Located south of Tempe.
 - Superior:** Located east of Flag.
 - Christmas:** Located east of Superior.
 - Ray:** Located south of Christmas.
 - Pachuca:** Located south of Ray.
 - Silver Bell:** Located south of Pachuca.
 - Tucson:** Located in the south-central part.
 - Yuma:** Located in the southwest.
 - Bill Bond:** Located south of Yuma.
 - Ado:** Located south of Bill Bond.
 - Globe:** Located in the southeast.
 - Clifton:** Located in the far southeast.
 - Bowie:** Located in the southeast.
 - Des Cabezas:** Located in the southeast.
 - Nogales:** Located in the south.
 - Santa:** Located in the south.
 - Douglas:** Located in the south.
 - McNary:** Located in the northeast.
 - Holbrook:** Located in the northeast.
- Other Features:**
 - Grand Canyon:** Labeled in the north-central part of the state.
 - Indian Reservations:** Indicated by small rectangular boxes with labels: "Tohono", "Maricopa", "Mohave", "Navajo", and "Pima".

CHAPTER III

THE GROWTH OF THE RAILROADS AND ARIZONA RAIL-ROAD LEGISLATION.

With the discovery of gold in California in 1849, travel from the States to the Pacific Coast was greatly increased. There were three hazardous ways to reach the west. One route was 17,000 miles by Cape Horn, another to Panama and across the isthmus then north as they found a vessel or by wagon train across unknown plains, desert wastes and the snows of two mountain ranges. Each mile was filled with peril, Indians, thirst or freezing and starvation. This last route was about 2,500 miles in length and took a year or more for the trip. 30,000 people crossed the continent to the gold fields of California in one year.¹

There were two east and west main roads of travel, one in the north and one to the south, through that little known country which is now Arizona. The only mode of travel was by ox or mule, horseback or on foot, one lone man or a group of two or three, with burros carrying packs. Almost 60,000 people are believed to have crossed the desert of Arizona by 1851.² The Southern route was most popular with gold seekers while the Northern route was used exclusively by hunters, trappers and various military units.³

1. Russell, Chas. Ed. "The Great Millionaire Mill", p. 484.
2. Sloan, Richard E., History of Arizona, p. 179.
3. Ibid., p. 91

It was estimated in 1847 that there were between 75,00 and 100,000 inhabitants in this region then a part of and known as New Mexico, which was under harsh military rule.⁴ During the period from the early 1800's to 1863, when the territory of Arizona was organized⁵ it was little more than a great thoroughfare, joining the east to the Pacific Coast.⁶

Travel across the desert was difficult and expensive. Horses and mules, while hardy beasts, needed food and water. They carried only a relatively small load and traveled slowly, especially when loaded. It cost enormous sums to transport the most necessary foodstuffs and supplies, making it necessary that they be sold for much more than their actual worth when they reached their consumption point.⁷

A railroad to the Pacific had been visioned as early as 1838 at Dubuque, Iowa by a civil engineer named John Plumbe.⁸

Major W. H. Emory had been across Arizona in 1846 with General Kearney. The Commission, headed by Emory, was appointed to survey the land acquired from Mexico by the Treaty of Guadalupe Hidalgo.⁹ In addition to attending to the survey Emory was concerned with mapping out a railroad

4. McClintock, James H., Arizona, Vol. I, p. 89.

5. Ibid., p. 91.

6. Sloan, op. cit., p. 120.

7. Ibid., p. 169.

8. Russell, op. cit., p. 486.

9. Sloan, op. cit., p. 155.

route and his comment given in his report reads:

"beyond all question a practicable and indeed, a highly advantageous railroad route from the upper basin of the Rio Grande to the Gila exists through the new territory. At no point on the line of survey do the high elevations exceed 4,000 feet."¹⁰

A Pacific railroad Convention was held at St. Louis in 1849 with Stephen A. Douglas presiding. In 1851 the 32nd Congress appropriated \$150,000 to be used

"to make explorations and surveys.....to ascertain the most practicable and economical route for a railroad from the Mississippi River to the Pacific Ocean."

while later \$40,000 and \$150,000 were voted for surveys.¹¹

In 1850, Thomas A. Benton, Missouri's great Senator began talking in Congress and elsewhere of building a railroad to the Pacific Coast. A survey made by Captain Sitgreaves was made during the years 1851-1852 in the northern part of the present state. Their mapping showed the advantage of a railroad through that section.¹²

A Corps of Topographical Engineers led by Lieutenant Whipple surveyed from Fort Smith, Arkansas through Albuquerque and the northern part of the state to the Colorado and west to Los Angeles, which had a population of 5,000. At no time was the party far distant from the present Atchinson, Topeka and Santa Fe.

10. Sloan, op. cit., p. 159.

11. Russell, op. cit., p. 486.

12. Sloan, op. cit., p. 164-164.

The Texas Western had a route surveyed across Arizona through Tucson in 1855 on about the same line as that later taken by the Southern Pacific.¹³

During this period the wagon routes had been well marked.¹⁴ Stage-coaches were the first transcontinental modes of travel. The San Antonio-San Diego Company was established in 1857 and the Butterfield Line in 1858. This line went from San Francisco to St. Louis via Los Angeles, Yuma and El Paso. A record trip was made in sixteen days and for carrying the mail twice a week the company received \$600,000 a year.¹⁵ The trip from San Diego to San Antonio could be made in a fortnight. The route passed through Tucson and the entire trip cost \$200. The accounts given of travel on these luxurious lines are extremely amusing. Lines less than 300 miles in length furnished continuous service because of mail contracts. Had these lines depended solely on passenger and express business there would have been few stage lines. It is said a letter in the early days cost the government \$65.¹⁶

The chief industry of the state at this time was mining. The transportation of supplies and ores were handled

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13. McClintock, op. cit., pp. 120-121. Engineer A. B. Gray and Lieutenant J. G. Parke conducted the survey.
 14. Russell, op. cit., p. 486.
 15. Bancroft, Hubert Howe, History of Arizona and New Mexico, 1530-1888, Vol. XVII, p. 496.
 16. McClintock, op. cit., Vol. I, p. 270.
 17. Murdock, John R., Outline of Arizona and Southwest, p. 5.

by the "freighters".¹⁸ While as late as 1883 Tucson and Phoenix were visited occasionally by long trains of "Carretas" from Sonora.¹⁹ They brought fruit, panoche (coarse sugar) and zarapes to trade for American goods.²⁰ These freighters continued their occupation until the railroads took the business away from them.

Another interesting experiment in transportation took place in 1857 when seventy-one camels purchased in the Levant for military service in the southwest were given their first trial in a cross-country survey conducted by Edward F. Beale. Mr. Beale was very enthusiastic about them.²¹ However it is said the other officers did not

18. The "freighter" was a professional. He drove up to twenty-four mules with a "jerk line" and rode in a saddle on the "high wheeler". The star performers of his team were "lead" and "swing" mules. Mules were used because they could stand heat and dryness best. Their wagons were made in Arizona. Yuma, Phoenix, Tucson and Prescott products were best because they were made to suit the conditions of the climate and hauling.... McClintock, op. cit., Vol. I, p. 279.

19. The Carreta was a rude Mexican cart, held together usually by rawhide with wheels turned from cross-sections of large cottonwood logs and with the long pole of each cart attached to the horns of a couple of half-wild oxen. Noise of wheels creaking could be heard for miles. ...McClintock, op. cit., Vol. I, p. 279.

20. Ibid., p. 279.

21. Report of Edward F. Beale, Supt. of the wagon road from Fort Defiance to the Colorado River, House of Repres. 35th Cong., 1st Sess., Ex. Doc. No. 124, p. 44. Mr. Beale wrote: "Certainly there never was anything so patient and enduring and so little troublesome as this noble animal. They pack their heavy load of corn, of which they never taste a grain, put up with any food offered them, without complaint, and are always up with the wagons, and withal so perfectly docile and quiet that they are the admiration of the whole camp. They are better today than when we left Camp Verde with them, especially since our men have learned the best mode of packing them."

consider them so favorably for there were only two drivers who could keep seated when the animal really got in motion.²² They needed special care and attention which could not be given by the casual packer and the rocks hurt their feet so their use was soon discontinued.²³

With the continued movement westward agitation in the States and Congress continued for a transcontinental railroad. The Republican and Democratic convention of 1856 demanded such a road and eighteen state legislatures endorsed it.

The first railroads in California were built from Sacramento to Folsom in 1856 and from San Francisco to Marysville in 1857. It was known as the Central Pacific Railroad. Collis P. Huntington and three partners saw the possibilities of such a road and organized a company with \$8,500,000 capital to build a road east to join the Union Pacific at Ogden. The organizers took 150 shares of stock each. The cash they received from their sales was used for lobbying in Washington. The Civil War made a railroad a necessity so Congress passed a bill July 1, 1862 giving the company every alternate section of land designated by odd numbers, five sections to each mile on each side of the proposed line, or half the land in a ten mile strip on each

22. Robinson, W. H., The Story of Arizona, p. 130.

23. McClintock, op. cit., p. 284.

side of the track which amounted to 6400 acres for every mile and the lowest estimated value being \$15,000,000.

As soon as forty miles were completed the government was to issue 6 per cent \$1000 bonds, \$16,000 in bonds for every mile in valley or level land, \$32,000 for every mile in the foothills and in the mountains \$48,000 for every mile. The Central Pacific received a subsidy of \$27,500,000. This road later became the Southern Pacific.

In California towns and counties were allowed by law to contribute toward the building of the road and did so freely.²⁴

Mr. Huntington spent most of his time in Washington pulling wires with a skill which increased with experience. Finding a member of Congress disinclined to talk to him concerning railroad matters, he would work through a third party, perhaps a constituent of the member in question, perhaps a friend.

In 1864 a new act was passed by Congress. The Government bonds were changed to a second mortgage and the company was permitted its own first mortgage bonds and the land grant was increased to twenty miles on each side of the track or 12,800 acres per mile. Mineral lands were exempted in the first act but this also was changed in the second act. There was much coal along the route²⁵ and in California

24. Russell, op. cit., p. 486-488. Leland Stanford, Chas. Crocker, Mark Hopkins.

25. Ibid., p. 490.

oil and timber made the land valuable.²⁶

The land grants which were received were valued at \$30,000,000. For the first 138 miles constructed the company received \$10,000,000 in stock and bonds, collecting for mountain grades where country was really foothill country. The only money invested was the original stock subscriptions and even these payments have been questioned.²⁷ These men made a fortune, aided by the government. The four original owners froze out most of the stockholders and forced out partners, retaining the ownership sixteen years.

The work was pushed eastward at a fever heat all winter. Supplies reached fabulous prices, lives of Chinese laborers were sacrificed by squads in order to get more from the government than the Union Pacific.²⁸

A Federal Act of 1866 required the Southern Pacific to build to the South. The first line built was from San Jose to Gilroy to connect with the San Joaquin Valley branch of the Central Pacific. The Southern Pacific track reached Delano July 14, 1873, Caliente April 26, 1875 and Mojave August 9, 1876. The 240 miles from Mojave to the Needles was finished June 22, 1883 and to Fort Yuma 1877.²⁹

In 1875 the Southern Pacific desired a franchise permitting it to build through Arizona. The construction in

26. Daggett, Stuart, History of the Southern Pacific, p. 454.
 27. Russell, op. cit., pp. 486-490.
 28. Russell, op. cit., pp. 490-491.
 29. Daggett, op. cit., pp. 126-127.

Southern California, Arizona and New Mexico was not to get revenue from business but to prevent the building of an independent competing line and from Sacramento to Ogden to obtain the federal subsidy.³⁰ Congress had made provisions for two transcontinental railroads across Arizona on the 35th and 32nd parallels of latitude. Land grants of alternate sections for forty miles on either side of the Southern route were provided. The Texas Pacific started work but failed because of lack of funds.³¹ Generous rates were voted as an incentive to railroad building. The ninth legislature in 1877 passed a bill which was signed by the Governor. It fixed rates at ten cents per mile for passenger fare and fifteen cents per ton for freight.³²

In getting a franchise through Arizona the same methods were employed as had been used in Congress. Huntington thought it would cost less if other interests obtained the franchises. In a letter to Mr. Colton, a partner, dated October 29, 1875, he said:

"I am inclined to believe that if you could get the right man on that line in Arizona to work with the few papers they have there, to agitate the question in the territory, asking that some arrangement be made with the Southern Pacific at the same time offer the Southern Pacific a charter in the territory that would free the road from taxation, and one that would not allow for any interference with rates until 10% interest was declared on the common stock, I believe the legislature could be called together by "the

30. Daggett, op. cit., p. 457.

31. McClintock, op. cit., Vol. I, p. 289.

32. Kelly, Geo. H., Legislative History, p. 71.

people" for \$5,000 and such a charter granted. Then we would take the chances of having such a charter made good by Congress or the State when it became one."

In another letter dated September 27, 1875, he even suggested that the Southern Pacific might bear the expense of an extra session of the Arizona Legislature in order to hasten consideration of legislation favorable to the Company,³³ while it was said \$1,700,000 was spent to prevent the Atlantic and Pacific from securing a subsidy.

The desired legislation was eventually obtained, but not until February 1887.³⁴ The company was given authority by the Legislature to construct a road and telegraph across Arizona at two points, the Needles and Yuma. It reached the west bank of the Colorado at Yuma in 1877. The line was put across the Colorado under cover of darkness because they were not permitted to cross a military reservation and the construction was continued eastward. The road reached Tucson March 17, 1880, the New Mexico line September 15, 1880 and El Paso 1881. As the track was finished trains

33. Daggett, op. cit., pp. 211-214. The Central Pacific entered politics at an early date. "This third party", said Mr. Casserly, "Has the usual attributes of a political party, the same apparatus and appliances. It has its leaders, its managers, its editors, its orators, its adherents. It selects those from both parties, but mostly from the party in majority. Whether they call themselves Republican or Democrat and however they divide or contend on party issues they move as one man in the cause of the railroad against the people. To that cause they give their first allegiance."

34. Ibid., pp. 209-211.

were run to that point from the west.³⁵ As the new stations were located they became lively settlements. Goods were shipped in by train and reshipped by wagon to outlying districts.³⁶

A bill was passed in the legislature February 14, 1879 to construct a railroad from the Southern Pacific somewhere near Maricopa Wells to Prescott. Yavapai County was to issue \$3,000 per mile in bonds. Quick and cheap transportation was felt to be a necessity.³⁷ Others complained that the building of the road had injured their district. The railroad company controlled the river boats and exacted a heavy toll from the miners, charging \$44 per ton for high grade ores. Previously the ore could be shipped to San Francisco for \$25 per ton. The increased rates resulted in stopping ore shipment.³⁸

Work on the Atlantic and Pacific began at Albuquerque in 1882 and reached the Colorado in 1883. Paralleling 393 miles of road in Arizona was a land grant strip of 10,058,-240 acres taken in alternate sections.³⁹ This was a huge grant but of little value. Much of the land reverted to the United States Government by forfeiture.⁴⁰ This line later became the Atchinson, Topeka and Santa Fe.

35. McClintock, op. cit., Vol. I, p. 290.

36. Arizona Miner, a weekly, Jan. 17, 1879.

37. Ibid. Feb. 14, 1879.

38. Ibid. Aug. 8, 1879.

39. McClintock, op. cit., Vol. I, p. 291.

40. Johnson, Van Metre, Principles of Railroad Transportation, p. 413.

Other shorter lines were built to connect the more thickly populated regions with the main lines. The Maricopa and Phoenix was completed July 4, 1887. Maricopa County granted a \$200,000 subsidy. In 1903 it became the Arizona Eastern Railroad and later was absorbed by the Southern Pacific.⁴¹ The Santa Fe, Prescott and Phoenix was completed in 1895. The Phoenix and Eastern was built to Winkelman and Christmas in 1907 with short feeders from Ray and Superior. A forty-five mile extension was built through Buckeye to the Hassampa. The Gila Valley, Globe and Northern Railroad 124 miles long was built from Bowie to Globe to furnish transportation for the copper mines. The Grand Canyon branch was built in 1900 but was never a success and was bought by the Santa Fe to be used as a tourist road. Many short lines have been built to the various mining camps.⁴²

• As the railroads were constructed the number of railroad employees increased in proportion. The first Brotherhood in Arizona was established at Douglas in 1883.⁴³ Tucson had the next organization. The men belonged to these organizations in secret. They met in men's rooms and behind drawn blinds, for to announce you were a Brotherhood man meant losing your job. Mr. Epes Randolph was forever on

41. Robinson, op. cit., p. 393.

42. McClintock, op. cit., p. 293.

43. Donnelly, Tom, Interview, February 9, 1936.

the lookout for men who violated the rule by belonging.⁴⁴

By 1907 the daily newspaper listed the unions and labor organizations of Tucson. Among those listed were the Brotherhood of Locomotive Engineers and Auxiliary and the Brotherhood of Railway Trainmen.⁴⁵

The territory was definitely controlled by the large mining interests and the railroads and the newspapers were nearly all subsidized.⁴⁶ Former Governor George W. P. Hunt said that these corporations were strong enough to block most adverse legislation. It was charged that if an anti-corporation bill managed to be pushed through both the House and the Council, \$2000 would secure the governor's veto,⁴⁷ while both the political parties were under the influence of the corporations.⁴⁸

The railroad employees were the best organized group but, they did not take much part in politics.⁴⁹

One law favoring the railroad man was passed by the 22nd legislature in 1903. It was an act forbidding the working of trainmen for more than sixteen hours.⁵⁰ At the same time it exempted new railroads from taxation for a period of ten years.⁵¹ That there was need for such a labor

44. Shelly, Ezra, Interview, October 21, 1935.

45. Arizona Daily Star, Sept. 8, 1907.

46. Bradner, Sam, Interview, Oct. 21, 1935.

47. Brannon, Victor, Master's Thesis, p. 11.

48. Arizona Daily Star, July 25, 1906.

49. Brannon, Victor, op. cit., p. 12.

50. Journals of the Twenty-Second Legislative Assembly of the Territory of Arizona 1903, C.B. No. 21, p. 425.

51. Murdock, John R., Constitutional Development of Arizona.

law could not be questioned.* Mr. C. H. Kroeger came from Austin, Texas to Gila Bend in 1887, where he started to work for the Southern Pacific Company as hostler's helper, later becoming an engineer. Mr. Kroeger recalled that in the early days of railroading in Arizona he was paid \$60 a month as fireman and on one trip, without hour or trip agreements, he was gone from home for seventeen full days.⁵² However this sixteen-hour law proved of little value to the workmen, for the railroads found many ways to evade it.⁵³

*By 1909 the organizations were taking more interest in politics. A number of bills were introduced to regulate fares and rates, sponsored by representatives of fourteen commercial bodies in Arizona, who had met in Phoenix and had organized to secure lower rates.⁵⁴ The railroad Brotherhoods sent representatives to oppose this legislation. They denied being lobbyists in the pay of the railroads. A conductor who testified before a Council Committee said the trainmen would suffer in the end through lower wages.⁵⁵

The railroad men were not neglected for, due to the untiring activities of the various railroad organizations in the United States the Interstate Commerce Commission acts, known as the Safety Appliance Laws, discussed in the preceding chapter had been passed. Railroads in all parts

52. The Arizona Daily Star, Sept. 25, 1935.

53. Brannon, op. cit., p. 14.

54. Arizona Daily Star, Feb. 18, 1909.

55. Ibid.

of the United States were by this time under rather strict government supervision.

* To the 25th legislature which met in 1909, Governor Joseph H. Kibbey recommended the creation of a railroad commission, composed of three members to cooperate with the Interstate Commerce Commission and to furnish that body with reliable information about the railroad situation in Arizona.⁵⁶

It is hard to estimate what part labor played in the early struggle for Statehood. The only general organization of labor was the railroad employees.⁵⁷

The Enabling Act which authorized Arizona and New Mexico to meet and draw up Constitutions to be ratified by Congress and approved by the President, was signed on June 20, 1910.⁵⁸

The election to elect delegates to a Constitutional Convention was set for Sept. 12, 1910.⁵⁹ A labor conference, to represent all fields of labor was called to meet at Phoenix July 11, 1910, with the railroad organizations represented by an engineer. A set of principles to be put into the state constitution was adopted. Among others were included, the initiative, referendum and recall, equal suffrage, election of United States Senators by popular vote,

56. Kelly, Geo. H., Legislative History in Arizona, 1864-1912, p. 262.

57. McGinnis, True, p. 8. Master's Thesis.

58. Arizona Daily Star, June 23, 1910.

59. Arizona Daily Star, July 3, 1910.

and an employer's liability act.⁶⁰

At first a third party was suggested but it was soon realized that the labor party would not be strong enough to accomplish the reforms desired. The leaders of the new party and the democratic leaders reached an agreement. The democratic party was to adopt the principles for which labor was working in return for their political support.⁶¹

True to their promise to labor, the democratic party adopted these radical planks. An advertisement appeared in the newspapers as follows:

"Democrats approve the recall; employer's liability; the income tax; a corrupt practices act, providing for a full publicity of source and use of campaign funds, publicity to be given before and not after elections; election of United States Senators by direct vote of the people; and the many recent enactments on the lines of progress and popular right."⁶²

It was quite evident that the corporations, the mines, and the railroads, were not democratic.* Senator Ives in a pre-election speech said:

"The corporations are banded against us in this election.... I am determined to support the will of the people, their wishes as expressed in their platform will be carried out."⁶³

He also favored

"taking off the limit of \$5,000 for recovery from a railroad in the event of a death caused by the road, favored submitting arguments between railroads and other citizens to a jury of American citizens, a railroad rate commission to handle railroad matters,

60. Arizona Daily Star, July 13, 1910.

61. Brannon, *op. cit.*, p. 22.

62. Arizona Daily Star, Sept. 10, 1910.

63. *Ibid.*, Sept. 11, 1910.

abolishment of the fellow servant plan, and favored the recognition of organized labor."64

Judge Sawtelle said in a speech at the Opera House in Tucson,

"I was informed two days ago that a high official of the Southern Pacific Railroad, a man for whom I had a great deal of admiration, and one who has done much for Tucson, had said that the Democrats must be defeated. This man, who said Sawtelle was to blame for all the trouble, was no less a man than Ees Randolph. The Southern Pacific doesn't want the initiative and referendum in the Constitution. This same man sent word to the Citizen to stop its fight on corporations and neither yesterday nor today was there a word in all its pages against corporations.

"Corporations do not want the initiative and referendum in the Constitution because they want to continue to deal with small bodies. All they have to do when a council of twelve men pass on our laws is to get six of them, while with the initiative and referendum they would have to get 60,000.

"The Republicans are making a desperate effort to intimidate the railroad employees by telling them if they do not vote the Republican ticket they will lose their jobs. This has been done in Yuma. Master Mechanic Peterson of the Southern Pacific, formerly a Republican city councilman in Yuma, wired the foreman of the shops to advise all the employees to vote the Republican ticket."64a

There were fifty-two representatives elected to the Constitutional Convention. Forty-one were democrats and eleven republicans, with at least eleven of these representing labor. Of this number three were railroad men.⁶⁵ The

64. Arizona Daily Star, Sept. 11, 1910.

64a. Ibid.

65. Geo. W. P. Hunt, Scrap-book, Vol. I. (Pages unnumbered). S. B. Bradner, switchman, Cochise; C. F. Connelly, engineer, Cochise; and J. C. White.

democrats were divided on the progressive features which had been proposed for the Constitution with those favoring progressive government largely in the majority. The President of the Convention, George W. P. Hunt was a progressive democrat.⁶⁶

When the committees were appointed Mr. Bradner and Mr. Connelly were named on the committee on railroads, while Mr. Bradner was named on the labor committee as well.⁶⁷

The work of the Convention was watched closely by the people in the surrounding states. Newspapers expressed themselves freely both pro and con. The Bisbee Arizona Review in an editorial said:

"Not a single newspaper has a word of commendation for the radical leaders in the Constitutional Convention who are attempting to load the Constitution with socialistic junk. If the radical leaders are allowed to have their way statehood is dead for the present."⁶⁸

while the Globe Silver Belt said:

"A solar plexus blow was aimed at the railroad companies by F. A. Jones of Maricopa who introduced a proposition creating a railroad commission with plenary powers to prescribe maximum rates, charges and classification for transportation of persons and property. No bill thus far introduced into the Constitutional Convention will do more toward man-aging corporations than this measure should it be adopted."⁶⁹

When the work of the Convention was completed the

66. Kelly, op. cit., p. 281.

67. Ibid., p. 275.

68. Hunt, op. cit., Vol. I. Bisbee Arizona Review, Nov. 17, 1910.

69. Ibid., Vol. I, Globe Arizona Silver Belt, Oct. 28, 1910.

document contained the initiative, the referendum and the recall, and provisions for a corporation commission to regulate the corporations of the new state.⁷⁰

Chapter fifteen of the Constitution, entitled "The Corporation Commission and the Regulation of Public Service", was given power to regulate public service corporations, such as gas and light companies, street car systems, railroads, and others. The powers of regulation were specifically defined. Some were as follows: The Commission may fix rules and methods of service of a public service corporation,⁷¹ may order better service by railroad and street car companies,⁷² may order safety devices, investigate accidents,⁷³ compel attendance at hearings,⁷⁴ their duty to enforce the law aided by the attorney general⁷⁵ and they may order action to enjoin violations of the law.⁷⁶

However the Corporation Commission is concerned mostly with operation and rates of corporations and has no power concerning law enforcement. As long as a company observes the law it cannot be bothered. The Constitution established the right of the commission to police the state.⁷⁷

Another important provision of the Constitution

70. Hunt, op. cit., Vol. I. Arizona Gazette, Dec. 9, 1910.

71. Struckmeyer, F. C., Revised Code of Arizona, Art. 692, p. 153.

72. Ibid., p. 154.

73. Ibid., p. 155.

74. Ibid., p. 159-160.

75. Ibid., p. 163.

76. Ibid., p. 164.

77. Bradner, Sam, Interview, Oct. 21, 1935.

was abrogation of the common law doctrine of fellow-servant,⁷⁸ while the defenses of contributory negligence and assumption of risk were declared to be matters of fact, and to be left to the jury.⁷⁹

The Constitution carried a mandatory requirement that the legislature enact an Employers' Liability Law to protect employees of hazardous occupations⁸⁰ and a Workmen's Compensation Law to provide for the payment of compensation to a workman injured while on duty.⁸¹

Mr. Ellinwood, a democrat, would not sign the Constitution⁸² on its completion and it was considered likely that the Republicans would not sign.⁸³ It was expected that the corporations would spend huge sums to prevent the admission of Arizona as a state.⁸⁴

The Constitution was submitted to the voters of the Territory February 9, 1911 and was ratified by an overwhelming majority, 12,187 for and 3,302 against.⁸⁵ It was next necessary to get the approval of Congress and the President's signature. Governor Sloan went to Washington to use his influence against the Constitution, suggesting the people of Arizona were unfit to rule.⁸⁶

78. Constitution of Arizona, Art. XVIII, Sec. 4.

79. *Ibid.*, Art. XVIII, Sec. 5.

80. *Ibid.*, Art. XVIII, Sec. 7.

81. *Ibid.*, Art. XVIII, Sec. 8.

82. Hunt, *op. cit.* Vol. I Phoenix Arizona Democrat, Dec. 9, 1910. Mr. Ellinwood was chief council of the Copper Queen Mining Co.

83. *Ibid.*, Los Angeles, California Herald, Dec. 9, 1910.

84. *Ibid.*, Vol. I, The Daily Globe, Feb. 3, 1911. Ed.

85. Kelly, *op. cit.*, p. 282.

86. Hunt, *op. cit.*, Vol. I, Phoenix Arizona Democrat, Nov. 25, 1910.

Statehood passed the House and the Senate⁸⁷ but President Taft refused to affix his signature because of the provision for the recall of judges. However he promised to sign the document providing recall would be omitted.⁸⁸ This attitude was resented by the press in the Territory.⁸⁹ The article in question was omitted, the Constitution was again adopted by Congress and was signed by the President.

The first legislature under the Constitution of Arizona met March 18, 1912 with practically all of the convention members back.⁹⁰ Samuel B. Bradner, a switchman and a member of the Brotherhood of Railroad Trainmen was chosen the first speaker of the House. His opponent was said to be supported by agents of the railroads and other corporations. Mr. Bradner in his speeches and votes in the Constitutional Convention had been a strong supporter of the Progressive policies.⁹¹

This legislature is remarkable in that it enacted the first laws to benefit the railroad employees and very few

87. Hunt, op. cit., Phoenix Arizona Democrat, Nov. 25, 1910. Vol. II. p. 62.

88. Ibid., Vol. II, p. 69.

89. Ibid., Vol. II, p. 69. Editor Akers says in the Arizona Gazette of Aug. 21, 1911. "Taft's veto of the Flood resolution because of the recall provision will suit the corporation gang and subsidized newspapers in Arizona and in the United States. The President in the face of an 80% majority of Arizona and an overwhelmingly favorable veto of Congress places his disapproval on our Constitution. This is not compatible with our boast of this being a free country. It is supposed to be one ruled by the majority. The President would evidently have the minority do the ruling."

90. Arizona Daily Star, March 19, 1912.

91. Hunt, op. cit., p. 33, Arizona Gazette March 18, 1912.

have been passed since. The joint board of railroad organizations were represented by Bill Skinner for the engineers and H. B. Sorrells. These men spent their time working for the proposed railroad bills and were "right on the job".⁹²

The finished work of the first legislature included several railroad bills and an Employer's Liability Law which listed the operation of steam and electrical railroads among the hazardous occupations.⁹³ Mr. Bradner was almost entirely responsible for the writing and presentation of these bills.⁹⁴

House Bill 42 provided for headlights on locomotives. It was pointed out in a previous chapter that the Interstate Commerce Commission had left this legislation to the states. The oil headlight was hazardous, for often the track was not visible for more than ten feet ahead, and frequently it failed to function at all. The law did not designate a certain make but set up as a standard a light which had been in use for several years and was known to be efficient. The new light would pick up the object of a man hundreds of feet down the track enabling the engineer to stop the train before an accident resulted.⁹⁵

House Bill 43 limited the number of cars in a train. The first bill proposed called for a forty car limit but was

92. Bradner, op. cit.

93. Brannon, Victor, op. cit., p. 37.

94. Donnelly, Tom, Interview, Feb. 9, 1936.

95. Bradner, op. cit.

set at seventy by compromise since Southern Pacific sidings held seventy cars. Safety of employees and quicker handling of freight was the object of this bill. Mr. Bradner said his first trip made to Gila Bend was on a train of seventy cars with a conductor and two brakemen. The breaking of air hoses on long trains bunched the cars, often breaking the wooden cars up while the traction on the draw bars was greater on longer trains, resulting in greater danger to the men working. Long trains congested yards so that several hours were required to clear the tracks for freight to move. The part most objected to by the companies was the limit of fourteen cars on passenger trains.⁹⁶

House Bill 44 provided for full train crews. On a single track where both ends of the train needed protection there was no one left with a train when there were only two brakemen. The law provided a third man to give signals. This bill also provided that a single locomotive, without cars, known as a "light" engine should carry a conductor or engineer in addition to the engine crew. This third man was to protect the front and rear of the train in case of an accident on the main line, such as a derailment.⁹⁷

House Bill 50 required experienced engineers and conductors for a train. Three years was made the required experience for promotion for conductors and enginemen. It was

96. Bradner, op. cit.

97. Ibid.

felt that until a man had actually worked three years he was not familiar enough with the rules and would not be able to safely handle train orders.⁹⁸

There was also a bill passed providing for twice a month pay. It was based on the idea that a man earns his money and is entitled to the use of it. The framers of the law had in mind the practice followed by the street car company in Washington, D. C. Here the conductor pays the men from the day's receipts and turns in the balance.⁹⁹ Another bill limited the use of locomotives when escaping steam obstructed the view of the engine crew and an anti-labor black-list law was passed.¹⁰⁰

It was alleged that in drawing up these laws the main ideas in mind were the safety of the working man and the traveling public and safe and expeditious handling of goods.¹⁰¹

Although the corporations had so bitterly fought the initiative and referendum in the constitution, they were the first to make use of it. They did not object to the new laws so much because of the hardship and expense they would occasion but because they resented being dictated to or controlled by State laws.¹⁰²

Referendum petitions were circulated and the new laws

98. Bradner, op. cit.

99. Ibid.

100. Hunt, op. cit., Vol. VII, p. 41.

101. Bradner, op. cit.

102. Ibid.

were to be approved or rejected by the qualified electors at the regular general election to be held on November 5, 1912.¹⁰³

The railroad companies immediately began a campaign of editorials, speeches and advertising, opposing the bills. Fred G. Athearn, Manager of the Bureau of Economics of the Southern Pacific Company at San Francisco and John B. Wright, former Attorney General, stumped the State against the laws.¹⁰⁴ George E. Slight, United States Commissioner at San Simon said:

"The people of the state of Arizona need the railroads. I would decry at this time any legislative act that would in a measure retard or cripple railroad developments. The man who is so short sighted as to handicap the railroads for a small personal gain is doing the country an injury."

Also he said:

"H. A. Morgan, President of the Norton Morgan Commercial Company of Willcox believes the bills ill advised. They should be encouraged to branch out and not be hindered by adverse legislation."¹⁰⁵

Epes Randolph argued that the referendum bills were counter to the spirit of the Constitution and that the people should defeat them, leaving such matters to the Corporation Commission to be settled.¹⁰⁶

The Copper Queen Company of Douglas found the majority of their employees favored the twice a month pay-day and

103. State of Arizona Supplemental Pamphlet, p. 5.

104. Arizona Daily Star, November 1, 1912. From an editorial entitled "Business Men are Opposing Railroad Bills."

105. Ibid., Oct. 18, 1912.

106. Ibid. Nov. 2, 1912.

signified their intention of installing the plan as soon as the auditing department could arrange the new system and regardless of the result of the referendum vote. The Calumet and Arizona and the Shattuck Copper Company put the plan into effect in September 1912 by request of the merchants of those districts.¹⁰⁷

Huge advertisements were run for many weeks and contained arguments with which an attempt was made to defeat the bills. It was charged that there was no place for an extra man to sit on a light engine and that he might talk to the enginemen and cause a wreck.¹⁰⁸ The headlight law tied the company and prevented taking advantage of new inventions.¹⁰⁹ The law requiring three years experience would rob the youth of Arizona of their birthright,¹¹⁰ the

107. Arizona Daily Star, Oct. 18, 1912.

108. Ibid. An act regulating number of men to be employed on trains and engines.

"Of what earthly use is such a man? Where would he sit? What would he do? Just draw pay. Do you think that is fair? Certainly you don't. The fewer men on an engine the better. There is less chance of their talking instead of attending to business and causing a wreck."

109. Ibid. An Act Regulating Headlights on all Locomotives:

"It practically creates a monopoly. One company, the Pyle Company, virtually controls all high candle power electric headlight patents. What was the power behind the throne? Experiments have shown conclusively that electric headlights are dangerous on double track. Inventions are coming so thick and fast that this form of light may be a back number in two or three years. Why tie the railroads down with a law and prevent them from taking advantage of new inventions? Even now, competent authorities disagree as to the best form of headlight."

110. Ibid. An Act requiring All Engineers and Conductors to have three years experience. "It is class legislation

act limiting the number of cars in a train would prevent railroad development¹¹¹ and the semi-monthly pay-day would encourage injudicious spending and increase poverty.¹¹²

Despite the objections the bills carried at the election

that forces every man who now holds a position as an engineer or conductor, if he did not have three years experience as a fireman, or a brakeman, to give up his job. Experience won't make brains. Some men might be firemen, or brakemen, for years and still be unfitted for promotion and others, after one year's experience would be perfectly competent to handle a train. The law robs the sons of Arizona of their birthright and forces them to give way, because of lack of opportunity, to the tramp engineer, or conductor--men who are able to produce letters showing they have had three years experience, letters that may be forged."

111. Arizona Daily Star, Nov. 1, 1912. An Act Limiting Number of Cars in Train. "The development of the state will be held back because the railroads will not be allowed to work up to their full capacity. What inducement is there to a railroad to improve its line by eliminating curves, reducing grades, putting in heavier rails and better equipment, if it is not going to be allowed to reap the benefits? It is claimed that it is dangerous to handle long trains. Where does the danger lie, with modern airbrake equipment? On the Southern Pacific there has not been a man even injured in more than three years as the result of handling long trains. Mr. Cattleman and Mr. Farmer, it means that your products must wait, if the train has seventy cars when it reaches the station where your cars are, even though the engine might be capable of handling ten or fifteen cars more with ease. What you want is service, and you don't want that service restricted by law, as long as it is safe."

112. Ibid. An Act Providing for Semi-Monthly Pay-Day. "It will put a burden on the State by increasing poverty, because the temptation to spend money foolishly when one has it in his pocket is too great for the average man. We are usually broke the day after pay day. It would be twice as bad with two pay days. The working men don't want it as shown by the petition sent in to the Corporation Commission against the law by the railroad men. This law would play into the hands of that class of business that lives by inducing the working man to spend all he has on pay days. It will

and soon became laws.¹¹³

A compensation law had been passed and amended several times but was still quite unsatisfactory. So at a special election held September 29, 1925 a Workmen's Compensation Law was passed.¹¹⁴ The Act provided for a definite compensation in the event of injury or death to be paid to the workman or his dependents.¹¹⁵

Arizona Railroad Men may come under either the Federal Liability Law¹¹⁶ or the Arizona Law, depending on the circumstances surrounding the accident. If the train is handling interstate cars they come under the Federal Act. A single car of interstate goods in a train will place the workmen under the Federal law.¹¹⁷

Notices are posted in conspicuous places, requiring employees to put in writing which method of settlement they wish to come under.¹¹⁸ Under the Federal Act the company will offer a settlement in case of injury. A suit against

increase the cost of doing business for both the merchants and the railroads without benefitting either. Nor will it benefit the working man."

113. Arizona Daily Star, Nov. 7, 1912.

114. Journal of the Senate, Seventh Legislature of Arizona 1925.

115. Brannon, op. cit., p. 82.

116. Campbell, Gilbert L., Industrial Accidents and their Compensation, p. 54. These principles of the common law, together with statutory changes and judicial interpretations, form our existing law of employers' liability ---

117. Donahue, Frank, Interview, Oct. 15, 1935.

118. Ibid.

the company will mean discharge sooner or later.¹¹⁹

In 1927 the railroad companies instituted action against the State of Arizona asking an injunction to stop the enforcement of the seventy car limit act. The Brotherhood of Railroad Trainmen employed Donald R. Richberg to fight the action. The Brotherhood was successful in each action brought although the suit cost them \$256,000.¹²⁰

The twelfth legislature in 1935 passed an act asserting that streamlined trains may be operated in Arizona with two trainmen. The attorney general's office has ruled that the law is unconstitutional for two reasons. First, it attempts to fix the number of a train crew at two when the 1928 code requires five. Second, the 1928 code provision was an act adopted by a vote of the people in 1912 and the legislature is without authority to amend or repeal it.¹²¹

Settlement in Arizona was slow because of the arid character of the country, but it was recognized at an early date that the comparatively level country and absence

119. Donahue, Frank, Interview, Oct. 15, 1935.
Brakeman Bowers of Ash Fork while helping to make up a train for Gallup, New Mexico was knocked from the train and his hip was broken. He was unable to work for two years and finally settled with the company for \$5000. He never received any compensation. Frank Yaeger while riding on a "light" engine in the Phoenix yards of the Atchinson, Topeka and Santa Fe, had his leg hurt when the engine struck an automobile. He applied for workmen's compensation and received \$112.20 a month for over two years. He then settled with the company for \$3,500.

120. Donnelly, Tom, Interview, Feb. 9, 1936.

121. Tucson Daily Citizen, Oct. 17, 1935.

of great mountain ranges would easily permit the building of a transcontinental railroad. Congress made a number of surveys with that end in view, beginning in 1850. The first railroad in the Pacific coast country was in California and to prevent a competing company from occupying the adjoining territory to the east, the Southern Pacific started building eastward through Yuma and Tucson, reaching El Paso in 1881.

* The methods employed by the Southern Pacific in getting the desired franchises, land grants, and state and county subsidies in both California and Arizona, are an interesting example of political manipulation.

The Atlantic and Pacific was completed to the Colorado in 1883 and then began a period of expansion with numerous small roads being built to mining and farming districts.

With promised statehood in view, the labor groups decided to throw off the yoke of the corporations and have a part in framing the new constitution. The liberal provisions they succeeded in writing in, the initiative, referendum, recall, popular election of United States Senators and employer's liability, were bitterly fought by the corporations.

. The railroad labor organizations played an important part in writing the constitution and again in 1912 they sent their representatives to the First Legislature which met in that year. Prior to this date the only protection they had had was the Safety Appliance Laws under the super-

vision of the Interstate Commerce Commission which applied to all states. Arizona had had only one law, a sixteen hour law which was passed in 1903 and which had been superseded by the Federal Act of 1907, also a sixteen hour law. At this first legislative session was passed: the headlight law, which required electric headlights on locomotives; the train limit law, which limited freight trains to seventy cars and passenger trains to fourteen cars; the full crew law, which provided a third brakeman; three years experience for conductors and enginemen was required; the men were to be paid twice a month and there was an employer's liability law.

In spite of great opposition on the part of the companies legislation was passed which no other state in the union could equal. But to retain this protection the railroad men have learned that they must at all times be alert to the political situation in the state and take an active part in all questions which concern the welfare of the state as well as their own group.

CHAPTER IV

BROTHERHOOD INTEREST IN ARIZONA LAW.

For two decades before statehood Arizona had been dominated by the corporations of Arizona. Any legislation which they did not desire had been quickly and easily suppressed. Only one law favoring the railroad employees was passed and it was easily evaded. It limited the hours of service to sixteen and was passed in 1903 at the same time a railroad tax exemption law was passed.

By 1910 when the Constitutional Convention election was set, labor was becoming restive. Organizations were becoming active and were letting it be known they were no longer to be dictated to. At the various labor meetings the Brotherhoods were represented. They definitely favored liberal provisions for the new constitution, because they wished the legislation to be placed in the hands of the people, a method which would enable them to participate in law making to protect their own interests, and they wished the railroads which had operated so long without restriction to be regulated. The work of the convention resulted in a very liberal constitution.

The first state legislature in 1912 passed several bills beneficial to railroad men. There was little legislative activity for a number of years, due to government

ownership of railroads. Following the return of the roads to private ownership there was a period of depression which affected the business of the western states quite noticeably. With the return of increased business, although they had been constantly working for their own betterment, the Brotherhoods were to engage in two great struggles. The first, the train limit case, was a legal contest and the second, stricter regulation of busses and trucks, was a political issue.

The real struggle began July 24, 1929 when the Santa Fe and Southern Pacific Railroads of Arizona filed a complaint, seeking to enjoin the Attorney General of Arizona from enforcing the statute which prevented the hauling of more than seventy freight cars and fourteen passenger cars in Arizona.¹

The defendants moved to dismiss the case and the plaintiffs applied for a temporary injunction in each case. The hearings were held before the United States District Court in San Francisco on September 30, 1929 with Judges Wilbur, St. Sure and Jacobs presiding.² The motion for an

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1. Brief of Defendant on Final Hearing, District Court of the United States in and for the District of Arizona, Atchinson, Topeka and Santa Fe vs K. Berry Peterson and Southern Pacific Co. vs K. Berry Peterson, p. 1-2.
 2. Ibid. p. 2. Hon. Curtis D. Wilbur, United States Circuit Court Judge; Hon. Adolphus St. Sure, United States District Judge; and Hon. Fred C. Jacobs, United States District Judge at San Francisco.

injunction was denied and the Motion to Dismiss was taken under advisement. The Motion to Dismiss was based on the following facts:

"That the bills failed to state a case of controversy and merely seek to obtain a declaratory judgment upon the validity of the state statute; the plaintiffs have not exhausted remedies provided by the laws of Arizona; the suit violated the eleventh Amendment of the United States Constitution since it is a suit against the state of Arizona by a citizen of another state; the defendant has not threatened and is not about to commence proceedings to enforce the statute against the plaintiffs; and there is a want of equity because the plaintiffs seek to restrain the enforcement of the penal statute said to be unconstitutional without showing, institution or threat of proceedings to enforce law, any injury to property rights actual or threatened, lack of an adequate remedy at law, existence or threat of any great, immediate and irreparable injury, or the necessity for or propriety of an equitable relief".³

This motion was also denied July 7, 1930.

The companies gave as the reason for wishing the law suppressed that it was becoming burdensome and that they wished to adopt modern freight-train operation.⁴ This meant of course newer and heavier equipment and the movement of heavier trains. The case was instituted to test the constitutionality of the existing law.⁵

July 17, 1930 the cases were consolidated and set for

3. Federal Reporter, 2nd Series, 43, Nov.-Dec. 1930, West Publishing Co., St. Paul, National Reporter System, p. 198-199.

4. Hearings before a Subcommittee of the Committee on Interstate Commerce, United States Senate, 74th Congress, 1st Session, "Bills to Limit the Car Length of Trains", June 4-19, 1935, p. 155.

5. Arizona Republic, Feb. 8, 1933, p. 1.

trial. Honourable Joseph E. Morrison of Phoenix was appointed Special Master in Chancery to hear the evidence.⁶ Assisting Attorney General K. Berry Peterson was Charles L. Strouss, Assistant Attorney General and Donald R. Richberg, Special Assistant Attorney General. Mr. Richberg was employed by the Brotherhood of Railroad Trainmen to assist in handling the case at a salary of \$100 per day.⁷

Evidence was taken, first in San Francisco, beginning October 15, 1930 and then in Phoenix, where the testimony was concluded February 19, 1931.⁸ The case was elaborately and thoroughly tried. Fifty-two days were consumed and almost ten thousand pages of testimony were taken, while numerous exhibits were filed. The case was handled in a leisurely manner with plenty of time for testimony and cross examination. There were about thirty Brotherhood witnesses from the Santa Fe and as many more from the Southern Pacific called by the defense.⁹

The State attorneys contended that the hazards of train operation increased as the length of the trains increased. Their testimony proved that there was about one foot of slack between each two freight cars and that as the number of cars in a train increased, the amount of slack increased proportionally. This inevitably resulted in greater

6. Brief, A.T. and S.F. vs K. Berry Peterson, op. cit., p.2.

7. Tom Donnelly, Interview, Feb. 9, 1936.

8. A.T. and S.F. vs Peterson, op. cit., p. 2.

9. Hearings before Subcommittee, op. cit., p. 155-156.

difficulty in the proper control of the slack. The sudden running in and running out of such slack often caused very serious injury because men were thrown from the train or thrown down on the cars or in the caboose. Trains often were wrecked, obstructing parallel tracks and creating a hazard.¹⁰ Sidings in Arizona were constructed to hold only seventy cars and did not permit of passing of trains when longer trains were employed.¹¹

Testimony also covered the difficulty of communicating signals, of making adequate train inspection or of protecting the safe operation of trains in many other ways as length increased. These long trains frequently resulted in serious injury to employees in many cases. Rules of both companies were quoted by which they threatened employees to prevent legal action in case of injury.¹²

It was contended that the shorter trains operated in Arizona not only reduced the hazards of train operation by protecting employees but the general public as well.¹³

10. A.T. and S.F. vs Peterson, op. cit., p. 27.

11. Bradner, Sam, Interview, Oct. 21, 1935.

12. A.T. and S.F. vs Peterson, op. cit.,
Santa Fe Rule 303, "If an employee should be disabled by sickness or other cause, the right to claim compensation will not be recognized. An allowance, if made, will be a gratuity justified by the circumstances of the case and the employee's previous good conduct".
Southern Pacific Rule 803, "The institution of any suit or legal proceedings against the company, or any act of hostility or wilful disregard of its interests, will immediately terminate the employment without further notice".

13. Ibid.

The Companies contended that the seventy car requirement inconvenienced them because they operated longer trains in other states and that were it not for the law, longer trains would be operated across Arizona and that the operation of these long trains was efficient, economical and safe.¹⁴ They claimed that in normal traffic the law cost each of them \$1,000,000 a year in unnecessary operating expenses.¹⁵

This testimony was not in accordance with the facts found in tests conducted by the Interstate Commerce Commission and the American Railway Association in 1928 and 1929. These tests proved that shock to cars increased with the length of the trains, causing serious accidents and wrecks,¹⁶ while other tests have proven that in trains longer than sixty cars the number of signals understood diminishes as the length of the train increases.¹⁷

The Master filed his report in Phoenix July 29, 1932.¹⁸ He found the law unconstitutional on the following grounds:

"Congress has exclusive power to regulate commerce between states.

"It is attempted enforcement under the guise of police power and directly affecting interstate commerce to an extent amounting to regulation thereof,

14. A.T. and S.F. vs Peterson, op. cit., p. 14-15.

15. Arizona Republican, Feb. 8, 1933.

16. Hearings before the Subcommittee, op. cit., p. 36-42. More than 530 cases of injury described in detail, p. 53-111.

17. Ibid., p. 119-124.

18. A.T. and S.F. vs Peterson, op. cit., p. 3.

is void and will be enjoined.

"Unconstitutional as invading the exclusive legislative field of Congress under the commerce clause.

"Held invalid as conflicting with the train service clause of the car service provisions of the Interstate Commerce Commission Act.

"Held invalid as conflicting with the Federal Boiler Inspection Act and power brake provision of the Federal Safety Appliance Acts.

"Held invalid as conflicting with the statute authorizing the Interstate Commerce Commission to order the installation of automatic train control or other safety devices.

"Held invalid as arbitrary and unreasonable and bearing no reasonable relation to safety of persons or property.

"Common knowledge that danger of railroad crossing accidents increases with the number of trains run.

"Held invalid as substantially and unreasonably impairing the usefulness of the complaining railroads facilities and as undue and unreasonable burden upon, and direct interference with, interstate commerce.

"Held so unreasonable as to deprive the complaining railroads of property without due process of law."¹⁹

Within the required time Mr. Peterson filed a motion to set aside the report of the Master. The reasons given were that the Master was connected professionally with the plaintiffs and that his report as presented was merely the "conclusions of Law", "special findings of fact", and "detailed findings of fact" of the attorneys for the Companies

19. Federal Supplement #2, West Publishing Co., 1933, p. 855.

with little revision. Mr. Morrison at the time of his appointment as Master was a member of a law firm representing the Pacific Greyhound Lines, Inc., which is a subsidiary of the Southern Pacific Company.²⁰

The date was set for the oral arguments as February 8, 1933 in San Francisco. In the meantime the term of office of K. Berry Peterson had expired, January 3, 1933, and the railroad companies had moved that the court substitute Mr. La Prade, the incumbent Attorney General. Mr. Richberg argued against the substitution for the following reasons:

"That the suits being against Mr. Peterson individually, when his term of office expired, questions involved as to him became moot; that, there being no pleadings charging him with having threatened to enforce the Arizona Train Limit Law, there was no cause of action stated against him; that he could not be mulcted in costs incurred against the defendant Peterson; that suits against the defendant Peterson should be dismissed and plaintiffs compelled to institute new proceedings against the defendant La Prade."²¹

Cases were cited which were used as a basis for the substitution and the substitutions were permitted on condition that no costs which might have accrued would be assessed against Mr. La Prade.²²

After the court announced the ruling La Prade, Richberg, and Strouss picked up their brief cases and filed

20. Memorandum of Authorities on Motion to Suppress and Set Aside Master's Report, A.T. and S.F. vs Peterson in equity E-196 Phoenix, p. 1-7. Armstrong, Kramer, Morrison and Roche, Attorneys, Phoenix.

21. Federal Supplement #2, op. cit., p. 857.

22. Ibid. p. 858.

from the court room. Mr. La Prade after reaching the corridor said:

"Our contention remains, despite the ruling, that there is no case since there is no defendant. Mr. Peterson was sued as an individual and when he left office January 2, 1933, the case became moot. We do not want to stay as we do not wish to answer the attorneys and thus go on record as arguing the case."

Mr. La Prade said that he would ask for a writ of mandamus to set aside the order of substitution of the grounds previously given. Two reasons which he expected to win him a temporary and possibly a permanent restraining order were: first, that the eleventh amendment to the Constitution of the United States prohibits any suit against a state by a citizen of another state and that the railroads could not have sued because that would be a suit against Arizona and second, the Federal statute provides that the successor to a federal officer or state official may be substituted for his predecessor in office only in a suit "relating to the present or future discharge of his official duties".²³

The defendant's exceptions to the Master's findings of fact and conclusions of law were overruled and the motion to suppress the Master's findings were denied.²⁴

The court on March 8, 1933 ruled that each plaintiff was entitled to a permanent injunction enjoining the enforcement of the law.²⁵ Mr. La Prade applied for leave to

23. Arizona Republican, Feb. 9, 1933.

24. Federal Supplement #2, op. cit. p. 859.

25. Ibid, p. 263.

file a tendered petition for a writ of mandamus, requiring circuit Judge Wilbur and the two district Judges Jacobs and St. Sure to dismiss the two suits in which the court had, against his opposition, substituted him for his predecessor in office. Mr. Justice Butler reviewed the case and handed down his opinion.

"The laws of Arizona do not authorize substitution suits abated when Peterson ceased to be Attorney General.

"It follows that the district court had no jurisdiction to substitute the petitioner as a party defendant in place of his predecessor or to direct that suits be continued and maintained against him.

"The petitioner's application for leave of file is granted and a writ of mandamus will issue commanding the respondents to vacate the decrees against the petitioner and to dismiss suits as to him."²⁶

When asked why the law was still being obeyed in Arizona, Mr. Booth of San Francisco, general attorney for the Southern Pacific replied that there were two ways open to them. One was to run long trains and await prosecution. This course would be difficult because heavy locomotives would have to be transferred to Arizona and the penalties might be so great as to be prohibitive. Both the human element and the time element would be involved in a suit against the attorney general. There must be a threat of prosecution from the attorney general and Mr. La Prade had

26. United States Supreme Court Reports, 77 Law Ed. Oct. term 1932, U. S. p. 287-289, Lawyers Cooperative Publishing Company, Rochester, N.Y., 1933, p. 1316.

not committed himself and the two year term of office would probably expire before it would be settled.²⁷

The companies have been awaiting the action of the Nevada Courts which have heard a train limit case similar to the Arizona case. Nevada passed a train limit law in 1935. The attorney general in that state was elected for four years. He had announced his belief in the constitutionality of the law and stated that he intended to prosecute its violaters. An injunction was applied for in April 1935 and the same procedure was to be followed in Nevada as had been followed in Arizona. The decisions of a three judge court in Nevada will be a precedent, regulating other states.²⁸

The second great struggle, which was political in nature, was an effort on the part of railroad companies and employees to increase the regulation of busses and trucks to a much greater extent. Competition to the railroads by trucks and busses has been steadily growing the last few years. Various reasons have been given for this increased business. One of the most important reasons has probably been the great improvement in highways and in automotive equipment. Much of the short-haul package freight has been taken from the railroads and as a result local trains have become so unprofitable that many roads have discontinued the

27. Hearings before Subcommittee, op. cit., p. 162.

28. Ibid., p. 163.

way-freight service when possible. Abandonment of many roads has not been possible because of charters and franchises. Railroads have begun the use of motor trucks in picking up and delivering freight to meet this trucking competition.²⁹

Some loss of business has been attributed to the policies of the railroads themselves. As the length and weight of trains increased, communities began to suffer from lack of service. Continued use of long trains has tended to drive the greater portion of local business to busses and trucks.³⁰

Attempts have been made to regulate this motor traffic by various methods of automobile and gasoline taxes, licensing of vehicle and driver and upon the speed at which the vehicles were permitted to travel.³¹

Certain Arizona communities and business men as well as the railroad companies and employees have suffered from this competition. In an article appearing in the "Arizona Republican" of January 1, 1933, Ernest R. Hall, a Salt River Valley farmer, said that outside truck owners made it impossible for farmers, truck growers, fruit and vegetable growers, dairymen and poultry raisers to sell their products for a price sufficient to enable them to pay taxes and

29. Johnson, Heubner, Wilson, Principles of Transportation, pp. 374-406.

30. Hearings before a Subcommittee, op. cit., pp. 135-136.

31. Johnson, Huebner, Wilson, op. cit., p. 406.

interest over and above hand-to-mouth living. "Wildcat" trucks were said to pick up low grade products in other states and dump them on the market for whatever price they could get, resulting in prices dropping below the cost of production.³²

An organization was formed at Phoenix, called the Arizona Trucking Organization which wished to curb "wildcat" trucking but opposed drastic legislation which might wipe out legitimate tax paying and home owned motor transportation businesses. Additional groups were to be formed in other cities of the state. Its purpose "was to protect all truck owners from such legislation as has been introduced in other states".³³

The legislative committees of the Brotherhood of Railroad Trainmen and the joint legislative committee of the four Brotherhoods met at Phoenix prior to the primary election in September 1933. They decided to use their influence in curbing this truck menace which was seriously affecting the employment of railroad men. These delegates represented approximately twenty Brotherhood lodges,³⁴ five of which were Brotherhood of Railroad Trainmen organizations,³⁵ and about

32. Arizona Republican, Jan. 1, 1933, p. 1.

33. Ibid., Jan. 6, 1933, p. 9.

34. Donahue, Frank, Interview, Oct. 25, 1935.

35. Directory of the Grand Lodge and Subordinate Lodges of the Brotherhood of Railroad Trainmen, March 1935.

Tucson, Winslow, Prescott, Douglas and Phoenix named in the order of organization.

2,015 railroad employees made up of brakemen, conductors, engineers, firemen, switchmen, flagmen, and yardmen.³⁶

Candidates for the legislature were questioned as to their stand on the issue and railroad men prepared to use their influence accordingly.³⁷

That the problem was really becoming of considerable importance was unquestionable. Governor B. B. Moeur in his message at the opening session of the eleventh legislature said:

"One of the most serious problems confronting us today is the abuse of highways by non-resident truck and bus line operators. While transportation of freight and passengers by truck and bus lines in interstate commerce has contributed substantially to reduction of rates, it is necessary that this state should adopt regulations covering the use of state highways by these concerns. The state is under no obligation to furnish free of charge, highways for concerns doing business as common carriers. The exceedingly heavy loads carried by trucks and busses are more destructive to our highways than the combined traffic of all other vehicles travelling thereon. There should be legislation regulating the use of highways for such carriers. Any such proposed legislation should, however at all times, protect producers and established industry in Arizona and not allow the imposition of exorbitant freight rates by railroads."³⁸

On January 9, 1933 the two bills which were designed to regulate the buss and truck transportation were introduced in the House of Representatives and were known as the

36. Fifteenth Census of the United States, 1930, Arizona Supplement, United States Government Printing Office, Washington, D. C., 1931, p. 7.

37. Frank Donahue, op. cit.

38. Arizona Republican, January 10, 1933.

Bush-Peggs Bills or House Bills 61 and 62.³⁹ Tuesday, January 24 the bills were read and turned over to the committee on highways and bridges and the judiciary committee.⁴⁰

A long forecast fight was brought into the open with the presentation of the bills. Provisions in both were declared to be more radical than had been expected. House Bill 61 provided for reducing the permissible height of trucks and trailers from fourteen feet six inches to twelve feet six inches; the permissible length of vehicles coupled together to be reduced from eighty-five to forty-five feet, thus operating to eliminate trailers on all except light trucks, and reducing the load maximum to 7000 pounds instead of 22,000 and 34,000 pounds, respectively, which was permitted on four and six wheel vehicles by a former law. Bill 62 provided a load tax of three mills per ton mile traveled for all vehicles carrying property for compensation.⁴¹

Public hearings were arranged for the bills but were postponed a number of times, finally being set for February 3 in the House chambers.⁴² A Brotherhood lobby was maintained at the legislature during the entire preparation of the bills, testifying before the committees and attending

39. Journal of House, 11th Legislature, State of Arizona, 1933. Mrs. Nellie Bush of Parker and Joseph M. Peggs of Kingman, p. 118.

40. Ibid., p. 125.

41. Arizona Republican, Jan. 24, 1933, p. 4.

42. Arizona Republic, Jan. 28, 1933, p. 3.

all hearings.⁴³

The night of the hearings an estimated crowd of 500 jammed the chambers and the corridors to hear the arguments. The three committees, Judiciary, Highway and Bridges and Corporations committees, conducted the hearings.

The witnesses for the bills appeared first. Paul E. Baxter, representing the Farmers Producing Company said the business of these firms, who handled butter, eggs, fruits, and vegetables had dropped from \$150,000 annually to \$30,000. E. L. O'Malley, lumberman, declared the trucks were unregulated and the worst menace the state had to contend with. Ernest R. Hall said the very existence of the farmers was threatened. S. K. Buck, assistant general freight and traffic manager for the Southern Pacific, testified as to the decrease in wages paid to employees in the state, which was attributable in part to trucks. T. W. O'Connell and E. M. Whitworth, for the highway department, testified at length on mileage costs of maintaining highways, accidents caused by trucks and the number operated.⁴⁴

Opponents of the bill declared the decrease in business was due to the depression and that trucking companies welcomed regulation. James S. Douglas, President of the United Verde Extension Mine at Jerome, said the railroads themselves were to blame for trucks. Rates were too high and

43. Frank Donahue, *op. cit.*

44. Arizona Republic, Feb. 3, 1933, p. 3.

it had been impossible to get reductions. It was contended that the proposed legislation would stifle business and on two truck lines alone, 192 drivers and drivers aids would be thrown out of work.⁴⁵

Evidence on the matter of taxes revealed according to the Arizona Produce Association, which backed the bills that the Atchinson, Topeka, and Santa Fe and the Southern Pacific railroads and subsidiaries in Arizona paid more taxes for county and state highway and bridge construction and maintenance than the total taxes, exclusive of property taxes, paid by all trucks in Arizona. Freight and passenger highway motor transportation companies paid taxes, other than gasoline and registration fees in 1930, amounting to \$71,842. The total taxes paid by the trucking companies, excluding property taxes, was \$442,948 or a total tax of \$514,790. The major railroads paid in 1930 for highway and bridge construction, \$465,236 or \$23,000 more than was paid by trucks for the same purposes, while in addition the railroads paid \$2,750,526 in state and county taxes or a total of \$3,215,763, which was 15.449 per cent of all state and county taxes paid.

The opponents of the bill contended that in Arizona the automobiles pay 200 per cent greater taxes than the

45. Arizona Republic, Feb. 4, 1933. Western Arizona Truck Lines and the Phoenix, Ray. Sonora, Hayden and Winkelman Line.

railroads. This estimate was said to include passenger cars which should not be included in the discussion.⁴⁶

It was disclosed that a check had been made October 26, 27, 28, and 29 on produce brought in over highway 80, the Yuma highway, and compared with railroad shipments for the same period. Six carloads came in by rail and twenty-six by truck or 81 per cent of all freight movement was by truck.⁴⁷

These two bills were two of the controversial bills of the session.⁴⁸ After attempting to amend bill 61 to liberalize the length, weight, and height, the bill was finally indefinitely postponed. Among the few members voting against postponing it was Charles J. McQuillan of Winslow, a member of the Brotherhood of Railroad Trainmen.⁴⁹ House Bill 62 was postponed till March 9 and on that day it was moved and carried that it "be laid on the table".⁵⁰ Thus was ended, for a time at least, an action which had been bitterly fought for several months.

The train limit law was passed in 1912 and was one of the first bills passed in Arizona designed to aid the trainmen. As had been the case with every law passed designed to regulate the railroads, the bill was bitterly opposed. The

46. Arizona Republic, Jan. 29, 1933, p. 3

47. Ibid.

48. Ibid., Feb. 17, 1933, p. 5.

49. Journal of House, 11th Legislature, op. cit., p.489-490.

50. Ibid. p. 635.

first action against the bill was a referendum vote of the people, which was instituted by the railroads. The people voted by a large majority to uphold the legislation. Little was done until after the war. Then began a long series of court actions which began in 1929 and extended through 1935 without being definitely settled.

The important part played by the Brotherhood of Railroad Trainmen members in these court actions on the train limit law reflect their interest in all legislative matters which concern the welfare of the trainmen and labor in general. As stated in the previous chapter, \$256,000 was spent in trying to maintain this law.

At the same time gradual encroachment of the busses and trucks on railroad business was being felt. Many lines of business began to feel that they were a menace to the state. They not only deprived men of their employment but injured the roads, were a menace to the traveling public and did not pay their share of the upkeep of the highways which they used. The members of the Brotherhood used every influence they had, politically, to secure the passage of a bill which would regulate this growing business more carefully. This hard fought legislation was finally defeated but it received as much publicity as any other legislation introduced in the legislative session.

The railroad men have come to realize more and more that to protect themselves and aid other workmen that they

must not only hold public office whenever possible but use their influence singly and collectively in helping to shape the policies of the state.

These two issues have not been definitely disposed of. The actions have merely laid the groundwork for further action which will undoubtedly follow at a later date.

CONCLUSION

There has grown in the United States a group of workmen, probably as large and as influential as any other similar group. Their problems are largely problems of their own occupation. They recognized at an early date that in order to protect themselves, a close and effective organization must be realized. They developed as a government develops, with a definite program, with able leaders, and an esprit de corps, probably unsurpassed by any other industrial group of people. They have learned the art of true government, in that they must work together to defend themselves, strive for the good of the whole group, and have always in mind, measures that contribute to public betterment.

Their efforts have been, as already indicated, both political and social. Though there appeared for a time to be a great struggle going on between these men and their employers, the employers have come to realize more and more that the regulation has not been entirely to their disadvantage. The relations between the two have become quite friendly and many of their problems are disposed of now in a very amicable way by a method of compromise on the part of each. The companies are beginning to realize the value of the organizations in helping to handle problems which occur in the daily routine.

The situation in Arizona has been no different from that of any other state although it has been said that Arizona legislation has been the most favorable to the railroad employees and the railroad men of this state have played their part as they have in other states. Motor transportation has been a recent problem, but without a doubt trucks and busses have come to stay and this industry will have to submit to regulation as has other common carriers.

The Brotherhoods have fought a great struggle which has been successful in almost every case. Only in a few instances has it apparently been futile but labor is hopeful that the aims and ideals as indicated in these activities have not been in vain and that the federal government will see fit, as their activities have seemed already to indicate, to further extend its sphere of regulation to additional fields.'

BIBLIOGRAPHY

Books.

1. A Compilation of the Messages and Papers of the Presidents, prepared under the direction of the joint committee on printing, of the House and Senate, pursuant to an act of the 52nd Congress of the United States, Vol. XI and XII, Published by the Bureau of National Literature, 1897.
2. Bancroft, Hubert Howe,
History of Arizona and New Mexico, 1530-1888,
The History Company, San Francisco, 1889.
3. Bernhardt, Joshua,
Interstate Commerce Commission Monographs of the United States Government #18,
Institute of Research,
The John Hopkins Press, Baltimore, Maryland, 1923,
pp. 1-54.
4. Campbell, Gilbert Lewis,
Industrial Accidents and their Compensation,
Houghton, Mifflin Co, Boston and New York, 1911.
5. Daggett, Stuart,
History of the Southern Pacific, 1922.
The Ronald Press Co, New York.
6. Davis, John P.,
The Union Pacific Railway,
S. C. Griggs and Co., Chicago, 1894.
7. Dixon, Frank Haigh,
Railroads and Government, Their Relation in the United States, 1910-21,
Chas. Scribner's Sons, 1922, Scribner Press, N. Y.,
U. S. A., pp. 76-80, 89-103, Professor of Economics,
Princeton.
8. Downey, E. H.,
Workmen's Compensation,
The MacMillan Co., New York, 1924.

9. Dozier, Howard Douglas,
The Atlantic Coast Line Railroad,
Houghton Mifflin Co., Boston, 1920.
10. Encyclopaedia Britannica,
Encyclopaedia Britannica, Inc., New York, 14th
edition, 1929, Vol. 18, 1929, pp. 935-6.
11. Groat, Geo. W.
Organized Labor in America.
Macmillan Co., 1917, p. 102 and 205.
12. Hunt, George W. P.
Personal Clippings, Vols. I-X in the
University of Arizona Library.
13. Johnson, Emory R. and Van Metre, Thurman W.,
Principles of Railroad Transportation,
D. Appleton and Co., New York, 1924.
14. Johnson, E. R.
History of Domestic and Foreign Commerce of the
United States,
Published by Carnegie Gibson Bros. Inc. Press,
Washington, D. C.
15. Johnson, Emory R.
American Railway Transportation,
D. Appleton and Co., New York, 1914, second revised
edition.
16. Johnson, Emory R., Huebner, Grover G., Wilson, Lloyd G.,
Principles of Transportation,
D. Appleton and Co., New York, 1929.
17. Kelly, George H.
Legislative History of Arizona, 1864-1912,
1926, pp. 71-282.
18. McClintock, James H.,
Arizona, Vol. I,
S. J. Clarke Publishing Co., 1916, pp. 89-293.
19. Moody's
Manual of Investments, American and Foreign,
Railroad Securities, John Sherman Porter, Editor-in-
chief, 1931, Press of Publishers Printing Co.,
New York, p. XXXI.

20. Murdock, John R.
Outlines of Arizona and Southwestern History,
 1931. p. XIV
21. Murdock, John R.
Constitutional Development of Arizona, 1930.
22. Richardson, James,
Messages and Papers of the Presidents, 1789-1897,
 Vol. VII, p. 195, Washington Government Printing
 Office, 1898, "President Grant's Fourth Annual
 Message".
23. Riegel, Robert Edgar,
The Story of the Western Railroads,
The Macmillan Co., New York, 1926.
24. Robinson, W. H.
The Story of Arizona,
Berryhill Co., Phoenix, Arizona, 1919, pp. 119-386.
25. Sharfman, I. L.
The Interstate Commerce Commission, New York,
The Commonwealth Fund, 1931, E. L. Hildreth and Co.,
Brattleboro, Vermont, pp. 11-19, 249-255, 265-280.
 Professor of Economics, University of Michigan.
26. Sloan, Richard E.
History of Arizona,
Record Publishing Co., Phoenix, Arizona, 1930,
 pp. 120-180.
27. Struckmeyer, Fred C.,
Revised Code of Arizona, 1928.
The Manufacturing Stationers, Phoenix, Arizona.
28. Taussig, Frank R.,
Principles of Economics, pp. 393-4.
29. The Encyclopedia Americana,
Americana Corp., 1928, New York and Chicago,
 Vol. 23, p. 160.
30. Thompson, Slason,
A Short History of American Railways Covering Ten
Decades,
D. Appleton and Co., New York, 1925.

Documents.

1. Congressional Record, 64th Congress, 1st Session, Aug. 15-Sept. 8, 1916, Vol. 53, pt. 13, pp. 13361-13363.
2. Constitution of the State of Arizona, Article XVIII.
3. Federal Reporter, 2nd Series, 43, Nov.-Dec., 1930, West Publishing Co., St. Paul, National Reporter System, pp. 198-199.
4. Federal Supplement #2, West Publishing Co., 1933, p. 855.
5. Fifteenth Census of the United States, 1930, Arizona Supplement, United States Government Printing Office, Washington, D. C., 1931.
6. Hearings Before a Subcommittee on Interstate Commerce, United States Senate, 74th Congress, 1st Session, "Bills to Limit the Car Length of Trains", June 4-19, 1935.
7. House Miscellaneous Document, 51-1, Executive Document #50, Washington Government Printing Office, 1890, Vol. 1, "Third Annual Report of the Interstate Commerce Commission, Dec. 1, 1889. pp. 1-463.
8. House Miscellaneous Document No. 50, "Third annual report of the Interstate Commerce Commission in 1889", 51st Congress, 1st Session, 1889-1890, Vol. I.
9. House of Representatives Report 7641, "Limiting the Hours of Service of Railroad Employees", 59th Congress, 2nd Session, V. 2, pp. 1-9, Feb. 16, 1907.
10. House Reports Miscellaneous Document No. 454, "Carriers engaged in interstate commerce and their employees", 55th Congress, 2nd Session, Vol. II, 1897-1898.
11. House Report, No. 2335, "Liability of employer's", 59th Congress, 1st Session, Vol. I, Mar. 15, 1906.
12. House of Representatives -- 35th Congress, 1st Session Ex. Doc. No. 124, "Report of Edward F. Beale".
13. Journal of House, 11th Legislature, State of Arizona, 1933.
14. Journals of the Twenty-Second Legislative Assembly of the Territory of Arizona, 1903, C. B. No. 21, p. 425.
15. Journal of the Senate, Seventh Legislature of Arizona, 1925.

16. Senate Miscellaneous Document No. 11, "Appointment of select committee to investigate interstate commerce", 49th Congress, Special Session.
17. Senate Reports, Miscellaneous, No. 1930, "Safety of employees and travelers upon railroads", 57th Congress, 1st Session, Vol. 8, June 14, 1902.
18. Senate Report, Document No. 60, "Second annual report of Interstate Commerce Commission, Dec. 1, 1888", 50th Congress, 2nd Session, Washington Government Printing Office, 1889, Vol. II.
19. Senate Report, 4246, "To Promote the Safety of Employees and Travelers Upon Railroads", 59th Congress, 1st Session, V. 2, 4905, pp. 1-2, June 9, 1906.
20. Senate Document 367, "Limiting the Hours of Service of Railroad Employees", 59th Congress, 2nd Session, V. 6, pp. 1-2, 5073, March 1, 1907.
21. Senate Document 406, "Casualties Due to Excessive Hours of Labor", 59th Congress, 1st Session, Vol. 7, 4915, pp. 1-4, April 26, 1906.
22. Supreme Court of the United States, Oct. term, Lawyers' Ed., Book 52, Lawyers' Cooperative Publishing Co., Rochester, New York, 1908, pp. 436-450.
23. Supreme Court Reporter, Vol. 37, Dec. 1916--Aug. 1917, West Publishing Co., St. Paul, 1917, pp. 298-318.
24. United States Statutes at Large, 55th Congress, Session II, Vol. 30, Chap. 370, 1898, pp. 424-428.
25. United States Statutes at Large, 56th Congress, Session II, Vol. 31, Chap. 866, 1901, p. 1446.
26. United States Statutes at Large, 60th Congress, Session I, Vol. 35, pt. 1, Public Laws, Chap. 225, 1908, p. 476.
27. United States Statutes at Large, 61st Congress, Session III, Vol. 36, pt. 1, Chap. 103, pp. 913-916.
28. United States Statutes at Large, 63d Congress, Session I, Vol. 38, Chap. 6, pp. 103-108.
29. United States Statutes at Large, 64th Congress, Session I, Chap. 436, Vol. 39, pt. 1, pp. 721-722.

30. United States Statutes at Large, 61st Congress, Session II, Vol. 36, pt. 1, p. 350.
31. United States Statutes at Large, 66th Congress, Session II, Vol. 41, pt. 1, Chap. 91, p. 456.
32. United States Statutes at Large, 52nd Congress, 1891-1893, Vol. 27, Washington Government Printing Office, 1893.
33. United States Supreme Court Reports, 77 Law Ed., Oct. Term 1932, United States 287-289, Lawyers Cooperative Publishing Co., Rochester, N. Y. 1933, p. 1316.

Pamphlets.

1. Brannon, Victor Dewitt,
Employer's Liability and Workmen's Compensation in Arizona, 1932, an unpublished thesis in the University of Arizona Library.
2. Brief of Defendant on Final Hearing, District Court of the United States in and for the District of Arizona, Atchinson, Topeka and Santa Fe vs K. Berry Peterson and Southern Pacific Company vs K. Berry Peterson.
3. Directory of the Grand Lodge and Subordinate Lodges of the Brotherhood of Railroad Trainmen, March, 1935.
4. Memorandum of Authorities on Motion to Suppress and Set Aside Master's Report, A.T. and S.F. vs Peterson, in equity E-196, Phoenix.
5. McGinnis, True,
Thesis in the University Library.
The Influence of Organized Labor on the Making of the Arizona Constitution. 1930.
6. Minutes of the Arizona Legislative Board, Brotherhood of Railroad Trainmen, held at the Adams Hotel, Phoenix, Arizona, July 23-26, 1934.
7. Minutes of the Arizona Legislative Board, Brotherhood of Railroad Trainmen, Jan. 14-17, 1935.
8. Minutes of Meeting of Arizona Joint Legislative Board of Transportation Brotherhoods, July 24-25, 1934.

9. Report of Board of Railroad Commissioners for the Years 1893-94 to the Governor of Arizona, Published by Arizona Republican, 1895.
10. Russell, Chas. Edward,
The Great Millionaire Mill, pp. 479-491,
 An article from Hampton's Magazine in the University of Arizona Library.
11. Supplemental Pamphlet of Referendum Measures for State of Arizona, 1912.

Magazines.

1. Bulletin of the Department of Labor 6:1-11, Jan. 1901,
 Willoughby, W. F., "Accidents to Labor as Regulated by Law in the United States".
2. Chautauquan 39:316-329, June 1904, Waldron, Geo. B.,
 "Evolution of the American Railroad".
3. Cosmopolitan 33:16-24, May 1902, Hollister, W. C.,
 "The Wreck-Master's Work".
4. Cosmopolitan 35:462-5, Aug. 1903, Wilgus, Wm. J.,
 "Railroading".
5. Eng. Mag. 34:632-42, Jan. 1908, Coes, Harold Vinton,
 "Can Railroad Collisions be Reduced to a Theoretical Minimum?"
6. Forum 18:704-713, Feb. 1895, Wright, Carroll D.,
 "Steps Toward Government Control of Railroads."
7. Forum 13:500-6, June 1892, Adams, Henry C.,
 "The Slaughter of Railroad Employees".
8. Harpers Weekly 47:1068-9, June 27, 1903, Buchanan, Joseph Ray,
 "No More Railway Accidents".
9. Independent 55:1590 July 2, 1903.
 "Statistics for 1902-1903".
10. Mitchell, W. M.
 "The Safety Car-Coupler Problem",
Eng. M. 5:519-523, July 1893.
11. Nation 86:115, (Editorial) Feb. 6, 1908.
12. Nation 86:48, Jan. 16, 1908, "Accidents".

13. Nation 54:352, (Editorial) "Railway Hours and Service".
14. Nation 103:167, Aug. 24, 1916, "The Railway Eight Hour Day".
15. No. Amer. 204:98-111, July 1916, Dunn, Sam O.,
"The Railways, Train Employees, and the Public".
16. Outlook 86:503-10. July 6, 1907, Cease, D. L.,
"Organizations of Railway Employees".
17. Pub. Opinion 21:4, July 2, 1896, Newcomb, H. T.,
"The Problem of Railway Labor".
18. Railroad Age 43:5, Jan. 4, 1907,
"Discipline to Prevent Accidents".
19. Railway Age 43:1, Jan. 4, 1907,
"Lax Discipline Cause of Wrecks".
20. Railroad Trainmen 52:5, May 1935,
"History of the Brotherhoods".
21. Review of Reviews 30:392-6, Mosely, Ed. A.,
"Railroad Accidents in the United States".
22. Sci. Amer. 56:23038, July 25, 1903, "Railway Accidents".
23. Sci. Amer. 88:110, Feb. 14, 1903,
"How Much Then, is a Man Better Than a Sheep?"
24. Sci. Amer. 96:506, June 22, 1907,
"How the Law May Prevent Railroad Accidents".
25. Sci. Amer. 90:418, May 28, 1904,
"Increasing Railroad Fatalities".
26. Sci. Amer. 92:158, Feb. 25, 1905,
"Three Months of Railroad Slaughter".
27. Sci. Amer. 86:84, Feb. 8, 1902,
"Railway Workmen and Disbursements".
28. Sci. Amer. S. 53:22145-7, June 28, 1902,
"Safety Appliances".
29. U. S. Department of Labor Bulletin 6:1023-1114, Nov. 1901,
Lindsay, Samuel McCune,
"Railway Employees in the United States".

30. Worlds Work 13:8598, March 1907,
"The Need of a Railroad Blacklist".
31. Worlds Work 15:9575-9, Nov. 1907, Phelps, Edward Bunnell,
"America's Lead in Railroad Accidents".
32. Worlds Work 7:4152, Nov. 1903,
"How the Railroads Discipline Employees".

Newspapers.

1. Arizona Daily Star, (Tucson) 1909-1912.
2. Arizona Daily Star, July 25, 1906.
3. Arizona Daily Star, Sept. 8, 1907.
4. Arizona Daily Star, Sept. 25, 1935.
5. Arizona Miner, (Prescott) 1879-1880.
6. Arizona Republic, January and February 1933.
7. New York Times, Nov. 29, 1930.
8. New York Times, Dec. 1, 1930.
9. New York Times, Nov. 30, 1930.
10. Tucson Daily Citizen, Oct. 17, 1935.

Letters.

1. Farquharson, J. A.,
National Legislative Representative of Brotherhood of
Railroad Trainmen, Feb. 17, 1936.

Interviews.

1. Bradner, Sam (Tucson)
Member of the Brotherhood of Railroad Trainmen,
Delegate to the Constitutional Convention and Speaker
of the first House of Representatives, Oct. 21, 1935.
2. Donahue, Frank, (Phoenix)
Member of the Brotherhood of Railroad Trainmen, Member
of the Legislative Board of the Trainmen and Member of
the Joint Legislative Board of the Transportation
Brotherhoods, Oct. 25, 1935.

3. Donnelly, Tom (Tucson)
Conductor on the Southern Pacific at Tucson and
Chairman of the Executive Board of the Brotherhood of
Railroad Trainmen, Feb. 9, 1936.
4. Quinn, Clyde C.
Member of Brotherhood of Railroad Trainmen,
former Legislative Representative.
5. Shelley, Ezra (Tucson)
Retired Southern Pacific Conductor,
Oct. 21, 1935.