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**CONNECTING A NATION, DIVIDING A CITY: HOW RAILROADS SHAPED THE
PUBLIC SPACES AND SOCIAL UNDERSTANDING OF CHICAGO**

By

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ABSTRACT

CONNECTING A NATION, DIVIDING A CITY: HOW RAILROADS SHAPED THE BUILT ENVIRONMENT AND SOCIAL UNDERSTANDING OF CHICAGO

By

Ted Robert Mitchell

Railroad development helped turn Chicago from a frontier town into a booming commercial and industrial entrepôt soon after the first train rolled through the city in 1848. The railroads brought the business and people that turned the city into a major metropolis, but they also brought new hazards to urban life. Railroads were often given the right by local government to build tracks in public streets. People thus had to deal on a regular basis with railroad encroachment and the threat of injury or death. Trains also created traffic congestion and atomized neighborhoods. In other words, they had a significant effect on the built environment of the city. As such, railroads restricted the movement of people and circumscribed human agency. The Common Council realized the negative social consequences of railroad development in the city early on and enacted railroad safety legislation, but it was ineffective in enforcement, and it retained economic priorities over ones that focused on shaping Chicago into a more livable city. This was the case until the 1860s, at which time the city of Chicago received new city charters that gave local government a form that could much more effectively deal with the spatial consequences of railroads.

for Rachel

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INTRODUCTION

The story of Chicago in the nineteenth century is the story of the rise of industrial America. When Chicago was first organized as a town in 1833, it was a muddy frontier settlement of a few hundred people. By 1871, the year the Great Fire burned down a third of the city, well over 300,000 people lived in a Chicago composed of factories, stockyards, and railroad tracks. Even before the fire, the city had made the transition from a frontier settlement to an industrial city.

This dissertation maps that transition by focusing on something that both represented and catalyzed industrial growth: railroad development. I argue that railroad development in Chicago—a city that became North America’s railroad hub by the mid-1850s, only a handful of years after the first train rolled through the city in 1848—significantly shaped the public spaces of the city. It created hazards and inconveniences that helped define the industrial era by circumscribing people’s movement through a city, thus limiting human agency. In other words, industrial America was defined not only economically and demographically by trends such as the integration of markets, the growth of the industrial working class, and the growth of cities, but also spatially, due to the confluence of these trends.

Railroad development in Chicago did not just “happen,” though. It occurred and shaped the public spaces of the city as it did because of deliberate decisions made by people in positions of power. These decisions, furthermore, were shaped within the limits of the political system. In other words, the city’s physical infrastructure was formed within the boundaries of the city’s political structure, boundaries that changed dramatically from the 1840s to the 1870s. (The exceptions to this assertion were

episodes of corruption, which were few and far between until the late 1860s.) The members of Chicago's Common Council were the gatekeepers for railroad development in the city: they had the ultimate power to decide whether or not a railroad was allowed to build in the city and on what terms. They also controlled the use of the city's public spaces, the most important of which for railroad development were the streets. The railroads, too, generally had both economic and political clout that helped get them into the city, as did pro-railroad business interests such as the Board of Trade. Small business owners and Chicago residents who lived near the railroads held little power, though their persistent opposition to railroad development and its attendant hazards paid off after Chicago's government changed with the new city charters of the early 1860s. The role of the Illinois state government—the body that defined the powers of the city of Chicago—in shaping Chicago's government and, ultimately, shaping Chicago's railroad infrastructure, cannot, therefore, be overstated. Railroads shaped Chicago's built environment through decisions that came from a combination of political, business, and public interests. The reaction by Chicago's Common Council to railroad encroachment into public spaces and the hazards that came with it shows a distinct change from the 1840s to the 1870s: the booster Council of the 1840s and early 1850s transformed into a body that looked out for the public interest by changing the shape of the new industrial city and protecting the public from the dangers inherent to industrial society. In other words, whereas the Council's early focus regarding railroads was on making the city profitable, the Council from the 1860s began to focus on making it livable.

Railroads provided the transportation infrastructure to connect the regions and markets of the vast North American continent. This infrastructure centered on Chicago, which helped make it an ideal manufacturing and distribution center. Businesses came, as did people seeking jobs and economic opportunity. And when they arrived in Chicago, people quickly realized that railroads were more than simply conveyances that connected America and facilitated economic growth; they were large, powerful pieces of technology that were not transient in nature. The tracks on which trains ran—not to mention the depots, stations, warehouses, rail yards, and other ancillary railroad structures—were fixed, which meant that railroads became an important part of Chicago's built environment.

But railroads were not just buildings. The hazards and inconveniences attendant with railroad development in Chicago came in large part because, in the late 1840s and early 1850s, railroads were treated as a privileged form of transportation by the Chicago Common Council. The Council had the power to decide how public spaces such as streets and alleys were to be used, and it wanted to attract railroads and the possibility of economic growth that came with them. Thus the Council gave railroads generous rights-of-way in public spaces, often in and across streets. It seemed logical that the Council would give the railroads rights-of-way through the streets of Chicago: streets were used primarily for travel, and trains were conveyances. Also, rights-of-way in streets precluded delays to railroad development that would be brought on by property owners who were unwilling to sell to the railroads. Finally, the fact that locomotives would share streets with the public did not, early on, bother the Council or Chicago's residents since most of the streets in which the tracks were laid were in industrial neighborhoods.

The possible problems that came with the convergence of streets and railroads, however, became manifest within a short time. Large numbers of people moved to the city, often on the passenger cars of trains. Many of these people were working-class individuals who hoped to get a job with one of the many industrial and manufacturing firms in the city. Upon moving to the city, they tried to obtain housing in inexpensive areas that were close to their jobs. Thus, areas that were purely industrial transformed into mixed industrial-residential neighborhoods. The issue of railroad hazards and inconveniences quickly became an issue.

Hazards and inconveniences caused by the railroads varied in magnitude, and working-class people were disproportionately affected by them since they lived near the railroads more frequently than middle-class and wealthy people did. Nevertheless, railroad development was so thorough in the city by the late 1850s that no one—poor or wealthy, visitor or resident—could avoid the delays and dangers that the railroads brought. The wood- and coal-burning locomotives blew black smoke into the air that choked the lungs and coated Chicago with black soot. The same steam engines that polluted the air and produced for the city a coal-black patina also generated hot coals that created fire hazards for wooden carriages and roof shingles that hung near the tracks. The “iron horse” was also formidable in size and sound, enough so to scare actual horses moving about the city.

But the most serious hazards came as a result of the railroads’ encroachment into public spaces, primarily streets. Men, women, and children shared the streets with trains, and accidents occurred. Grade crossings—places where railroad tracks crossed streets—were points of particular danger. Protruding tracks and ill-maintained crossings made the

crossings dangerous, while passing trains made them deadly. The fact that people were not used to the speed and size of trains in the early industrial era made tragic misjudgments of train speed at grade crossings all too frequent occurrences. This, coupled with a paucity of safety precautions and neglect by railroads of safety statutes, led to a large number of accidents. Chicago's quickly growing and ever more dense population further exacerbated this issue. Yet grade crossings were not just points of danger to life and limb; they were frequently points of traffic congestion. Trains blocked streets in a city that did not need more traffic issues: the three branches of the Chicago River made travel across the city challenging enough.

These issues and the ever-present fear of property devaluation sparked opposition to railroad development in Chicago's public spaces. The Council received numerous petitions and remonstrances, and Chicago newspapers printed plenty of complaints, all of which were against railroad encroachment in the city's neighborhoods. Despite this, the Council's support of railroad construction continued through the 1850s, though it generally was not as strong as it was during its period of unabashed boosterism in the late 1840s and early 1850s. It still gave a number of railroads generous rights-of-way on and across streets through the 1850s and into the 1860s, yet the Council began to take safety and convenience issues into consideration. It enacted ordinances that, for example, established both a speed limit and a maximum amount of time trains could block grade crossings. It also began to include maintenance provisions in right-of-way ordinances: railroads that built tracks in the streets were required to pave and maintain the section of street on which they ran; they also had to maintain safe, usable crossings.

Despite the Council's increased attention to the problems attendant with railroad development in public space, the problems persisted. Railroads would openly violate the new safety regulations and maintenance provisions because they knew that the Council was unable to effectively enforce the legislation. Aldermen often ignored the numerous petitions that complained of railroad safety violations. On the occasions during which they tried to enforce their statutes, they usually had no effective recourse against the railroads. The police force was small and underfunded, and issues regarding streets and railroads often dissipated in an array of aldermanic committees. Enforcement usually resulted in nothing more than the drafting of an order that reiterated the requirements of the original ordinance. Chicago was a large industrial city, but the form and function of its government was that of a Jacksonian-era frontier town.

This changed in the 1860s. The attention of Chicago's residents was turned to the Civil War during the first half of the decade. The city experienced an economic boom due to the production and shipment of war supplies, and the Council paid no heed to the enforcement of railroad safety and street maintenance legislation in order to let the railroads carry out their important role in the Union cause. But while all eyes were focused on the war, the Illinois General Assembly produced legislation that had major implications for how Chicago's city government was to deal with the hazards and inconveniences wrought by the railroads. It passed new city charters for Chicago in 1861 and 1863 that changed the city's ward map and altered the form of local government by creating independent boards of police and public works. Aldermen were more accountable to their constituents, and the professionally run police force and Board of Public Works (BPW) enforced railroad ordinances much more effectively than had their

predecessors. The BPW was especially important in making Chicago a more livable railroad city. Not only did it execute the maintenance of streets and crossings, it worked with railroads to get rid of dangerous grade crossings by building viaducts over railroad tracks. This decade marked a distinct turn in Chicago's local government to issues regarding railroad development. The Council was able to act in the public interest by not only enacting laws that dealt with railroad problems, but by enforcing those laws and making spatial changes that resulted in a more livable industrial city.

Railroads were both a symbol and catalyst of the industrial era, and they were especially important to the rise of Chicago. Yet relatively few works have critically analyzed the role railroads played in shaping Chicago. One of the first to do so was William Cronon's *Nature's Metropolis: Chicago and the Great West*.¹ Cronon's environmental history showed that Chicago's proximity to the natural resources of its hinterlands—timber to the north and northeast, grain to the west, livestock to the south and west—and the city's railroad infrastructure combined to make the city a continental processing and distribution center in a relatively short amount of time. Books from historian Ann Durkin Keating, geographer Harold Mayer and historian Richard Wade, and geographer Robert Lewis have a narrower geographical focus than that of Cronon.² Whereas *Nature's Metropolis* focused on the connection between the city and the regional periphery, Keating, Mayer and Wade, and Lewis showed that railroads played a

¹ William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W.W. Norton & Co., 1991).

² Ann Durkin Keating, *Building Chicago: Suburban Developers and the Creation of a Divided Metropolis* (Urbana: University of Illinois Press, 1988, 2002) and *Chicagoland: City and Suburbs in the Railroad Age* (Chicago: University of Chicago Press, 2005); Harold Mayer and Richard Wade, *Chicago: Growth of a Metropolis* (Chicago: University of Chicago Press, 1969); and Robert Lewis, *Chicago Made: Factory Networks in the Industrial Metropolis* (Chicago: University of Chicago Press, 2008).

key role in not only facilitating the growth of suburbs and fringe metropolitan areas, but also in maintaining the economic and social connections between the center city and its residential, farm, and industrial suburbs. All of these aforementioned works focus on the railroads primarily as a conveyance that facilitated economic intercourse and suburban development.³ This study narrows the geographical focus even more to examine the role of the railroads and all of their physical manifestations—locomotives, rolling stock, tracks, rail yards, sheds, stations, etc.—as part of the built environment of America’s Second City, which happened to be the “First City of Railroads.”⁴

David Stowell’s *Streets, Railroads, and the Great Strike of 1877* is the single work of American history that focuses on railroad encroachment in city streets.⁵

Railroads were allowed to build track in and across busy streets in Buffalo and Albany, and the public in those cities spoke out with anger against railroads that caused a number of accidents and disrupted small businesses. The hazards and inconveniences faced by the upstate New Yorkers were similar to those faced by residents in Chicago, but the purpose and form of Stowell’s study differs considerably from this dissertation. *Streets, Railroads, and the Great Strike of 1877* is similar in form to the classic monographs of the British Marxist historians of the 1960s such as Eric Hobsbawm, Christopher Hill, and,

³ Ann Durkin Keating and Robert Lewis view railroads as an important part of the built environment, but railroads are viewed more by their ends than by their means.

⁴ Joshua Salzman’s recent dissertation, “Safe Harbor: Chicago’s Waterfront and the Political Economy of the Built Environment, 1847-1918” (Ph.D. dissertation, University of Illinois at Chicago, 2008), does not focus specifically on railroads, but he discusses the Illinois Central Railroad’s significant lakeshore presence in Chapter III, “*Munn v. Illinois* and *Illinois Central v. Illinois*, 1851-1892.” As the title of his dissertation alludes, he argues that businessmen, politicians, the federal government, and urban planners made Chicago’s waterfront “a safe harbor for capitalism,” a space that was built for the facilitation of profit-making.

⁵ David Stowell, *Streets, Railroads, and the Great Strike of 1877* (Chicago: University of Chicago Press, 1999).

especially, George Rudé.⁶ It follows a teleology in which the revolutionary moment was crowd action during the Great Strike of 1877. Stowell argued, quite convincingly, that the crowd actions during the strike in Albany and Buffalo came because of discontent with railroad encroachment in the streets. Stowell challenges previous interpretations of the strike by claiming that the crowds were not just composed of disenchanting railroad workers and working-class supporters of the strikers who felt a sense of class solidarity; they were regular people who were directly lashing out at the railroads.

Stowell's primary intention was to offer an alternative interpretation of the 1877 nationwide railroad strike – the so-called Great Strike – that put the strike in the context of urban history; railroad encroachment on the streets gave Stowell the means to that end. Though his work used similar documents to those employed by this study—city council proceedings and newspapers are his chief sources—*Streets, Railroads, and the Great Strike of 1877* remains purely a work of social history “from below.” The battle over public spaces and the social consequences of railroad encroachment form a central part of this dissertation, though I move beyond social history to investigate the role of political decisions at the local, state, and federal levels and demonstrate how those decisions were paramount in shaping Chicago's railroad space.

An underlying theme in this dissertation is the importance of structures in shaping society. I am not a determinist, but I believe historians often give short shrift to structures while overvaluing the power of human agency. I show that political, physical, and social structures all played extremely significant roles in determining the urban

⁶ Exemplary monographs from these historians include Christopher Hill, *The English Revolution 1640* (London: Lawrence & Wishart, 1940); accessed at <http://www.marxists.org/archive/hill-christopher/english-revolution/> on 20 November 2009; Eric Hobsbawm and George Rudé, *Captain Swing* (London: Phoenix Press, 1999, 2001); and George Rudé, *The Crowd in the French Revolution* (London: Oxford University Press, 1959).

experience in nineteenth-century Chicago. In sum, railroads in streets limited how, when, and where people could move through the city; the railroads were given permission to lay track in public spaces by city politicians whose right to do so was prescribed by the state of Illinois; and working-class people who lived near the railroads were affected more by the negative consequences of railroad development than were wealthier individuals who could afford to live elsewhere. The transition to the industrial era in a city provides an opportunity to underscore the limits on human agency. Historian Barbara Young Welke is in accord with this assertion in *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920*.⁷ She showed that the American concept of liberty changed at the end of the nineteenth century. Before industrialization, liberty meant that individuals, especially adult men, had the ability to act autonomously; after, “[d]ependence, rather than autonomy, was the hallmark of modern life.”⁸ She demonstrated that the new locomotive technology represented an extreme break with the past—with the pre-industrial era. It was presumed to be a boon to society, yet its imposing presence posed a constant threat to public health and safety. People were not able to control the new industrial technologies, and thus human action became circumscribed by the movement and actions of these technologies. Gender and race also played key roles in defining the new American liberty, but the technology marked the change.

This dissertation tells the story of a transition of Chicago’s built environment from a frontier town to an industrial city, and it does so by analyzing railroads. It is a

⁷ Barbara Young Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (New York: Cambridge University Press, 2001).

⁸ *Ibid.*, xi.

story of Chicago politics from the 1840s through the 1870s, and, as such, Robin Einhorn's *Property Rules: Political Economy in Chicago, 1833-1872* must be considered.⁹ *Property Rules* is currently the standard work on Chicago politics during the period. Einhorn's impeccably researched book focused on the Chicago Common Council proceedings files from 1833 to 1871. Einhorn was the first historian to use the files, which were discovered in a warehouse in 1984. (The proceedings files also form the foundation of this study, though I focused specifically on files that touched on railroad matters.) *Property Rules* argues that Chicago city government from "about 1845 to about 1865" operated through what Einhorn terms a "segmented system."¹⁰ The Common Council made its political decisions within the segmented system, but its most important decisions dealt with the construction and funding of public works projects. Few projects were funded through general taxation at the time. If people wanted to pave a street, for example, abutting property owners would have petitioned the Council, and, if the paving was approved, each property owner along the section of street to be paved would have been assessed a payment to fund the paving. These special assessments formed the heart of the segmented system, a system that "limited urban citizenship to the owners of real estate."¹¹

The segmented system was "designed to prevent all political redistribution of individual wealth," and, in so doing, it "depoliticized municipal government" by "reduc[ing] political decision-making to an administrative process driven directly by

⁹ Robin Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press, 1991, 2001).

¹⁰ *Ibid.*, 16.

¹¹ *Ibid.*, 17.

‘interested’ property owners.”¹² It was free of corruption, and represented a decentralization of political decision-making that reflected “the same logic” as the Jacksonian internal improvements debate.¹³ The only people who exercised power in the segmented system were the propertied classes; it was not democratic by any means. This system, which was justified in terms of private interests, gave way to a Gilded Age system based on a public interest in which special assessments were only used “as a revenue expedient rather than a policy instrument.”¹⁴ The public interest was defined by Gilded Age millionaires instead of Jacksonian boosters, and was marked by the upward redistribution of city resources. “The transition from segmented government to the new public interest in Chicago was the transition from Jacksonian to Gilded Age politics in the United States.”¹⁵ Though the shape of city government changed, “power barely changed hands at all.”¹⁶

Einhorn’s analysis represented a challenge to urban historians’ prevailing story of nineteenth-century American urban politics. This earlier paradigm asserted that the neocorporate model (in the West, this was the “booster” model) of urban government was transplanted to the American colonies by the British in the eighteenth century.¹⁷ This model of government—in which individuals with an economic stake in the city held all

¹² Ibid., 18.

¹³ Ibid., 25.

¹⁴ Ibid., 229-30.

¹⁵ Ibid., 241.

¹⁶ Ibid., 243.

¹⁷ See Jon Teaford, *The Municipal Revolution in America: Origins of Modern Urban Government, 1650-1825* (Chicago: University of Chicago Press, 1975), for the best summary of American urban government’s English roots. See also Richard Wade, *The Urban Frontier: Pioneer Life in Early Pittsburgh, Cincinnati, Lexington, Louisville, and St. Louis* (Chicago: University of Chicago Press, 1959), for an explanation of Western cities’ Eastern roots.

political power and focused on regulating urban commerce—gave way in the mid- to late-nineteenth centuries to ward-based machine government—generally viewed by historians either as a failure due to massive corruption, or as a victory for inclusive democracy—which lasted until the Progressive era. The neocorporate/booster government was centralized, whereas machine politics marked a decentralization of urban government.¹⁸ Einhorn’s interpretation marks a break from the booster-to-machine transition by maintaining that the segmented system represents a distinct political period in Chicago between Jacksonian boosterism and the new public interest/machine politics of the Gilded Age. It was extremely decentralized, while machine politics represented political consolidation and centralization.

The importance of Einhorn’s work should not be understated. There is no denying that special assessment played a significant role in Chicago government and helped mark a definitive transition from Jacksonian booster politics to the public interest politics of the Gilded Age. This study is in accord with Einhorn’s contention that the period of Jacksonian boosterism was defined by a decentralized political system in Chicago. I maintain that this decentralization was represented not only by special assessment, but also through a chartered municipal political form that gave disparate aldermanic committees of the Common Council formidable decision-making power until the new Chicago city charters of the early 1860s, at which time decision-making was centralized through professional boards such as the Board of Public Works.

Although this dissertation concurs with much of Einhorn’s analysis, it disagrees with Einhorn’s chief argument. I contend that, though special assessment was an

¹⁸ See Samuel P. Hays, “The Changing Political Structure of the City in Industrial America,” *Journal of Urban History* 1:1 (November 1974), 6-38, especially pp. 6-16.

important administrative tool used by the Chicago Common Council, the segmented system did not define Chicago politics from the 1840s to the 1860s. The case of railroad development shows a Council that made a complete transition from boosterism to public interest politics by the 1860s; the segmented system was a part of the political transition, but it was not a distinct stage in Chicago politics. Railroad development decisions sometimes fit within and sometimes fell outside of Einhorn's definition of the segmented system. For example, booster aldermen at times approved railroad rights-of-way despite heavy opposition from abutting property owners; yet right-of-way ordinances often required railroads to improve the street on which they ran, which seemed to correspond to the segmented system philosophy of "you want it, you pay for it" (in this case, it was "you want right-of-way, you pay to maintain the street").

But the simple fact that railroad politics was about more than taxes is what truly exposes the flaws with proclaiming that special assessment was a "policy instrument" rather than a "revenue expedient."¹⁹ Battles over railroad development often came down to the protection of human lives. The fact that nearly all Chicagoans were simultaneously experiencing the physical threat of railroads for the first time may have made the issue more tangible to wealthy booster-aldermen. Whatever the reason, these aldermen took heed of the petitions sent by workers and property owners alike about the need for railroad safety laws. Though they may not have been in positions of power, the concerns of working-class people, at least regarding the railroads, were being listened to. The rich and powerful may often have had the final say in political decisions, but Chicago city

¹⁹ Einhorn, 229.

government of the 1840s through the 1860s was more democratic than Einhorn's description of the segmented system made it out to be.

The opinions of the workers, small landholders, and small business owners were heeded even more in the 1860s after the ward map was reshaped to reflect neighborhood representation and the professional Board of Public Works replaced various aldermanic boards as a central body for the execution of public works projects. Einhorn claims "Chicagoans created the BPW not to centralize decision making or to redistribute wealth, but to coordinate administration in order to preserve property owners' local control," but the truth is it did centralize decision making and redistribute wealth, and property owners' local control was challenged more frequently after the formation of the BPW than before.²⁰ Railroad safety ordinances were enforced and railroad viaducts were built by the BPW; the construction of these viaducts was funded in large part by the city's general fund. Chicago city politics was defined by a new public interest in the 1860s, but it was not just an interest built on upward redistribution defined by the Gilded Age millionaire elite; the public interest was to some extent about protecting the health and safety of the general public. In other words, it was a public interest, not a special interest in the guise of a public interest.

Finally, this work engages the historiography of American municipal political development. It provides evidence for the broad analyses of historians Jon Teaford and Eric Monkkonen. The changing political reaction by the Chicago Common Council towards the railroads from the 1840s to the 1870s substantiates Monkkonen's assertion that nineteenth-century American cities made a transition from entities that were defined

²⁰ Ibid., 183.

by a focus on economic regulation to ones that attempted to ameliorate problems attendant with urban growth by providing services such as police and fire protection and water and sewage services. The actions of the Chicago Common Council in regard to the railroads reflect this transition: the Council initially focused on economic development, while it began to concentrate on improving the negative spatial consequences of railroad development in the 1860s.²¹

This further gives evidence for Jon Teaford's story of American city government during the last three decades of the nineteenth century. He showed in *The Unheralded Triumph: City Government in America, 1870-1900* that city governments were quite effective in providing services for city residents. Though the eclectic mix of professionals, upper-class mayors, working-class aldermen, and state assemblymen involved in various aspects of municipal governance and administration were often distrustful of each other, Teaford demonstrated that city governments nevertheless provided a level of service to nineteenth-century American city residents that was unparalleled in cities throughout the world. This dissertation gives further evidence for Teaford's conclusions, for the transition of Chicago's municipal government towards a focus on making the city's public spaces safer for city residents involved a mix of professionals, aldermen, and mayors that was shaped by the frequent city charters drafted by the Illinois General Assembly to cope with Chicago's explosive growth. Though the various parties may not have always been in perfect accord, they nonetheless worked

²¹ Eric Monkkonen, *America Becomes Urban: The Development of U.S. Cities and Towns, 1780-1980* (Berkeley: University of California Press, 1988).

together to make Chicago a safer, more livable city by reshaping and regulating its public spaces.²²

Chapter One discusses the early railroad era and describes how the Common Council acted as unabashed boosters for the city of Chicago. Chapter Two focuses on how railroads shaped Chicago's public spaces by discussing the hazards and inconveniences that railroads brought to the people of the city. Chapter Three examines the transitional period in the 1850s during which the Common Council began to legislate for the protection of the public safety, yet it often did not have the enforcement power or the will to effectively enforce this legislation; in other words, economic development continued to trump the public interest when the Council made laws regarding railroad space. Chapter Four discusses the Council's shift in the 1860s from booster to public interest politics. Finally, the conclusion uses the Illinois Central lakefront case and the Great Fire to resolve the key issues addressed in this dissertation.

²² Jon Teaford, *The Unheralded Triumph: City Government in America, 1870-1900* (Baltimore, Md.: The Johns Hopkins University Press, 1984).

CHAPTER 1: THE RAILROADS COME TO CHICAGO, 1848-1852

A steam locomotive first rolled through the city of Chicago on October 26, 1848.

The Galena & Chicago Union Railroad—a corporation run by prominent Chicago residents including William Ogden, J. Young Scammon, and John Wentworth—purchased a second-hand engine that was shipped across the Great Lakes from upstate New York. After having fit the engine with a new boiler and some updated parts, the railroad company sent the locomotive—appropriately dubbed “Pioneer”—on its initial journey from Chicago westward, towards the Des Plaines River. It traveled only five miles—the additional five miles of track that were needed to reach the river would not be completed until December. Nevertheless, this experimental journey validated the name of the engine, for it pioneered locomotive transport for its parent company and for the burgeoning frontier city of Chicago.¹

Politicians and residents throughout the state of Illinois became caught up in the nationwide push for internal improvements in the 1820s and 1830s.² They logically viewed the development of transportation and communication links with the people and money of the east as the key to the economic and demographic growth of the west.

Chicago’s connections to other parts of the country were expanded during this period, but

¹ *Chicago Journal*, October 26, 1848. Cited in David Young, *The Iron Horse in the Windy City: How Railroads Shaped Chicago* (DeKalb, Ill.: Northern Illinois University Press, 2005), 24. The early history of the Galena Railroad and the initial journey is described in Bessie Louise Pierce, *A History of Chicago: Volume II: From Town to City, 1848-1871* (New York: Alfred A. Knopf, 1940), 35, and A.T. Andreas, *History of Chicago from the Earliest Period to the Present Time: Volume I: Ending with the Year 1857* (Chicago: A.T. Andreas, 1884), 248.

² For descriptions and analyses of the national push for internal improvements in Jacksonian America, see Carter Goodrich, *Government Promotion of Canals and Railroads, 1800-1890* (New York: Columbia University Press, 1960); George Rogers Taylor, *The Transportation Revolution, 1815-1860* (New York: Harper & Row, 1951); Balthasar Henry Meyer, *History of Transportation in the United States Before 1860* (Washington: Carnegie Institution, 1917); Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991); and Edward Pessen, *Jacksonian America: Society, Personality, and Politics* (Homewood, Ill.: The Dorsey Press, 1969, 1978), 122-137.

not because of the actions of people in Illinois. The project that first facilitated Chicago's connection to the east was the Erie Canal. Opening in 1825 and funded by the state of New York, it connected the Hudson River to Lake Erie, and thus connected Chicago by water to the East coast, though Michigan stood in the way of a direct link; ships had to run the entire length of both Lakes Huron and Michigan to get their wares to Chicago from the east.³ Nevertheless, the Erie Canal and its heavy traffic excited the imaginations of Illinois's populace.

City boosters such as Scammon, Wentworth, and Ogden knew that access to transportation networks was the key to Chicago's growth, and they did what they could to emphasize what they perceived as the city's natural transportation advantages. One of these advantages was Chicago's location at the mouth of the languid Chicago River. The river's lazy flow resulted in large deposits of sand that proved both fortuitous and annoying for those arriving to Chicago by nautical means: fortuitous because it became a natural protective barrier from storms for ships docked at the mouth of the river; but annoying for large ships that ran aground on the sandbar. This less-than-ideal harbor was a relative advantage for Chicago, for there were no other nearby locations on the southwestern shore of Lake Michigan that even resembled a harbor. This would only remain a viable port, however, through the constant dredging of sand, which was funded in large part by boosters who believed in the importance of ship access to the growth of the city.⁴

³ See Carol Sheriff, *The Artificial River: The Erie Canal and the Paradox of Progress, 1817-1862* (New York: Hill and Wang, 1996) for a comprehensive history of the Erie Canal.

⁴ For discussion of the harbor's tendency to fill with sand, see William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W.W. Norton & Co., 1991), 55-56. For discussion of the Common Council's attempts at funding the dredging of the harbor, see Robin Einhorn, *Property Rules:*

Illinois also attempted to build its own canal soon after the early success of the Erie Canal. The state government was bestowed a land grant by the federal government in 1827 to aid in the construction of the Illinois & Michigan Canal, which was to join the Chicago River with the Illinois River, and thus connect the Great Lakes (and, with the opening of the Erie Canal in 1825, the east coast) to the Mississippi River system. In 1830, a commission was sent to survey the proposed canal site. During this survey, the original town of Chicago was plotted for the first time. Some lots were sold to fund the survey, and in 1831 Cook County was given twenty-four lots with the understanding that the proceeds from their sale would be used to construct public buildings for the city. The lots sold quickly, and, though the construction of the canal initially fell through due to a failure to secure Eastern capital, word of a canal eventually being built in Chicago combined with the pacification of Native Americans in the area during the Black Hawk War in 1832 led to a land boom in the city. From the beginning, Chicago was built on speculation and a belief that the road to a city's economic success started in the ability to make property a private commodity, the value of which was tied directly to its transportation networks.⁵

Political Economy in Chicago, 1833-1872 (Chicago: University of Chicago Press, 1991), 66-67, 77, and "A Taxing Dilemma: Early Lake Shore Protection," *Chicago History* 18:3 (Fall 1989): 34-51.

⁵ For the history of the Illinois & Michigan Canal and its effect on Chicago, see Cronon, 64; Bessie Louise Pierce, *A History of Chicago: Volume I: The Beginning of a City, 1673-1848* (New York: Alfred Knopf, 1937), 46; Andreas, I, 165-173; James Putnam, *The Illinois and Michigan Canal: A Study in Economic History* (Chicago: University of Chicago Press, 1918); Michael Conzen and Kay Carr, eds., *The Illinois and Michigan Canal National Heritage Corridor: A Guide to Its History and Sources* (DeKalb, Ill.: Northern Illinois University Press, 1988); John Lamb, *A Corridor in Time: I & M Canal, 1836-1986* (Romeoville, Ill.: Lewis University Press, 1987). Homer Hoyt's *One Hundred Years of Land Values in Chicago: The Relationship of the Growth of Chicago to the Rise of Its Land Values, 1830-1933* (Chicago: University of Chicago Press, 1933; reprint, Washington, D.C.: Beard Books, 2000), 3-44, describes the rise in Chicago land values and the rampant land speculation that resulted from both the rumor of and the actual construction of the canal. See Kerry Trask, *Black Hawk: The Battle for the Heart of America* (New York: Henry Holt & Co., 2006) for a history of the Black Hawk War.

Chicago land speculators and residents who bought land during the initial Chicago land boom would have to wait a few years to recoup their investments. The nationwide economic panic of 1837 destroyed the value of property in the city and brought the collapse of the ambitious state-sponsored internal improvements program.⁶ The Illinois & Michigan Canal was finally completed in 1848—twelve years after ground had been broken and over two decades since the project was initially conceived—after canal developers finally secured European funding and other loans. A number of other projects, including some railroads, failed because of the Panic. Others, including the Galena & Chicago Union Railroad, were resurrected; groups of individuals intent on seeing these once-failed projects through to completion claimed their expired charters.

Though the Illinois & Michigan Canal—both the idea and the actual waterway—played an important role in the initial growth of Chicago, the true catalyst for the economic and demographic growth of the city was the development of railroads. Railroads could run throughout the year, whereas water transport was at the mercy of the elements: canal and lake transport slowed or came to a halt in the winter due to ice, and canals and rivers became unnavigable during droughts or floods. Also, railroads could be built nearly anywhere there was a perceived need; canals were geographically limited to connecting larger bodies of water. Chicago's advantageous location relative to the Lake Michigan trade, and its flat, swampy prairie that kept the price of railroad construction low helped initially attract early railroads to the city. Though railroads did not completely replace canals and other inland water routes as important modes of inter- and

⁶ Hoyt, 37-44.

intra-state transportation, they nevertheless became the chief form of long-distance transport in the United States from the 1860s.⁷

Once the “Pioneer” took its initial five-mile journey along the tracks of the Galena & Chicago Union Railroad in 1848, little time passed before more railroads whose intended terminus was Chicago applied for special charters of incorporation from the Illinois legislature.⁸ From the initial land boom of the 1830s, Chicago proved to be a city where residents and investors were quick to jump on trends that had the possibility of economic growth, even if the risk of loss was great. Railroads were one of these trends, and the enthusiasm for them in Chicago in particular led to a city filled with railroad tracks.

In order for a railroad to build in the city of Chicago during the early years of railroad development, permission was required from two levels of government. First, the railroad needed to obtain a corporate charter from the state in which it sought to build. The corporate business form was the only viable way to raise the large amount of capital needed to start a railroad; in order to become a corporation, a railroad needed a charter from each state in which it built. After having obtained a charter, the railroad corporation

⁷ See George Rogers Taylor, *The Transportation Revolution, 1815-1860* (New York: Harper & Row, 1951), for a general discussion of the development of transportation in the United States during the antebellum period. He argues that the transportation revolution of the era was a story of one primary form of transportation succeeding another. In short, roads and turnpikes were succeeded by canals, rivers, and lakes, which were in turn succeeded by railroads. Taylor admits that the traffic on some canals and waterways continued to grow even into the railroad era: “It is true that some canals, like the Erie and the Delaware and Raritan were still greatly expanding their business, that natural waterways such as the Mississippi and the Hudson had not yet reached the peak of their usefulness [by 1860, the year Taylor maintains as the beginning of railroad supremacy].” (102) The Illinois & Michigan Canal appears to be another example of a canal that expanded its business during the apex of the railroad era. The canal, which ran from Lake Michigan at the south side Bridgeport neighborhood of Chicago for a length of ninety-six miles to the Illinois River at LaSalle, Illinois, lost its passenger traffic to the Chicago & Rock Island Railroad, which ran parallel to the canal and began service in 1853. The rapid growth of industrial establishments in Chicago kept the canal viable; it reached its peak shipping year in 1882, over twenty years into Taylor’s railroad era, and thirty-four years after the first train rolled through Chicago.

⁸ The first general incorporation law was passed in 1870 as part of the new Illinois state constitution.

could go about selling stocks and bonds and soliciting loans in order to obtain the cash necessary to purchase rails, engines, rolling stock, land and right-of-way, and any other essentials.

In Illinois, railroad corporations received charters through acts of special legislation during only the earliest years of railroad development. Though a general incorporation act was not passed until 1870, railroad fever spread in the state at such a rapid rate that the General Assembly found it necessary to pass an act to provide for “a general system of railroad incorporations” in November of 1849. “It provided that not less than twenty-five persons might form a railroad corporation, and elect directors when \$1,000 of stock per mile should be subscribed, and ten per cent paid in. Thirteen directors were to be chosen, at least seven of whom must reside in counties through which the road was to run. Rules were laid down for the conduct of the directors, making the stockholders individually liable to the creditors of the company to the amount of stock held by them.”⁹

The rule about the residency of the directors prevented the early eastern trunk lines and fierce rivals, the Michigan Southern Railroad and Michigan Central Railroad, from obtaining charters to build in Illinois. Instead, the Michigan Central made an agreement to share track rights in Illinois with the Illinois Central, and the Michigan Southern did the same with the Chicago & Rock Island Railroad. The fact that, at the time, there was no limited liability in the state of Illinois—a feature of the modern corporation, where investors stand to lose only their investment if a corporation fails—likely prevented some individuals with big dreams and bad ideas from applying for

⁹ Andreas, I, 252.

corporate charters. The general railroad incorporation act also laid down a variety of other rules, from fare regulation to safety provisions. For safety, the state intelligently made it illegal for a railroad to place a freight car behind a car containing passengers, and a large bell or steam whistle was a mandatory feature on locomotives. The General Assembly even mandated large warning signs at crossings; unfortunately, this did not apply to crossings at city streets, where, arguably, they were needed most.¹⁰

The General Assembly granted 321 corporate charters to railroads from 1850 to 1869—nearly a fifth of *all* corporate charters granted as special legislation from statehood in 1818 to the end of special acts of incorporation in 1869. Two of the earliest railroads to enter the city—the Galena & Chicago Union Railroad and the Illinois Central Railroad—originally received their charters in 1836, though, because of the Panic of 1837, their charters lay dormant until the late 1840s and early 1850s.¹¹ (Again, though railroads after November 5, 1849, received charters under the act for general incorporation of railroads, a true general incorporation act did not exist until 1870; they are therefore considered special legislation.)

Many of these chartered railroad corporations found their way to Chicago, which was the unquestioned railroad hub of North America by the mid-1850s. If the railroads hoped to enter Chicago, they had to request permission from the Common Council after having received their corporate charters. Chicago held the rights of a chartered municipal corporation, which meant that a business corporation could only enter the city limits after

¹⁰ Ibid.

¹¹ John Eilbert, "Illinois Business Incorporations, 1816-1869," *Business History Review* 37:3 (Autumn 1963), 169-181. Andreas, I, 246. Illinois and Virginia were the only two states to not allow limited liability until after 1850. See Thomas Childs Cochran, *Business in American Life: A History* (New York: McGraw-Hill, 1972), 65.

an ordinance was passed that gave that corporation the right to do so. As a chartered municipal corporation, Chicago was able to regulate commerce, collect taxes, provide for public health and safety, and control the city's streets and public spaces.¹² The story of Chicago's railroad era was more than simply that of a city that grew as a result of transportation technology and geographical serendipity. The railroads gave the political representatives of the young city a chance to test the key components that made Chicago a city. Public space and the public good, health and safety, the regulation of commerce—the Council's experience with the railroads on these issues played a key role in defining the city's political culture for years to come, not to mention Chicago's built environment and economy. The members of the Chicago Common Council, in giving railroads permission to enter the city, helped turn Chicago into the industrial and commercial capital of the middle of the United States, and, in so doing, transformed Chicago into a city of rails, smoke, and locomotives.

Chicago's transition from a frontier outpost to a commercial and industrial center began in 1848 with the arrival of the Galena and Chicago Union Railroad (G&CU). The G&CU, unlike railroads that came later, was a local venture. It was funded primarily through stock subscriptions of individuals along the line from Chicago to Galena, a booming lead mining town near the Mississippi River. Real estate speculator and original Chicago mayor William B. Ogden was the president the corporation; his partners

¹² See Jon Teaford, *The Municipal Revolution in America: Origins of Modern Urban Government, 1650-1825* (Chicago: University of Chicago Press, 1975) for a concise explanation of the early American municipal corporation.

included such prominent Chicago citizens and fellow Whigs as banker and publisher J. Young Scammon and merchant Walter Newberry.¹³

The G&CU's great economic potential even brought political enemies together. Its story shows that business was often more important than politics to the prominent Chicago boosters who played important roles in the early years of the G&CU. "Long" John Wentworth—the Democrat-then-Republican newspaper publisher, U.S. Representative, and Chicago mayor—was a large stockholder and chairman of the executive committee of the railroad's corporate board.¹⁴ Though Walter Newberry was a Whig, Wentworth and Newberry stood together against the management of the railroad as practiced by William Ogden and his successor, John B. Turner. Partisan politics were not as important as sound railroad management that would make Wentworth, Newberry, and their allies as much money as possible.¹⁵

Despite William Ogden's standing in Chicago politics and society, the initial right-of-way ordinance he presented to the Council failed to pass. Even more surprising is that he initially introduced the ordinance to the Council in 1847, during which time he was an alderman for the newly formed Ninth Ward. The surprising aspect of this is not that Ogden had a blatant conflict of interest—the ethics regarding this were different in the nineteenth-century than they are today—but that he played such a proactive role and still could not get it enacted the first time.¹⁶

¹³ Cronon, 65-8. Andreas, I, 247-251.

¹⁴ Andreas, I, 625.

¹⁵ Don Fahrenbacher, *Chicago Giant: A Biography of "Long John" Wentworth* (Madison, Wi.: American History Research Center, 1957), 166-8, 215-16.

¹⁶ Saul Engelbourg's *Power and Morality: American Business Ethics, 1840-1914* (Westport, Conn.: Greenwood Press, 1980), is one of the few publications that discusses the idea of conflict of interest during the period, though he focuses specifically on conflict of interest within business—for example, board

The aldermen did not pass the ordinance in part because Chicago's merchants felt the railroad would threaten the wagon trade, a fact that demonstrates the transitional nature of the economy in Chicago, from a pre-industrial economy based primarily on local trade to an industrial economy based on processing, manufacturing, and interstate commerce. Also, a number of individuals accused Ogden of trying to enrich himself by having the railroad constructed along Kinzie Street—an east-west street that ran just north of the main branch of the Chicago River, and thus immediately north of downtown—and having the depot built on the North Side, where Ogden owned property.¹⁷ Of course, there were no illusions that Ogden and the other directors attempted to shape the railroad so as to help augment their personal fortunes. Though they and the executives of other railroads claimed that, above all, they built the railroads for the public good, people could easily see through the altruistic claim. It must be noted, though, that Ogden and many other men who were seminal in making the G&CU operational were true city boosters, men who wanted to see Chicago grow and thrive; they believed the railroad would help facilitate its growth. This seemingly irreconcilable combination of pure greed and public spiritedness seemed a required dialectic among Chicago's booster elite, the do-it-all group who made—and sometimes lost—their fortunes in speculative real estate, received their political education in the Jacksonian era and frequently exercised it in local government, and often connected themselves to railroad ventures, which were the perfect vessels in which to reconcile personal greed and

members of a corporation who pushed to contract out work to a business they owned. He does not discuss the idea as I have seen it in my research, where politicians attempt to enrich themselves by swaying politics to serve their business interests.

¹⁷ Cronon, 66. Hoyt, 55.

public good, since successful railroads brought prosperity to both the booster and the boosted.

Without right-of-way into Chicago, the G&CU began construction outside of the city in the spring of 1848. It also worked on its wharves, which were located on the North Branch of the Chicago River, at Kinzie and Fulton Streets.¹⁸ Obviously, by investing money and labor into their wharves that spring, the directors planned on the railroad entering the city on Kinzie Street and were confident they would receive permission from the aldermen for it to enter there. The initial negative vote on their right-of-way ordinance must have come as a surprise, but they nevertheless stuck to the plan: they owned wharves on the North Branch of the river, and a Kinzie Street route would give them easy access to Lake Michigan and the lake trade.

The directors had very little to worry about. They received permission in June to build a temporary track along Kinzie Street to the river so they had track on which to place the “Pioneer” when it arrived from New York.¹⁹ In July, the G&CU received right-of-way in an ordinance passed by the Council. This ordinance would have a profound effect on the built environment of the city, for, as the original right-of-way ordinance for a steam railroad in Chicago, it would act as a model for future right-of-way ordinances.

The ordinance stipulated that G&CU:

introduce their road into the city on the Line of Kinzie street, commencing at the west bounds of the city and extending to the north branch of the Chicago river, and to occupy so much of said street as may be necessary for the purpose of constructing, maintaining, using and occupying a single or double railroad track through said street, with such turn-outs, turn-tables and branches extending to adjoining lands as may be deemed necessary to the successful use and occupation of said road: *Provided*, The space occupied by said road, except when turn-outs,

¹⁸ Chicago City Council Proceedings Files [hereafter CP], 1848/48 4530A 04/28.

¹⁹ Andreas, I, 248.

turn-tables, and branches occur, does not exceed twenty-two feet in width in the centre of said street: *And Provided*, Said work be constructed that carriages may pass along either side of said road, and may conveniently cross the same: *And Provided, also*, The common council reserve to itself the right to regulate running of locomotives on said road within the limits of the city.²⁰

Other sections of the ordinance allowed the company to build tracks on Water Street “part of the way or all of the way to the east limits of the city”—in other words, to Lake Michigan—and to construct a drawbridge across the north branch of the river.²¹



Figure 1. The Galena & Chicago Union Railroad. Its tracks entered from the west and followed just north of the main branch of the Chicago River in Kinzie and North Water Streets to Lake Michigan. 1863. (University of Chicago Library)

This ordinance bestowed broad powers and benefits upon the G&CU. First, it gave the railroad corporation free right-of-way into the city. The Council let the G&CU enter almost unconditionally; it reserved “the right to regulate running of locomotives on said road within the limits of the city” and the right to locate the portion of track in and near Water Street “in such a manner as [it] may hereafter direct,” but that is all the

²⁰ Chicago Common Council, George and John Thompson, eds. *The Charter and Ordinances of the City of Chicago, (To Sept. 15, 1856, inclusive,) together with Acts of the General Assembly Relating to the City, and Other Miscellaneous Acts, with an Appendix* (Chicago: D.B. Cooke & Co., 1856), 341-2.

²¹ *Ibid.*, 343.

Council asked of the railroad in exchange for right-of-way.²² Next, the G&CU was given the right to transform the built environment along its corridor. Most significant was the permission to build its track or tracks down the *center* of the street, a public thoroughfare. Kinzie and Water Streets were each approximately forty feet wide, which means the public would likely have had only about nine feet on each side of the tracks to share with horses, carts, and pedestrians.²³

In hindsight, the naïveté of the Council passing an ordinance that gave the railroad such liberal terms to enter the city seems almost comical. Yet the Council let the G&CU enter the city under the auspices of such an ordinance for reasons that are quite logical. The aldermen offered the liberal terms of right-of-way because they were city boosters; they wanted to build Chicago into a thriving metropolis, and they believed railroads were a part of the infrastructure that could help them achieve this goal. Liberal rights-of-way to railroads fit comfortably into the modus operandi of the city booster aldermen, for word of Chicago's welcoming atmosphere toward the G&CU would surely have attracted more railroads, which would in turn have brought more business and trade into the city. The aldermen were definitely thinking ahead, but they were not forward thinking. Their booster mentality took shape in the Jacksonian era, when Americans witnessed the growth of commerce. But they had not yet seen the furious pace at which railroads and

²² Ibid., 342-3.

²³ Width of streets calculated by using the map entitled "Chicago: drawn from Davie's atlas with the latest recorded subdivisions by W.L. Flower and J. Van Vechten" (Chicago: Charles Shober, 1863). This may not be a completely accurate calculation of the width because the scale on the map may not be completely accurate, and, more significantly, the map was made fifteen years after the G&CU initially built. I assume, though, that the street was, if a different width, narrower than it is portrayed on the map. In 1863, there were many more people and much more traffic on the street than in 1848, which means, if anything, the street was widened to accommodate the population and traffic growth.

the corporate business form they represented would transform not only the economy but also urban space.²⁴

In Chicago, this spatial transformation began when the aldermen let the G&CU build tracks in the middle of Kinzie and Water Streets. Streets were considered public thoroughfares that the Council had exclusive power to control and regulate.²⁵ It had the power to let a corporation into the city under its terms, and, since the Council controlled the streets, it could allow railroads to build there. Again, this was a logical decision on the part of the Council: these streets were not heavily populated, and the tracks were to run primarily through industrial areas where businesses would find the location of a railroad beneficial. Nevertheless, a steam locomotive—which was larger, faster, and more powerful than any preceding terrestrial transportation technology—was likely to stamp a city street in any neighborhood with its new, unique presence and abilities.

The decision to let the G&CU build down the middle of a street goes deeper than the fact that the aldermen held the power to give railroads permission to use public space. It also resulted from how they defined public space at the time—a definition that was built on Jacksonian boosterism. A remonstrance against the G&CU—one of the few complaints to the Common Council against railroad development during the period—

²⁴ For analyses of boosterism in Chicago and other Midwestern cities, see Richard Wade, *The Urban Frontier: Pioneer Life in Early Pittsburgh, Cincinnati, Lexington, Louisville, and St. Louis* (Chicago: University of Chicago Press, 1959); Carl Abbott, *Boosters and Businessmen: Popular Economic Thought and Urban Growth in the Antebellum Middle West* (Westport, Conn.: Greenwood Press, 1981); Don Harrison Doyle, *The Social Order of a Frontier Community: Jacksonville, Illinois, 1825-70* (Urbana: University of Illinois Press, 1978); Rima Lunin Schultz, "The Businessman's Role in Western Settlement: The Entrepreneurial Frontier, Chicago, 1833-1872," (Ph.D. dissertation, Boston University, 1985); Einhorn, 28-60.

²⁵ Chicago Common Council, George and John Thompson, eds. *The Charter and Ordinances of the City of Chicago, (To Sept. 15, 1856, inclusive,) together with Acts of the General Assembly Relating to the City, and Other Miscellaneous Acts, with an Appendix* (Chicago: D.B. Cooke & Co., 1856), 26. See also the Old City Charter (1837), 503-22, for provisions about the use of streets and public space.

helps explain how members of the Council and other city property owners defined public space. William Johnston was “the owner of sundry lots of land in the City of Chicago lying north of (Water Street),” the value of which “would be greatly injured by the extension of (the G&CU)” across the north branch of the Chicago River and upon Water Street. He was also not happy to have paid a special assessment to have Water Street opened adjacent to his property a year earlier, just to have a railroad built upon the very same street. Mr. Johnston paid taxes to have a public space—part of Water Street—opened, and he had a specific idea of how that space should be used, or at least how it should not be used. He was afraid that the presence of locomotives and their negative aspects—noise and air pollution, the possibility of causing bodily injury, obstruction to travel, spatial isolation that could harm local businesses—would negatively affect his property. Also, he felt that he should have had some say into how Water Street could be used since he paid \$780 to have the road opened. The G&CU, on the other hand, paid nothing for the privilege of laying track on Water Street.²⁶

The Common Council did not agree with Mr. Johnston’s complaint. In its response, which was presented at the next Council meeting only a week after William Johnston’s lawyer submitted his remonstrance, the Council summarily discounted his grievances. A committee of aldermen from the North Division—the area of the city in which the G&CU built, which lies north of the north branch of the Chicago River—claimed that “public works of great magnitude may occasion such grievances...[but] they are only incidental to all public improvements, and of such character as tend ultimately to the common good.” They believed the right-of-way ordinance was supported by

²⁶ CP 1850/50 6664A 12/23.

overwhelming numbers of the city's residents, that the actions requested by Mr. Johnston could have a negative "effect...on the commerce of a growing and populous city;" they also felt that backing out of the ordinance would be a breach of trust towards the railroad, which would have been a slight towards William Ogden, an esteemed former member of the Council.²⁷

This reaction demonstrates how the Jacksonian booster mentality of the aldermen shaped their understanding of the appropriate use of public space such as the streets. The development of "public improvements" such as the G&CU were for the "the common good;" thus they were allowed to build on streets, spaces that are set aside for public, "common" uses. When we examine this language in the context of the aldermen's understanding of railroad corporations, the Council's administration of public space becomes clear. The Council did not perceive of corporations as being motivated principally by profits; this characterization did not develop until a few years into the industrial era, during which railroads played an important role in giving plenty of evidence for the redefinition of corporations as private, profit-seeking bodies. It instead defined corporations using an Early National and Jacksonian perspective: corporations were chartered to carry out services that were considered to be in the public interest.²⁸ Transportation interests such as canals and railroads were often given corporate charters for the public good they provided as purveyors of internal improvements.²⁹ This

²⁷ CP 1850/50 6671A 12/30.

²⁸ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 525-69.

²⁹ See John Lauritz Larson, *Internal Improvement: National Public Works and the Promise of Popular Government in the Early United States* (Chapel Hill: University of North Carolina Press, 2001), for a comprehensive discussion of the national push for internal improvements during the first half of the nineteenth century.

Jacksonian-era boosterism carried over into the early years of Chicago's transition to an industrial economy.

This episode also underscores the absolute power held by the Council over the use of public space. William Johnston owned property and paid a special assessment to open a street, which he hoped would boost the value of that property. But the only thing guaranteed by his assessment was the opening of the street. Johnston had no further power over the use of the street that he paid to open. This is evidence against historian Robin Einhorn's assertion that Chicago politics of the period were defined by a segmented system based on special assessment.³⁰ The power of the segmented system stemmed from property owners' ability to control their property by influencing surrounding public space. Mr. Johnston's inability to control this space despite the fact that he paid for what he believed was the privilege to do so shows that special assessment, in this case, was simply a "revenue expedient," a tool of administration used by the Council to raise city funds. Mr. Johnston's assessment was clearly not an effective "policy instrument."³¹ The Council's politics, at least regarding railroad development, were not in complete accord with the wishes of taxpaying property holders. They did not have to be, because the Council—not the taxpaying property holders—held absolute control over the use of the city's public spaces.

The Council administered the use of these spaces in the social context of nineteenth-century cities, which saw diverse uses of city streets. Streets were set aside as public spaces of transportation, commerce, and socialization. Most urban centers during the middle of the nineteenth century were mixed use areas, and the streets of these

³⁰ Einhorn, *passim*.

³¹ Einhorn, 229.

neighborhoods were analogous. People travelled in carts or carriages pulled by draught animals; they rode on horseback; they walked. Men and women peddled goods; children played with friends and siblings. Prostitutes solicited customers; policemen patrolled the streets; drunks struggled to maintain balance on streets filled with mud and potholes. The streets had so many uses, two of which were business and travel. Railroads were modes of conveyance whose sole purpose was to promote commerce. They therefore seemed like a perfectly logical addition to the streets, at least to most of the aldermen and a large number of Chicago residents.³² Also, streets in sparsely populated industrial areas were the paths of least resistance on which to build the railroads: if the Council had allowed railroads into the city only on private land, railroad development would have proceeded at a much slower pace due to the requisite negotiations between the railroad corporations and landowners.

Although the logic of opening streets to railroad use seemed sound, the fact is that railroads marked a definitive transition in the use of urban space. The business, travel, and socializing that had previously occurred in the streets of nineteenth-century cities had been transient. Railroads, to the contrary, were fixed parts of the built environment: for example, tracks remained on the street even after a train had passed. Thus the use of street space was limited by the existence of railroads. This change represented spatially what Alan Trachtenberg called the “incorporation of America,” “the changed, more

³² For descriptions of the use of city streets in the nineteenth-century North American cities, see Peter Goheen, “Negotiating Access to Public Space in Mid-Nineteenth-Century Toronto,” *Journal of Historical Geography* 20:4 (1994), 430-49; Mona Domosh, “Those ‘Gorgeous Incongruities’: Polite Politics and Public Space on the Streets of Nineteenth-Century New York,” *Annals of the Association of American Geographers* 88:2 (June 1998), 209-26; Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1982, 1986); Mary Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley: University of California Press, 1997); and David Stowell, *Streets, Railroads, and the Great Strike of 1877* (Chicago: University of Chicago Press, 1999).

tightly structured society with new hierarchies of control” that accompanied and defined the industrial era.³³ Railroads played a significant role in shaping this new society: they brought about the standardization of time, provided the infrastructure that integrated economic markets and created the context for the proletarianization of labor, and pioneered the business form of the profit-driven corporation. In cities, they shaped society by rationalizing city space.

The G&CU was not the only railroad to shape the space of Chicago during the late 1840s and early 1850s. All other railroads that were granted permission to build in Chicago during the first five years of the city’s railroad era (1848-1853) received liberal rights-of-way that were essentially free. The Chicago & Rock Island Railroad—the second railroad to secure a right-of-way ordinance from the city—received extremely advantageous rights from the city; it could essentially lay track on any street it wished.³⁴ (I will show below that the Illinois Central Railroad was the one company in this group that had to give the city something in return for its right-of-way, but, as you will see, what they received in return was much more valuable than the right to build railroad tracks on streets like all the other railroads constructed during the period.) The Council attempted to limit its legal liability regarding railroads during the period, but it asked for little other than to have the roads built.

In 1851, the Common Council was optimistic with the direction in which its city was moving. The Illinois & Michigan Canal and the Galena & Chicago Union Railroad,

³³ Alan Trachtenberg, *The Incorporation of America: Culture and Society in the Gilded Age* (New York: Hill & Wang, 1982, 2007), 3. See Chapter 4, “Mysteries of the Great City,” 101-39, for discussion of the urban history of Trachtenberg’s incorporation.

³⁴ The Council had such faith in the C&RI that it recommended that the city subscribe to thousands of dollars in stock.

each of which began operating in 1848, provided Chicago with some of the transportation infrastructure needed to act as a catalyst for the city's commerce. People began to take notice of the city's bustling economy and headed to there in droves: in the three years since the canal and railroad had opened, Chicago's population grew over fifty percent, to about 32,000. Chicago became the destination for more than individuals and families; railroad directors observed the hefty profits made by the G&CU and were summarily attracted to the opportunity the city provided.³⁵

In two years—1851 and 1852—the Common Council gave right-of-way to three railroads. The Chicago & Rock Island built west, though, significantly, it connected in Chicago with an eastern-running railroad, the Michigan Southern. The Illinois and Wisconsin Railroad (IW)—essentially a branch of the G&CU, as it was directed by William Ogden but chartered separately—built north to Wisconsin, and the Illinois Central Railroad (IC) built south, down the center of the state of Illinois.³⁶ The IC also established the all-important connection with the east; it shared a depot and tracks with the Michigan Central Railroad. These lines quickly turned Chicago into the railroad hub of the nation, as the rails radiated to all parts of the continent.

The request for right-of-way by the Chicago & Rock Island Railroad (C&RI)—later known as the Chicago, Rock Island & Pacific—was met with a great deal of enthusiasm by the Council and a number of residents. It was to have been only the second railroad to build in the city, but the relative novelty of railroads was not the chief reason for the exuberance. The Galena & Chicago Union was a western road that had no

³⁵ It paid a “10 percent dividend from earnings of \$29,812 on revenues of \$48,331 during its first full year of operation.” Young, *The Iron Horse and the Windy City*, 24.

³⁶ Andreas, I, 256-257. The I&W was consolidated with the Rock River Valley RR into the Chicago, St. Paul & Fond du Lac RR in 1855.

plans of expanding east; it was run fairly conservatively, and the directors seemed happy with the tidy profits they made from hauling western farm goods to Chicago and manufactured goods from Chicago. The C&RI, from its inception, had the lofty goal of becoming a great east-west railroad, one that stretched from the Atlantic to the Pacific Ocean (hence “Chicago, Rock Island & Pacific”). The big dreams of the railroad were matched by the enthusiasm of its investors: the C&RI quickly attracted enough capital to extend its tracks to the Mississippi River in 1854. Though the idea of reaching the Pacific Ocean was exciting, the railroad’s connection with an eastern trunk line, the Michigan Southern Railroad, was perhaps more important to investors. The C&RI thus established a much more direct connection between the Mississippi River and the Atlantic Ocean than did the water route of the Erie Canal, Great Lakes, and Illinois & Michigan Canal.

The C&RI, under the direction of president Henry Farnum and with support from wealthy eastern capitalists such as Joseph Sheffield, excited the imaginations of many of Chicago’s aldermen. The possibility of an east-west connection and the glory and wealth that it would bring Chicago spurred residents to action. The railroad easily received passage of a generous right-of-way ordinance that gave it the right to lay down a track “in any one of the streets of said city, between the west line of State street and the west line of Halsted street, from the south line of said city as far north as the north line of Polk street.”³⁷ Just over a month after having received permission to enter the city, thirty-two prominent Chicago citizens signed and presented a petition to the Council, requesting that the Council authorize “the City of Chicago to subscribe a sum not exceeding one hundred

³⁷ Chicago Common Council, George and John Thompson, eds., *Charter and Ordinances*, 344.

thousand dollars to the capital stock of the Chicago and Rock Island Rail Road Company.”³⁸ The Council wasted no time and quickly passed an ordinance to hold a citywide vote on the subject. Though I have not been able to ascertain whether or not the vote approved the stock subscription, the fact that the Council was willing to subscribe to so much stock—the equivalent of approximately \$2.5 million in 2008—indicates the enthusiasm it held for railroad development in general and the C&RI in particular.³⁹ The Council pinned its economic hopes on railroads and, as a result, demonstrated that it governed Chicago as avid city boosters even into the 1850s, a period during which the Council was generally known for its reluctance to spend money from its coffers.⁴⁰

The vote on a subscription to \$100,000 worth of C&RI stock demonstrates the solid boosterism of the Council as practiced towards railroads during the period. The generous right-of-way ordinances the C&RI and other railroads received add even more evidence to this claim. A year after the C&RI was given permission to lay track in a vast area of streets in the southeastern part of the city, the C&RI received even more rights-of-way from the Council in “An Ordinance in relation to the Chicago and Rock Island Railroad.” The railroad was allowed to build tracks “from the depot ground belonging to said company on the south branch of the Chicago river, northward through such streets as the city may hereafter designate...through Market street to South Water street.”⁴¹ The

³⁸ CP 1851/52 0660A 06/30

³⁹ Historical currency value found at Lawrence H. Officer and Samuel H. Williamson, "Purchasing Power of Money in the United States from 1774 to 2008," Measuring Worth, 2009. URL <http://www.measuringworth.com/ppowerus/>; accessed 25 November 2009. Used two indicators—Consumer Price Index and GDP deflator—to calculate the relative value.

⁴⁰ See Einhorn, *Property Rules* for the Council’s reluctance to spend money and to raise it through citywide general taxation. The Council relied on special assessments to build much of the infrastructure needed for the quickly growing city.

⁴¹ Chicago Common Council, George and John Thompson, eds., *Charter and Ordinances*, 345.

Illinois & Wisconsin, for its part, did not receive the right to lay track down the length of a street, but it was able “to intersect and cross any street or streets [it] may deem proper.”⁴² Finally, the Illinois Central received perhaps the most valuable right-of-way of any railroad that came into the city—along the city’s Lake Michigan shore—though its right-of-way marked the first instance of the Council demanding something in return from the railroads for the right to enter the city.

The Council thus asked little in return for the privilege of right-of-way from the railroads. Though the ordinances contained more conditions than that of the G&CU’s right-of-way ordinance, the Council still asked for very little. The C&RI was asked to follow one of the city’s earliest railroad safety provisions: its trains were to travel within Chicago’s city limits at a speed of no more than five miles per hour.⁴³ But that was all; for the right to lay its tracks in Chicago’s public thoroughfares, the C&RI only had to promise that it would follow the speed limit prescribed by the Council.

These liberal rights-of-way may or may not have attracted more railroads to Chicago, though many more came in the 1850s and 1860s. A consequence of these ordinances that asked for so little from the railroads was that the railroads had to petition the Council to make improvements to the streets on which they built. This, of course, was the appropriate way to proceed. It was somewhat ironic, though, that the railroads had to go to such great lengths to, for instance, pave a street or build a sewer, since Chicago’s government was funded in large part by special assessments. This reflected more than simply the great reluctance of the Council to pay for improvements through general taxation; it is further evidence of the tight control the Council held over the use of

⁴² Ibid., 343.

⁴³ Ibid., 344.

public space. The Council was more than happy to have private citizens or businesses pay to make improvements that would benefit the public, but it needed to approve the projects before construction was to commence.⁴⁴

So, when railroads petitioned the Council to make improvements to the streets, it is not surprising that the Council willingly approved the petitions. The Michigan Central Railroad asked to plank parts of Twelfth Street and Michigan Avenue, near the tracks it shared with the Illinois Central, and its request was quickly granted.⁴⁵ The Galena & Chicago Union requested to open a part of North Water Street at its own expense. It would grade and plank the street and build a sewer.⁴⁶ Of course, the G&CU was enthusiastic to bear such an expense only because the opening of the street would lead them directly to the Lake Michigan shore. The Council was not concerned about the G&CU's motives; they were happy to see a railroad doing well, which could only help the city grow, and they were more than happy to have a railroad pay to open and improve streets. The G&CU received permission to make all the improvements they requested.

The Illinois Central was the first company during the early years of Chicago railroad development that met any resistance by Chicago residents. Also, it was the first to have to give something substantial to the city in return for right-of-way. The IC proved a turning point in the Council's dealings with railroads. Before the battle with the IC over right-of-way, the Council gave generous rights-of-way, at least in part to attract more railroads. After the IC finally came to the city, the Council was not as generous

⁴⁴ See Einhorn, especially 61-187, for a detailed description and analysis of the system of special assessment that Einhorn claims was the defining system of municipal governance during from the 1840s to the late 1860s.

⁴⁵ CP 1852/53 0416A 06/21.

⁴⁶ CP 1853/54 0267A 04/25.

towards railroads. It knew by 1853 that more railroads were going to come to the city no matter what, so the Council held a better bargaining position than it had previously. But its experience with the IC showed the Council that railroads were more than simply conveyances that would enhance the public good; they were large corporations that had immense power and were not afraid to use it. In other words, the IC's fight over right-of-way helped shift the response of the Council vis-à-vis railroads from one that was informed primarily by boosterism that incubated in the Jacksonian era to one that responded to the realities of a new era built in large part on industrial capitalism.

Part of the conflict that the IC would experience came about because the shoreline was viewed as a public asset before Chicago was even a city. On November 2, 1835, the men of the town—Chicago was not a city yet according to the state of Illinois, it was simply a swampy western outpost—met at the First Presbyterian Church, as they had for a while, at least since a handful of people had moved in because of the rumored construction of the Illinois & Michigan Canal. At this meeting, they resolved to purchase twenty acres of the Fort Dearborn land “in a block having four sides of equal dimensions as nearly as may be, one of which shall be fronting upon Lake Michigan, [which] shall be reserved in all time to come for a public square, accessible at all times to the people.”⁴⁷ This was, at the time, a meaningless declaration made by self-important men who fancied themselves altruistic public servants; in reality they lived in a swamp near four hundred other people and did not even hold the rights of a municipal corporation. Chicago grew quickly, though, and the words and hopes of these men gained traction. The city—in 1837, Chicago gained this title from the Illinois General Assembly—received from the

⁴⁷ *Chicago Democrat*, November 4, 1835, quoted in Lois Wille, *Forever, Open, Clear, and Free: The Struggle for Chicago's Lakefront*, 2nd ed., (Chicago: University of Chicago Press, 1972, 1991), 22.

federal government the right to twenty acres of land from what used to be Fort Dearborn.⁴⁸ Dearborn Park was an early example of Chicago's attitude that, even in a time of speculation and the privatization of land, the Lake Michigan shore was a different kind of space, one that should be available to all the residents and visitors of the city.

A few months after the Chicago men declared that part of old Fort Dearborn become a public park, three prominent Chicago residents—Gurdon Hubbard, William Thornton, and William Archer—were made commissioners of the Illinois & Michigan Canal and were charged with the job of plotting the canal lands. In so doing, they proclaimed that the land between Michigan Avenue and Lake Michigan, from Madison Street south to Twelfth Street, was “Public Ground—A Common to Remain Forever Open, Clear and Free of any Buildings or other Obstruction Whatever.”⁴⁹ At first glance, this appears to be a grand declaration in the public interest by three Chicago patriarchs. This declaration was in fact at least partially grounded in self-interest. Gurdon Hubbard owned a home on Michigan Avenue and thus had beautiful lakefront views.⁵⁰ Further, the canal commissioners were no doubt aware of the value of this land, especially to shipping and warehousing interests, and they did not want this land, known as Lake Park, to be developed, for the views from their homes would have been destroyed if any “Buildings or Other Obstruction Whatever” were built there. In what became a common theme in Chicago's development, public servants claimed to make decisions solely in the public interest, when in fact self-interest played a key role.

⁴⁸ Andreas, I, 167.

⁴⁹ Ibid., 168. Wille, 23.

⁵⁰ CP 1851/52 1256A 12/02. I have not been able to establish whether or not Thornton and/or Archer also lived on Michigan Avenue.

Whatever the motivation, the results are a legacy of Chicago's lakeshore as a public asset. Hubbard, Thornton, and Archer acted in an official capacity when they declared Lake Park "Forever Open, Clear and Free," and their "official" words became law. This legacy of the public lakeshore came into direct conflict with Chicago's legacy of capitalism and the commodification of land during the IC's fight for entrance into the city, the latter of which eventually turned the lakeshore into a space that historian Joshua Salzmann calls a "safe harbor for capitalism."⁵¹

In 1848, before any railroad rolled into Chicago, a remonstrance presented to the Common Council presaged the battle over the IC's lakeshore right-of-way. One of the petitioners was Norman Buel Judd. N.B. Judd—as he signed a number of petitions presented to the Council—moved to Chicago in 1836 to practice law, and he quickly established himself as an important resident of the city. He was the city attorney from 1837 to 1839, was elected state senator from 1844 to 1860, was appointed ambassador to Prussia by Abraham Lincoln from 1861 to 1865, and served as U.S. representative from 1867 to 1871.⁵² Judd's standing as a distinguished Chicago resident was a common characteristic among the signatories of the petition. Among the other petitioners were lawyer, state politician (he served as representative, senator, and, somewhat ironically, on the state internal improvement commission), and federal court judge Ebenezer Peck; Peck's law partner and future state attorney general James McDougall; lawyer, judge, and local politician Buckner Stith Morris; lawyer, local politician, district attorney, and railroad advocate Thomas Hoyne (ironically, he was killed in a railroad accident in

⁵¹ Joshua Salzmann, "Safe Harbor: Chicago's Waterfront and the Political Economy of the Built Environment, 1847-1918" (Ph.D. dissertation, University of Illinois at Chicago, 2008).

⁵² *Biographical Dictionary of the United States Congress*; accessed at <http://bioguide.congress.gov/scripts/biodisplay.pl?index=J000277> on 4 March 2009.

1883); physician Dr. John W. Eldredge; merchants Samuel Bent Walker and Hart L. Stewart; postmaster Charles Starkweather; and merchants who were also founding members of the Chicago Board of Trade, Horatio G. Loomis, C.L. Harmon, and Matthew Laflin.⁵³

These men (and two others who I could not conclusively identify) signed a petition that they presented to the Council that remonstrated against “the passage of an ordinance as published in the Chicago Daily Tribune...having relation to the passage of the Eastern or Indiana Branch of the Rail Road along the Park east of Michigan Avenue.”⁵⁴ The railroad to which they referred was likely the Michigan Central. This ordinance did not pass, for the MC did not gain access to Chicago until it made a track-sharing agreement with the IC tracks in 1852. Nevertheless, this petition, which was presented to the Council before a single railroad serviced the city, demonstrates the contested nature of the lakeshore during the period.

The petitioners’ arguments against letting the railroad enter the city along the lakeshore are a preview of those used during the IC fight three years later. The petitioners claimed the railroad would violate “the rights of the citizens inasmuch as it authorizes the use of Lake Park for purposes not [defined]...by the laws of the land” and would “greatly impair the beauty of and advantage to be derived from said Park.” The railroad would not only violate the law that made part of the lakeshore—Lake Park—public space; it would also compromise private spaces on the lakeshore by destroying the value of property “on and near Michigan Avenue.” Hence, “no line of railroad should be

⁵³ Andreas, I, 184, 250, 426-30, 451-3, 460, 582. *Directory of the City of Chicago, Illinois, for 1843*; accessed at <http://all-ancestors.com/chicago/chicago.htm> on 8 March 2009.

⁵⁴ CP 1848/48 4582A 05/12.

permitted to come within four hundred feet of the west side of the southerly end of Michigan Avenue.” Finally, the petitioners claimed that the railroad should not enter the city along the lakeshore because of public safety: “said road...would endanger the buildings on the north end of Michigan Avenue, by fire.”⁵⁵

At first glance, one would think that the petitioners had possessed selfish motives for remonstrating against the railroad. In other words, though they claimed to be concerned with the public interest by trying to preserve the sanctity of Lake Park and by protecting the city from a fire hazard, it appears logical that the petitioners owned mansions on Michigan Avenue whose beautiful view of the lake would have been obstructed by trains. This, though, was not the case for the majority of the petitioners. Though a petitioner or two may have ended up owning property on Michigan Avenue by 1848, it is highly doubtful that most or all of them did. According to an 1843 city directory, not one of the petitioners held a Michigan Avenue address, and only four of them owned Michigan Avenue property in 1851.⁵⁶ Most of these men were not driven by the urge to maintain an unobstructed view of Lake Michigan from their front window; they saw the Lake as Chicago’s front window, and, as such, it was necessary to keep it clean and clear for the city’s residents. Even these men, who were unabashed city boosters, did not want to sacrifice the lakeshore to the interests of a railroad corporation.

Nothing came of the ordinance that, in 1848, would have let a railroad enter Chicago along the lakeshore. But a battle ensued in earnest three years later when the

⁵⁵ Ibid.

⁵⁶ *Directory of the City of Chicago, Illinois, for 1843*; accessed at <http://all-ancestors.com/chicago/chicago.htm> on March 24, 2009. CP 1851/52 1256A 12/02.

Illinois Central Railroad attempted to enter Chicago along the Lake Michigan shore.⁵⁷

This was the pet project of U.S. Representative “Long” John Wentworth and Senator Stephen A. Douglas that resulted in a massive federal land grant to the state of Illinois, which, in turn, gave the land to the Illinois Central Railroad Company. Most secondary sources claim that the IC’s directors wanted to enter the city from the west to have direct access to the manufacturing interests along the south branch of the river. Supposedly, this was a route “largely already in the possession of interests that favored the Rock Island Railroad.”⁵⁸ The Council enthusiastically supported the Rock Island and, by extension, its eastern connection with the Michigan Southern. The Michigan Southern was in stiff competition with the Michigan Central, the latter of which became the IC’s eastern connection; thus, because of business rivalry, both the landowners on the west side of Chicago and the Council were wary of the IC. Or so the argument goes. There is little evidence, though, that the IC preferred to enter from the west.⁵⁹

⁵⁷ See John Bell Sanborn, “Railroad Land Grants. 1850-1857” (M.A. thesis, University of Wisconsin-Madison, 1897), 13-30, for a comprehensive description of the legislative process regarding the IC land grant bill.

⁵⁸ John Stover, *History of the Illinois Central Railroad* (New York: MacMillan, 1975), 43. Harold Mayer and Richard Wade’s *Chicago: Growth of a Metropolis* (Chicago: University of Chicago Press, 1969), 38, and Lois Wille’s *Forever Open, Clear, and Free: The Struggle for Chicago’s Lakefront*, 2nd ed. (Chicago: University of Chicago Press, 1991, 1972), 26-9, also maintain that the railroad wanted to enter from the west.

⁵⁹ The only evidence I have seen is a letter from Michigan Central Railroad president J.W. Brooks to IC counsel Mason Brayman, written from Detroit, November 15, 1851, quoted in Carlton Corliss, *Main Line of Mid-America: The Story of the Illinois Central* (New York: Creative Age Press, 1950), 47: “I enclose...a tissue sketch traced from a plan furnished me by Mr. Schuyler...which...has the line upon which the Mayor of Chicago [Gurnee] and Mr. Douglas agreed to, to wit: the blue line running through the N.W. corner of Section 3, thence on the most eligible route to the point where it touches the lake shore...It now...looks as if it might be *impossible* to purchase the right-of-way required on (*sic*) Section 27 for your more westerly line.”

This note, though it shows that the western entrance was a possibility, does not decisively demonstrate that it was the first choice of the IC’s directors. Though the italicized “*impossible*” makes it seem as if the western route was more desirable to the IC, I have not come across any italicized words in the many handwritten letters I have read in the course of my research, so I assume the italics are the historian’s.

When the IC petitioned the Council for right-of-way, only the G&CU entered the city from the west; the C&RI also held rights to build in the city limits from that direction. The IC likely could have obtained right-of-way on Chicago streets, if the strong support for the railroad that I will discuss below is any indication. Chicago's boosterism of the period can be partially defined by two major characteristics: people tried to make money in any way possible, and politicians usually made decisions that they believed would be beneficial to the growth of the city. For example, U.S. representative and Chicago resident John Wentworth was a major proponent of the federal land grant that made the construction of the IC possible. He also held numerous shares of IC stock. As one will recall, Wentworth was also a major stockholder and proponent of the Galena & Chicago Union, a rival railroad. He was a true booster: he would not let business rivalries get in the way of making money for himself or for the city as a whole.⁶⁰ A railroad rivalry did not get in the way of Wentworth, and it likely would not have gotten in the way of property owners in the western portion of the city who would have had no problem selling their land at a nice price to a railroad.

The IC wanted to build along the lakeshore from the beginning. In 1850, just after having received their federal land grant and just before they were incorporated in the state of Illinois, the Illinois Central bought the remaining unoccupied Fort Dearborn land from the federal government, which was on Lake Michigan, immediately south of the main branch of the river.⁶¹ From a terminal at this location, the railroad would have had unparalleled access to Chicago's Great Lakes shipping trade. The right-of-way was virtually free of obstruction in a city that soon became known for horrible traffic delays;

⁶⁰ Wille, 28-9.

⁶¹ Andreas, I, 255.

it was not crossed by a single railroad until Grand Crossing, nine miles south of its magnificent terminal grounds that bordered both Lake Michigan and Chicago's downtown.⁶² Its location on the eastern side of the city would put it in a position advantageous to establishing its connection with the Michigan Central. Its main branch went to Galena and eventually crossed the Mississippi River, so it already had access to the west; the IC's directors wanted to make the railroad as profitable as possible, so they set their sights to the east and attempted to build on the Lake Michigan shoreline.

The IC's intention to enter along the lakeshore becomes even more manifest when one takes into account the railroad's initial encounter with the city. The first Chicago Common Council record that mentions the IC is an attempt, from the point of view of Chicago residents, to avert a disaster. According to this Council order, a large number of Chicago residents caught wind of word that the IC "intend[ed] to divert the Chicago branch of said Road from a direct line to this City, to the East, so as to connect with Eastern roads, before coming to Chicago." The residents wrote and signed a memorial expressing their concern, and the Council in turn promised to "resist by every means in their power such perversion of the grant and such violation of the contract on the part of said Company." To resist, the Council appropriated \$10,000—equivalent to approximately \$250,000 in 2008, a hefty sum for a miserly Council—that was to be "subject to the order of the Mayor for the purpose of defraying the expenses of making such resistance." The Mayor was to retain counsel, and he and a committee of five aldermen were to write a memorial and send it to the President of the United States, the Secretary of the Interior, and the Commissioner of the General Land Office, "stating the

⁶² Howard Brownson, "History of the Illinois Central Railroad to 1870," (Ph.D. dissertation: University of Illinois, 1909), 54.

facts in regard to the matter and requesting them not to confirm the grant of land to said company, and to prevent the confirmation of said grant, until satisfactory appearances are given by said Company, that said road shall be located in accordance with the original plan upon which the Act of Congress was passed.” He was also to send a memorial to the Governor of Illinois, in which he would “urge [the Governor] to call a session of the Legislature at an early day,” so steps would be taken “to protect the interests of the State” by making certain that the railroad would not be built in such a way as to “divert the trade and commerce from Illinois for the benefit of Eastern roads.”⁶³

Though the Council record is urgent and biased in tone, it does not sink into hyperbole. It demonstrates that both the Council and their constituents tied the future of Chicago directly to the railroads less than three years after the G&CU first rolled through the city. The IC was important to the city for a few reasons: it would be the first railroad to connect the city with the south and, through track-sharing agreements, with the east; two of its chief proponents—Senator Stephen A. Douglas and Representative John Wentworth—were Chicago residents; and Chicago wanted to be a terminus on a railroad that was historic for a few reasons—it was the world’s longest contiguous railroad line upon completion in 1856, and it was the first railroad to be funded in large part by the federal government, which gave the IC free land on which to build and to sell in order to fund the construction of the nearly 1,000 miles of track, rolling stock, and structures. Chicago’s politicians and their constituents knew that the IC was an important component of the city’s economic growth, and they were going to do whatever they could to make the IC connect with the eastern lines at Chicago to maximize that growth.

⁶³ CP 1851/52 1029A 09/29.

Mayor Gurnee immediately went to New York to meet with the directors of the IC to settle the dispute. He met with them individually and as a group, the latter in the presence of a federal judge. The directors assured him that they would, in fact, make their connection with the eastern road—the Michigan Central Railroad—within the corporate limits of the city of Chicago, as opposed to some point east. The Mayor declared that, as a result of the meetings, he “trusts that the interests of the city are fully secured...[and] that henceforth there will be perfect harmony between our citizens and the company.”⁶⁴

Luckily Mayor Gurnee’s political performance was not judged based on his ability to predict the future; if it were, he would have been deemed a poor mayor indeed. Not only was there no “perfect harmony” between Chicago’s citizens and the IC, but the tension between the two manifested itself not even two months later, in December 1851. At the beginning of the month, the IC’s intentions to enter the city along the lakeshore became clear, and the Common Council records show that every meeting that month was devoted to the subject. Some of the files are devoted to the question of taxation; specifically, can the city government tax the Illinois Central, or do the terms of its corporate charter exempt it from paying local taxes? Many of the records, though, focus on citizens’ responses to the IC’s potential location on the Lake Michigan shore.

The most surprising aspect of the petitions regarding the IC’s lakeshore right-of-way is the overwhelming number of petitioners who supported the railroad compared to the small number who did not. There are four extant petitions that support the IC’s lakeshore entrance into the city, and they consist of over 600 signatures. The opposition

⁶⁴ CP 1851/52 1150A 11/03.

to the IC—a group of rich and powerful citizens who owned property on Michigan Avenue—could only muster seventeen signatures, though they formed a committee whose chief purpose was to “use all honorable means to prevent the location of said road & depot [in front of Michigan Avenue].”⁶⁵

Despite the great importance of the issue, the men who petitioned against the IC did not present a detailed argument, at least in writing: “They believe that the council has no power to make such grant and that such an occupation of the lake shore would tend manifestly to destroy public and private rights.”⁶⁶ The petitions of support did not go into great detail, either; they generally maintained that “the location is not only most advantageous to the general interests of the City and its several interests, but desirable to the Company.”⁶⁷ Significantly, this massive show of support came with few qualifications. In other words, the petitioners requested little from the railroad in their petitions; they just wanted the IC to enter at the lakeshore.

Illinois Central historians Howard Brownson and Carlton Corliss, along with journalist Lois Wille, have claimed that support for the IC’s entrance along Chicago’s lakeshore came primarily as a one-for-one deal with the company: the railroad could build along the lakeshore because it would fund and build a breakwater (which I will talk about in more detail below).⁶⁸ Further, they argued that the residents of the North and West divisions of the city were the primary supporters of the IC and its lakeshore entrance; they did not want to pay for any more lakeshore protection (which they saw

⁶⁵ CP 1851/52 1255A 12/02.

⁶⁶ CP 1851/52 1256A 12/02.

⁶⁷ CP 1851/52 1312A 12/15. See also CP 1851/52 1313A, 1314A, and 1315A 12/15 for nearly identical statements.

⁶⁸ Brownson, 48-55. Corliss, 46-51. Wille, 26-9.

primarily as protection of the homes of Michigan Avenue’s wealthy residents in the South division) with their tax dollars. They wanted the IC to remove this burden and maintain a breakwater in return for entrance into the city.

The Council records do not completely corroborate this analysis, though. Not a single petition mentions support for IC lakefront right-of-way based on the IC’s willingness to build a breakwater. A petition signed by 191 people from the South division shows that there was significant support for the plan within the part of the city that would be most directly affected by the entrance of the IC. The petitioners asked that the IC’s property within the city would be taxed the same as other individuals—in other words, they asked simply for fair and equal treatment of property owners by the city—and that the IC would extend its tracks “up South Water and Market Streets,” streets along the south branch of the Chicago River where many of the signatories owned manufacturing and processing businesses that would have economically gained from a connection with the railroad.⁶⁹ These individuals saw a direct benefit from the entrance of the IC into the city along the lakeshore to themselves and to the city as a whole, and they asked for little in return from the railroad.

The overwhelming support for the IC’s entrance along the lakeshore cannot be completely attributed to direct business interest. A number of those who signed likely held a booster’s vision of the city and supported wherever the railroad wanted to enter the city limits. To these individuals, it was likely more important to bring railroads to the city as quickly as possible than to quibble over where the railroads should build. For example, Matthew Laflin, a founding member of the Chicago Board of Trade who three

⁶⁹ CP 1851/52 1314A 12/15.

years earlier petitioned against the entrance of a railroad along the lakeshore, signed a petition in support of the IC.⁷⁰ Also, J. Young Scammon was an ardent supporter of railroad development, so much so that he signed a petition on behalf of the IC's entrance along the lakeshore despite the fact that he resided on Michigan Avenue at a residence that would have been directly affected by the lakeshore development of the IC.⁷¹ These men and others linked the growth and success of Chicago directly to the railroads.

Yet another factor may have played a role in the overwhelming support for the railroad's chosen location of entrance in the city: the rumor, discussed above, of the railroad's attempt to connect with Eastern lines at some point east of Chicago instead of in the city. Historian Howard Brownson maintained that the Council appropriated the \$10,000 and passed the resolution to fight the eastern cut-off because of strong feelings of rivalry and suspicion between Chicago residents who supported the Michigan Central Railroad and those who supported the Michigan Southern Railroad: the IC was an ally of the Michigan Central, so Michigan Southern partisans on the Council passed the resolution that attacked the IC and, by proxy, its MC allies.⁷² Brownson did not have access to the Common Council records that show that the resolution was more than a simple knee-jerk reaction and attack on the IC: Mayor Gurnee and a federal judge actually traveled to New York and met with the IC's directors to resolve the situation.

In light of this evidence, the rumor appears to have been a well-timed leak on the part of the IC's directors. The IC submitted its initial petition to the Council for the right to enter Chicago on July 12, 1851; it withdrew this petition a few days later because of

⁷⁰ Ibid. CP 1848/48 4582A 05/12.

⁷¹ CP 1851/52 1315A 12/15.

⁷² Brownson, 49-50.

the Council's opposition to the terms of the petition.⁷³ The company was then aware that it would not be able to completely dictate its terms of entrance into the city, so it flexed its corporate muscle two months later by letting Chicago's residents know that it could cost the city vast amounts of money by connecting with an Eastern railroad somewhere other than within Chicago's city limits. Chicago's residents and political representatives were then on the defensive and were likely to let the IC enter the city on terms the railroad found favorable.⁷⁴ A lakeshore entrance was all but guaranteed.

Though the IC would eventually gain access to the city along the valuable lakeshore property, it took the company and the city quite some time to agree to terms that both parties could accept. After numerous petitions and memorials had been presented to the Council by individuals on both sides of the IC debate, the Council acceded to the IC and its supporters. On December 18, 1851, a special Council committee dedicated to the issue made a number of recommendations. They agreed to allow the IC to enter the city along the submerged land east of the lakeshore, but they recommended strict conditions for the company's entrance. The railroad was to get a right-of-way no wider than 300 feet, was to be no closer than 500 feet from Michigan Avenue, was to build fences along its west line for safety, and, most significantly, was to build a stone wall that would act as a breakwater along the length of the railroad from Twenty-Second Street to Randolph Street, a distance of over two miles. The committee also recommended that the IC quite literally build more lakeshore by filling the space

⁷³ Ibid., 49. The initial petition to the Council is not extant in the Council Proceedings.

⁷⁴ The IC used nearly identical tactics a year-and-a-half later when it tried to change part of its route in Galena, Illinois. The railroad was supposed to build a bridge over the Galena River in the city, but it changed its mind and decided it wanted to build it at a point five miles south of Galena, at a point where Galena residents argued it would obstruct river navigation. See *Chicago Tribune*, February 25, 1853, and March 9, 1853 for stories on this issue.

between Michigan Avenue and the west line of the railroad tracks with earth and, from this new space, creating and maintaining “a convenient and safe public promenade.”⁷⁵

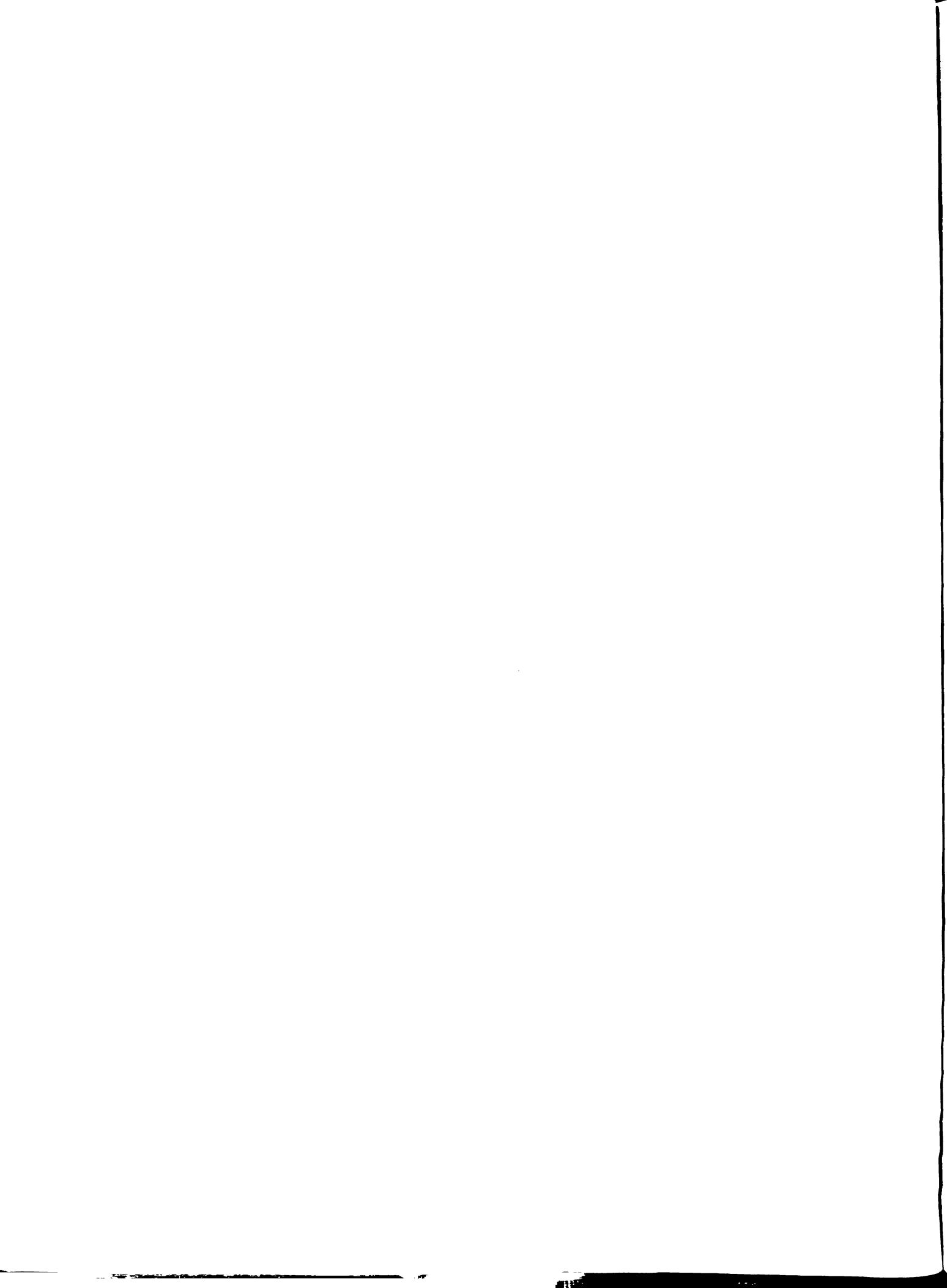
Not surprisingly, the IC was not happy with these terms. It objected to the minimum distance it was to build from Michigan Avenue—500 feet—arguing that the depth of the water at that point would make construction prohibitively expensive. It most fervently protested, though, against the committee’s requirement that the railroad not only build a breakwater, but also fill in the spaces between the lakeshore and railroad tracks. Mason Brayman, the IC’s chief counsel, responded tersely to this requirement.

His response is worth quoting at length:

[The requirement] is objectionable; wholly inadmissible. Rail Roads are constructed to do a carrying trade; to bring the producer and the consumer together; to bear ~~forth~~ the treasures of the soil to profitable markets; to bring back articles of necessary use and luxury in exchange; to afford facilities for travel and intercommunication between distant points. Rail Roads, like streams, seek navigable waters.

There transshipments take place; there is created a demand for labor, capital, enterprise; there the Merchant, the Banker, the Forwarder, the ship owner, and the thousand reviving influences which follow in the footsteps of commerce are congregated together. Thus, cities are made. Rail Roads are not constructed for the purpose of building cities, nor of adjoining cities, nor of repairing the damages which they may have suffered from fire or water; though all these results may follow the construction of lines of Rail Roads to favored points. They are incidents—inevitable and desirable incidents to such enterprises, but not the object of them. While a rail road for its own convenience and advantage seeks a termination at a point where natural advantages have already created a city, it confers double benefits upon the favored point....Of the City [of Chicago], we ask for no occupied streets, no public square; no paved and ornamented grounds, but for the privilege of a building a track in Lake Michigan, far below low watermark, and distant from the shore. Outside of this line, in the deep water of the Lake, the company propose to erect, at an extra cost (beyond the cost of entering the city by land) of several hundred thousand dollars, a permanent sea-wall which will afford the city adequate security against the further advances of the Lake, rendering all further taxation for Lake shore protection unnecessary. This protection is regarded as a most abundant equivalent for the privilege of building and occupying a Railroad track in Lake Michigan, in front of the public ground of the

⁷⁵ CP 1851/52 1340A 12/19.



city; to say nothing of the public advantage to be derived from the business of the road.

To go further than this, and expend the money of the company on works in no way connected with the business of the Road, or promotive of its usefulness, would be as palpable a perversion of its funds, as though the same amount were donated to the city for planking streets or endowing institutions of charity. It cannot be supposed that the Legislature intended such things, when it provided that the road should not be located within an incorporated city without the consent of its common council. May not the company be required to level the hills of Galena, pave the streets of Bloomington, and fill up the low grounds at Cairo, as well as make a “public promenade” [in the space to be filled between Michigan Avenue and the railroad tracks] at Chicago?

...[T]he company is willing to incur the large expense of building its track and necessary works in the Lake, outside of the inhabited portions of the city, for the very purpose of avoiding the restrictions which otherwise the public safety would require....⁷⁶

Despite its sarcastic tone, the letter gets to the heart of key issues regarding railroads and the use of urban space in Chicago. The IC saw itself solely as a tool of commerce and trade in a capitalist system. It defined itself narrowly, as did most Jacksonian corporate charters: a corporation was only to carry out public good that its charter specified. In a twist of pure irony, the Illinois Central lost a U.S. Supreme Court case forty years later when Justice Stephen Field used the exact same logic to argue against the IC’s claims on the submerged lands in Chicago’s harbor as Counselor Brayman did to argue against the building of the public promenade. This legal principle, known as *ultra vires*, is “the doctrine that prohibited a corporation from engaging in business practices not expressly stated in its charter.”⁷⁷ The IC proved adept at working between the different definitions of business corporations—the narrowly-defined, Jacksonian, “public good” corporation and the later, broadly-defined, profit-making

⁷⁶ CP 1851/52 1376A 12/29. Underlining and strikethrough are attributed to Mason Brayman, the letter’s author.

⁷⁷ Salzmann, 107.

corporation—to ultimately prove that, at all times, the IC was primarily the latter. (This Supreme Court case will be further discussed in the conclusion.)

Within this narrow definition of the IC as a business corporation, Brayman, to reiterate, maintained the “adjoining,” “building,” and/or “repairing” of cities were but incidental to railroad development: “inevitable and desirable incidents to such enterprises, but not the object of them.”⁷⁸ This may have been the case, yet Counselor Brayman did not acknowledge that these “incidental” consequences could have been anything but positive. This is not surprising since the letter’s purpose was to argue for the interests of the IC, which were, at their base, to keep costs as low as possible while maximizing the possibility of profit for the IC. The reason there was any debate about the IC’s entrance into the Chicago was because of an undesirable incidental consequence: a railroad would essentially take over Chicago’s front yard—the lakeshore—which, as was mentioned above, was generally seen as public space, or at least as space to which a variety of people and interests were to have access. If the IC were to enter along the lakeshore, the entire southern half of the city would more or less be cut off from the Lake Michigan.

Brayman attempted to assuage any negative sentiment aroused by the lakeshore entrance by arguing that “the company is willing to incur the large expense of building its track and necessary works in the Lake, outside of the inhabited portions of the city, for the very purpose of avoiding the restrictions which otherwise the public safety would require....”⁷⁹ As I will show in the next chapter, railroad safety became a growing concern in Chicago in the 1850s, in large part because of the problems that could occur

⁷⁸ CP 1851/52 1376A 12/29.

⁷⁹ Ibid.

when steam locomotives were allowed to share streets with residents. But when Mr. Brayman argued that the IC wanted to build along the lakeshore in the interest of public safety, the issue did not yet possess the potency it would a few years later. There was only one railroad—the Galena & Chicago Union—in operation at the time (the Chicago & Rock Island, though it procured right-of-way from the Council, had only done so seven months earlier and was not yet operational). Though the G&CU shared Kinzie Street and others with the public, it was located in an area that, during the passage of its right-of-way ordinance, was primarily industrial in nature. Though the threat of accidents was present, public safety was not yet a glaring concern at the end of 1851.

The wording of the sentence that discusses public safety reveals the true priorities of the IC: “[T]he company is willing to incur the large expense of building its track and necessary works in the Lake, outside of the inhabited portions of the city, for the very purpose of avoiding the restrictions which otherwise the public safety would require....”⁸⁰ The IC was much concerned with the “restrictions” that were necessary to protect the public safety, but not so much with the public safety itself. For the IC to pursue its main objective—making money—it wanted as few restrictions as possible to keep expenses low. Yet it realized it needed to compromise to obtain the coveted lakeshore right-of-way from the Council, so it offered to build a breakwater to protect the lakeshore south of the Chicago River’s main branch. This brilliant move blunted the opposition of the wealthy Michigan Avenue residents—the most stalwart opponents to the IC’s lakeshore entrance—and brought even more solid support from the many residents who backed the IC’s lakeshore right-of-way. While Michigan Avenue residents

⁸⁰ Ibid.

did not want their views of Lake Michigan filtered through the railroad tracks, locomotives, steam, and smoke—harbingers of the industrial era that would soon overtake any remaining notion of a pastoral Chicago—their neighbors in the North and West divisions of the city were happy to know they would not have to pay higher property taxes to protect the front yards of people who owned Michigan Avenue mansions. Also, the industry and manufacturing interests just to the west along the southern branch of the Chicago River were excited for the possibilities of such convenient access to transportation that the lakeshore entrance of the IC would provide to them. The myriad supporters of the IC’s lakefront entrance saw a direct benefit to themselves from such a right-of-way. Though it was understood that a private corporation would essentially take over much of the space that was historically seen as a public asset, it was permitted to do so under the assumption that such an act was in the interest of the public good.

This letter also brings into focus what quickly became a central issue in the Common Council: the great impact the railroads would have on the built environment of Chicago, and the single-minded focus on profits by said railroads at the expense of the safety and quality of life of Chicago’s residents. (As I will show in Chapter Four, lackluster attention to safety sometimes got in the way of railroad business. When it did, railroads willingly tried to improve safety standards.) Though Brayman was quick to point out that “Rail Roads are constructed to do a carrying trade” and are “not constructed for the purpose of building cities,” he failed to recognize that railroads themselves substantially altered the built environment of cities.⁸¹ Some railroad

⁸¹ CP 1851/52 1376A 12/29.

structures could be viewed in a positive light—for example, a number of beautiful and opulent railroad terminals were built in later decades in Chicago—but many other railroad structures could not be seen as aesthetically pleasing. Also, with the vast space that rail yards, warehouses, stockyards, and other structures occupied, not to mention the space that the trains and their clouds of smoke took up, one cannot deny that railroads did, in fact, build cities. And, though the building of cities by railroads may have been incidental, the consequences of their construction on urban space cannot be considered positive, especially when the space was Chicago’s “front window,” the Lake Michigan shore. When the Council committee recommended that the IC fill in the submerged area between the lakeshore and its future railroad tracks, it recognized the importance of the shoreline to Chicago’s residents. It thus wanted to maintain, at least partially, the public nature of the lakeshore by having the IC build a public promenade. The Council likely believed this was the least it could do since it was ceding a large chunk of lakeshore to a private corporation.

But the IC showed that it cared only that it got as much as it could for as little as possible. In the long process of trying to attain right-of-way in Chicago, the railroad’s directors and representatives showed that the IC was a very powerful corporation that, for the most part, could and would do what it wanted. On December 29, 1851, with a 10 to 6 vote, the Council passed a right-of-way ordinance that acceded to most of the demands made by Counselor Mason Brayman ten days earlier.⁸² The ordinance let the railroad build their tracks only 400 feet from Michigan Avenue, as opposed to the 500-foot distance recommended by the committee. Also, there was no provision that compelled

⁸² Brownson, 51.

the IC to fill the space between its tracks and the lakeshore with earth, which meant that it would not have to construct a public promenade. The railroad received a narrower right-of-way than it had originally asked for—it wanted 500 or 600 feet, but was granted only 300 feet. It also had to build and maintain a breakwater from Randolph Street to Twenty-Second Street, which protected all of Lake Park, a public park that was not to be used by the IC, and additional lakefront property. This breakwater was the major item the city received in return for the IC's access to the lakeshore, but it is not surprising that the railroad did not object to the provision, despite its formidable cost: the railroad would have needed a breakwater to protect its tracks from the temperamental waters of Lake Michigan whether or not Chicago residents requested it. In general, the provisions of the ordinance were extremely favorable towards the railroad.⁸³

Though the Council passed the ordinance, Mayor Walter Gurnee was skeptical of it and, to the chagrin of most of the Council, the railroad, and many residents, he vetoed the ordinance.⁸⁴ The Council quickly again took up the matter and overturned the mayor's veto a few days later, after which the ordinance was sent to the IC's headquarters in New York City. The company was going to approve it, though, to their surprise, the Council reconsidered the issue and drafted a new ordinance with which the wards in the south division of the city were much happier. The IC's directors, on the other hand, were not happy with the newest version of the ordinance.⁸⁵ There were more restrictions on what and where the company could build—for example, they were not allowed to build any structure along the length of Lake Park except for their tracks and the breakwater.

⁸³ CP 1851/52 1377A 12/29. CP 1851/52 1340A 12/19.

⁸⁴ Brownson, 51-2. Wille, 26-8.

⁸⁵ Brownson, 52.

Also, the new ordinance was more explicit about compelling the company to follow safety regulations and give the city's residents access to Lake Michigan by building gates at the end of streets in the protective fence near the tracks.⁸⁶ The IC thus decided to let the ordinance expire in hope of receiving one that was more to their liking.⁸⁷ The IC's president, Robert Schuyler, claimed that the IC had to "postpone" all of its operations due to "a protracted delay of the General Land Office in Washington" in bestowing the railroad with its land promised in the federal grant.⁸⁸ This likely was an excuse so the Council would again have to consider the issue and perhaps give the railroad an ordinance with terms it deemed more favorable.

In the end, the Council and the IC agreed to terms on which the railroad would enter Chicago. Though the final version of the ordinance—passed in the Council on June 14, 1852, and accepted by the company on September 17 of the same year—was not as favorable to the interests of the IC as were earlier versions, it nonetheless was a coup for the corporation.⁸⁹ The Council tried to preserve the public nature of the lakeshore by preventing the railroad from using Lake Park and building structures between Lake Park and the railroad tracks, as well as by making the railroad build gates at the end of streets in its protective fence that would give individuals the ability to access the lake.⁹⁰ Though the Council made valiant and sincere efforts to balance the economic and public interests of its residents in the IC right-of-way ordinance, the hegemonic nature of railroads in all space in which they built made any legitimate balance impossible. The railroad

⁸⁶ CP 1851/52 1377A 12/29. CP 1852/53 0284A 04/21.

⁸⁷ Brownson, 52.

⁸⁸ CP 1852/53 0010A 03/26.

⁸⁹ CP 1852/53 0352A 06/14. CP 1852/53 0717A 09/17.

⁹⁰ CP 1852/53 0352A 06/14.

corporation had a single concern—profit—and, as I will show, profit and the public interest often came into conflict in Chicago. When the railroad's tools of profit—trains—and Chicago's residents were expected to share public spaces, I will show that the spaces were not democratically shared; the railroads shaped the space, and the residents had to adapt to the change.

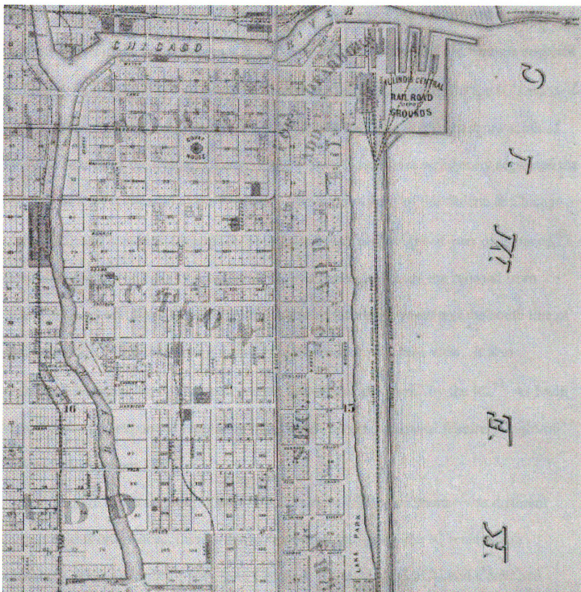


Figure 2. The Illinois Central Railroad, from the river to Twelfth Street. Its grounds are at the mouth of the river. The inner line in the lake represents the tracks, and the outer line represents the breakwater. Lake Park is the thin strip of land of lakeshore land that runs from the railroad grounds at Randolph Street, south to Twelfth Street, near the southern extent of the map. 1863. (University of Chicago Library)

The protracted battle over the IC's right-of-way marked a turning point in how the Common Council of Chicago dealt with railroads. The right-of-way ordinance for the IC was different from any other in the city to that point. It focused on health and safety to an extent beyond any of the previous ordinances by, for example, mandating that the railroad build a fence to "prevent animals from straying upon or obstructing its tracks" and to "secure persons and property from danger" and requiring the railroad to build culverts—openings—in its breakwater so the water behind it would not become stagnant and pestilent.⁹¹ Also, the city asked for something tangible in return for the IC's right-of-way: a two-mile-long breakwater that would protect the Lake Michigan shore south of the main branch of the Chicago River. Finally, the IC ordinance stringently regulated the railroad, at least compared to the extremely liberal provisions of the Galena & Chicago Union Railroad's and the Chicago & Rock Island Railroad's right-of-way ordinances.⁹² Besides the health and safety provisions, the ordinance prevented the railroad from "erect[ing any] buildings between the north line of Randolph street and the south line of said Lake Park," thus attempting to avert the obstruction of a lake view. It also prohibited intrusion "upon the open ground known as Lake Park" by the IC.⁹³ As I will show below, this expanded regulation of railroads became a normal feature of right-of-way ordinances from 1853.

Though much of the content of the IC's right-of-way ordinance was different from previous ordinances, there was one important similarity: the IC received an extremely generous right-of-way from Chicago. Though the G&CU and C&RI had

⁹¹ Common Council of the City of Chicago, compiled by Murray Tuley, *Laws and Ordinances Governing the City of Chicago* (Chicago: Bulletin Printing Co., 1873), 286-7.

⁹² *Ibid.*, 284-7.

⁹³ *Ibid.*, 287.

fewer restrictions than the IC, the IC was handed some of the most valuable real estate in the city.⁹⁴ The price for its right-of-way may have been higher, but, without a doubt, the IC received the sweetest deal of any railroad to have entered the city of Chicago.

⁹⁴ See Hoyt, 45-80, for general discussion of rising land values in Chicago during the railroad era. The early years of railroad development brought a precipitous rise in values. Land near the downtown lakeshore was the most valuable, as represented by Hoyt's maps on pages 71-2, Figures 11 and 12.

CHAPTER 2: THE SPATIAL CONSEQUENCES OF RAILROAD DEVELOPMENT, 1852-1871

Charles Glumer was walking home from a friend's house on Chicago's west side one December evening in 1856, when "he was accosted and about to be attacked by two ruffians, when he attempted to make his escape by running from them, and had thus succeeded and gained upon his pursuers, when he [approached] Kinzie Street, where he was suddenly stopped on account of the street being blocked up at this point by a long train of cars: he then attempted to get around them, but being thus delayed he was overtaken, and attacked by the ruffians, knocked and beaten down, and received severe bodily injuries."¹ The man of fifty-eight years lay on the ground for "about half an hour," after which time he had "recovered sufficiently to get up and found himself badly beaten and injured: ten dollars of money taken from him, his portmanteau and private papers of value taken, and a ticket to Detroit, for which he paid \$7.50, and another to Milwaukee worth \$2.00."² As a result of this beating, Mr. Glumer was unable to deliver lectures in Detroit and Milwaukee, and thus lost the money he was to receive for these engagements. He was so badly injured by the beating, which, again, was facilitated by "the [railroad] cars being left in Des Plaines Street, and this street being thus blocked up," that "he was confined by sickness and prostration from the injuries for at least a month, and from which he has never recovered, that he is thus reduced to great debility, penury and

¹ CP 1857/58 0156A 04/13.

² Ibid. The tickets cost approximately \$150 and \$40, respectively, in 2007, according to <http://www.measuringworth.com>; accessed 27 April 2009.

destitution, and would humbly and respectfully ask the Mayor and Common Council, under these circumstances, for relief.”³

The Council, not known for its proclivity to easily part with the city treasury’s money, responded, unsurprisingly, to Mr. Glumer’s petition with “sympathy and compassion,” but also with a determination to reject the petition and give Mr. Glumer no monetary relief.⁴ Their decision rode on the belief that if the Council helped Mr. Glumer, it would have to thus “be prepared in all other cases to make good the losses by robberies and pay full damages for injuries received in assaults by day or by night upon strangers & upon citizens upon all our public highways of the city.”⁵ The Committee on Claims was not prepared for this, and one can surmise that their view represented that of the Council as a whole at the time.

This episode shows more than the miserly nature of the Council during a time when governmental social safety nets were few and far between. It is a prime example of the great effect railroad development played on the built environment of Chicago. Railroad development helped turn Chicago into a boomtown during the 1850s and 1860s. But as its population and railroad development grew, residents like Charles Glumer began to experience an irony of modernity: even as the economy, technology, and government progressed, these new technological and economic forms bred dependence and quickly dispelled any notion that residents of an industrial society were autonomous social actors. Charles Glumer’s story exemplifies this state of dependence: railroads, as imposing pieces of new technology, tangibly shaped the city’s built environment and thus

³ CP 1857/58 0156A 04/13.

⁴ Ibid.

⁵ Ibid.

circumscribed his movement. His escape route was blocked by train cars, which led to his robbery and assault, which in turn resulted in his “confine[ment] by sickness and prostration from the injuries for at least a month, and from which he has never recovered, and...reduced [him] to great debility, penury and destitution.”⁶ His state of dependence was not only defined by the way railroad construction restricted movement, but by literal dependence on charity since his injuries prevented him from making a living.

Mr. Glumer’s story was the story of Chicago’s street-going public during the industrial era. Railroad development limited the agency of Chicago residents and ushered in a state of dependence by shaping the built environment in such a way as to limit the movement of and create hazards for these residents. In most cases, the threat of injury or death that resulted from railroad development did not come from “ruffians;” it stemmed from the presence of the new locomotive technology, which was bigger, faster, and more powerful than anything Chicago residents had ever experienced. The fact that Chicago underwent economic and industrial growth at such an accelerated rate amplified the condition of dependence endured by its residents. As historical actors, individuals in Chicago unknowingly conceded historical agency to the economic and technological forces that in part brought them to historical relevance. The railroads limited agency not only through the sheer power of the new technology, but also by shaping the built environment of the city and thus bounding people’s movement.

Chicago grew at an alarming rate through the 1850s and 1860s. When Chicago’s railroad era began in 1848, just over 20,000 people called Chicago “home.” By 1853, the

⁶ Ibid.

population had nearly tripled, to 59,130. On the eve of the Civil War in 1861, it had grown to an astounding 120,000.⁷ Only ten years later, just before much of the city burned, 325,000 people lived there. Chicago was quickly climbing its way up the ranks of American cities. In 1840, it ranked ninety-second out of the one-hundred most populous cities in the United States; in 1850, it was twenty-fourth; in 1860, it was ninth; in 1870, it was fifth. The railroads helped create what, by 1890, came to be called the “Second City;” only New York boasted a larger population.⁸ A town of only a few thousand became a metropolis of over a million in only half a century.

The transportation infrastructure represented primarily by railroads promoted both the economic and demographic growth of the city. Of course, these two developments worked hand-in-hand: the development of the railroads encouraged commercial and industrial establishments to locate in Chicago, the jobs of which in turn attracted migrants and immigrants to the city; and the expansion of the railroads promoted the mobility of said migrants and immigrants. In the 1850s and 1860s, migrants to Chicago came primarily from the eastern United States; most of the city’s early leaders were Yankees from New England and Mid-Atlantic states.⁹ There was substantial rural-to-urban migration from surrounding rural areas to Chicago, but farm children did not begin this

⁷ Population statistics from Wesley Skogan, *Chicago since 1840: A Time-Series Data Handbook* (Urbana: Institute of Government and Public Affairs at the University of Illinois, 1976).

⁸ Campbell Gibson, “Population of the One Hundred Largest Cities and Other Urban Places in the United States: 1790 to 1990; Population Division Working Paper No. 27” (Washington, D.C.: Bureau of the Census, 1998); accessed at <http://www.census.gov/population/www/documentation/twps0027/twps0027.html> on 2 May 2009.

⁹ For discussion of the migration to Chicago and the West from Eastern states, see Robin Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press, 1991), 28-60; Carl Abbott, *Boosters and Businessmen: Popular Economic Thought and Urban Growth in the Antebellum Middle West* (Westport, Conn.: Greenwood Press, 1981), 126-147; and Rima Lunin Schultz, “The Businessman’s Role in Western Settlement: The Entrepreneurial Frontier, Chicago, 1833-1872,” (Ph.D. dissertation, Boston University, 1985), 65-97; and Stewart Holbrook, *The Yankee Exodus: An Account of Migration from New England* (New York: Macmillan, 1950).

trend until the extended period of economic uncertainty of the Long Depression that lasted from the Panic of 1873 through the end of the century.¹⁰ In the 1850s and 1860s, the Illinois plains were just beginning to gain a substantial population. People flocked into Illinois and states to the west to take advantage of the relatively inexpensive fertile land available. An exodus from the farm to the city was not yet in the purview of rural Americans.

Immigrants to Chicago in the 1850s and 1860s, though, were part of the original movement of rural people to Chicago. Germans formed the largest ethnic group in the city from 1850 until the turn of the century. These immigrants—who composed one-sixth of Chicago's population—came for a variety of reasons: some escaped religious persecution; many more came because of economic stress that resulted from a cocktail of population growth, insufficient agricultural production due to partial inheritance, and relatively slow industrialization in their home country; and yet others escaped political persecution after the failed European revolutions of 1848.¹¹ Though the goal of many Germans was the pastoral life, a large number found their way to Chicago and opted for a life in the city.

¹⁰ Walter Nugent, "Demography" in the *Electronic Encyclopedia of Chicago* (Chicago: Chicago Historical Society, 2005); accessed at <http://www.encyclopedia.chicagohistory.org/pages/962.html> on 4 May 2009.

¹¹ Christiane Harzig, "Germans," in the *Electronic Encyclopedia of Chicago* (Chicago: Chicago Historical Society, 2005). Accessed at <http://www.encyclopedia.chicagohistory.org/pages/512.html> on 4 May 2009. For thorough discussion of German immigrants in Chicago, see also Rudolf Hofmeister, *The Germans of Chicago* (Champaign, Ill.: Stipes Publishing Co., 1976); Harmut Keil and John Jentz, eds., *German Workers in Chicago: A Documentary History of Working-Class Culture from 1850 to World War I* (Urbana: University of Illinois Press, 1988); and Harmut Keil and John Jentz, eds., *German Workers in Industrial Chicago, 1850-1910: A Comparative Perspective* (DeKalb: Northern Illinois University Press, 1983). For general discussion about German political refugees from the 1848 revolutions, see Adolf E. Zucker, ed., *The Forty-Eighters: Political Refugees of the German Revolution of 1848* (New York: Columbia University Press, 1950); Carl Wittke, *Refugees of Revolution: The German Forty-Eighters in America* (Philadelphia: University of Pennsylvania Press, 1952); and Charlotte Brancaforte, ed., *The German Forty-Eighters in the United States* (New York: P. Lang, 1989).

The Irish formed another large, primarily rural immigrant community in Chicago during the middle of the nineteenth century. The potato famines of the 1840s killed a million Irishmen and pushed another 1.5 million to immigrate, mostly to the United States. Thousands of the Irish ended up in Chicago. Many Irishmen were initially attracted to the city by jobs constructing the Illinois & Michigan Canal and the various railroads; they stayed as Chicago boomed and were able to find regular work on the railroads, lumber- and stockyards, and various other industrial interests.¹²

Other immigrant groups such as Canadians, Scandinavians, and Poles, started settling in the city during the 1850s, though Poles and Scandinavians did not become a significant presence in Chicago until after the Civil War.¹³ The various immigrant groups together made up a significant portion of Chicago's population in the 1850s and 1860s. During the two decades, the city's foreign-born population composed between 43% and 61% of its residents.¹⁴ Despite Chicago's flirtation with nativism, which was most clearly manifested in the election of Know-Nothing mayor Levi Boone in 1855—the year during which the city's immigrant population hit a low of 43 percent—immigrants continued to pour into the city.¹⁵ And after the Lager Beer Riot of April 21, 1855, which

¹² Ellen Skerrett, "Irish," in the *Electronic Encyclopedia of Chicago* (Chicago: Chicago Historical Society, 2005); accessed at <http://www.encyclopedia.chicagohistory.org/pages/652.html> on 4 May 2009. For more discussion on the Irish in Chicago, see Finley Peter Dunne (author) and Charles Fanning (ed.), *Mr. Dooley and the Chicago Irish: The Autobiography of a Nineteenth-Century Ethnic Group* (Washington, D.C.: Catholic University of America Press, 1992, 1987) and Charles Fanning, Michael Funchion, Lawrence McCaffrey, and Ellen Skerrett, *The Irish in Chicago* (Champaign: University of Illinois Press, 1987).

¹³ Dominic Pacyga, "Poles," Anita Olson Gustafson, "Swedes," and Emily Brunner, "Canadians," in the *Electronic Encyclopedia of Chicago* (Chicago: Chicago Historical Society, 2005); accessed at <http://www.encyclopedia.chicagohistory.org/> on 4 May 2009.

¹⁴ Skogan, 18.

¹⁵ *Ibid.*, 38. There was a slight dip in the percentage of Chicago's population that was foreign born during 1855: it fell about 3.5% from 1854 and rose about 3.5% in 1856. The 43.93% of the population was the lowest foreign-born percentage in two decades between 1850—the first year Wesley Skogan found sufficient data to calculate the percent of foreign-born individuals—and 1871.

was a direct response by German and Irish immigrants to the nativist policies of the Council, Chicago's immigrants mobilized politically. They began to play a key role in the city's municipal elections, which had previously only drawn participation from a narrow swath of the city's population: the land-speculating Yankee elite.¹⁶

The many new Chicagoans needed to find habitation within the city's nine square miles.¹⁷ Michigan Avenue—which was now promised the protection of the Illinois Central Railroad's breakwater—was home to the city's elite, and few, if any, of Chicago's newest residents had the means to purchase a home along Michigan or any of the city's other "aristocratic" avenues.¹⁸ Most migrants and immigrants who found their

¹⁶ The Lager Beer Riot occurred just over a month after Boone and a group of Know-Nothing aldermen were elected to city office. In an intentionally provocative move, the politicians passed an ordinance that raised the cost of a liquor license from \$50 for a one-year license to \$300 for a three-month license, increasing the price of a license twenty-four-fold. This act, along with the tripling of a police force of which immigrants were not allowed to join and the enforcement of a previously-ignored Sunday closing law for drinking establishments, aimed specifically to control the leisure time of German and Irish immigrants, two groups who generally spent a good amount of time in taverns. Many tavern owners did not comply with the new licensing fee, and the courts were immediately filled with such cases. April 21 marked the first of the cases, and a huge crowd assembled outside the courthouse to support the defendant. Nine people in the crowd were arrested, and a group of German men took up arms and vowed to break the prisoners out of jail. Further confrontation was postponed when Mayor Boone refused to let down the drawbridge on Clark Street, but after it descended, a large number of North Side Germans surged across the bridge into a hundreds of policemen. Shots were fired, and the militia was called to quell the disturbance. In the end, one person was killed and sixty were arrested. Robin Einhorn argues that the riot marks the end of non-partisan politics in politics in Chicago since it initially mobilized immigrants to participate in local politics and vote out the Know Nothings in 1856; the immigrants' political participation was ongoing in the city from that time. For more discussion and references to this footnote, see Robin Einhorn, "Lager Beer Riot," in the *Electronic Encyclopedia of Chicago* (Chicago: Chicago Historical Society, 2005); accessed at <http://www.encyclopedia.chicagohistory.org/pages/652.html> on 25 May 2009. See also Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press, 1991), 161-4, and Richard Wilson Renner, "In Perfect Ferment: Chicago, the Know-Nothings, and the Riot for Lager Beer," *Chicago History 5* (1976): 161-70. An excellent narrative of the event, including an even-handed discussion of the national and local context of the Know-Nothing movement, can be found in John Flinn, *History of the Chicago Police, from the Settlement of the Community to the Present Time, under Authority of the Mayor and Superintendent of the Force* (Chicago: Police Book Fund, 1887), 53-80.

¹⁷ Chicago's land area grew in later versions of the city charter. In 1860, Chicago was about 17.5 square miles. By 1870, it had grown to about 35 square miles. A major annexation in 1889 brought the land area within the city limits to about 178 square miles.

¹⁸ See Harold Mayer and Richard Wade, *Chicago: Growth of a Metropolis* (Chicago: University of Chicago Press, 1969), 54-66, for discussion of the class and ethnic character of various Chicago

way to Chicago were people of modest means who hoped to ply a trade, keep a small store or tavern, or, most likely, labor on the railroads, in the various lumber- or stockyards, or in industrial establishments such as the McCormick Reaper Works.

Though some of the newcomers settled in surrounding farm, industrial, and commuter suburbs, the large number who moved to Chicago proper turned what had previously been sparsely-settled industrial areas into mixed-use neighborhoods where men, women, and children both lived and labored.¹⁹ These neighborhoods were not desirable residential enclaves: the local soundtrack was the piercing, ubiquitous din of industry; and the nose was assaulted with a persistent stench formed from a cocktail of wood and coal smoke, animal waste (some combination of feces, urine, carcasses, and offal), the stagnant, polluted water of the Chicago River, and the odors specific to various manufacturing establishments.²⁰ These areas were not pleasing to the eye, ear, or nose,

neighborhoods in the 1850s and 1860s. The issue of social class and the avenues is discussed in Chapter Four.

¹⁹ Ann Durkin Keating describes Chicago's farm, industrial, and commuter suburbs in *Chicagoland: City and Suburbs in the Railroad Age* (Chicago: University of Chicago Press, 2005). Her description of the process by which people came to live in industrial suburbs—the plant, factory, or stockyards were built, and inexpensive worker housing soon popped up nearby—was similar to how it happened in the industrial neighborhoods within the city limits. See pp. 65-91, especially 76-8. Also, Keating maintains that, despite the popular conception that commuter suburbs are ethnically and socioeconomically homogeneous—this is a teleology based on the homogeneity of many of these suburbs today—these suburbs “had a variety of residents—commuters, local businessmen, local craftsmen, and workers” (105). Finally, the general process by which worker neighborhoods grew in industrial suburbs—“Around all of these plants, which at their height employed thousands of workers, seemingly instant neighborhoods and towns emerged”—is an apt description for the residential growth in Chicago's manufacturing and industrial districts in the 1850s (76). Though none of the companies hired “thousands of workers” at that point, the agglomeration of businesses in those areas (for example, along the south branch of the Chicago River) attracted workers to make them mixed-use neighborhoods in which they lived.

²⁰ Descriptions of the polluted, insalubrious state of Chicago during the nineteenth century abound. For an overview of the city's environmental degradation, including water and air pollution, see Harold Platt's comparative study, *Shock Cities: The Environmental Transformation and Reform of Manchester and Chicago* (Chicago: University of Chicago Press, 2005), 78-195, 232-297. The use of livestock also made its mark on the city; the “living machines” played a role similar to that of Chicago's manufacturers: they polluted the city with waste. Once they expired, their carcasses created another pollutant. Though horses and other livestock waste created markets through which much of the waste was taken care of—manure was collected for fertilizer, and carcasses were rendered into leather, soap, glue, and other products—one

yet they were inexpensive in which to live, and they were within walking distance of potential jobsites, which further saved money on commuting via train or horse-drawn omnibus.²¹

As Chicago's population grew, people came into contact with railroads on a regular basis. Workers likely saw their lives touched by railroads more frequently than the affluent; they often lived and worked in neighborhoods filled with railroad tracks. But Chicago so quickly became the railroad hub of North America that, by the early 1850s, even wealthy Chicagoans could not escape contact with the smoke-belching symbol of America's industrial progress. The Chicago "aristocracy" who lived along Michigan Avenue was not afforded an unadulterated view of Lake Michigan; the Council's deal with the Illinois Central guaranteed these residents a front-window view of trains, tracks, and wood-and-steel construction that destroyed any naïve notion of an idyllic Chicago. Everyone who entered the city had to deal with the railroads.

And everyone who dealt with the railroads also dealt with numerous attendant problems and inconveniences that first surfaced with Chicago's initial bursts of population growth and railroad development in the 1850s. Trains were powerful new machines that threatened life and limb because of their size and the speeds they were capable of reaching. The ability of the railroads to affect the everyday lives of the people in Chicago was exacerbated by the fact that many of the railroads were given rights-of-way that allowed them to build on public streets. But the extent to which railroad

can imagine that stockyards, stables, and rendering factories were not pleasant to live near. See Clay McShane and Joel Tarr, *The Horse in the City: Living Machines in the Nineteenth Century* (Baltimore: Johns Hopkins University Press, 2007), 18-30, 120-6 for the nuisances and economies created by horses in cities.

²¹ The omnibus and commuter trains became regular features of Chicago transportation beginning in the 1850s. Mayer and Wade, 66-70; Keating, *Chicagoland*, 93-113; McShane and Tarr, 57-83.

development negatively affected the public went well beyond hazards caused directly by the fast-moving metal body of the train. The railroads produced a complete sensory experience that transformed urban life and space during the industrial age.

Railroad development shaped Chicago's space before even a single train rolled through or across any streets. Before a train could roll, track had to be laid. This was quite a formidable task in Chicago in the 1840s and 1850s; though the railroads were happy to take any free right-of-way the city would give them, the streets on which they were to build were in an abysmal condition. Charles Cleaver, a resident of Chicago since 1833, described the city as "very low and exceedingly wet."²² The water level was so high that "there was not a cellar in Chicago" until the late 1850s, at which time the Common Council implemented a plan to raise the grade of the city by somewhere around four or five feet.²³ The raising of the grade was part of the sewerage system—the first comprehensive one of its kind in the United States—planned by sanitarian and civil engineer Ellis Chesbrough. He maintained that the grade had to be raised to effectively drain sewage from streets and buildings. As the grade was raised, water and waste drained much more effectively off the surface and into the river.²⁴ Thus, not only could

²² Mabel McIlvaine, William Bross, Charles Cleaver, Joseph Jefferson, and A.T. Andreas, *Reminiscences of Chicago During the Forties and Fifties* (Chicago: The Lakeside Press, 1913), 42.

²³ *Ibid.*, 43.

²⁴ For discussion of the raising of Chicago's grade, see Louis Cain, "Raising and Watering a City: Ellis Sylvester Chesbrough and Chicago's First Sanitation System," *Technology and Culture* 13:3 (July 1972), 353-72, and *Sanitation Strategy for a Lakefront Metropolis: The Case of Chicago* (DeKalb, Ill.: Northern Illinois University Press, 1978); Martin Melosi, *The Sanitary City: Environmental Services in Urban America from Colonial Times to the Present, Abridged Edition* (Pittsburgh: University of Pittsburgh Press, 2008), 65-7; and Robin Einhorn, *Property Rules*, 138-40, and "Streets Grades, Raising," in the *Electronic Encyclopedia of Chicago* (Chicago: Chicago Historical Society, 2005); accessed at <http://www.encyclopedia.chicagohistory.org/pages/1202.html> on 24 June 2009.

people construct cellars below their houses, streets no longer could aptly be described as “sloughs.”²⁵

Just because Chicago streets could not officially be considered bogs by the time the railroads started laying their tracks in the city, they nevertheless were still muddy messes. Early Chicago resident William Bross clearly illustrates this point:

I said we had no pavements in 1848. The streets were simply thrown up as country roads. In the spring, for weeks, portions of them would be impassable. I have at different times seen empty wagons and drays stuck on Lake and Water streets on every block between Wabash Avenue and the river. Of course there was little or no business doing, for the people of the city could not get about much, and the people of the country could not get in to do it. As the clerks had nothing to do, they would exercise their wits by putting boards from dry goods boxes in the holes where the last dray was dug out, with significant signs, as, “No Bottom Here,” “The Shortest Road to China.” Sometimes one board would be nailed across another, and an old hat and coat fixed on it, with the notice “On His Way to the Lower Regions.”²⁶

Stories abound of near-death experiences with the quicksand that composed early Chicago streets, as the topic of the poor condition of the city’s roadways is among the favorites of old-timers who reminisced about early Chicago.²⁷ The ubiquity of this theme underscores the substantial degree to which poor street conditions affected the everyday lives of Chicagoans.

The poor condition of the streets even prevented railroads from meeting their deadlines. This was especially annoying to railroads, since time and schedules, from initial construction to the moving train, were a primary concern for the companies. The Chicago & Rock Island Railroad asked the Committee on Streets & Alleys for permission to re-lay track on Clark Street because “the unsettled condition of the street, and the

²⁵ Mabel McIlvaine, et al., *Reminiscences*, 41.

²⁶ *Ibid.*, 15-16.

²⁷ *Ibid.*, 15-16, 39-45.

weather thus far [that] spring” made it impossible to lay track upon which a train could safely run.²⁸ “Unsettled” was likely a serious understatement.

To make matters worse, the special assessment system used by the Common Council as the chief funding source for public works projects from the 1840s to the 1860s made it nearly certain that the streets would remain in poor condition unless wealthy or middle-class people took the initiative to petition for an assessment.²⁹ Even then an improvement was not guaranteed, though it was fairly easy for property owners to claim they had a consensus for an assessment, especially since there was no official numerical requirement to reach consensus until 1861.³⁰ In the industrial and working-class residential areas through which the railroads generally ran, there were few people who petitioned the Council to charge them an assessment in order to pave a road.³¹ The residents of these areas did not want to spend the little money they had at their disposal on a public improvement. Owners of the nearby industrial and manufacturing interests often made hodgepodge improvements to streets to keep them functional, but few assessments were requested and approved on these streets in the 1850s and 1860s.

Most improvements made on the streets during this period—usually filling and grading—were made in the late 1850s as part of the Council’s mandated grade raising that came with Ellis Chesbrough’s citywide sewerage plan. There were, however, a few petitions for special assessments made by local businessmen who sought to improve streets. For example, early Chicago resident and booster George Dole petitioned the

²⁸ CP 1852/53 0443A 06/28.

²⁹ See Einhorn, *Property Rules*, *passim*.

³⁰ *Ibid.*, 116-17.

³¹ Many of the business owners petitioned the Council to get permission to build sidetracks that connected to railroads.

Council to plank parts of Kinzie St. It is not surprising that the petition passed, given Dole's standing in the community. Also, it seems only natural that he used special assessment—a system developed by his fellow city boosters—to achieve his goal of improved streets for the more efficient functioning of his grain business.³² Yet Dole's petition was the exception rather than the rule in the industrial areas. Residents and business owners were reluctant to pay for street improvement while railroads were given permission to build on the streets. Thus bad streets continued to get worse.

The condition of the streets did not concern the railroad companies unless the streets were in such a poor condition as to make it impossible to lay track on which trains could travel, as the C&RI showed with the example above. It did not matter, that is, unless the streets around the depots were in poor condition. Even as early as the 1850s, when Chicago's train stations were composed of little more than a roof and a platform—the grand stations of note were not built until later in the century—businessmen recognized the importance of the train terminal as an important social nexus.³³ Anyone who traveled on a train from Chicago boarded at the depot of its respective railroad or railroads. A few of the earliest railroads participated in track-sharing agreements that resulted in joint depots. The Illinois Central—the great north-south route that ran the length of Illinois—believed that a connection to a railroad that ran east would be economically beneficial, so they made an agreement with the Michigan Central Railroad to share track with the MC from the Indiana-Illinois border into the city of Chicago and

³² See petition at CP 1851/52 0547A 06/06; information on George Dole found in "The Man—Charles Sidney Dole" (Crystal Lake, Ill.: Crystal Lake Historical Society, date unknown); accessed at <http://www.lakesidelegacy.org/charles-dole.html> on 25 June 2009.

³³ See Laura Milsk, "Meet Me at the Station: The Culture and Aesthetics of Chicago's Railroad Terminals, 1871-1930," (Ph.D. dissertation, Loyola University-Chicago, 2003), for discussion of the social significance of Chicago's railroad terminals.

to also share a depot that was nestled at the mouth of the Chicago River on Lake Michigan. The MC's eastward-directed rival, the Michigan Southern Railroad, participated in a similar track- and depot-sharing agreement with the Chicago and Rock Island Railroad.³⁴

Multiple railroads at each depot meant that the depots likely had more people inside their walls at any one time than any other building in the city. And the fierce competition between rival railroads meant that it was a priority to keep travelers content with all parts of the railroad journey. This is exactly why the superintendents of the Chicago, St. Paul & Fond du Lac Railroad and the Chicago & Milwaukee Railroad sent a joint petition to the Common Council on November 17, 1856. They requested that the Common Council make an assessment to plank the streets near their depots, because such a street improvement was “imperatively necessary in order to give the public suitable facilities for access thereto.”³⁵ The horrid state of the streets compelled the railroad companies to push for planking so prospective customers would find their experience more pleasant than before the street improvement. The petitioners' request was approved under the predictable condition that the two railroads were to have fronted the money for the planking. A special assessment would come, but if the railroads wanted the roads planked in a timely fashion, they would have to do it themselves.³⁶

Even ancillary railroad businesses found it necessary to maximize customer satisfaction by dealing with the poor streets. Brothers David and George Gage started a

³⁴ The MSRR and MCRR were unable to obtain right-of-way into Chicago in large part because of a rivalry that became so heated that partisans on each side in the Council prevented the each railroad from obtaining right-of-way.

³⁵ CP 1856/57 1272A 11/17.

³⁶ This likely did not come as a shock to the railroads since they owned most of the land that was adjacent to the streets that were to be planked.

hotel and restaurant—the Tremont House—with business partner John Drake. The Tremont House was to cater primarily to those who traveled on the Illinois Central Railroad, as it was located across the street from the IC/MC depot, on land that was sold to the Gage brothers and John Drake by the Illinois Central Railroad. With the land sale came the right of the men to construct an iron footbridge from the depot to their restaurant. Obviously they believed a direct passage to the Tremont House would draw more hungry passengers. But they likely found it necessary to incur the expense of building an iron footbridge sixteen feet above the street because the mud and excrement that composed said street formed a barrier, instead of a passageway, to their restaurant. The aroma and consistency of the streets probably did not help hungry travelers increase their appetites, either.³⁷

The poor condition of Chicago's streets, especially before the Council raised the grade of the city in the late 1850s, helped shape people's movement, too. The streets would remain in poor condition with the general reluctance to make street improvements during the era of special assessments. But the trains did more than wear out public thoroughfares; they literally changed the shape of the streets and, in so doing, created a hazard to those who traveled by foot or by animal power. Specifically, the tracks protruded above the grade of the street, thus creating a hazard for those who needed to cross them.

Injury due to protruding tracks became a quotidian occurrence beginning very early in the railroad era. George Miller and S. McDowall—owners of George Miller & Co.—petitioned the Council for restitution because of just such an occurrence. They

³⁷ CP 1856/57 0858A 0814.

were not themselves injured because of the hazard posed by the tracks; instead, a horse that “was in constant use by them in their business for the carrying and delivering in certain parts of said city of their goods and merchandise” was “permanently injured” after having gotten its hoof caught between road planking and a railroad track at a Michigan Southern/Chicago & Rock Island Railroad crossing on Van Buren Street. Their claim was, of course, denied, as the Committee on Finance was informed that the crossing was in “good condition” at the time.³⁸ Not that it would have mattered if the crossing had not been in good condition; the Council was loathe to give anyone money for any claim, especially one where liability for incidents at such crossings lay squarely with the railroads and the individuals, not with the Council.

The tracks, especially at grade crossings, led to more than just equine injuries. Dan Brobston, a West Side resident, petitioned the Council on behalf of the residents of his neighborhood. Brobston lived west of Halsted Street in the vicinity of the tracks of the Galena & Chicago Union Railroad, which ran along Kinzie Street. He claimed that the crossings were “in a very dangerous condition and have been for a long time past,” and that “several accidents” had occurred as a result, including an accident to “one of our citizens Mr. Levi More [who] has been thrown from his wagon & his thigh bone broken & otherwise injured. And said More who is a sober industrious & good citizen has been obliged to apply to the county for assistance & support for his family & himself in consequence of said accident and neglect.”³⁹ Mr. Brobston went on to point out other crossings in the area that needed repair. The Council granted his petition and ordered the

³⁸ CP 1865/1866 0150A 07/10. CP 1869/70 0405A 02/28 is a nearly identical petition of a separate incident.

³⁹ CP 1855/56 1659A 12/10.

West Division's Commissioner of Streets to "notified (*sic*) the severel (*sic*) Rail Road Companys (*sic*) to construct sutible (*sic*) crossing (*sic*) at the severil (*sic*) streets when Rail Road tracks cross the said streets in the West Division."⁴⁰ Mr. Brobston's petition is evidence of a trend that began early in Chicago's railroad era: the Galena & Chicago Union's disregard for the maintenance of their grade crossings, even when ordered by the Council to repair them.⁴¹

The hazard of tracks that protruded above the surface of the road did not go unnoticed by problem-solvers of the day. The *Tribune* ran an article about Col. R.P. Morgan, an inventor, who had "a plan for a new railroad track for city railroads, which he thinks will obviate the principal objections to laying tracks in streets which are much used as thoroughfares for vehicles, &c."⁴² He developed a rail that would be flush with the street so as to reduce the risk of accident to people, animals, and vehicles that had to cross said tracks. Morgan likely had the ear of some important people in the city, for he had at one time been the superintendent of the Chicago, Alton & St. Louis Railroad.⁴³ There is no evidence, though, that the Council compelled railroads to switch to any particular type of rail. (There likely would have been extreme opposition by the railroads to such a move because of the expense involved in switching out track.) The choice of

⁴⁰ Ibid. Though this is only anecdotal evidence, I find it curious that an order riddled with more spelling and grammatical errors than any other Council document I've come across to this point was produced when the Council was filled with nativist Know-Nothings. I'd venture to guess that a good number of the immigrants that this alderman and/or his counterparts were trying to repress held a stronger command of written English than this local politician.

⁴¹ An early example of this is CP 1853/54 12/19A 11/28, in which the Council ordered the Street Commissioner of the West Division to "notify" the GCURR "to construct within ten days convenient crossings for vehicles, where their track crosses the line of streets." I will discuss the Council's lack of ability to enforce their orders in Chapter 3.

⁴² *Chicago Tribune*, "A New Plan for a City Railroad Track," Nov. 21, 1859, p. 1.

⁴³ *New York Times*, "Railroads," Jan. 17, 1855, p. 7. Abraham Lincoln, "Letter to R.P. Morgan, February 13, 1856," in Roy Basler, ed., *Abraham Lincoln: His Speeches and Writings* (New York: DaCapo Press, 2001), 338.

track laid likely was made through a nexus of business decisions based on profit and improvements in the steel production process.⁴⁴

Protruding tracks, muddy streets, and crossings composed of faulty planking were not the most serious problems posed by railroads to the people of Chicago. Many of the railroads were given the right-of-way by the Common Council to build their tracks in the middle of Chicago streets. These streets were public thoroughfares that the trains shared with Chicago residents, and this close proximity of humans to the daunting new technology created a new, if obvious, hazard. The scale of the hazard created by trains on city streets helps demarcate the beginning of the industrial era in the United States: before the railroad, Chicagoans had to deal with bad roads and the occasional runaway horse, the former, an inconvenience, and the latter of which could cause injury, but rarely death; after the railroad, people had to be hyperaware while traveling on streets through which tracks ran, for a lapse in concentration could lead to serious injury or death.

The most dangerous railroad encounters on streets usually happened at grade crossings. Grade crossings—the intersections of streets and railroad tracks—became a substantial problem fairly early in Chicago’s railroad era. I have not found any systematic data that show statistics for grade crossing accidents or those that occurred on streets through which tracks ran in 1850s and 1860s Chicago, but a few documents and secondary sources give clues to the frequency of such occurrences. John Rauch, Chicago’s sanitary superintendent, authored a report on railroad accidents for the

⁴⁴ For example, most railroads used iron rails through the end of the century because they were considerably less expensive than steel rails. In the 1870s, railroads throughout the nation began to switch to steel track, so that by 1880, 35% of the nations rails were steel. This occurred because of: 1) a drop in the price of steel rails; 2) more uniform production of quality steel rails; and 3) proof that steel rails greatly outlasted their iron counterparts by as much as sixteen fold. See Mark Aldrich, *Death Rode the Rails: American Railroad Accidents and Safety, 1828-1965* (Baltimore: Johns Hopkins University Press, 2006), 54-8.

Common Council. He reported that thirty-four people were killed in railroad accidents in Chicago's city limits in 1869, and that twenty people were killed in 1868.⁴⁵ He alluded that many of the deaths occurred at grade crossings. His numbers did not even include people who were injured, however severely, by trains. This is a staggeringly high number: nearly one death by train every ten days in Chicago in 1869; about one death every eighteen days the previous year.

Another report made by the Council's Committee on Railroads includes a list of boys killed and maimed by trains from early 1866 to August of 1867. Five boys lost their lives, and ten lost arms or legs.⁴⁶ A startling fact of this case is that most of the accidents occurred at grade crossings at Kinzie Street; the others occurred on the tracks that ran upon Kinzie. In other words, they were all caused by one railroad, the Galena & Chicago Union, which at this point was known as the Chicago & North Western Railroad (the G&CU had merged with the C&NW in 1864).⁴⁷ Perhaps even more surprising was that every victim listed was considered a "boy." The prevalence of children among the victims can be explained two ways. The petitioners believed the Council was more likely to respond to their petition if the victims were children, so they focused only on the young victims and consciously neglected to mention any adults who had been maimed or killed; or, the only accident victims during this period were boys. The latter is more likely, for it seems the petitioners would have wanted to show to the Council the full extent of the human suffering that occurred as a result of the railroad on Kinzie Street. In

⁴⁵ CP 1869/70 0893A 07/18.

⁴⁶ CP 1867/68 0512A 08/12.

⁴⁷ David Young, *The Iron Horse and the Windy City: How Railroads Shaped Chicago* (DeKalb, Ill.: Northern Illinois University Press, 2005), 25.

other words, the higher the number of casualties, the more likely members of the Council's Committee on Railroads were going to take notice and respond to the safety threat posed by the C&NW.

The fact that there were no girls listed among the ranks of the railroad casualties comes as somewhat of a surprise, yet this can be adequately explained through a combination of historical scholarship on gender in nineteenth-century America and modern-day psychological studies on gender and risk-taking. A large amount of psychology research has been undertaken over the past three decades on brain development and on gender differences in relation to risk taking. The findings generally show that men and boys are more likely to participate in risky or impulsive behavior than women and girls, and also that children and adolescents behave more impulsively and are generally less risk-averse than adults.⁴⁸ A juxtaposition of these two findings suggests that boys are and were generally more impulsive than both their female and adult counterparts, which helps explain the large number of boys who became victims of railroad accidents. Also, the gender norms of the day made it more acceptable for boys to roam and play unsupervised than for girls to do the same.⁴⁹ All told, boys were frequent victims of the trains.

⁴⁸ See Valerie Reyna and Frank Farley, "Risk and Rationality in Adolescent Decision Making Implications for Theory, Practice, and Public Policy," *Psychological Science in the Public Interest* 7:1 (September 2006), 1-44, for a summary of research on differences between adult and adolescent decision making. See James Byrne, David Miller, and William Schafer, "Gender Differences in Risk Taking: A Meta-Analysis," *Psychological Bulletin* 125:3 (May 1999), 367-83, for a summary of research described in the title.

⁴⁹ See Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1982), especially, 55-61, 83-9, 185-91, 203-9, for analysis of gender norms among working-class girls and young women in antebellum New York. She maintains that girls were generally more restricted than boys from moving about on the city streets as a result of the patriarchal system. Stansell maintains that "[p]rostitution was the only way girls could get away from home, but boys were less constrained." (206) Girls and young women did not have the same geographic mobility as boys and young

The newspapers were full of accounts of victims—men, women, and children—who were killed by trains at grade crossings. Most of the numerous railroad accidents listed in the *Chicago Tribune* that occurred in Chicago were accidents at such crossings. Some men were killed while attempting to cross the tracks on a horse and wagon. These crossings were made even more hazardous since they often consisted of multiple sets of tracks on which trains would move simultaneously in opposite directions. This was the unfortunate situation for John Weller and Thomas Low, who attempted to cross the tracks of the Chicago, Burlington & Quincy at Blue Island Avenue, near Sixteenth Street. They misjudged the speed of the oncoming trains, which were “progressing at a very rapid rate,” and avoided being hit by one train, only to be struck by another moving in the opposite direction.⁵⁰ Historical economist Mark Aldrich maintains that “[c]rossing accidents reflected in part people’s inability to estimate risks, for trains covered distance much faster than anyone was accustomed to,” which proved true in the deaths of John Weller and Thomas Low.⁵¹ He also points out that crossings could be especially treacherous if the visibility at the crossing was limited due, for example, to close proximity to a curve in the railroad tracks or the street.⁵²

Another man, Michael Somas, was driving a few cattle—“four head—two cows and their calves,” to be exact—to his home west of the city limits at Junction, so named because it was Illinois’s first railroad junction.⁵³ One of his cattle darted onto the tracks

men in intra- and inter-state travel, which often would occur for economic reasons or on a much smaller scale of movement within the city.

⁵⁰ *Chicago Tribune*, “Terrible Accident: One Man Killed and Another Fatally Injured,” April 1, 1868, p. 4.

⁵¹ Aldrich, 124-5.

⁵² *Ibid.*, 125.

⁵³ *Chicago Tribune*, “Sad Casualty,” January 7, 1860, p.1.

of the Chicago & Rock Island Railroad “[j]ust as the train had reached the crossing.”⁵⁴ Mr. Somas “[i]mmediately...appeared, making hurried attempts to push the animal off the track...[E]vidently [Mr. Somas had] miscalculated his distance or the speed of the train, for it was too late to prevent his being struck by the engine and thrown to one side. He was picked up dead, a fatal blow having fallen upon his head.”⁵⁵ As if Mr. Somas’s death were not bad enough, the last paragraph revealed a cruel irony: “It is said [the] deceased had a brother killed on a railroad in Ohio some time since. He had himself been working on a railroad up to that time, but immediately left the employ, and has since cherished and expressed an unconquerable dread of railroad accidents, from which however he has met his own fate.”⁵⁶

The grade crossings were so dangerous in part because the railroads often failed to take appropriate safety precautions at the most treacherous crossings. The deaths of John Weller and Thomas Low were attributed in part to the fact that “the bell attached to the locomotive was not being rung.”⁵⁷ The coroner, a jury, and the editors of the *Chicago Tribune* judged that a number of fatal accidents would not have occurred had there been a flagman at the crossing to warn individuals of oncoming trains.⁵⁸ But sometimes the presence of a flagman did not even matter: “states discovered that protected crossings usually averaged more accidents than those that were unprotected.”⁵⁹ This can be attributed to heavier traffic at protected crossings and individuals routinely ignoring

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ *Chicago Tribune*, “Terrible Accident: One Man Killed and Another Fatally Injured,” April 1, 1868, p. 4.

⁵⁸ See *Chicago Tribune*, “Fatal Railroad Accident: One Woman Killed and Another Probably Fatally Injured,” January 24, 1863, p. 4; “Inquest,” June 14, 1862, p. 4.

⁵⁹ Aldrich, 125.

flagmen, gates, or signs. Also, crossings that were protected with a flagman or gateman during the day could “act as a trap for the unwary” if, for example, the gates were left open at night.⁶⁰ But sometimes people simply misjudged the speed and distance of the oncoming train, as Michael Somas, John Weller, and Thomas Low had; this was especially a problem early in Chicago’s railroad era, when people were not yet used to the speed of train travel.⁶¹

The hazard posed by grade crossings sometimes combined with other spatial factors such as the abysmal, muddy streets mentioned above to lead to tragedy. At six in the evening on January 23, 1863—nearly a decade-and-a-half since the railroad era commenced in Chicago—Ann Turrell and Catharine Mack “were walking along the track of the Michigan Southern Railroad, between Griswold and Polk Street,” just two blocks east of the Chicago River’s south branch. The railroad tracks and roadbed on which the tracks lay provided an alternative path for the two women, who walked along the railroad ties “to avoid the mud in the street.” The city had grown to about 150,000 people at that point, yet many portions of the city, including the heavily industrialized area near the south branch of the Chicago River, continued to be plagued by lack of regular street paving and maintenance. So the two women of Irish descent walked along the tracks near their homes and thus avoided both puddles and “The Shortest Road to China.” Unfortunately for Mrs. Turrell and Mrs. Mack, their less muddy path home happened to be near the depot and rail yards of the Michigan Southern. When they spotted an oncoming train as they walked along the main track, they quickly ran to a switch track.

⁶⁰ Ibid.

⁶¹ Ibid.

As they did so, an oncoming train backed “towards them at a rate of four or five miles an hour, and came upon them before the engineer knew they were there.” Mrs. Turrell died instantly, “her skull broken in and her right arm and breast horribly crushed.” She, a widow, left a seventeen-year-old son without parents. Mrs. Mack was injured severely: “her left arm and shoulder [were] crushed, and, it is thought, [she had] received serious internal injuries, which...probably prove[d] fatal.”⁶²

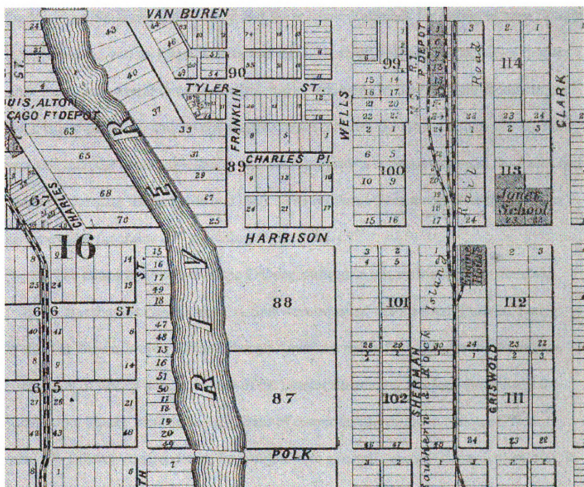


Figure 3. The area where Ann Turrell and Catharine Mack were killed. The Michigan Southern Railroad tracks are to the east of the river, on the right side of the map. The women likely were killed on the tracks near Harrison Street, where the single track splits into multiple tracks between the engine house and the depot. 1863. (University of Chicago Library)

⁶² *Chicago Tribune*, “Fatal Railroad Accident: One Woman Killed and Another Probably Fatally Injured,” January 24, 1863, p. 4.

The newspaper article that described this incident tells us more than that the streets were in poor shape and that railroads created a new hazard in the city. It is a column of six paragraphs, which exceeds the length of most newspaper articles that mention railroad deaths in and near Chicago. (Most run only a paragraph or two.) Besides the length, the content is slightly different. The final two paragraphs editorialize about the dangerous crossing where the women were killed. In so doing, they reprimand the Michigan Southern and Chicago and Rock Island Railroads for failing to have “a light at this crossing, and no flagman stationed there,” both of which are especially important since there “are several main and switch tracks belonging to the Michigan Southern and Rock Island railroads, and several engines passing to and fro almost hourly.”⁶³ By the year this incident occurred—1863—this area had grown in population, and the tracks had become a constant threat to life and limb: “The residents thereabouts state that persons barely escape the trains and switching engines, daily.”⁶⁴

The concern the writer of the *Tribune* showed in this incident likely stemmed from the fact that the two accident victims were women. As historian Barbara Young Welke has shown, women helped change American injury law and thus the American conception of liberty during the end of the nineteenth century. Before the Industrial Revolution, liberty “was defined in terms of autonomous action—a nation of ‘free men.’”⁶⁵ Liberty was gendered, for women were generally seen as dependent entities, in

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Barbara Young Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (Cambridge, U.K.: Cambridge University Press, 2001), 41.

need of aid and protection by men.⁶⁶ White men epitomized the American ideal of liberty: they had the freedom to make decisions for themselves and their families.

As more women were injured and killed by streetcars and trains, the state of dependence of all people in the Industrial Era—both men and women—became blatantly obvious. During the nineteenth century, when men were killed by locomotives or streetcars, they generally, in the eyes of American society, bore responsibility for their own deaths: they made autonomous, if careless, decisions, and thus caused the accident. When women were killed, on the other hand, it exposed the fact that humans could not be held completely responsible for their actions when technology such as locomotives were so much faster and more powerful than anything before their advent. If women could not be protected from physical harm by locomotives and streetcars, perhaps the prevailing idea of liberty that existed before the Industrial Era was insufficient. As Welke described, the change in the American conception of liberty was reflected in injury law at the turn of the century—more lawsuits were filed against the railroads, and many more found for the plaintiffs than in earlier times. American liability law was an adaptation to the modern condition, which was defined by new technological and economic forms that bred dependence and limited autonomous action. Railroad development in urban space reflected the modern condition, and, in so doing, it clearly exposed the spatial, social, and technological relationships that defined that condition.

Though most of the bodily harm caused by trains in Chicago happened when a train hit or ran over someone, the close proximity of railroads to people in the city

⁶⁶ This concept of gender was informed by class. Middle-class women during the period experienced “socialized helplessness,” the idea that women needed the aid of men, especially when in public, while working-class women had to be more independent out of economic necessity. See Welke, *passim*, especially 43-80. The concept of “socialized helplessness” is explained on page 57.

brought yet another hazard that could cause serious injury or death: the possibility of boiler explosions. According to Alderman Russell in 1867, “there are frequent and dangerous explosions of...engine boilers causing the destruction of human life and loss of property.”⁶⁷ The *Chicago Tribune* described in great detail one explosion that occurred in 1853. It happened near Junction on a locomotive owned by the Galena & Chicago Union Railroad. Just before eight o’clock on a Saturday morning, “the neighborhood for miles around the Junction was alarmed by a terrible shock.” The boiler on an old engine had exploded, “blowing large portions to a great distance.” Unfortunately, there were five railroad workers within the immediate vicinity of the explosion, “three of whom were picked up in a dreadfully mutilated state....One had the upper part of his skull and brains taken completely off and carried many yards. Another had one side of his face and head crushed to pieces, and the third unfortunate victim had the back part of the head dreadfully mutilated. Two other men were severely bruised and it is doubtful whether they will recover.”⁶⁸

Horrible catastrophes such as this occurred when a boiler did not contain enough water, thus overheating and weakening the iron, or when too much pressure developed. This usually combined with inconsistent boiler manufacturing quality—especially early in the railroad era, during which the explosion described above occurred—and/or inadequate maintenance, both of which led to weak spots in a boiler’s iron sides, or malfunctions in its safety valves.⁶⁹ Even if a boiler did not explode, the steam that had to be released periodically from the boiler for safety reasons could burn individuals walking

⁶⁷ CP 1867/68 1164A 12/30.

⁶⁸ *Chicago Tribune*, “Boiler Explosion and Loss of Life,” January 31, 1853, p. 3.

⁶⁹ Aldrich, 31-2, 98-9.

adjacent to a locomotive. Steam technology created a great risk to both railroad workers and Chicago residents who shared the streets with trains.

Most of the accidents discussed above happened in the 1860s. Though the deaths and accidents in the 1850s were not as frequent since the city had a smaller population and less railroad development than it did in the subsequent decade, one can reasonably assume that accidents became normal events in the 1850s, when locomotives transformed into much more than simply curiosities in Chicago. With the city's rise in population came simultaneous railroad development: while one railroad operated in Chicago in 1850, the city became the terminus for ten lines only six years later.⁷⁰ This development meant much higher railroad traffic in the city. In 1856, a total of ninety-six trains either entered or departed Chicago daily; in 1872, after the city was rebuilt from the ashes of the Great Fire, train traffic more than tripled, to over 340 trains per day.⁷¹ Granted, the city limits doubled in area as a result of new city charters, yet this does not diminish the fact that Chicago residents increasingly encountered trains—sometimes with fatal results—through the 1850s and 1860s.

The risk of accidents and death are the most obvious negative aspects of railroad development in a city, but they were not the most common. Many more Chicago residents lived with—rather than died by—the railroads. Chicago residents had to deal on a daily basis with a number of negative externalities—unintended costs—concomitant with railroad development in cities. Some of them were just annoying while others were

⁷⁰ Harold Meyer and Richard Wade, *Chicago: Growth of a Metropolis* (Chicago: University of Chicago Press, 1969), 35-6.

⁷¹ *Ibid.* Wilbur Storey, ed., *Railroads of Chicago: A Comprehensive History* (Chicago: Western News Co., 1872), 27. The track mileage centered on Chicago also more than tripled from 1856 to 1872, from over 3,000 miles of track to over 9,700 miles.

insalubrious, yet they each, to some extent, altered how Chicago residents had to live life beginning in the 1850s.

First, trains were loud. Their steam-powered engines created a ruckus; their whistles—also powered by steam—screamed at a decibel-level and frequency that put people on edge; their wheels were metal as were their tracks, a combination that scraped and squealed more than it whispered. Though I have found little evidence that directly discusses the noise produced by trains, I have found some that at least alludes to it. In 1855, the business partnership of Abbott & Kingman petitioned the Common Council for restitution for a horse that “take (*sic*) fright at the locomotion on the Galena R. Road and run (*sic*) off Canal St. into the River and drown at the west end of Kinzie St. Bridge.” They claimed that a protective fence at the bridge would have prevented the horse from jumping into the river; thus the absence of this fence led directly to the horse’s death. There were few surprises with this situation. The Galena & Chicago Union Railroad was again implicated in a negative occurrence, and the Council again found against the petitioners. The Committee claimed that “the horse came by his death by bad driving or by being unmanageable.”⁷² Whatever the validity of the petitioners’ claim, the fact that a passing train frightened the horse was not in question. The horse was, quite literally, scared to death by a likely combination of two factors: the intimidating size of trains mixed with the poor eyesight of horses, and the great din created by locomotives. The aural and visual assault of a train was enough to send a horse careening into the drink.

Trains did not stop their bodily assault at the ears; the massive amounts of smoke they produced attacked the eyes, ears, and lungs of Chicago’s residents and visitors.

⁷² CP 1855/56 1204A 09/24.

Early in the railroad era, locomotives were generally fueled by wood, while coal-burning trains became the standard in the 1870s. Both wood and the soft coal burned by most locomotives produced profuse amounts of black smoke and soot that “continued to haunt industrial cities, diminishing sunlight, soiling clothes, threatening health, and damaging furniture, drapes, and any other surface on which they fell.”⁷³ Of course, smoke became a much greater nuisance to Chicago’s residents at the turn of the century, at which time the city’s industrial base had developed into a large collection of coal-burning, smoke-spewing factories, and it was not until this period that a coherent clean air movement coalesced in Chicago and other major cities across the country.⁷⁴ From 1848, smoke flew through the air of Chicago as an ever-present reminder that the industrial era had arrived.

The smoke was produced through combustion, and the fire that caused the smoke counts as another hazard with which Chicago residents had to deal. Fire was a daunting problem that regularly plagued cities during a period when coal and/or wood was burned to heat homes and power the industrial revolution. Fire, coupled with the fact that many houses and buildings near railroads were constructed from wood—especially in working-class and industrial areas—created a volatile mixture. Hot cinders could jump out of a locomotive’s stove onto a wooden roof and cause a conflagration.⁷⁵ Fire could also break out if there were a collision at a crossing: the stove that powered the boiler, or, more

⁷³ David Stradling, “Dirty Work and Clean Air: Locomotive Firemen, Environmental Activists, and Stories of Conflict,” *Journal of Urban History* 28:1 (November 2001), 36.

⁷⁴ See David Stradling, *Smokestacks and Progressives: Environmentalists, Engineers, and Air Quality in America, 1881-1951* (Baltimore: Johns Hopkins University Press, 1999), for a comprehensive discussion of the clean air movement, especially 110-31 for discussion of Chicago. See also Maureen Flanagan, *Seeing with their Hearts: Chicago Women and the Vision of the Good City, 1871-1933* (Princeton, NJ: Princeton University Press, 2002), 100-2, for discussion of how men’s focus on efficiency supplanted women’s focus on the livable city to hinder the execution of effective clean air policies in Chicago.

⁷⁵ See David Stowell, *Streets, Railroads, and the Great Strike of 1877* (Chicago: University of Chicago Press, 1999), 54-5, for examples of such roof fire incidents in Buffalo, New York.

likely, that which heated wooden passenger cars could start fires on the train or in a wooden coach or horse cart that would kill or injure passengers and passersby alike.⁷⁶ As Chicago transportation journalist David Young observes, “[w]ooden coaches tended to splinter and disintegrate upon impact and catch fire afterward with disastrous results to their occupants.”⁷⁷ If a collision at a grade crossing was not enough to kill someone, a fire started by a locomotive may have been.

The Council was well aware of the risk that fire posed to Chicago even before the Great Fire of 1871 destroyed a third of the city. Though Chicago aldermen did not set official fire limits—boundaries that prevented wood frame buildings from being constructed in prescribed parts of the city, generally in the most densely populated neighborhoods—until 1845, even though the original 1837 city charter allowed them to, the city’s politicians enforced a fire limit in a piecemeal fashion even before Chicago was officially a city.⁷⁸ Historian Robin Einhorn correctly argues that “[t]he fire limit could have a powerful effect on local land values not only by forbidding cheap construction but also by determining land use,” but she overextends her analysis when she asserts that “fire limits had little to do with the prevention of fires.”⁷⁹ City booster-politicians attempted to improve the value of their real estate holdings by using the fire limits as a de facto zoning tool. They would designate certain blocks—usually in the densely

⁷⁶ Aldrich, 79-82. These were not common incidents, but, as Aldrich states, “while fires took relatively few lives they seemed especially horrifying.” (79)

⁷⁷ Young, 100.

⁷⁸ CP 1845/45 02534A 04/22 and Einhorn, 128-33 for discussion on early Chicago fire limits. For examples of fire limit enforcement before Chicago held a city charter, see CP 1836/36 0239A 01/11; 1836/36 0240A 01/23; 1836/36 0259A 07/29; 1836/36 0263A 09/02; 1837/37 0413A 08/03; and 1837/37 0282A 00/00. See also Josiah Seymour Currey, *Chicago: Its History and Its Builders: A Century of Marvelous Growth*, Volume I (Chicago: S.J. Clarke Publishing Co., 1918), 222, for a discussion of fire prevention initiatives taken by the town council in the 1830s.

⁷⁹ Einhorn, 129, 130.

developed portions near the city center—as falling within the fire limits, which prevented wooden structures from being built or remaining within those limits. From the 1830s, many city residents, especially members of the working class, opposed the fire limits because they saw the limits as a way to prevent working people from acquiring a home. They believed home ownership was an integral part of the American dream and viewed municipal fire limits as just another barrier that prevented them from achieving that dream.⁸⁰ But the Council enforced fire limits and other fire safety ordinances not just to zone neighborhoods, but because fires were a constant and ever-present threat to densely populated nineteenth-century cities.

The members of the Council spent some time with issues that involved railroads and fire safety. They reviewed petitions by railroads that wished to build temporary wooden depots and a firewood storage shed within the fire limits, and a petroleum warehouse just south of downtown.⁸¹ Though the Council allowed the railroads to use or build each of the structures, their decisions were not informed solely by a singular focus on each building's effect on property value. They carefully reviewed each case and made decisions that fell in line with their tendency towards economic boosterism, yet took the safety of the city's residents into consideration on the way to making said decisions. For example, the Pittsburgh, Fort Wayne & Chicago Railroad petitioned the Council for permission to maintain a warehouse for the storage of petroleum. The members of the Committee on Fire and Water and the fire marshal “have personally examined said warehouse and premises adjoining,” and they found that the railroad “ha[s] constructed

⁸⁰ See the examples of ante-city charter fire limit enforcement in note 81. Also, see Margaret Garb, *City of American Dreams: A History of Home Ownership and Housing Reform in Chicago, 1871-1919* (Chicago: University of Chicago Press, 2005), for the working-class perspective on home ownership in Chicago.

⁸¹ CP 1853/54 1214A 11/26; 1858/59 0092A 04/05; 1866/67 1074A 03/11; 1866/67 1108A 03/29.

and [is] now using said warehouse in strict conformity to the ordinance regulating the storage of said goods.” They then submitted an ordinance later enacted by the Council that granted the railroad permission “to keep and maintain” the warehouse, though it subjected the permission to “amendment, modification, or revocation.”⁸² The Council carefully considered the issue and came to a conclusion that both satisfied the railroad and the Council’s imperative to protect the health, safety and property of the public.

Fire prevention and the railroads remained a concern not only regarding the location and building material of railroad structures within the city, but also with the acknowledgement that locomotives could be moving fire hazards if inflammable materials were allowed to be within their vicinity. Lumberyards, for obvious reasons, were seen as potential fire hazards, and, as such, the Council attempted to avert any potential conflagrations. One example of this risk aversion is an ordinance generically entitled “An Ordinance Concerning Rail Roads” that “repealed and rescinded” any previous ordinances that allowed any railroads within the city “to lay down rail road tracks into any lumber yard or yards in the City of Chicago.” It further compelled the city marshal to remove any such tracks within “twenty days after the passage of this ordinance.”⁸³ Though there is no extant explanation of the motive behind the ordinance, it may have been motivated at least in part by fire prevention. The Council usually tried to promote commerce and was loathe to enact ordinances that made it more difficult for commercial interests to carry on their business, as this ordinance could have done for lumber interests and railroads. This ordinance may have been part of an attempt by the

⁸² CP 1866/67 1108A 03/29.

⁸³ CP 1860/61 0126A 08/13.

Council to prevent price fixing; yet fire safety was at the very least a positive byproduct of this legislation. Lumberyards fed many large conflagrations in cities during the nineteenth century, and the Council took a step towards preventing such a catastrophe. (Obviously it did not prove too effective in completely preventing fire since 18,000 buildings were destroyed and 100,000 people—a third of Chicago’s population—were left homeless after the Great Fire of 1871, ten years after this ordinance. Also, Bateham’s mill—a large sawmill and lumberyard—played a key role in the early growth and spread of the fire.⁸⁴)

The Council also addressed the possibility of a locomotive as a fire hazard, if unintentionally, in a later resolution that prevented hay wagons from standing “within three feet of any railroad track nor shall any load of hay be permitted to stand between the railroad track and the sidewalk” on West Randolph Street.⁸⁵ Alderman Russell’s main goal likely was to alleviate traffic congestion near the Haymarket when he presented this resolution to the Council. Yet by legislating that the hay wagons stay away from the railroad tracks, he may have prevented some stray coals from a boiler stove from finding their way into a pile of hay. The fact that municipal legislation was put into effect could have meant little in practice. Yet there would not be a major conflagration in the Haymarket until 1886, when a bomb exploded and class war seemed a real possibility in the Second City.

⁸⁴ For a history of the Great Fire and what followed, see Karen Sawislak, *Smoldering City: Chicagoans and the Great Fire, 1871-1874* (Chicago: University of Chicago Press, 1995) and Carl Smith, *Urban Disorder and the Shape of Belief: the Great Chicago Fire, the Haymarket Bomb, and the Model Town of Pullman* (Chicago: University of Chicago Press, 1995), 19-98. For details on the role that Bateham’s mill played in the spread of the fire, see Rev. David Swing, *A Story of the Chicago Fire* (Chicago: H.H. Gross, 1892), 14, and Michael Conzen, “Progress of the Chicago Fire of 1871,” in *Electronic Encyclopedia of Chicago* (Chicago: Chicago Historical Society, 2005); accessed at <http://www.encyclopedia.chicagohistory.org/pages/3710.html> on 8 August 2009.

⁸⁵ CP 1868/69 1539A 03/15.

As a direct byproduct of locomotives, smoke and fire were hazards to the health and safety of Chicago residents. But the railroads were connected to other health hazards and nuisances of the nose. From the 1830s, Chicago's residents had been involved in meatpacking and the livestock trade. As the nation's railroad network grew and quickly centered on Chicago, the city suddenly became a center of the nation's livestock trade and meat industry. By the 1860s, it had overtaken Cincinnati as the nation's largest meatpacker and center of the meat trade.⁸⁶

The meat trade became a nuisance even before Chicago became the nation's meatpacker. In 1853, Elliott Anthony, an attorney and politician, wrote on behalf of residents who lived near the American Car Company, an early manufacturer of railroad cars. He complained about a slaughterhouse that was "contiguous" to the factory, maintaining that "it has become a nuisance of the most revolting character...being very unwholesome and unhealthy by the noxious atmosphere constantly engendered by the decomposition of large quantities of animal matter."⁸⁷ It must be underscored that Mr. Anthony presented his petition in June, when the summer heat turned animal waste into an odorous contagion. The American Car Company was a large manufacturing firm of 250 workers. These employees lived in the area and therefore had to deal with the stench of rotting flesh while both at work and home. And, as Mr. Anthony correctly pointed out, "said slaughter house is within the city limits, and that it is forbidden by the laws &

⁸⁶ William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W.W. Norton & Co., 1991), 207-59.

⁸⁷ CP 1853/54 0551A 06/21.

ordinances published & prepared by [the Council].”⁸⁸ Thus Mr. Anthony requested that the Council abate the nuisance of the illegal slaughterhouse.

This story shows the significant effect railroads had on urban space even early in the railroad era. The railroads helped facilitate the movement of livestock and meat to and from Chicago and quickly made it a distribution center for animal flesh. The Civil War vaulted the city from the status of a major meat distribution center to the chief distribution center in the nation and the largest in the world.⁸⁹ Also, the railroads’ significant presence in Chicago from the early years of the railroad era drew entrepreneurs in ancillary industries, such as the owners of the American Car Company, who hoped to capitalize on Chicago’s status as a railroad center. Both the meatpackers and railroad car manufacturers needed to maintain a spatial presence near the railroads, and the confluence of the two led to conflict. The American Car Company drew hundreds of workers and their families to the southern division of the city, and people did not want to live and work in the insalubrious environment created by a slaughterhouse.

Slaughterhouses were not the only businesses in the city to draw the ire of nearby residents. In July of 1857—again, during the summer—sixty-three women signed a petition imploring the Council to prevent the rebuilding of the Curtis Distillery, which was located on the banks of Lake Michigan in the southern portion of Chicago. The distillery had burned down, and the owners immediately started rebuilding. The

⁸⁸ Ibid. As of December 1865—as Chicago’s centralized Union Stockyards opened—John Reid & Co. was given an exclusive monopoly on slaughtering done within the city limits (“except that done at the regular packing houses for packing purposes”) for ten years. Before that, slaughterhouses were prohibited from operating within the city. See Chicago Common Council, Murray Tuley, compiler and arranger, *Laws and Ordinances Governing the City of Chicago* (Chicago: Bulletin Printing Co., 1873), 349-52, for city ordinances regarding slaughterhouses. See Cronon, 207-13 for discussion of the Union Stockyards.

⁸⁹ Cronon, 210.

petitioners submitted a petition to halt the construction of the new distillery. They claimed that “for many years past [it] has been the source of very unwholesome and obnoxious smell continually pervading our portion of the city and has been greatly annoying to our comfort and injurious to the public health,” and thus asked the Council to “stop the rebuilding of this nuisance in our midst and save us from further harm and annoyance from it and the ladies of this community would be exceedingly grateful if your honorable body would be prompt in abating this nuisance.”⁹⁰

On the surface, the petition did not appear out of the ordinary. Distilleries, along with slaughter and rendering houses, were strictly regulated in the city’s nuisance laws.⁹¹ The petition stands out, though, as an early example of direct political action by Chicago women.⁹² The Council took the women’s concerns seriously and thoroughly investigated their claims, though the Judiciary Committee ultimately concluded that the women were “mistaken” in labeling the distillery a nuisance. The committee found that the “unwholesome and obnoxious smell continually pervading” the women’s neighborhood was directly attributable to the Illinois Central Railroad, whose

cattle trains...sometimes containing dead animals and sometimes partially filled with other filth have been unloaded and the contents left exposed & the carcasses unburied, and in addition to this there is between the embankment of the Illinois Central Rail Road and the Lake a narrow strip of filthy, stagnant water made worse by the filth unloaded from the cars, about ½ a mile in length and from one to 6 rods in width immediately north of the Car Works and extending north to Curtis distilling. From this stagnant water an offensive effluvia arises.⁹³

⁹⁰ CP 1857/58 0796A 08/10.

⁹¹ Chicago Common Council, *Laws and Ordinances*, 82.

⁹² See Flanagan, *Seeing With Their Hearts*, for discussion of women’s political action from 1871 through the 1930s.

⁹³ CP 1857/58 0796A 08/10.

The committee then recommended that the IC be ordered to fill up the area occupied by stagnant water and be prevented from dumping filth and carcasses in and near the Lake.

This episode clearly shows how the railroads and their connection to the meat trade transformed Chicago into a place that was not only more dangerous to life and limb, but also hazardous to people's health, or, at the very least, extremely annoying to those who resided in the city. It also begs the question of the motive behind the petition. Of the many Council petitions I have examined regarding Chicago's railroads, this was the only one that was signed exclusively by women. The petitioners may have legitimately believed the Curtis distillery was the primary cause of the noxious odors in their neighborhood. This would have been a reasonable assessment considering the well-established connection between distilleries and stench (as expressed in Chicago's nuisance laws, mentioned above); and the Committee on the Judiciary, which responded to the petition, remarked "these ladies made their petition in good faith fully believing that said distillery was a public nuisance."⁹⁴ They may have had an additional motive, though: closing down a distillery because it produced alcoholic beverages. Women took active roles in the temperance movement of the nineteenth century, and this could have been a roundabout attempt by the petitioners to abate the nuisance of alcoholism and drunkenness. Whatever the motive, the women who signed the petition were the precursors to the politically active Chicago women of the 1870s through the 1930s described by historian Maureen Flanagan. Whether they were temperance advocates,

⁹⁴ Ibid. See Chicago Common Council, *Laws and Ordinances*, 82, for Chicago's nuisance laws. See Christine Meisner Rosen, "Knowing! Industrial Pollution: Nuisance Law and the Power of Tradition in a Time of Rapid Economic Change, 1840-1864," *Environmental History* 8:4 (October 2003), 565-97, for discussion of the "traditional" nuisance industries—slaughterhouses, rendering plants, breweries, distilleries, and tanneries—in the antebellum U.S.

people fighting for the urban environment, or both, these women tried to make Chicago a more livable city.⁹⁵ It was early “municipal housekeeping,” women attempting to use their special women’s knowledge to push a local political agenda that would make the city a better place to live.

The meatpacking industry continued to elicit strong reactions by Chicago residents through the 1870s. In many instances, the overlapping space that the railroads and meatpacking industry inhabited provoked a passionate response by area residents and business owners. The nuisance concomitant with the industry led to an even denser web of railroad tracks on the streets. The Wahl Brothers and Lighthall was a large rendering firm located in Bridgeport, the heart of Chicago’s meatpacking district. They used the offal, bones, hooves, horns, and other parts of cattle and swine that could not be consumed to make “glue, neatsfoot oil [a conditioner and softening agent for leather which was also used medically for dry skin], and pure ground bone [a fertilizer].”⁹⁶ They petitioned the Council for permission to build sidetracks on Kossuth St. that connected with the Pittsburgh & Fort Wayne Railroad to rid “the city of all the refuse of the large packing establishments” by curing and thus deodorizing the waste, then transporting it to the Calumet River, “far from the city limits.”⁹⁷ The Wahl Brothers & Lighthall made the request so they could stay within the boundaries of municipal nuisance law that generally prohibited animal waste and other “filth” from entering the Chicago River or Lake

⁹⁵ Flanagan, *Seeing with Their Hearts*.

⁹⁶ James T. Hair, compiler, *Chicago City Directory for the Year 1865-6* (Chicago: John C.W. Bailey, 1865), 734f; accessed at http://www.uic.edu/orgs/LockZero/3image/GLUE_ad.html on 28 July 2009.

⁹⁷ CP 1865/66 0731A 12/04.

Michigan.⁹⁸ This was a palliative cure that attempted to prevent any more waste from further polluting the stinking cesspool that was the Chicago River and its mouth in the Lake, the latter of which just so happened to be the drinking water source for Chicago's population. In giving the Wahl Brothers & Lighthall a five-year franchise for sidetracks, the Council chose what they saw as the lesser of two evils: rid the city of the nuisance of animal waste at the expense of building more railroad tracks on streets shared with packinghouse workers and their families.⁹⁹ Of course this was only a short-term solution to the problem of pollution by animal waste. Much like the Chicago River, the Calumet spilled into Lake Michigan just a few miles south of the city. Its contaminated waters would find their way into the Lake, and people would soon populate its polluted banks.

The Wahl Brothers' attempt to gain permission to build sidetracks and a depot at which they would load animal waste into railroad cars did not go unchallenged by local residents. Even after the Council denied the firm the use of Kossuth Street and instead let them cross only 26th and 27th Streets—the northern and southern borders of their offal depot—to connect with the Pittsburgh, Fort Wayne and Chicago Railroad tracks at Stewart Avenue, fifty residents placed their signatures on a letter that remonstrated against the petition. They opposed it because: “1. It would obstruct the fair and proper use of [Stewart Ave., 26th Street, and 27th Street, the streets the tracks were to cross.] 2. It is also a fact that the premises of the said Wahl Brothers and Lighthall are now a nuisance. 3. It is also a matter of experience when the weather grows warm said premises

⁹⁸ Chicago Common Council, *Laws and Ordinances*, 82-4.

⁹⁹ *Ibid.*, 330.

& the business carried on there will be insufferable.”¹⁰⁰ Residents of the area would have to deal with even more railroad tracks and stench than they had to before, for the Wahl Brothers and Lighthall gained permission from the Council to build their tracks and depot.

Chicago was nearly saturated with railroad development by the 1860s. The ubiquitous nature of railroads and the fact that they shared and crossed the streets at grade made them a massive obstacle that frequently created traffic gridlock. Trains became a part of the urban built environment, and, as such, obstructed people from moving about the city. Chicago’s population and railroad development expanded simultaneously, which made gridlock a frequent, palpable experience to Chicagoans and visitors beginning in the 1850s. And traffic gridlock was more than an annoyance; it changed schedules and helped dictate the pace of life in Chicago. As railroads “annihilated space and time” between two points, they created time—waits and delays—and new spaces—neighborhoods atomized by the railroads.¹⁰¹

The myriad grade crossings meant that people throughout Chicago would frequently get stuck in traffic jams caused by crossing trains. It could take minutes or even hours for a train to clear a grade crossing. The three branches of the Chicago River created gridlock even before the railroads, since traffic from one division of the city had to pass over a bridge to reach a different division; the presence of railroads near the river amplified the traffic congestion caused independently by either the railroads or the river. For example, in industrial areas along the south branch of the Chicago River, trains

¹⁰⁰ CP 1865/66 1149A 04/16.

¹⁰¹ Wolfgang Schivelbusch, *The Railway Journey: The Industrialization of Time and Space in the 19th Century* (Berkeley: University of California Press, 1977, 1986). See Chapter 3, “Railroad Space and Railroad Time,” 33-44, for specific discussion of “the annihilation of space and time.”

would sit for extended periods of time and make it difficult for others in the area to carry out their business.¹⁰² Often, trains were loading or unloading, which prevented them from moving from crossings.¹⁰³ The goods-in-transit were sometimes themselves traffic obstructions; lumber, for example, would be piled in the streets or alleys before it could be moved to a nearby pier or warehouse.¹⁰⁴

These railroad obstructions did not always occur in areas that were purely industrial; Chicago's explosive growth led to the establishment of working-class residential neighborhoods among the industrial establishments and thus near railroads. These neighborhoods grew so quickly that the traffic congestion and obstructions by the railroads became significant problems to these residents by 1853, within the first five years of Chicago's railroad era.¹⁰⁵ Numerous residents petitioned the Council for relief from the railroads' obstructions. The Chicago & Milwaukee Railroad regularly used a public alley to store some goods they were hauling. The amount of "shinglebolts" and the like stashed in the alley made it difficult for Patrick O'Connor, Thomas Rutledge, Charles Williams, James Waugh, and the eight other signatories to move their horses and livestock to and from their stables and barns, which were located directly off the alley. The petitioners maintained that "[i]f to make attempt to clear a passage to our stable or barns we will be threatened with violence by some r[ail]road official."¹⁰⁶ The residents were convinced that the railroads had the power to inflict their will upon private citizens by any means. Thus the railroad made a public alley an extension of their private

¹⁰² CP 1853/54 0617A 06/27. CP 1853/54 0949A 09/26. CP 1853/54 1263A 12/12.

¹⁰³ CP 1853/54 0949A 09/26; 1853/54 1263A 12/12; 1854/55 1776A 03/05; 1854/55 1777F 03/05.

¹⁰⁴ CP 1853/54 0617A 06/27; 1853/54 0949A 09/26; 1853/54 1263A 12/12.

¹⁰⁵ See footnotes 77 and 78.

¹⁰⁶ CP 1856/57 0164A 03/31.

corporation. There was no reason for the residents to doubt the power and will of the railroad, for the Chicago & Milwaukee had not even obtained permission and right-of-way from the Common Council to build track within the city limits when Mr. O'Connor and his neighbors presented the petition. (They would not obtain permission until over ten months later.¹⁰⁷) The railroad acted with an indifference to the law that sufficiently justified the petitioners' fear of violent retribution from railroad officials.

The dispute between the C&M and the residents began months before the aforementioned petition. The C&M initially petitioned the Council for right-of-way in November of 1855. The railroad asked for permission to lay track on Jefferson and Kinzie Streets in order to make a connection with the Galena & Chicago Union Railroad. Immediately a group of area residents—most of whom also signed the petition mentioned above—remonstrated against the railroad's right-of-way petition. These individuals lived just west of the Chicago River's north branch, in an area that was bounded on three sides—to the north, east, and south—by railroad tracks. The C&M applied for right-of-way that would, according to William Wayman—the alderman who headed the Council's Committee on Streets and Alleys—“completely surround the property of the remonstraneets with Rail Road tracks.”¹⁰⁸ As such, the remonstrants claimed

that such use of Jefferson Street would be a public nuisance, greatly injurious to the property on both sides of the same and to a very considerable extent beyond in all the neighborhood. It is also to be considered that the vicinity above referred to is already subject to great inconveniences & damages by the Galena Road & its surroundings to which if there is to be added another track bearing northerly for two more railroads the neighborhood will be almost entirely uninhabitable as a

¹⁰⁷ CP 1856/57 1668A 02/02. Chicago Common Council, *Laws and Ordinances*, 269-70.

¹⁰⁸ CP 1855/56 1606A 11/26.

location for families & for business purposes to which it is now used quite impracticable.¹⁰⁹

The Committee on Streets and Alleys found for the remonstrants and against the railroad's wishes for right-of-way on Jefferson Street. But in the end it did not matter: the Council passed the right-of-way ordinance that allowed the Chicago & Milwaukee Railroad to build tracks on Jefferson Street over the Committee's recommendations.¹¹⁰

Chicago maps from 1863 to 1879 corroborate the Council records: these six square blocks composed of homes and businesses were completely hemmed in by railroads.

Though the property may have been owned and used by a variety of individuals for life and livelihood, the hegemonic nature of railroads in cities marked it as de facto "railroad space"—an urban area that was dominated by the built environment of the railroads.

Maps from 1886 and 1888 show something different from the earlier maps: the homes that occupied the six square blocks had been replaced by railroad tracks. The area had become official, as opposed to simply de facto, railroad space.¹¹¹

¹⁰⁹ Ibid.

¹¹⁰ CP 1856/57 1668A 02/02. Chicago Common Council, *Laws and Ordinances*, 269-70.

¹¹¹ I came to this conclusion by comparing a number of detailed Chicago maps produced between 1863 and 1888, which I accessed at <http://www.lib.uchicago.edu/e/su/maps/chifire/> and <http://www.encyclopedia.chicagohistory.org> on 12 August 2009. Maps consulted at University of Chicago Library website: W.L. Flower and J. Van Vechten, "Chicago: Drawn from Davie's Atlas with the Latest Recorded Subdivisions [map]," 1:6,000 (Chicago: Charles Shober, 1863); Charles Shober, "Guide Map of Chicago," 1:24,000, (Chicago: Charles Shober, 1868); Cartographer unknown, "Gray's Atlas Map of Chicago," 1:32,000 (Philadelphia: Stedman, Brown & Lyon?, 1873); Cartographer unknown, "Chicago [map]," 1:31,680 (New York: G.W. & C.B. Colton & Co., 1876); S. Augustus Mitchell, "Chicago [map]," 1:36,000, (Philadelphia: S. Augustus Mitchell, 1876?); Rufus Blanchard, "Index Map of Chicago: Running South to Seventy-First Street," 1:21,000 (Chicago: Rufus Blanchard, 1888). Maps consulted at Encyclopedia of Chicago website: Rufus Blanchard, "Guide Map of Chicago," (Chicago: Rufus Blanchard, 1871); Cartographer unknown, "New Guide Map of Chicago," (Place of publication unknown: H.R. Page & Co., 1879); Cartographer unknown, "Railway Map of Chicago and Environs: Situate in Cook County Illinois and Lake County Indiana," (Chicago: R.W. Dobson & George W. Waite, 1879); E. Robinson, *Robinson's Atlas of the City of Chicago* Vol. 3, Plate 6 (New York: E. Robinson, 1886).

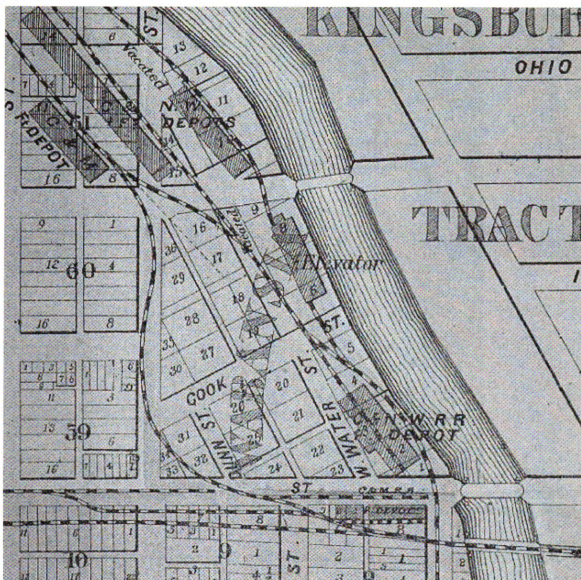


Figure 4. The Wabansia Addition, 1863. The plots within the semi-circle of railroad tracks were residential. The neighborhood was bordered on two sides—along the river to the east and Kinzie Street to the south—from the early 1850s. The fight over this space discussed above was over the construction of the track to the west that curves from Kinzie Street north along Jefferson Street to the depots. The residents of the Wabansia addition were completely hemmed in by railroad tracks from 1857. (University of Chicago Library)

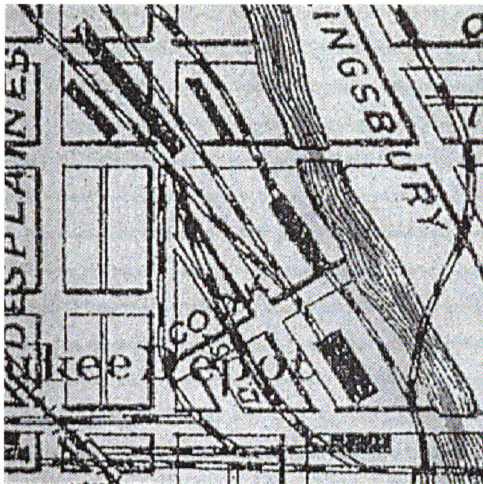


Figure 5. The Wabansia Addition, 1888. The area that was residential space thirty years earlier had tracks running through, not just around, it, in 1888. It had become official railroad space. (University of Chicago Library)

The owners of the land likely sold to the railroads when Chicago's land market bottomed out during the depression sparked by the Panic of 1873. The Depression lasted through 1879, though the United States remained in a recession until the turn of the century. Chicago, though, made a fairly strong recovery in both real estate and its overall economy beginning in the late 1870s. Of course the cruel irony of this whole episode is that the railroads essentially co-opted space that was owned by private individuals simply through the railroads' proximity to the property, and they were able to succeed in this through the aid of the Council, which gave them public space that they again undeniably marked as railroad space. When the economic depression came, families in the area

likely sold their land for whatever trifle they could get. The railroads were there to pay them a pittance and formally mark the area as “railroad space.”¹¹²

The language the unsuccessful petitioners used to remonstrate against railroad development—the railroad would be “a public nuisance, greatly injurious to the property on both sides of the same and to a very considerable extent beyond in all the neighborhood”—speaks to a negative characteristic of railroad development that was in large part caused by all the other negative externalities discussed above: railroads could drive down land prices, especially in residential and commercial areas adjacent to railroads. Chicago was a city built on real estate speculation, so it is not too surprising that the language of land value was used to argue against building railroads in certain parts of the city. This is ironic since railroad development sparked speculation and drove up land prices throughout the city years earlier. Railroads played a key role in Chicago’s overall economic growth, yet they often damaged the value of property on the neighborhood level. People simply did not want to live around trains because of the risk and inconvenience attendant with their presence.

Chicago residents justified arguments against railroad development in terms of land values from the earliest days of the railroad era. In an episode discussed in Chapter One, William Johnston maintained that his “sundry lots of land...lying North of [North Water Street]...[would] be greatly injured by the extension of [the Galena & Chicago Union Railroad].”¹¹³ He was also upset that he had paid an assessment of \$780 to open

¹¹² See Homer Hoyt, *One Hundred Years of Land Values in Chicago: The Relationship of the Growth of Chicago to the Rise of Its Land Values, 1830-1933* (Washington, D.C.: Beard Books, 1933; reprint, 2000), 81-195, *passim*, for discussion about Chicago land values and the economy from the Civil War to the World’s Fair of 1893.

¹¹³ CP 1850/50 6664A 12/23.

North Water Street about a year earlier and was concerned “that he will have paid said sum for the benefit of said Company.”¹¹⁴ The Council denied his claim for restitution because the extension of the tracks was for “the public good.”¹¹⁵ This episode shows both the irony of railroad development—overall economic growth at the expense of that of individuals—and the magnitude of railroads’ ability to shape space—the streets were public, yet railroads reaped much more from the benefit of their use than did other users.

The language of land value again appeared in a petition that remonstrated against the building of railroad tracks by the South Branch Canal Company. The company petitioned the Council to obtain permission to lay railroad track that connected their grounds to those of the Galena & Chicago Union Railroad. The people who owned land between the Company and the Railroad—land that was used exclusively for industrial business purposes—found this unacceptable and presented a remonstrance to the Council. They argued that

[t]he laying down of said Road would... materially interfere with the interests of the undersigned since it would obstruct the streets, retard the selling of lots, and introduce a certain depreciation of in the value of their lands in aforesaid subdivision. The order is one to benefit a private interest by destroying a private interest, and the undersigned look upon granting said permission to said road as being a most serious damage to the said lands in Johnston & Lea’s subdivision.¹¹⁶

The remonstrants go on to state that they were not against the Company building a railroad connection to the G&CU; they in fact supported the connection through a different route. But because the railroad connection as proposed was to run on streets through the subdivision in which they owned all the land, they felt, quite reasonably, that

¹¹⁴ Ibid.

¹¹⁵ CP 1850/50 6671A 12/30.

¹¹⁶ CP 1856/57 1556A 01/05.

the railroad would have a negative effect on their real estate: it would obstruct streets, which would interfere with their business and devalue their land.

William Johnston, Jr., William Johnston, Sr., Sam Johnston, C.L. Williams, and E.L. Fabian—the five remonstrants—made a reasonable argument to a Council, which held strong Jacksonian booster tendencies even as late as 1857. The aldermen understood the language of real estate and likely held a strong general belief in the inviolability of private property: “The order is one to benefit a private interest by destroying a private interest” likely struck a chord with a number of aldermen. As I will show in the next chapter, a Jacksonian booster vision informed many of the decisions made by aldermen regarding the railroads until the Civil War. An important part of this vision was a general suspicion of big business and monopoly, and railroads were the big businesses of the era. The idea that one business would be given preferential treatment over another (unless, of course, the preferred business was their own) was likely anathema to the core beliefs of a number of aldermen. As a result, there was an extremely close vote on the South Branch Canal Company railroad ordinance: it was tied at nine aldermen’s votes for and against, until the mayor, Thomas Dyer, broke the tie with a vote that ended up giving the Company its railroad connection. This razor-thin vote on a railroad ordinance in a purely industrial area contrasts sharply with many of the railroad ordinances in residential areas: a collection of working-class individuals and families simply did not have the same standing as a businessman in the eyes of Chicago aldermen in the 1850s. Though the wishes of the remonstrants were not heeded in the aforementioned case, the result—which again came by a very close vote—nevertheless matched the recommendations of the Committee on Streets & Alleys, which investigated and supported the petition of the

South Branch Canal Company. The families discussed above who lived near the Galena & Chicago Union Railroad and the north branch of the Chicago River were cordoned off by railroad tracks *despite* the recommendations of the investigating committee. Whatever the thinking behind it, it was easier for the Council to justify railroad development as a public good that used public space when the public bore the costs; if instead a private business bore the cost, the Council was acting in a manner that it saw as anti-competitive and preferential to certain business interests.

Perhaps it was also easier for the Council to justify railroad development as a public good when the affected public was working-class. A concerned citizen from South Clark Street—a mixed-use area of industrial, commercial, and working-class residential development—sent a letter to the *Tribune* that neatly sums up the myriad negative effects the railroads had on urban space in Chicago. The significance of the letter lays not in the fact that it describes the hazards attendant with the railroads in a city, but instead that it explicitly discusses the implications of railroad development and social class; the author underscores the point that the working class bore a disproportionate burden of railroad development in Chicago. The letter is worth quoting at length:

It would be thought by a person unacquainted with the city, from reading the publications on the subject, that the people on Michigan and Wabash avenues were the worst sufferers in the city from railroad obstructions. It is sometimes fortunate for the poor and medium classes in a city that the wealthy and “upper ten” are subject to the same grievances as they, otherwise their grievances would never be noticed. If the wealthy on the avenues are suffering from the steam cars merely crossing their street once, what must be thought of their humble neighbors on South Clark street, especially those living and owning property between Twelfth and Twenty-second streets. Instead of a single crossing, that might be remedied by a single bridge that would obstruct the view and thereby injure the prospect and retard the fast driving on the street, they have the same C. B. & Q. Railroad crossing, with the addition of switches running in various directions, but have, also, one railroad running lengthwise, and one less than one hundred feet from them, running parallel with the street, rendering the lots on the west side of

the street almost worthless, and reducing to half its value the property on the east side of the street. But then the people on Clark street are only common people, most of them; only those who get their living by hard work, have no carriages and fast horses, and their beautiful prospect up and down the street is obstructed, it is true, but what business have they to spend their time looking up and down the street? They would be satisfied if they could be permitted to get their lots with their wood, coal, and other necessaries of life, if their view was not left so beautiful, or even if they were not permitted to drive at a 2:40 gait the whole length of their street without obstruction, or without crossing the C. B. & Q. R. R. on a bridge. They have repeatedly petitioned the City Fathers for relief, but they being nobodies, not living in palaces and driving fast horses, the Aldermen have thought them unworthy of notice.¹¹⁷

Railroad development was so thorough in Chicago as to affect both “the wealthy on the avenues” and the “common people...living hard by work,” yet, with an acerbic tone, the author contrasted the plight of the two groups to argue that the “common people” had to bear the brunt of railroad development in the city while being disempowered by a Council that cared not for their plight. Much evidence bears out this argument—a number of aldermen remained closely linked to railroad interests and brazenly supported railroad development despite the social costs. Yet, overall, the Council’s actions regarding the railroads changed from the earliest years of railroad development through 1871. Beginning as early as 1852, the Council started to move away from the unabashed economic boosterism of the early years as they saw—and as their constituents made known in numerous petitions—the deaths, injuries, and inconveniences wrought by railroads in urban space.

¹¹⁷ *Chicago Tribune*, “City Letters: South Clark Street,” July 31, 1870, p. 3. See Appendix I for the complete text of the letter.

CHAPTER 3: THE ILLUSION OF REGULATION, 1852-1860

Benjamin Balch was ambitious man. He was similar in a few key ways to Chicago's political and civic leaders of the 1850s: he was a Yankee, a resident of Newburyport, Massachusetts; and, like the aldermen and mayors of period, he saw the great potential of railroads to boost the economic fortunes of American cities west of the Appalachians. As such, Balch made it his business to devise grand railroad schemes, his main one being a plan to build a railroad to the Pacific Ocean "based upon a loan of the Government credit and upon a Free Banking System." Of course, to get such a grand plan in motion would take a tidy sum of money—\$50,000 to \$80,000 by Balch's estimation. The initial costs of lobbying Congress, including the printing of pamphlets and room and board in Washington, D.C., during a Congressional session would be about \$5000, of which he required only "an advance of \$1000" from the Council "until the bill is passed," at which time he "would expect a further remuneration of \$4000" for the money he had advanced "& for [his] time." He specifically requested money from Chicago's Common Council because he envisioned Chicago as "the starting point" for his trans-continental railroad. He was originally going to make St. Louis the eastern terminus for the railroad, but Chicago would take its place as long as the "city council will favor the plan and aid [him] in getting the support of [their] Representatives in Washington next winter in getting [the] Bill through Congress."¹

Balch, though ambitious, was little more than a swindler. He attempted to persuade the Council into giving him money by playing two growing inland cities—Chicago and St. Louis—against each other. He made a mild threat at the end of his letter:

¹ CP 1850/50 6549A 11/01.

“I shall expect to hear from you within 6 weeks & if I do not hear from you by that time I shall go to St. Louis and take the southern rout (*sic*) as originally proposed.”² The Council addressed Mr. Balch’s letter, and the outcome was not surprising. Though the Board of Trade, which was contacted by the Council to consider Balch’s request, agreed that it would like to see Chicago “be made ‘the most wealthy, if not the largest inland city of our continent,’ it would nevertheless be neither proper or becoming to obtain this great result at the expense of a sister city like St. Louis; And that as they have the most implicit confidence in the wisdom of the General Government, and the Congress of the United States with whom the grand project now is, they would therefore request to be relieved from further consideration of the subject.”³

Balch sent another letter with a request for money from the Council a few months later to fund the production of a pamphlet that would promote a similar railroad proposal. This letter was not even considered by the Council.⁴ The Council quickly saw through Balch’s moneymaking scheme. But this incident is not significant as an example of financial opportunism that came with the railroads so much as it is an analogy for the Chicago Common Council’s actions regarding railroad development in the city during the 1850s. Like Balch, the Council quickly saw the great possibility of railroads as a catalyst for its own economic and demographic growth by physically connecting different parts of the vast nation. To attract railroads to Chicago, the Council was willing during the first few years of its railroad era to give the railroads free rights-of-way in and along the city’s streets, which altered the built environment of the city and negatively affected the people

² Ibid.

³ CP 1850/50 6606A 1202.

⁴ CP 1852/53 1302A 03/09

who lived there. Balch's scheme was supposedly aimed at promoting railroad development also, but the Council deemed it more expedient to promote railroad development by providing the railroads themselves with land it controlled than by handing money over to an unknown middleman such as Balch.

The Council began to change the way it acted towards the railroads beginning in 1852. Though it still promoted development by generally giving favorable right-of-way terms to railroads, it began to see the problems attendant with urban railroad development, as described in Chapter Two. Chicago residents who lived near the railroads petitioned the Council for relief, and the Council responded in kind. It passed ordinances that focused specifically on protecting the safety of its citizens by regulating the railroads. It also did not simply give away right-of-way as it had in its earliest railroad right-of-way ordinances; it realized as early as 1852 that Chicago was sought after as a railroad terminus, and it no longer needed to use free right-of-way as an inducement in the competitive game of attracting railroads to up-and-coming cities. It regularly began to require railroads that laid track in or across streets to maintain and pave the portions of the streets in which they occupied. This was supposed to have the desired effect of making streets safer and more accessible for residents; it also was a way for the Council to avoid paying for street maintenance from the city treasury, or to satisfy residents who lived near railroads who would themselves have to pay for street maintenance through special assessments.

Unfortunately, the outcome of the Council's actions towards the railroads satisfied no one but the railroads and some booster-aldermen. The Council simply did not have the power and, often, the will to enforce its safety ordinances and street

maintenance provisions. Its multiple public works committees and small police force were largely ineffective at enforcement. The Council followed ordinances with orders, but these statutory declarations did little to compel railroads to follow the letter of municipal law. A number of petitions that complained of railroad violations were not even considered by the Council. To make matters worse for the public, the railroads acted much like Benjamin Balch: whereas Balch tried to bilk money out of the Council, the railroads abused the right-of-way privileges imparted to them by the Council. The railroads, like Balch, were going to take as much as they could from the city. Within this context through the 1850s, despite overtures to and glimpses of a different political trajectory, economic development continued to be the Council's main factor in shaping the city's railroad development, despite the apparent desire by increasing numbers of residents that the local government regulate Chicago's built environment for the public good.

The late 1840s and early 1850s were a time of experimentation and hope regarding railroads in Chicago. The mid- and late-1850s showed that the hope was justified and that the experiment was successful. The quick profitability of the Galena & Chicago Union Railroad—Chicago's first railroad—and the notoriety that came with Chicago's location as the terminus of the Illinois Central—the world's longest railroad at the time—helped bring Chicago into the spotlight as one of America's fastest growing cities and quickly distinguished Chicago as a railroad hub. Enterprising men took notice, and petitions for railroad rights-of-way into Chicago poured into the Common Council in the 1850s.

It was clear in the 1850s that the Council connected the city's future to the railroads, as they approved right-of-way for another half-dozen railroads from 1852 to 1860. But these right-of-way ordinances were different from those passed during the earliest years of Chicago's railroad era. Whereas the early ordinances gave railroads extremely broad rights and asked for little or nothing from the railroads, the ordinances in the 1850s asked that the railroads give the city something in return for the right to use their streets.

This change occurred partially as a result of the Council's fight with the Illinois Central over lakeshore right-of-way discussed in Chapter One. The IC was determined to obtain right-of-way along the lakeshore, and its representatives did not shy away from using outright threats to reach its desired ends. The battle over the IC's right-of-way educated the Council in dealing with business corporations. The Council saw that railroads were interested in nothing but profits; railroads did not care about the social or spatial costs that came to a city because of railroad development. The Council took this experience with them into their future dealings with railroads.

But the Council also took from its IC right-of-way dealings the realization that it could require railroads to give the city something in return for right-of-way. Though there is little doubt that the IC got the better end of the deal with its right-of-way and terminal on the lakeshore, the Council did get from the railroad a much-needed breakwater that protected the shore and the mansions along Michigan Avenue. Perhaps more importantly, the Council came to the conclusion beginning in 1852 that Chicago was a sought-after destination for railroads, and it no longer needed to give rights-of-way

free of charge in order to attract them. The railroads would do what they could to come to the city, and the Council took advantage of its improved bargaining position.

Railroad right-of-way ordinances began to regularly feature provisions in which railroads promised to pay the city for any damages or expenses that accrued because of the actions of the railroads. The bonds required by these provisions protected the city from liability if, for example, someone who was injured by a railroad was to sue for damages, or if the railroad damaged city property while carrying out its operations. In other words, these bonds diverted responsibility for accidents and carelessness in railroad construction away from the city and towards the railroads. The supplemental ordinance passed for the Chicago & Rock Island Railroad in 1852—the earliest example of an ordinance that included such a provision—stated that “[t]he permission and authority hereby granted is upon the express condition that [the C&RI] shall indemnify the city for any damage and expense to which it may be legally subjected by reason of the occupying of any of the streets, alleys or grounds of the city, with its track or other fixtures.”⁵ This provision tacitly acknowledges that the Council was aware that, since it was in charge of deciding how public space such as streets was to be used, litigation that came about due to a railroad accident within the city limits could target both the railroad and the city.

These provisions became a regular feature of subsequent right-of-way ordinances.⁶ Most of these required the railroads to file a bond with the Council, which likely was to make it easier to enforce the indemnification clauses. (The Council went to

⁵ Chicago Common Council, Murray Tuley, compiler and arranger, *Laws and Ordinances Governing the City of Chicago* (Chicago: Bulletin Printing Co., 1873), 282.

⁶ For right-of-way ordinances that contain such provisions during the period under examination, see Chicago Common Council, *Laws and Ordinances*, 251, 253, 283, 303, 305-6. These include ordinances from 1853-8 for the Chicago & Alton, Chicago & Mississippi, Joliet & Chicago, Chicago & Rock Island, Pittsburgh, Ft. Wayne & Chicago, and Chicago, St. Paul & Fond du Lac Railroads.

especially great lengths to maintain and build the city's treasury.) Only one of these liability bonds exists in the Council's pre-Fire proceedings files, but it likely represents the standard for such bonds. The attorney for the Fort Wayne & Chicago Railroad filed the bond with the Council in March of 1854. It promised that the railroad was "held and firmly bound unto the City of Chicago in the penal sum of twenty five thousand dollars for the payment of which will...be made to the said City of Chicago. The said obligor doth hereby bind itself and its successors."⁷ The "penal sum of twenty five thousand dollars" was not given outright to the Common Council; it was to be used as a bank with which to pay for damages to city property or for any liability that came as a result of an accident.

The fact that the bond bound both the Fort Wayne & Chicago Railroad "and its successors" seems especially germane to an analysis of the railroads' effect on the politics of public space in Chicago. The aldermen had to that point respected the rights of property owners—often at the cost of the public good—and dealt with issues regarding private property on a case-by-case basis. The bond drafted by the Fort Wayne & Chicago Railroad that was subsequently approved by the Council showed a slight change in the way the Council perceived of railroads beginning in the early to mid-1850s. Railroads were seen as a specific kind of private interest, one that directly and tangibly altered Chicago's public space. With this bond, both the railroad and the Council tacitly acknowledged that railroads were not transient parts of Chicago's built environment. By making a bond that bound itself and its successors, the Fort Wayne & Chicago Railroad

⁷ CP 1854/55 0070A 03/27.

admitted that it was a permanent part of Chicago's built environment and that it had a substantial impact on Chicago's public space and thus on the city's residents.

This bond seems prescient on the part of the Council, for, as historian Barbara Young Welke has shown, negligence law was far from placing all blame for accidents on corporations before the late 1860s; the law took into account the actions of the individual accident victims when deciding culpability for an injury or death during the early railroad era. It was not until the latter third of the nineteenth century that negligence law began to place blame primarily on the railroads, which represented a technological and corporate power that people could not control and were thus powerless against.⁸ Nevertheless, the Council still thought it was a good idea to protect the city from lawsuits, despite the fact that litigants had a good chance of being unsuccessful during the 1850s and 1860s. This legal protection, though, was very little to ask from a railroad; it was a preventative measure that asked a railroad to simply take responsibility for its actions and negligence when operating inside the Chicago city limits. Though the Council may seem pragmatic for demanding such a provision, it actually demonstrates that the Council's priority during this period was economic boosterism: in writing such a provision, the Council, though it protected its treasury, yielded some of its power to define the streets and public spaces by relinquishing all legal liability to a railroad corporation. The railroad's legal liability for accidents and damages justified its claim to the public space of the street further than a right-of-way ordinance alone could.

The indemnification clauses in railroad right-of-way ordinances and the bonds that came with them in Chicago provide context for Welke's argument by showing that

⁸ Barbara Young Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (Cambridge, UK: Cambridge University Press, 2001).

the change in negligence law began as early as the 1850s. The law took shape through the turn of the century with many state and federal court cases involving women, but, if the Chicago example is indicative of what occurred elsewhere, it started at the municipal level as a proactive way to conserve city funds. In Chicago, the change was also effected in part because of a shift in booster attitudes towards the railroads: the aldermen no longer deemed it necessary to attract railroads to the city with rights-of-way that were completely free, with few conditions.

This shows the importance of the urban environment in shaping negligence law, the change of which reflected the evolving conception of American liberty. The indemnification clauses and bonds were necessary specifically because the railroads were built in a densely populated city. Railroads and people came into contact frequently, and accidents were common. Also, Chicago had begun to develop its public infrastructure, and the Council did not want to get stuck with the repair bill if a railroad damaged a street or bridge, for example. Thus the nexus of railroads and people in Chicago helped shift liability towards the railroads, which were the vanguard of the industrial era and a symbol of the dependence—the loss of individual autonomy—that helped define the era.

The Council demanded more than simply a promise to pay the city for damages in right-of-way ordinances beginning in the 1850s. The railroads were given the right to build in and across streets, public space that was used by the city's residents and visitors to travel by foot and animal power. These streets were necessary to carry out work and daily activities necessary to run a household, and the presence of railroads presented a new challenge to carrying out these quotidian duties. The Council was aware that that the streets needed to be kept in working condition, but it was reluctant to pay for such

improvements with general city funds. The majority of street improvements during the period were funded through special assessments, taxes paid by property owners whose property was seen as being directly affected by the improvement. Property owners abutting a street would petition the Council to pave or plank a portion of the street. If approved, the Council would then send someone to assess the direct benefit of the improvement to each property owner and bill him as such.

In the 1850s, the Council began to require railroads to improve and maintain the sections of streets on which they ran. This was a direct extension of the special assessment system that began in the 1840s.⁹ Railroads were given permission to lay track in and across streets; it seemed only fair that those same railroads would be required to pay for the improvement of those streets. The public had to deal with the hazards and inconveniences caused by the railroads, and people who owned property that abutted streets on which railroads ran had to additionally contend with depreciated property values. It seemed only fair to the Council that the railroads pay for street improvements as a condition of right-of-way. The aldermen and mayor were also confident that the railroads would not be scared away from building in Chicago because of street maintenance requirements. Chicago was already the nation's railroad hub by the early 1850s, and the Council correctly believed it was in a strong enough position to request something in return from the railroads for rights-of-way in the city's streets.

The maintenance provisions generally focused on two areas: crossings and streets. Not every railroad was given the right to lay track in streets, but they all, at the very least, had to cross streets. The Chicago, St. Charles & Mississippi Air-line Railroad was the

⁹ See Robin Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press, 1991, 2001), 61-103, for discussion on early special assessment.

earliest railroad to be required in its right-of-way ordinance to maintain crossings and streets.¹⁰ It was given the right in 1853

to construct in the west division of [Chicago], one or more railroad tracks upon any land south of Madison street or north of Lake street, which they may procure by purchase or otherwise, and to lay down said track or tracks across any street within the boundaries aforesaid, wherever any such street crosses their intended line of railroad, and also to construct and use all depots necessary to accommodate the business of said company: *Provided*, that convenient crossings be made by said company where the said track crosses the line of streets....¹¹

The railroad was further given the right to lay track “on any street or streets in the west division of the said city, south of Polk street, and extend the same to the south branch of the Chicago river; and may occupy so much of said street or streets as may be necessary for the purpose of constructing, maintaining, using and occupying a single railroad track...for the period of three years.” This temporary track was to be constructed on the condition that it was to be removed after three years, and the streets were to be placed “in good order for ordinary travel” after its removal. Also, “the space occupied by said road, except when turn-outs, turn-tables or switches occur [is not to] exceed ten feet in width in the centre of said street or streets: *And provided*, said work be so constructed that carriages may pass along either side of said road, and may conveniently cross the same.”¹²

¹⁰ Air-line railroads followed routes that were generally very straight and thus direct. They chose shorter routes despite more technically difficult terrain. Most railroads chose routes where the terrain was easier to manage even if the route was a little longer. The Chicago, St. Charles & Mississippi Air-Line Railroad was not an air line any more than were the other railroads in Chicago. The terrain around Chicago was flat to a fault (it was quite swampy), so nearly every railroad route was straight and direct. The Chicago, St. Charles & Mississippi Air-Line Railroad likely named itself as such as an advertising tool, to both set it apart from other railroads and to have potential customers associate their name with the straight, direct air-line railroads located elsewhere in the United States.

¹¹ Chicago Common Council, *Laws and Ordinances*, 250.

¹² *Ibid.*, 251.

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In sum, the Chicago, St. Charles & Mississippi Air-line Railroad gained rights-of-way partially in exchange for its promise to build “convenient crossings” and, on the streets in which it would build tracks, to maintain the sides of the streets along which carriages and people would pass. A few months later, it was given the right to build track between Madison and Lake Streets, north of its original right-of-way; though it was not allowed to build in streets, it could cross any street within the limits of the ordinance on the condition that “convenient crossings” would be constructed. It further was given permission to build a bridge across the south branch of the Chicago River.¹³ Though the Council was vague about what constituted a convenient crossing and in what state the street along the side of the railroad tracks was to be maintained in order for people and carriages to pass, this nevertheless is evidence of a change in the Council’s dealings with the railroads.

The vague language in the aforementioned ordinance began to disappear in subsequent right-of-way ordinances. Though the language on constructing “convenient crossings” remained the same—the Council obviously believed that description was sufficiently specific—the language regarding street maintenance provisions became much clearer and more precise. The Council required the Fort Wayne & Chicago Railroad to “plank the carriage-way of the street so occupied, in and on each side of said track, so as to render the same convenient for the passage of teams and travel.”¹⁴ The same railroad, after having changed its name to the Pittsburgh, Fort Wayne & Chicago Railroad, was given an amendatory right-of-way ordinance in 1856 that was even more specific in its street maintenance requirements: “the tracks of said road shall be so laid as to interfere as

¹³ Ibid., 251-2.

¹⁴ Ibid., 303.

little as possible with the usefulness of said streets, as road or carriage-ways, by grading, filling, and planking or macadamizing them in such a way as to allow free passage for carriages across and alongside its tracks, and in such a manner as the common council shall direct, and also by changing the grade of said streets at any time it may be ordered by the common council.”¹⁵ In a right-of-way ordinance enacted the following year, the Joliet & Chicago Railroad was required to “plank, pave or macadamize...and forever maintain such planking, paving or macadamizing in good order and condition” the section of Archer Road and Grove Street through which the railroad was given permission to lay its tracks.¹⁶ Later that same year, the Chicago & Milwaukee Railroad was given permission to lay track in sections of Jefferson and West Kinzie Streets on the condition that they “fill said street up to grade with gravel, or other suitable material, and shall also plank or pave said street, when required so to do by the order of the common council.”¹⁷

The increased and more specific street maintenance requirements in railroad right-of-way ordinances in the mid- to late-1850s were not simply a result of the Council’s improved bargaining position vis-à-vis the railroads; they were enacted simultaneously with Ellis Chesbrough’s plan for a citywide sewerage system. The initial part of this plan constituted raising the city’s grade to provide sufficient drainage for “low, flat” Chicago, which—as if being low to the water table and having a flat topography did not provide

¹⁵ Ibid., 304.

¹⁶ Ibid., 253.

¹⁷ Ibid., 270.

reason enough for poor drainage—was built “on soil that absorbed little moisture.”¹⁸ In order to both facilitate rainwater drainage and bury the sewers that would drain waste into the Chicago River, the Council enacted Chesbrough’s sewerage plan, which, between 1855 and 1858, raised the city’s grade by around four or five feet.¹⁹ Though private citizens were responsible for the cost of raising their homes and businesses to the new grade, most of the funding to raise the city’s public property, including the streets, came from city coffers.²⁰ The aldermen found a solution to partially alleviate these costs to the city by requiring the railroads to pay the expense of raising the grade of the section of street or streets in which they were given the right to build track.

The aforementioned maintenance requirements hint at actions by the Council on behalf of the public interest: the Council required the railroads to maintain streets on which they ran and over which they crossed, and it may have been at least partially compelled to do so in order to ensure safety and convenience for the public. But the public good was only part of the story. The Council—which could not spend large amounts of public money during the 1850s due to municipal charters that capped its spending and, more significantly, to a treasury that was nearly empty—received public improvements in exchange for use of the streets. Though aldermen could claim a direct public benefit as a result of their actions, there was plenty of evidence for the public

¹⁸ Robin Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press, 1991, 2001), 138.

¹⁹ Robin Einhorn, “Streets Grades, Raising,” in the *Electronic Encyclopedia of Chicago* (Chicago: Chicago Historical Society, 2005). Accessed at <http://www.encyclopedia.chicagohistory.org/pages/1202.html> on 17 September 2009. For more discussion of the raising of Chicago’s grade, see Einhorn, *Property Rules*, 138-40; Louis Cain, “Raising and Watering a City: Ellis Sylvester Chesbrough and Chicago’s First Sanitation System,” *Technology and Culture* 13:3 (July 1972), 353-72, and *Sanitation Strategy for a Lakefront Metropolis: The Case of Chicago* (DeKalb, Ill.: Northern Illinois University Press, 1978); and Martin Melosi, *The Sanitary City: Environmental Services in Urban America from Colonial Times to the Present, Abridged Edition* (Pittsburgh: University of Pittsburgh Press, 2008), 65-7.

²⁰ Einhorn, *Property Rules*, 139-41.

consequences of railroad development discussed in Chapter Two. These men were boosters who tended to govern cities based on personal ideas about what would improve the economic lot of a city; they were not beholden to the will of their constituents as they would be in the 1860s when new charters expanded the number of wards and aldermen in the city. The booster-aldermen may also have introduced the street maintenance provisions in railroad right-of-way ordinances based at least partially on personal economic interests, for, as I showed in Chapter One, Chicago boosters were defined both by their drive to simultaneously make Chicago an economic powerhouse and improve their personal economic lot. With the street maintenance provisions, an alderman with business or real estate on a street along which a railroad ran would receive the benefit of the improved street without having to pay a special assessment for its improvement.

Whether the Council enacted these provisions on behalf of the public interest or for selfish reasons, it took further actions regarding the railroads in the 1850s, the motivation for which could not have been mistaken for anything but the public interest. Right-of-way ordinances included provisions that were produced specifically to protect the safety of and limit the inconveniences to residents. The Council's actions regarding safety went beyond simply requiring a specific railroad to do something as a condition of its right-of-way; the Council enacted its earliest orders and ordinances that regulated the safety of all the railroads in Chicago during the 1850s.

The speed limit was a common safety provision that first appeared in early Chicago right-of-way ordinances, beginning with that of the Chicago & Rock Island Railroad in 1851. The railroad was to "run its trains by locomotives...at a speed not

exceeding five miles per hour.”²¹ Speed limits appeared in subsequent right-of-way ordinances of railroads that, like the Chicago & Rock Island, received permission from the Council to build tracks in streets.²² The Council quickly recognized the need to reign in the power of the new steam technology, especially on streets where trains ran cheek to jowl with people. A train traveling at even five miles per hour was a daunting and dangerous obstacle during a time when locomotives were yet unfamiliar to people (just ask Ann Turrell and Catharine Mack, the two Irish women discussed in Chapter Two who were killed by a train traveling “at a rate of four or five miles an hour”²³). The aldermen believed it was their duty to keep trains from running at dangerously high speeds along city streets and thus included speed limits among the safety provisions in early railroad right-of-way ordinances.

It did not take long for the Council to acknowledge and act upon the danger posed by grade crossings. As early as 1853, the Council included provisions in railroad right-of-way ordinances that mandated “proper warning tables shall be erected in conspicuous places at or near such crossings.”²⁴ Obviously, a sign that advertised a railroad crossing, no matter how conspicuous, was only effective if the people at the crossing took the time to acknowledge the warning. Yet the inclusion of this requirement in right-of-way

²¹ Chicago Common Council, *Laws and Ordinances*, 281.

²² The Chicago, St. Charles & Mississippi Air-line; Pittsburgh, Ft. Wayne, & Chicago; and Chicago, St. Paul & Fond du Lac Railroads all were given right-of-way conditioned on a five-mile-per-hour speed limit. Chicago Common Council, *Laws and Ordinances*, 251, 305, 307.

²³ *Chicago Tribune*, “Fatal Railroad Accident: One Woman Killed and Another Probably Fatally Injured,” January 24, 1863, p. 4.

²⁴ Chicago Common Council, *Laws and Ordinances*, 302. See also Chicago Common Council, *Laws and Ordinances*, 250 and 252 for ordinances with nearly identical requirements regarding the placement of warning tables at grade crossings.

ordinances from the early 1850s shows that the aldermen were beginning to think and act on the dangers that came with railroad development in urban space.

The Illinois Central Railroad was an exception among Chicago railroads in a number of ways. It received much of its funding through the sale of federal lands that were given to the State of Illinois, the General Assembly of which then gave the lands to a private corporation in exchange for a percentage of revenues. It was the first such railroad to be built as the result of a federal land grant. Upon completion in the 1850s, it was the longest railroad in the world. But it was also an exception in how it used urban space in Chicago. Whereas the other railroads in the city ran their trains in and across public streets, the Illinois Central entered the city from the Lake Michigan shore; its right-of-way near downtown Chicago was actually in the lake. The IC was able to avoid many of the accidents and other problems that came when railroads and people shared streets by, for the most part, avoiding development in and across the streets.

Just because the IC was able to reduce its risk of accident because of its favorable right-of-way location did not mean that it posed no risk to Chicago residents. The Council recognized that people needed access to Lake Michigan and that people in the southern part of the city would have to cross the IC's tracks to get there. It thus included a provision in the IC's right-of-way ordinance that ordered the IC to "erect and maintain, on the western or inner line of the ground pointed out for its main track on the lake shore...such suitable walls, fences or other sufficient works, as will prevent animals from straying upon or obstructing its tracks, and secure persons and property from danger." It further instructed the IC to "construct such suitable gates at proper places at the ends of

streets, which are now or may hereafter be laid out...to afford safe access to the lake.”²⁵

The Council had the foresight to recognize the dangers and inconveniences that came with the construction of the IC; it hoped the provisions in the ordinance would help the city avoid these negative experiences.

The Council further attempted to address the inconveniences wrought by urban railroad development in an ordinance that gave the Chicago & Mississippi Railroad permission to build track to connect with the Chicago & Rock Island Railroad in 1854. The tracks were to be constructed across Taylor Street, near the intersection with Clark Street, a bustling part of the city just south of downtown. The Council gave the Chicago & Mississippi permission to build the connection only if the streets it crossed were “not at any time...obstructed by the cars therein, nor shall the said street be obstructed longer than three minutes at any one time by the crossing of trains under way.”²⁶ It recognized quite early that the railroads could obstruct the streets, thus making travel through the city difficult for Chicagoans. So the Council tried to prevent the problem from occurring through the use of its main power: legislation.

As was discussed above, the Council began to address issues of railroad safety beginning in the early 1850s, but it did so in a rather piecemeal fashion. It dealt with these issues in individual railroad right-of-way ordinances, which meant that railroads were not held to uniform standards on issues of safety and convenience. The call for more uniform safety legislation came from a seemingly unlikely source: publisher and lawyer J. Young Scammon. Scammon, like so many of his fellow boosters, played an active role in bringing the railroads to Chicago. He helped sell stock so the Galena &

²⁵ Ibid., 286.

²⁶ Ibid., 252.

Chicago Union Railroad could be built; he himself was a large shareholder in Chicago's first railroad. But despite his direct economic interest in the G&CU, Scammon maintained a broad perspective regarding railroad development in the city. Perhaps Scammon's job as a newspaper editor incubated this perspective; or maybe it can be attributed to his genuine affinity for the city of Chicago and an authentic concern for the well-being of its residents. Whatever the motivation, Scammon saw that railroads in Chicago—especially the G&CU—were a threat to the safety of the city's residents. He drafted a petition that he and seven other prominent Chicagoans signed and presented to the Council in 1852 that attempted to “call to the attention of the Common Council...the immediate necessity of passing more stringent and salutary police regulations in relation to the running of Rail Cars and Locomotives within the inhabited portions of the City.” The primary concern listed in the petition was the need to alert the public “of the approach of a Rail Car or Locomotive” at grade crossings “so as to prevent accident.” The petitioners asserted, with impressive foresight, that it was the right time to enact such safety legislation since “besides the G. & C. U. R. Road, other roads are about coming into our city.” Further, “several serious accidents have been but just avoided at the crossing of the G. & C. U. R. Road on Clark St.”²⁷ The petition was referred to a Special Committee on Railroad Matters (this committee was soon given permanent status), after which it was filed. It marked the beginning of a period of increased concern about the hazards and inconveniences attendant with railroad development in urban space. It tacitly asserted that these problems were of a public nature, and, as such, that it was the responsibility of the Council to take action in order to solve them.

²⁷ CP 1851/52 1672A 03/09.

Over the next few years, the Council addressed railroad safety issues a couple more times. In 1852, it ordered the city attorney to draft an ordinance that would “regulate all rail road tracks now laid down.”²⁸ This suggests that railroad tracks became a common annoyance and hazard very early in Chicago’s railroad era. From this order, no ordinance regulating the laying of railroad track was enacted, and there is no evidence to suggest that any such ordinance was drafted. Two weeks later, the Committee on Police responded to a petition that requested a policeman be stationed at the Galena & Chicago Union Railroad depot to accompany the arrival of passengers. The Committee agreed with the petition and, through a subscription of fifty cents per day from each of the city’s railroads, steamboats, and the Illinois & Michigan Canal, a police constable was to be stationed at the railroad depots and docks upon the arrival of passengers during the busy season, April 26 to November 15.²⁹

This report regarding a policeman at railroad stations and docks is somewhat difficult to analyze. It may have been a response to J. Young Scammon’s petition that was considered about a month previous: Scammon’s petition is entitled “Petition for appointment of special police constable for passenger depots.”³⁰ More likely, though, Scammon’s petition was misfiled, and it is a response to the petition referred to in the Committee on Police report discussed above (which likely belonged in the file where the Scammon petition resides). It appears that Scammon’s petition was considered and filed, though he likely would have been pleased that there was to be more police presence at passenger depots. This report alludes that railroad space in Chicago created another

²⁸ CP 1852/53 0099A 04/02.

²⁹ CP 1852/53 0192A 04/26.

³⁰ CP 1851/52 1672A 03/09.

hazard: passenger depots were high crime areas, so much so that a police constable from a force that was already too small to deal with Chicago's quickly growing population had to dedicate himself to patrolling the places where passengers disembarked.³¹

Unscrupulous characters could collect at the depots and docks, where a mix of vulnerable travelers and their possessions—concentrated in a few bags—inevitably gathered. A pretend porter or run-of-the-mill thief could make off with someone's luggage; a sexual predator could set his sights on a young girl traveling alone. The Council hoped the police presence would discourage crime and give the travelers a positive first impression of Chicago, whether the city was to become their home or was simply a stopover on a longer journey. The aldermen were boosters, and they wanted to portray Chicago in a positive light. The fact that the police presence at the depots could actually make the city safer was a bonus.³²

The Council did not attempt to address the issue of railroad safety in a comprehensive manner until 1855, at which time the Council drafted an ordinance entitled "An Ordinance Supplemental to All Ordinances Heretofore Passed Concerning Railroads."³³ Only five years earlier, Chicago had one railroad, the Galena & Chicago Union. When it drafted this railroad safety ordinance, eight railroads had received right-

³¹ There is no record of the number of policemen in 1852, though we can reasonably assume that there were considerably fewer than the sixty people employed by the police department in 1857. A professional police department was not formed in Chicago until 1855. See Wesley Skogan, *Chicago since 1840: A Time-Series Data Handbook* (Urbana: Institute of Government and Public Affairs at the University of Illinois, 1976), 85-92, for Chicago police department data and a brief discussion of Chicago's early police force. For discussion of Chicago's train stations, see Laura Milsk, "Meet Me at the Station: The Culture and Aesthetics of Chicago's Railroad Terminals, 1871-1930," (Ph.D. dissertation, Loyola University-Chicago, 2003).

³² The presence of an oath taken by John S. Corning as the watchman of the Chicago & Rock Island Railroad depot shows that the Council was serious about its commitment to a police presence in the depots even before Chicago formed a professional police force in 1855. CP 1854/55 2207A 03/12.

³³ CP 1855/56 0593A 06/07.

of-way from the Council and at least six of those were operational. The growth of railroad traffic brought the attendant hazards and inconveniences into stark relief to the point where the Council felt compelled to finally deal comprehensively with railroad safety.

The ordinance—which was originally to be applied to railroads within the most densely settled area of the city, but was revised over subsequent years to apply to trains traveling anywhere within the city limits—dealt with some issues that had previously been addressed in individual right-of-way ordinances.³⁴ Locomotives were to move at no “greater speed than the rate of six miles per hour.” The second and third sections of the ordinance attempted to alleviate traffic congestion by prohibiting trains from occupying streets or cross streets “longer than five minutes at any one time.” The rest of the ordinance was dedicated to safety and convenience issues that had not been addressed previously. Trains “running in the night time” were required to “have and keep while so running, a brilliant and conspicuous light on the advancing end of such Locomotive Engine, Car, or train of Cars;” they also were required to ring the bell “continually while in motion.” To control the noise nuisance created by trains, locomotives were prohibited from using their steam whistles “except as a necessary signal to avoid accident.” Finally, to further control traffic congestion, the Council prohibited the railroads from placing “in the street...any lumber or other material, nor shall they load any car from the street with any material deposited there.”³⁵

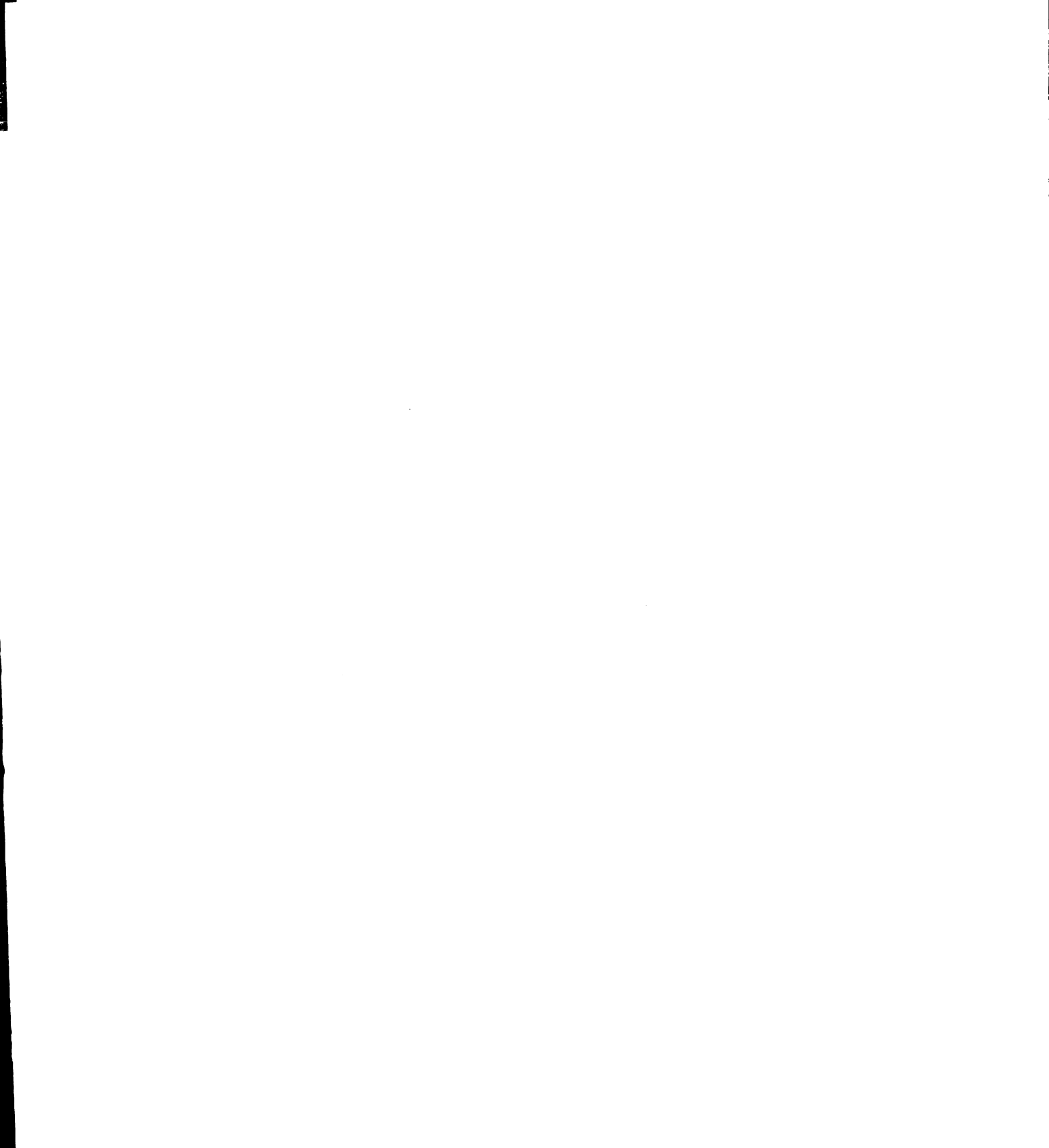
The speed limit offers an interesting point of analysis. While most of the ordinance’s requirements were not extant in previous laws or were the same requirements

³⁴ See Chicago Common Council, *Laws and Ordinances*, 110-12, for the version of the ordinance in 1873.

³⁵ CP 1855/56 0593A 06/07.

written into right-of-way ordinances—for example, trains were allowed to block a street for no longer than five minutes—which is evidence that the Council focused more on protecting the public from the railroads as time moved on, the speed limit actually appears to be a step back. The speed limit required of individual railroads in right-of-way ordinances was five miles per hour while the general railroad safety ordinance mandated that trains travel no faster than six miles per hour. Perhaps experience showed that five miles per hour was too slow, or maybe one mile per hour did not make much of a difference. A third interpretation may be the most likely: the railroads that were to follow the five-mile-per-hour speed limit blatantly disregarded it, so the Council thought they would give the limit another go with a speed that seemed more agreeable to the railroad corporations.

If this final interpretation is correct, it would be representative of the railroads' actions vis-à-vis the Council through the 1850s: though the Council addressed the safety issues attendant with railroad development in urban space through municipal lawmaking, it did not effectively protect the safety of and prevent inconvenience to the public. This was the case due to a combination of impotence, inefficiency, and ineptitude on the part of the Council, and to apathy and opportunism by both the Council and the railroads. The Council did not have the power to effectively enforce its ordinances; the railroads took advantage of this, to the chagrin of the public; and the Council often ignored the problems. Through the end of the 1850s, though some aldermen appeared to legitimately care about protecting public safety, the Council's actions regarding railroad safety and public convenience were not at all effective in solving the problems. For many aldermen, economic development continued to be their main priority, to the disregard of the safety



and convenience of the public. Overall, the Council looked much like an obsolete Jacksonian governmental body that was unable to effectively deal with the industrial era it encountered.

The example of Clark Street is representative of the political and social response to the railroad development during the period. Clark Street has been one of Chicago's busiest, most bustling streets from very early in the city's history. A cursory glance through the 1843 city directory gives evidence for this: lawyers, bankers, and various commercial interests had downtown addresses on Clark Street.³⁶ Its status as the city's main artery and central business district was solidified in the 1840s and 1850s as Chicago's newspapers and the city's post office—during that era, an important social center because of its role as the premier place to disseminate news from outside places—moved to Clark Street.³⁷

But Clark Street was important to Chicago as more than just a downtown business district. South of downtown, Clark Street quickly became a chief thoroughfare for industrial and manufacturing interests. This occurred in large part because of railroad development. The Chicago & Rock Island Railroad, which received its right-of-way ordinance in 1851, was given permission by the Council to

lay down in any one of the streets of said city, between the west line of State street and the west line of Halsted street, from the south line of said city as far north as the line of Polk street, a single railroad track, with necessary turn-outs and turning tables. Said company may extend said track northwardly as far as the south line of Van Buren street, upon any street between the west line of Clark

³⁶ Robert Fergus, compiler, *Directory of the City of Chicago Illinois for 1843* (Chicago: Fergus Printing Co., 1843, 1896); accessed at <http://all-ancestors.com/chicago/chicago.htm> on 25 September 2009.

³⁷ Harold Mayer and Richard Wade, *Chicago: Growth of a Metropolis* (Chicago: University of Chicago Press, 1969), 33. For a discussion of the essential role played by the post office in the spread of information from 1775 to 1844, see Richard John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, Mass.: Harvard University Press, 1995).

street and the west line of said Halsted street, and build all necessary turn-outs and turning tables.³⁸

The engineers of the C&RI chose to build their track on Clark Street, which appears to have been a wise decision based on basic business principles. The street runs nearly parallel to the south branch of the Chicago River, along which most of the city's industrial and manufacturing interests were located. At the point near Twelfth Street where the river comes closest to Clark Street—a bend that marks the south branch's most eastward point—the C&RI built its depot, rail yards, and grain elevators, the latter of which were conveniently located on the banks of the Chicago River. Also, Clark Street was located completely to the east of the river's south branch, which meant that the railroad did not have to pay the expense of building, maintaining, and operating a bridge that it would have had to have built if it chose to construct track on any street west of Clark. Finally, Clark was a relatively wide street, which meant that horse-drawn vehicles and pedestrians could travel fairly conveniently alongside the tracks. This was likely the least important of the reasons the C&RI chose to build on Clark Street, for, as I have shown, public convenience was not foremost in the minds of railroad executives. Yet, in this case, it was a pleasant bonus that made prime rights-of-way even better.

³⁸ Chicago Common Council, *Laws and Ordinances*, 280.

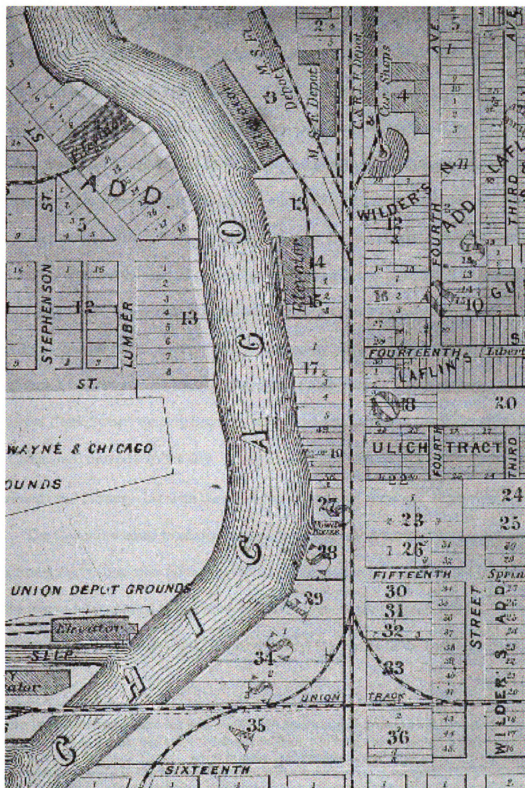


Figure 6. South Clark Street, between Twelfth and Sixteenth Streets. Notice the joint Chicago & Rock Island and Michigan Southern Railroad depot and facilities near Twelfth Street at the northern extent of the map.

The Council did not want trains running too near the downtown business district, which is why it diverted the C&RI's right-of-way to the west of Clark Street between Polk Street to the south and Van Buren Street to the north (the C&RI actually diverted west from Clark at Taylor Street, a block farther south from where it was legally required to do so). Yet Clark Street did not become two completely distinct neighborhoods, as the Council may have wanted: professional, downtown Clark Street immediately south of the main branch of the Chicago River, where newspapers and lawyers kept their offices and on which the city courthouse and post office were located; and industrial Clark Street, south of Polk Street, where railroads and manufacturing interests ruled the urban landscape. Chicago began to attract people, especially working-class migrants and immigrants, who wanted inexpensive housing near their places of employment. "Industrial Clark Street" quickly became "residential and industrial Clark Street" as these new Chicagoans moved into the city. South Clark Street bustled with not only the clatter of railroads and industry, but with the quotidian rhythms of home and family life.³⁹

The Council seemed to change its stance towards the presence of railroads on Clark Street fairly soon after giving the C&RI permission to lay its track. It "[o]rdered that the mayor be requested to enjoin or otherwise prevent the Chicago & Rock Island Rail Road Co. from crossing Clark Street with their (*sic*) track to the (prejudice?) of the

³⁹ By the 1890s, Clark Street between Polk and Twelfth Streets also boomed as a red-light district. Over half the properties on the east side of the street were brothels, which, like the decisions made by the C&RI Railroad regarding their track location, seems to make good business sense. They are adjacent to a number of manufacturing establishments, which means there were a large number of men with paychecks; and they were near a number of railroad passenger depots, which means there were men on business or leisure who were far from their families. See Agnes Sinclair Holbrook, "Maps Notes and Comments," especially "Wage Map No. 4" and "Nationalities Map No. 4," in *Hull-House Maps and Papers: A Presentation of Nationalities and Wages in a Congested District of Chicago, Together with Comments and Essays on Problems Growing Out of the Social Conditions* (Urbana: University of Illinois Press, 2007; originally published in 1895).

publick (*sic*) (?) or (private?) rights.”⁴⁰ Despite the poor spelling, one can deduce that the aldermen passed the order because tracks that were to cross Clark Street would have led to serious traffic congestion and inconvenience for area businesses and the public who lived and worked nearby. Though the C&RI only crossed the entire width of Clark Street near its depot, grain elevators, and rail yards just south of Twelfth Street, the aldermen obviously saw these sidetracks as a significant inconvenience given the heavy use of the street.

The response from property owners and the public seem to mirror that shown in the Council’s order. The Council was presented at least three petitions in 1854 that expressed discontent with the presence of railroads on Clark Street. One of them complained that the C&RI built tracks in an alley off Clark Street; the tracks filled the alley so it could no longer be used by anyone other than the railroad, which diminished “the value of [adjacent owners’] lots...considerably.”⁴¹ Also, one-hundred individuals—including many prominent Chicago residents—signed a petition that

respectfully represents—That the use of Locomotive Engines on Clark Street, north of Twelfth Street, is attended with great dangers to the life, limbs and property of our citizens who reside in that vicinity, and others who transact business in that part of the city. That that part of Clark Street recently occupied by the [Southern Michigan & Northern Indiana] and the [Chicago & Rock Island Railroad] Companies is a thronged and busy part of the city, constantly in use by teams and pedestrians.

We therefore respectfully pray your honorable body will pass an ordinance prohibiting the use of locomotives by said Railroad Companies on their track north of Twelfth Street.⁴²

⁴⁰ CP 1852/53 0868A 11/04.

⁴¹ CP 1854/55 1776A 03/05.

⁴² *Ibid.* Besides the signatures of prominent individuals, one could tell that the petition originated from a person of means since it had been printed on a press (most petitions at the time were hand-written). Also, the fact that they were trying to prevent locomotives from traveling on Clark Street north of Twelfth Street clues one in to the socioeconomic geography.

Yet another petition attempted to stop the Galena & Chicago Union Railroad, from being “an insufferable nuisance” due to its “constant daily practice in preparing their trains, of obstructing Clarke (*sic*) and Dearborn streets so that passengers, teams and carriages are greatly impeded in passing said streets, and are in imminent danger...by horses becoming frightened with the letting off [of] steam from locomotives.”⁴³

These petitions show early dissatisfaction with the decision to let railroads lay track on Clark Street. It did not take much time for people to realize that railroads created a major inconvenience and danger to people, especially on one of the city’s busiest streets. Yet these aforementioned petitions were in a file entitled “Papers retained, not requiring action.” Though the Council during the 1850s appeared to be more concerned with public railroad safety than it had been in the past, it nevertheless remained inconsistent in its approach to safety issues. It would deal with Clark Street on its own timeline, not on that of the public. Its laissez-faire stance towards the railroads shows a booster Council that appeared more interested in helping business than protecting the public.

It did not take long for Clark Street and the railroads to appear once again in the Council proceedings. The comprehensive railroad safety ordinance discussed above that was enacted in June 1855 seems to have been at least partially inspired by experience with the railroads on Clark Street. Though the final draft of the ordinance does not specifically mention Clark Street, an earlier draft includes three sections that attempt to prevent traffic congestion at some of Clark Street’s busiest grade crossings by limiting the amount of time a train could remain at a crossing and by limiting the length of trains

⁴³ CP 1854/55 1777F 03/05.

on Clark Street.⁴⁴ Though these sections were not included in the final version of the ordinance—the sections in the final version that attempted to prevent traffic congestion covered streets within a certain section of the city then, later, throughout the city limits—they show that there was palpable concern with railroads on Clark Street among the members of the Council.

An ordinance in 1856 shows that, though the Council began to demonstrate concern for the public safety in the 1850s, it was still more concerned with attracting business and keeping those business interests content than it was with protecting the safety and well-being of its constituents. In other words, the 1850s Common Council continued to act like Jacksonian boosters in regard to the railroads. The Chicago & Rock Island and the Michigan Southern & Northern Indiana Railroads were given permission in January of 1856 to “lay down an additional track in Clark street from its southern terminus to where their present track diverges from said street.”⁴⁵ This ordinance came after the public had expressed its concerns about Clark Street railroad development in petitions and even after the Council had shown doubt about its initial decision to let the Chicago & Rock Island Railroad build tracks on Clark Street. The railroads were given permission to lay the additional track on the condition that the railroads “plank the whole surface of each street, including sidewalks, between the points first above indicated, and put in good, complete and proper sewers on both sides, and forever maintain such planking and sewers in good order and condition.”⁴⁶

⁴⁴ CP 1855/56 0593A 06/07.

⁴⁵ Chicago Common Council, *Laws and Ordinances*, 282-3.

⁴⁶ *Ibid.*, 283.

The public quickly spoke up about this ordinance. “[O]wners...of property in the vicinity of the Rock Island Freight Depot” signed a petition against giving the railroads permission to lay a second track on Clark Street. “We claim to be governed by a liberal spirit in regard to all great enterprises which benefit the family of man but we cannot permit so great an injury to our individual interests without entering this our solemn protest against any further incumbrance (*sic*) of Clark street by additional railroad facilities.”⁴⁷ They used the argument of property value and utility as opposed to that of public safety. Yet the nearly one hundred petitioners were unsuccessful. Their petition was considered after the ordinance had been enacted, so the argument and petition were moot. The railroads got their second Clark Street track, and so did an unhappy public.

A final example of the railroads on Clark Street demonstrates a common problem by the Council in regard to public safety and convenience during the period: the Council had little power to effectively enforce its ordinances. In 1860, it “[o]rdered that the city marshal forthwith stop the various Rail Road companies from having cars stand in South Clark Street from Twelfth Street to Archer Road for loading and unloading ~~said cars~~ (?) detrimental to the traveling public along said street, and to enforce the ordinances made and provided for in such cases & order that [a] copy of this order be sent to [the] RR [companies].”⁴⁸ This order substantiates the claims of petitioners who maintained that railroad development on Clark Street would be an inconvenience and hazard to the public. It also alludes that previous ordinances, which attempted to regulate railroad safety and control attendant inconveniences, had not effectively achieved their intended ends. The Council had the power to legislate, but in the 1850s it had little power to

⁴⁷ CP 1855/56 1838A 01/10.

⁴⁸ CP 1860/61 0170B 09/10.

effectively enforce its legislation. The police force was small and not professionalized until 1855; public works issues were decided by Council committees that lacked professional expertise and were in over their heads with the phenomenal growth of Chicago. Often the Council's only actual enforcement tool was the ability to write more orders and ordinances; in other words, the Council followed paper with more paper.

The railroads could easily get away with breaking the municipal laws that were meant to control them and keep the public safe; and they did. Numerous petitions and remonstrances complained of railroads flaunting the laws and thus endangering and inconveniencing the people of the city. The Council acted towards these petitions in a manner represented in its treatment of the railroads on Clark Street: it lacked the ability to effectively enforce its safety ordinances; and it overwhelmingly favored the interests of the railroads while it ignored the prayers of the public.

It did not take a year after the general railroad safety ordinance was enacted for a petition to appear that complained of violations by the railroads. William Butler and four other residents of Chicago's west side wrote that

hardly a day passes, but for some unfortunate person is deprived of life or limb, & not a week has passed for some months, but some family has been called to follow the mangled remains of a dear friend to the grave, all of which arises from the most gross & barbarous neglect upon the part of the [Galena & Chicago Union Railroad]. It is a constant practice to run their trains at the rate of fifteen miles per hour within the limits of the city & through quite a thickly settled portion of the town....[Y]our petitioners ask, yea demand, that the ordinance regulating the speed of cars within the city limits be enforced, or those living upon the line of road will be compelled to seek redress at the hands of some other tribunal.⁴⁹

⁴⁹ CP 1856/57 0836A 08/14.

Though the petition begins with what seems to be hyperbole, the petitioners likely did not exaggerate much about the human toll of the Galena & Chicago Railroad in Chicago.⁵⁰ The threatening tone at the end of petition—“your petitioners ask, yea demand, that the ordinance regulating the speed of cars within the city limits be enforced, or those living upon the line of road will be compelled to seek redress at the hands of some other tribunal”—underscores the desperation felt by the petitioners because of the dangerous actions of the railroad. The Council’s Committee on Police responded by referring the matter to the police captain, who was given instructions to “report to the city attorney any violation of the ordinance regulating the speed of cars within the city limits, and he to cause suits to be brought against such Rail Road companys (*sic*) as shall hereafter be known to have violated said ordinance.”⁵¹ The Council dealt with the issue as best they could: they referred the issue to the police captain of an undermanned police force, who was to refer violations to the city attorney, who was to bring suit against the railroads that violated the law. Enforcement was more likely to get lost in a flurry of inefficient bureaucracy than it was to be successfully meted out.

The Galena & Chicago Union Railroad was a frequent target of petitioners who hoped to stop the railroad’s constant safety violations. Besides running at two-and-a-half times the city’s legal speed limit, the G&CU tended to neglect the maintenance of its grade crossings. This issue was magnified with the G&CU as compared to other railroads because of its location: its track was built in east-west running Kinzie Street

⁵⁰ The petition was likely not a complete exaggeration. The fact that the Chicago & North Western Railroad—the successor of the Galena & Chicago Union Railroad—was listed as the railroad with the highest death toll of any in the city in 1869 lends credence to the claims of the petition. See CP 1869/70 0893A 07/18.

⁵¹ CP 1856/57 0836A 08/14.

from the city's western limits to the northern branch of the Chicago River, over which the railroad passed just south of Kinzie; it then continued on North Water Street immediately north of the river all the way to Lake Michigan. In other words, the railroad bisected the city. Also, Chicago's streets were set up on a grid, which meant that the G&CU crossed nearly every north-south street in the city at grade.

The G&CU had many grade crossings to maintain so that "carriages...may conveniently cross."⁵² The railroad, though, was not altogether successful at fulfilling this provision of their right-of-way ordinance. In November 1853—five years after the G&CU received the first railroad right-of-way ordinance to enter Chicago—the Council ordered the railroad to "construct within ten days convenient crossings for vehicles, where their track crosses the line of streets."⁵³ If the railroad failed to comply, the Street Commissioner of the West Division was to "construct the same and report the expense thereof to the Council to be assessed against said Company."⁵⁴ Obviously the railroad had ignored the provision of its ordinance that required it to build crossings that "carriages...may conveniently cross." It likely had gotten away with neglecting its grade crossings for five years—or so the urgent tone of the Council's order would make one suspect.

Yet the order appears to not have been effectively enforced. Two years after the aforementioned order, west side resident Dan Brobston presented the Council with a petition that claimed the Galena & Chicago Union Railroad crossings near Halsted Street were "in a very dangerous condition and have been for a long time past," and that

⁵² Chicago Common Council, *Laws and Ordinances*, 268.

⁵³ CP 1853/54 1219A 11/28.

⁵⁴ *Ibid.*

“several accidents” had occurred as a result.⁵⁵ The mere existence of this petition shows that the railroad ignored its obligations to the public safety, and the Council during the 1850s could do little to compel the G&CU to meet those legal obligations. Mr. Brobston’s claim that the crossings had been “in a very dangerous condition...for a long time past” gives specific evidence to these claims. The Council often turned a blind eye to railroads’ violations of safety ordinances during the 1850s; when it did not, its actions usually resulted in little more than a written threat, to which the railroads paid little heed.

The most frequent remonstrances and petitions came in response to obstructions caused by railroads. The Illinois & Wisconsin Railroad illegally laid track on West Water Street in the city’s Wabansia Addition, a triangular tract of land bordered to the south by Kinzie Street, to the west by North Jefferson St., and to the northeast by the north branch of the Chicago River. In this case it appears the railroad followed the orders of the Council and tore up its illegal track.⁵⁶ Even though the residents appear to have had one a small victory, they lost in the end. These were the residents mentioned at length in Chapter Two who petitioned against allowing the Chicago & Milwaukee Railroad from building a track on North Jefferson Street, for their property would have been surrounded on all sides by railroad tracks if the C&M were granted this right. Though the Committee on Streets & Alleys found in favor of the petitioners, the Council nevertheless granted the C&M’s wishes and gave the railroad permission to build its track on Jefferson Street.⁵⁷ The Council acted in the interest of the railroads even though members of the Council who sat on the Committee of Streets & Alleys believed the

⁵⁵ CP 1855/56 1659A 12/10.

⁵⁶ CP 1854/55 0339A 05/15.

⁵⁷ CP 1856/57 1668A 02/02. Chicago Common Council, *Laws and Ordinances*, 269-70.

residents correct in claiming harm by further railroad development. It is not surprising that the residents of the Wabansia Addition—the mixed residential-industrial neighborhood marked with heavy railroad development, shown above in Figures 4 and 5—submitted another remonstrance to the Council a month later that called for the removal of goods hauled by the C&M that were illegally stored in an alley. The residents used this alley to reach their stables and barns, and feared violent retribution by C&M employees if they moved the goods.⁵⁸ The Council ordered the city marshal to clear the alley. Yet, even if the marshal cleared the alley, the railroad likely remained a constant annoyance to the residents. The railroad was confident enough to illegally use the alley as a warehouse, and rightfully so. The partiality the Council displayed towards the railroad justified the arrogance of the railroad employees.

The railroads continued to flaunt the city's ordinances, and the Council displayed inconsistent and ineffective enforcement of violations through the end of the decade. In response to the multitude of petitions discussed above, the Council responded in October 1856—just over a year after the general railroad safety ordinance was enacted—with an order for the city marshal, police captain, and “other officers of the City...to enforce the R[ail] Road ordinances and prevent trains from crossing and recrossing streets utterly regardless of all ordinances as they now do.”⁵⁹ This order was less evidence of effective enforcement than it was an expression of frustration on the part of the Council at the ineffectiveness of their safety legislation.

But, again, though the Council expected the railroads to follow city ordinances, its inconsistent and ineffective enforcement opened the door to abuse of the laws by the

⁵⁸ CP 1856/57 0164A 03/31.

⁵⁹ CP 1856/57 1190A 10/27.

railroads. And the Council's favorable treatment of the railroads at the expense of the public and small business owners was likely another factor that emboldened the railroads to break the law. One example does a particularly good job at illustrating this pro-railroad bias of the Common Council. A number of property owners along Beach Street remonstrated against an ordinance that gave the Pittsburgh, Ft. Wayne & Chicago Railroad permission to build railroad tracks along the recently opened thoroughfare. The street had been opened in 1855 and 1856 after property owners petitioned for a special assessment for such purposes.⁶⁰ The property owners paid their assessments in full, and the road was opened. Only months after Beach became a street, the Pittsburgh, Ft. Wayne & Chicago Railroad petitioned the Council for the right to lay more railroad tracks. The Council granted the petition and allowed the railroad to "lay down, maintain and operate a track or tracks...in Beach street to Harrison street."⁶¹

Not surprisingly, a number of property owners along the stretch of Beach Street that was to be adorned with railroad tracks were unhappy when they heard news of the right-of-way ordinance. They were so unhappy, in fact, that they wrote and signed two separate remonstrances. The first was a strongly worded petition that likely represents the initial heated reaction that the property owners had towards the news of the Beach Street right-of-way. The petition was so strongly worded, in fact, that one of the petitioners—J.G. Hamilton—wrote in parentheses after his signature that "J.G. Hamilton

⁶⁰ CP 1855/56 1385A 10/22.

⁶¹ Chicago Common Council, *Laws and Ordinances*, 303.

does not wish to endorse the very strong language used in the first two clauses of the last paragraph above.”⁶² The clauses of which he wrote are as follows:

It is understood that the applicants for the most injurious license or permission represented to your Hon. Body that they had obtained the consent of the property owners to the same. We say to your honors, emphatically and deeply aggrieved, no such consent was obtained and we insist and rightly demand respectfully that our rights & interests be protected in the premises.⁶³

In sum, the petitioners claimed the railroad lied to obtain their franchise from the Council.

The second petition was presented to the Council four months after the initial remonstrance as a last-ditch effort to convince the aldermen to revoke the right-of-way ordinance of the Pittsburgh, Ft. Wayne & Chicago Railroad. The petitioners also sought to obtain a refund for assessments they had paid to the Council. In a three-page letter that included an additional page of signatures and a chart listing special assessments, the petitioners claimed that

sometime during the year 1855...the said City proceeded to and did lay out and designate for a public street in said city what is now known as Beach Street; and also proceeded to and did make large assessments upon the said lots of your petitioners for the purpose of opening, grading and making passible (*sic*) the said street and afterwards collected the same from your petitioners...; and also appropriated the lands of your petitioners for the purpose of the said street.⁶⁴

They further claimed that “said City has done little or nothing towards opening said street save only to mark out the same, and to designate its location, not towards grading said street or making the same passible (*sic*) in any manner...; and that said street or pretended street has not since the same was laid out been used by the public more than the grounds

⁶² CP 1856/57 1569A 01/05

⁶³ Ibid.

⁶⁴ CP 1857/58 0292A 05/04.

adjacent thereto.”⁶⁵ Even more damning to the Council than the claim of inefficiency in executing a public works project was the assertion made in the next paragraph:

Your petitioners...are informed that certain persons who were at the time stockholders of the Chicago Fort Wayne & Pittsburgh Rail Road Company were...instrumental in procuring said Beach Street to be opened through the premises of your petitioners and at your petitioners' expense[.]...[The stockholders] thus endeavor[ed] to enable the City Government to obtain control of that portion of your petitioners' premises whereon said Beach Street is laid out...with the design of placing it in the power of the Common Council...to relinquish to the said Rail Road Company the right of way upon and along that portion of said Beach Street[.] [The Council] thereby compel[led] your petitioners to pay for the right of way of said Rail Road Company...[and to provide] land therefore free of cost.⁶⁶

In other words, the petitioners essentially accused the Council of corruption; at the very least, they laid blame on the Council for working in the interest of the railroads instead of on behalf of them, their constituents.

It is not at all surprising, given the Council's reluctance to part with money, that the members of the Committee on Streets & Alleys found against the request of the petitioners. Their grounds for denial of a refund for the assessments are sound: the assessments were solely for the opening of the street, not for grading it and thus making it usable.⁶⁷ Also, the Committee found “no evidence of informality or fraud” in the process by which the railroad obtained right-of-way.⁶⁸ Yet despite the fact that there is no evidence of any fraud, it is difficult deny that this episode seems suspicious. The special assessment system, which was used to fund public works projects by affected property owners, was abused in this case. Though the Council acted within their rights, there can

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ This claim is corroborated with CP 1854/55 0497A 06/12; 1854/55 0634A 07/17; 1855/56 1385A 10/22; 1855/56 2072A 02/25; and 1857/58 1036A 10/05.

⁶⁸ CP 1857/58 0292A 05/04.

be no denying that the spirit of the special assessment system was violated. Unhappy property owners were simply collateral damage.

In this case and many others during the period, the members of the Council acted as boosters, just like they had in the 1830s and 1840s: economic growth was the Council's primary concern, and they saw the railroads as the key to growth, or "a great public benefit."⁶⁹ They believed they were acting in the public good, despite petitions that displayed public disapproval of their actions. This unilateral decision-making by a Council primarily formed of the Yankee elite shows continuity in Chicago's political culture from the 1830s through the 1850s. The Council had a difficult time adjusting to the problems and issues attendant with a quickly growing industrial city, as is exemplified in the Council's response to the railroads in the 1850s. Its Jacksonian boosterism was ill-equipped to deal with urban problems in the industrial era.

The Council's Jacksonian-style boosterism was further displayed in the presence of the anti-monopoly theme found throughout much of the Council's railroad legislation from the 1850s. Nothing displays this theme better than the file entitled "An Ordinance Regulating the business and location of Rail Road Companies within City of Chicago." This ordinance included numerous provisions, all of which attempted to prevent railroads from obtaining a monopoly in transportation and ancillary industries in order to promote competition among railroads, thus giving the City of Chicago the greatest economic benefit possible. First, it permitted the free use of tracks laid in certain streets to "all persons and corporations which may wish to draw or have drawn their cars thereon...; and no preference shall be given to one class of cars, or to the cars owned or used by one

⁶⁹ CP 1856/57 1569A 01/05.

person or corporation, over those used by another, so that all persons and corporations wishing to use the track shall be entitled to equal privileges and facilities in the use of the same.” It further compelled every railroad within the city to “permit and give every reasonable and proper facility for the construction of any connexuns (*sic*) or side tracks for the accommodation of business which may be desired by any person engaged in business in said city.” It also prohibited any railroad from “engag[ing] in or transact[ing] any storage or warehousing business for hire” and fined any railroad that was found to charge customers for storage within the city limits. If a railroad needed to store goods, it was to “deliver the said goods or merchandise to any responsible person or persons in said city engaged in the storage or warehousing business...provided that such company shall make no unfair or partial discriminations or preferences in the selection of the said person or persons.” Finally, the ordinance attempted to promote competition, thus preventing monopoly, by mandating that each railroad company “shall use a s[e]perate depot—distinct apart & removed from the Depot of any other Rail Road Company.”⁷⁰

This ordinance was never enacted. If it had been enacted and enforced, the railroad geography of the city likely would have looked much different, with depots peppering Chicago and more tracks on its streets. Yet this ordinance was not enacted because it likely drew a negative response from railroads: they wanted to share depots with other railroads to save money; they did not want to build tracks only to have to share them with competitors; and they did not want to be prohibited from making money in the storage business. This ordinance was a prototypical Jacksonian response to monopoly: it focused on circumscribing “exclusive privilege.” As historian Walter Hugins explained,

⁷⁰ CP 1852/53 1303A 03/09.

“[t]o the Jacksonians, the source of monopoly was to be found in the statutes, in legal privileges created and protected by legislative enactments; moreover, these monopolistic privileges, while generally found on the state level, could also originate in city ordinances and Congressional acts.”⁷¹ The Jacksonian conception of monopoly was not one of “economic monopoly, developing from the interaction of production and the market situation;” this would not come until later.⁷² The Jacksonian idea that exclusive privilege came from legislation likely resulted in the drafting of this ordinance. The Council was the last line of legislative defense against exclusive privilege, which was seen as a threat during a period when railroads were so new and few in the city. At least some of the Council’s members believed it needed to promote competition and fight this privilege by enacting the ordinance. But it was shelved, likely because of the significant influence of the railroads.

But the spirit of this aforementioned ordinance lived in right-of-way ordinances enacted throughout the 1850s, beginning only a month after the “Ordinance Regulating the business and location of Rail Road Companies within City of Chicago” was filed. The Jacksonian suspicion of exclusive privilege compelled the boosters to include provisions in at least five 1850s right-of-way ordinances, all of which opened the tracks of the railroad receiving the franchise to the use of other railroads. For example, the earliest of these ordinances, which was passed as a supplemental right-of-way ordinance for the Chicago & Rock Island Railroad, maintains that “[s]aid tracks, side tracks,

⁷¹ Walter Hugins, *Jacksonian Democracy and the Working Class: A Study of the New York Workingmen’s Movement* (Stanford, Ca.: Stanford University Press, 1960), 149. See Chapter 8, “The War Against Monopoly,” 148-71, for a thorough discussion of the Jacksonian concept of monopoly and the Workingmen’s Party’s reaction thereto.

⁷² *Ibid.*

switches and turn-tables, so far as the same are laid in any street, shall be open to the use of other railroad companies and railroad corporations whose cars come into the city, with all proper, necessary and suitable connections for such companies as may desire to use such tracks, upon just, safe and equitable terms, to be agreed upon by the parties interested, and, in case of disagreement, by arbitration.”⁷³ At least four other right-of-way ordinances enacted between 1852 and 1857 contain a similar provision.⁷⁴ These provisions attempted to subvert the exclusive privilege of railroads in the one area the Council controlled: the space of the streets. Yet exclusive privilege was an economic entity. The railroads, though, were, at their essence, spatial in nature; they made profits by essentially shrinking time and horizontal space. But in a city, railroads had the opposite effect: instead of annihilating space, they created barriers that fragmented urban space. The Council held good intentions by enacting these right-of-way provisions; but the spatial outcome would be the same whether it was a Chicago & Rock Island train or one from another company that road the tracks. The booster Council may have prevented “exclusive privilege,” but it did not adequately avert the near monopoly by railroads of any street in which tracks were laid.

⁷³ Chicago Common Council, *Laws and Ordinances*, 282.

⁷⁴ See *ibid.* (in chronological order), 286, 303, 253-4, and 305.

CHAPTER 4: TOWARDS A MORE LIVABLE CITY, 1861-1871

In 1863, David Walsh was elected the first alderman of Chicago's Sixth Ward. This version of the Sixth Ward was formed by a new Chicago city charter enacted only months before by the Illinois General Assembly. It was bounded on the east and south by the south branch of the Chicago River and on the north and west by Van Buren and Jefferson Streets, respectively. This ward was home to thousands of primarily working-class people who lived among industrial and manufacturing establishments, the polluted Chicago River, the grounds and depots of three railroad companies, and miles of railroad track. It is not surprising that Alderman Walsh quickly took point on making railroad legislation in the council.

In June of 1863—only about a month after the newly elected council sat for the first time—Walsh introduced his railroad ordinance, the most notable sections of which called for “a complete revolution in the present mode of transacting the Rail Road transportation business in this city.”¹ It proposed that, with some exceptions, railroads that run on and across streets within the city limits be prohibited from using steam power, substituting instead animal power to move their train cars. Alderman Walsh “waxed vehement” during the Council debates on his ordinance that railroads had been accorded an “equal right to the streets of the city with ordinary vehicles;” this was “unwarranted by law and by precedent.”² He suggested—in a phrase that clues one in to his motivation

¹ CP 1863/64 0264A 08/24.

² *Chicago Tribune*, “Common Council: On Railroads,” August 25, 1863.

for introducing the ordinance—that “citizens aggrieved by railroad annoyances...bestir themselves in enforcing the ordinances.”³

Not surprisingly, Walsh’s railroad ordinance elicited opposition from grain and lumber interests and from all the railroads in the city except for the Illinois Central, which, since its tracks avoided streets by being laid near and in Lake Michigan, would have been at a considerable economic advantage if the ordinance had passed. The petitioners claimed that, though the change in motive power was proposed “under the pretence of preventing interference with travel upon streets,” if implemented it would have increased traffic congestion and the chances of accident and injury and—the point most emphasized by the petitioners—would have increased costs to the railroads, which would have been passed onto consumers.⁴

At first, one might think that the Walsh ordinance was, for all intents and purposes, a joke. It appears to express the ideas of some Luddite lunatic, or at least those of a brand new alderman unabashedly trying to make a name for himself among his constituents. The latter is more likely; yet it does not appear that the businesses that petitioned against the ordinance—the railroads, as well as the grain and lumber merchants—took Walsh’s ordinance lightly. Representatives of all the railroads in Chicago, except for the Illinois Central and their partner, the Michigan Central, signed a five-and-a-half page remonstrance that gave a detailed explanation for each section of the

³ Ibid.

⁴ CP 1863/64 0264A 08/24.

ordinance they opposed. The grain and lumber interests drafted a five-page remonstrance that was similar in content and form to that of the railroads.⁵

In the end, the ordinance did not pass. The Committee on Railroads generally agreed with the analysis of the petitioners and recommended against its passage, and it was thus defeated. Yet the Walsh ordinance, despite its defeat, is indicative of a change that occurred in Chicago in the 1860s. The Common Council began to react towards railroads in a way that consistently took public safety and convenience into account. But, unlike the 1850s, during which booster aldermen wrote safety ordinances only to ignore them or to not have the ability to enforce them, the 1860s Council started acting in the public interest in both railroad legislation and enforcement. The railroads and their allies knew this and did not dismiss out-of-hand seemingly radical ordinances like David Walsh's. They knew that public remonstrances and petitions regarding railroad development in the city were coming into the Council at an alarming rate; the fact that these were taken seriously in the Council explains how a fringe ordinance received such a serious response from its opponents. As the case of the railroads shows, municipal government in 1860s Chicago became proactive in trying to make city space safer and more convenient for the public. It matured from a Jacksonian booster government to one that was equipped to deal with the problems and challenges of a large industrial metropolis.

In Chicago, there was little ambiguity about where the loyalty of its residents lay after the outbreak of hostilities at Ft. Sumter brought the Civil War on April 12, 1861. Chicago was heavily pro-Union and anti-Confederacy, and its residents strongly

⁵ Ibid.

supported fellow Illinoisan, President Abraham Lincoln. Partisan battles continued at a local level during the war: Democrat Francis Sherman—Chicago’s second mayor, a booster and founder—was re-elected mayor two decades later, from 1862 to 1864. But “Democrat” in Chicago was not synonymous with “disloyal:” in Chicago, there was “no toleration towards traitors,” and, as such, Sherman made sure everyone knew he was a “Union man.”⁶

Chicago residents focused first and foremost on the Civil War during the duration of hostilities. Men from Chicago willingly volunteered, to the point where no one was drafted in Chicago until September of 1864, and from then only fifty-nine Chicagoans were conscripted into the army.⁷ But as blood flowed in battlefields to the south and east, Chicago prospered. In Bridgeport slaughterhouses, pigs and cattle were stuck, drained, processed, and packed, then sent to the battlefields to feed soldiers that sometimes, in a horrible parallel, met their fate at the end of a bayonet. The Union Army’s blockade of the lower Mississippi River brought to a standstill commerce and trade in New Orleans and at Chicago’s regional rival, St. Louis. Chicago stepped into this vacuum and grew into the largest meatpacking city in the world during the Civil War.⁸ It was also the nation’s largest market for grain. The Union Army’s need to feed its troops translated into an economic boom for the city. As a result, Chicago’s population grew at an

⁶ *Chicago Daily Journal*, April 20, 1861. Quoted in Bessie Louise Pierce, *A History of Chicago, Volume 2: From Town to City, 1848-1871* (Chicago: University of Chicago Press, 1940; paperback edition, 2007), 254.

⁷ Robin Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press: 1991, 2001), 198.

⁸ *Ibid.*, 192-3. William Cronon, *Nature’s Metropolis: Chicago and the Great West* (New York: W.W. Norton & Co., 1991), 230.

astonishing rate: from about 100,000 in 1860, to over 200,000 in 1866, to 325,000 on the eve of the Great Chicago Fire in 1871.

Chicago did not simply luck its way into a wartime economic boom. As William Cronon has shown, Chicago's proximity to meat, grain, and lumber-producing hinterlands gave Chicago an economic niche, but the railroads made it possible to get those commodities—in both raw and processed forms—in and out of the city.⁹ The transportation infrastructure, as represented primarily by railroad development, was key to Chicago's massive wartime economic growth and its concomitant increase in population. Chicago was North America's railroad hub by the mid-1850s, and, as such, the railroads that centered on the city transported food, troops, arms, and other materials for the Union Army. They also transported the thousands upon thousands of people who came to Chicago from within and outside of the United States to take advantage of the city's wartime boom.

Chicago's residents focused on the war during its duration, but this did not mean that railroad development in the ever more densely populated city came to a halt. New railroads came into the city, and railroads that were already there expanded their infrastructure. The most significant railroad development during the Civil War occurred with the entrance of the Chicago, Burlington & Quincy Railroad in 1862. Directed by Boston railroad magnate John Murray Forbes, the CB&Q was a granger line—a railroad whose primary business was hauling grain from Western farmers—that built its tracks west from Chicago, across the Mississippi River to Burlington, Iowa, and eventually farther west. The CB&Q—originally known as the Aurora Branch Railroad—was

⁹ Cronon, *passim*.

actually the second railroad to service Chicago; it did so over tracks it shared with the Galena & Chicago Union Railroad beginning in 1850. But in 1862, the railroad received right-of-way from the Common Council and thus was given permission to build and operate its own tracks within the city limits. It received three additional right-of-way ordinances—two in 1864 and one in 1866—that gave the CB&Q the right to build its track on streets within the city (the original ordinance allowed it to build in an alley and upon property it had purchased).¹⁰

Railroad development in Chicago continued after the war. Not only was the track laid in the city representative of a national postwar railroad boom—over 35,000 miles of track were constructed in the United States between 1866 and 1873—but, in a trend initiated by railroad magnates such as Jay Gould, James Fisk, Jr., and Cornelius Vanderbilt, some of the individual lines that terminated in the city were purchased and consolidated.¹¹ The story of the Northern Railroad illustrates these issues and gives insight into the attitudes of Chicago's residents and local politicians towards railroad development during the 1860s. It engages not only national trends of railroad growth and

¹⁰ For a history of the CB&Q, see Richard Overton, *Burlington West: A Colonization History of the Burlington Railroad* (Cambridge, Mass.: Harvard University Press, 1941) and *Burlington Route: A History of the Burlington Lines* (New York: Knopf, 1965). For right-of-way ordinances, see Chicago Common Council, Murray Tuley, compiler, *Laws and Ordinances of the City of Chicago* (Chicago: Bulletin Printing Company, 1873), 263-7.

¹¹ For statistics on annual U.S. railroad mileage, see Association of American Railroads, *A Chronology of American Railroads, Including Mileage by States and by Years* (Washington, D.C.: Association of American Railroads, 1957). For discussion and analysis of railroad consolidation during the period, see Charles Francis Adams, Jr., "The Railroad System," in Charles Francis Adams, Jr., and Henry Adams, *Chapters of Erie and Other Essays* (Boston: James R. Osgood & Co., 1871), 332-429. See especially "Railroad Consolidation," 380-98. There are also a number of recent biographies of railroad magnates. See Maury Klein, *The Life and Legend of Jay Gould* (Baltimore: Johns Hopkins University Press, 1986); Edward Renshan, Jr., *Dark Genius of Wall Street: The Misunderstood Life of Jay Gould, King of the Robber Barons* (New York: Basic Books, 2005) and *Commodore: The Life of Cornelius Vanderbilt* (New York: Basic Books, 2007); and T.J. Stiles, *The First Tycoon: The Epic Life of Cornelius Vanderbilt* (New York: Alfred A. Knopf, 2009).

consolidation, but also trends in the local public and political reactions to railroad development.

The Northern Railroad was a venture backed by European capital whose right-of-way came under consideration by the Common Council in February 1866. Though the exact nationalities of the Northern Railroad investors cannot be determined—they are referred to in the Council proceedings files as “foreign capitalists of high repute,” and newspaper and other documentary sources are silent on the subject—it can be safely assumed that the investors were European, most likely British, German, Dutch, or some combination thereof.¹² Large-scale European investment in Chicago railroads began at the commencement of Chicago’s railroad era. For example, in 1854, the Illinois Central Railroad was considered a foreign company by many Americans: approximately half of its stock was held by the British, and another quarter was owned by the Dutch; a measly fifteen percent of IC stock was owned by Americans at that point. The company regularly held annual meetings in the United Kingdom to appease its large base of British and European investors.¹³ Dutch investors had enough clout to elect two Dutch members to the Chicago & North Western Railroad’s board of directors.¹⁴

This profusion of foreign investment likely grew from more than a belief in the merits of locomotive technology. It showed that there was at least a tacit belief from the international community from the early 1850s that Chicago had the potential to grow into

¹² CP 1865/66 0909A 02/05.

¹³ John Stover, *History of the Illinois Central Railroad* (New York: Macmillan, 1975), 36.

¹⁴ David Young, *The Iron Horse in the Windy City: How Railroads Shaped Chicago* (DeKalb: Northern Illinois University Press, 2005), 25. For the most comprehensive discussion of foreign investment in American railroads, see William Ripley, *Railroads: Finance and Organization* (New York: Longmans, Green & Co., 1920), especially pp. 1-10. Ripley was extremely critical of “absentee ownership”—his term for foreign investment—because it made the American economy dependent on Europe.

one of the most important cities in the United States. Obviously the foreign money backers of the Northern Railroad were not concerned about the possibility of a complete dissolution of the union when they subscribed to stock and purchased bonds, for their business plan was formed as the Civil War raged. Chicago's growth during the war likely gave these capitalists assurance that they would receive a return on their investment. The hope that Chicago would grow into an important American city had become a reality by the 1860s.

The Northern Railroad was going to build exactly where its name suggests: north from Chicago to Wisconsin and Minnesota. At the time, there were only two Chicago-based railroads that serviced the north—the Chicago & Milwaukee and the Chicago & North Western. Though the presence of two railroads gives one the initial impression that there was at least some healthy competition between the two lines, this was not the case. The Chicago & North Western grew from the ashes of the Illinois & Wisconsin Railroad, which received its charter from the state of Illinois in 1851 and obtained right-of-way in Chicago the subsequent year. It was a poorly managed railroad that reorganized in 1853 under the leadership of Galena & Chicago Union Railroad president and former Chicago mayor William Ogden. Even Ogden's able guidance and the financial backing of eastern capital from individuals such as New York attorney and future presidential candidate Samuel J. Tilden were not able to save the railroad from the Panic of 1857.

Ogden continued to lead the railroad even after it was sold in foreclosure and reorganized as the Chicago & North Western Railroad in 1859. This time Ogden would be more successful, as he led the railroad to the iron and copper mines of Michigan's

Upper Peninsula during the Civil War. This episode is significant beyond its story of economic success for the railroad itself. It shows that Chicago's economic reach had begun to expand beyond livestock, timber, and grain, to include a chief element of the industrial era: metal. This Civil War expansion marked a further consolidation of Chicago's status as the continent's premier railroad city.

The C&NW continued to expand after its Civil War success. It absorbed a number of connecting lines in Wisconsin and consolidated with the Galena & Chicago Union—Ogden's first railroad—in 1864 to form a network of nearly 900 miles of track throughout the Midwest. The Chicago & Milwaukee remained an independent entity through the Civil War, but could not avoid the power and influence of the Chicago & North Western system: it was absorbed by the C&NW in 1866.¹⁵

Thus Chicago's two northerly-directed railroads were actually part of the same system. This was a point of discussion during the Chicago Common Council's debates over the Northern Railroad's right-of-way. In a minority report of a joint session of the Committee on Streets & Alleys—North Division and the Committee on Railroads, two aldermen presented a thorough list of reasons they believed the Northern Railroad should have received the right-of-way as described in the original draft of the ordinance, which was drafted by the president of the Northern Railroad and would have given it favorable right-of-way terms. Among the reasons is the issue of monopoly:

We beleive (*sic*) that every citizen of Chicago is fully aware that there is growing up against us in the Country a feeling of hostility arrising (*sic*) from the conduct of that great railroad monopoly which owns and controls all of the Railroads leading from Chicago to the northwest thereby controling (*sic*) the entire carrying trade of the country, and that a vote against this new and compeating (*sic*) line is a

¹⁵ Young, 34.

vote to fasten on the people of the northwest that gigantic monopoly for all time to come, and will be so regarded by the people throughout the northwest.¹⁶

These aldermen further argued that the ordinance should pass to help maintain a competitive advantage over St. Louis and Milwaukee; because “nearly all of our merchants and businessmen are in favor of this new railroad;” and because the men funding the railroad “are foreign capitalists of high repute, and are represented in this country by men of the highest standing.” Finally, the aldermen addressed issues regarding the railroad’s effect on Chicago’s public space. They maintained that there should have been no qualms about letting the railroad enter the city through streets in the North Division because it was “the most obscure & unfrequented part of the city;” even if it were in another part of the city, “the use of the streets [was] vested in the corporation for the benefit of the public,” and, as the report tried to argue, this railroad was most definitely a public benefit.¹⁷

Many individuals did not agree that the Northern Railroad benefited the public. Nearly 800 Chicago residents, most of whom were from the North Division—“the most obscure & unfrequented part of the city”—signed a petition against allowing the railroad into the city under the generous terms given to previous railroads. Their primary concern was the deleterious effect the railroad would have on public space and private property. The Northern Railroad was to receive “the use and monopoly of the whole of Sheffield Avenue and Roberts street: and a large portion of Hawthorn Avenue, Kingsbury street, Larrabee street, &c. Therefore we remonstrate against giving up any more streets for railroad purposes, without compensating the owners of the property abutting on the same,

¹⁶ CP 1865/66 0909A 02/05.

¹⁷ Ibid.

for all the damages done to their property....[W]e believe it would be wrong...to sacrifice private rights for the benefit of Railroad Corporations, without just compensation.” The residents of the North Division were much less concerned with the shipping prices paid by a farmer in Wisconsin or the intangible economic stimulus that the entrance of another railroad would have on the city than they were on the hazards, inconveniences, and property devaluation attendant with a railroad running through the streets of their neighborhoods.¹⁸

Not surprisingly, many Chicago merchants and businessmen supported the entrance of the Northern Railroad into the city. Two hundred “sundry merchants” signed petitions of support, and both the Board of Trade and the Mercantile Association drafted letters on behalf of the railroad. They asked that the Northern Railroad be allowed entrance on the same terms as preceding Chicago railroads, and their justification, like that used by the authors of the committee minority report described above, was to help the farmers of the Northwest by introducing a competing railroad into the region.¹⁹ Implied in the request that the railroad be given right-of-way on the same terms as previous railroads is a response to the remonstrance that requested compensation for damages: previous railroads did not have to pay for damages, and the Northern Railroad should not either. The minority report made these sentiments explicit: since “the use of the streets is vested in the corporation for the benefit of the public,...a property holder who happens to own property fronting on the street has no more right to claim damages

¹⁸ Ibid. I counted 779 signatures, though there were likely quite a few signatures that did not appear in the microfilm version of the files that I used. The petition does not state that all the signatories were from the North Division, but it can be reasonably assumed that most signatories were from there, because the railroad was to be built there. Also, an abundance of surnames were German, and there was a large German settlement in the North Division. Finally, the majority report from the Council’s committee that considered the matter referred to the petition as “a remonstrance from the inhabitants of North Chicago.”

¹⁹ CP 1865/66 0922A 02/12; 1865/66 0923A 02/12; 1865/66 0924A 02/12.

which may be caused to his property, by reason of the use of the street for any purpose, than any other citizen who happens to live within the bounds of the city.”²⁰

It was correct that the Common Council—the representative of “the corporation”—had complete power to determine the use of the streets within the city limits, and the logic of that section of the minority report seems sound. Yet so does that of the nearly 800 petitioners who remonstrated against the Northern Railroad’s entrance. They argued that the railroad could damage property value, and thus the railroad should compensate property owners for that damage. This argument seems to fit with the logic of the special assessment system: if a property owner wanted to boost the value of their property, they needed to pay for street paving or sidewalk construction of the area of street or sidewalk their property abuts. Thus it seemed logical that if a private entity like a railroad were given the use of streets and that use caused a drop in the value of property abutting the street on which the railroad ran, the railroad should compensate property owners for damages. This was similar to logic used in earlier remonstrances against railroad development. Most did not request damages, though; they generally asked that the Council deny the permission of the railroad to be built. By the 1860s, Chicago’s residents had wholeheartedly accepted that the railroads were integral to the prosperity of the city, but they would continue to stand against development that they perceived as harmful to their property or the social well-being of their neighborhoods.

The logic of the remonstrants seemed perfectly sound to the members of the Council’s joint committee who drafted and signed the committee’s majority report on the Northern Railroad. It recommended that the railroad “pay such inconsiderable sums as

²⁰ CP 1865/66 0909A 02/05.

may be awarded to those persons actually sustaining damage by reason of the laying down of their track.” It also believed that the original draft of the right-of-way ordinance, which requested that the railroad be given “the right ‘to lay down their railroad track with all necessary switches, side tracks and turnouts that they may deem necessary to the successful operation of their road,’” be revised to take away the railroad’s power to lay down “all necessary...side tracks” in the city’s public spaces. Not only did “no road...entering Chicago” at the time possess such a right; the committee deemed “it highly improper for the Council to grant such a privilege now or hereafter to any road.” It went on to argue “if this road is worth being built at all, the company can afford to pay for its own yard room, instead of using the streets of Chicago for that purpose.” Finally, the committee explained how it regarded railroad right-of-way issues:

[We] view this matter of franchises in the light of a business transaction between the city authorities, and the shrewd representatives of a railroad company, who propose to make the best trade they can for their employers, and in these times of railroad monopolies...and ninety nine year swindles, it behooves the representatives of the people too, to make use of a reasonable amount of understanding, and not to allow themselves in their simplicity, to be deluded by the specious arguments of...professional railroad hirelings, who are ever ready to prostitute themselves to those who are willing to pay for such services.

The report then went on to say that it would be easy for the Council to modify the ordinance if it “imposes too many restraints upon the railroad company,” but it should not give the railroad “all it has the right to grant,” for “[the Council’s] control of the matter has gone from them for all time.”²¹

The scathing, anti-railroad tone of the report marks a transition in the Council’s attitudes and actions towards railroads during the 1860s. This change incubated in Chicago’s eighteen-year-old railroad era. The aldermen saw the accidents and death and

²¹ CP 1865/66 0909A 02/05.

the severe gridlock caused by railroad development on and across the streets of the city. They likely attributed blame to the railroads that so often disregarded the safety of the public and to the Common Council that either stood idly by as laws were broken or lacked the power to effectively enforce railroad statutes.

In the end, the right-of-way ordinance the Council enacted did not include all the provisions recommended in the committee's majority report. The committee tempered its fervor after further discussing the issue and submitted a report stating that, though "the taking of Streets for Rail Road purposes is in our view of the ease to be wary...the end sought for seems to justify the taking of such streets." Not only was the railroad "of grate (*sic*) importance to the commercial interest of the city;" its building and operation would open and thus make productive some property in the North Division and would give the farmers of the North West a "competing (*sic*) line of road." Finally, the committee dropped its insistence that the Northern Railroad pay damages to people whose property fronted the streets on which track would be laid. It was "not aware of any damages being paid by any of the various Rail Roads which now occupy our streets & it would seem to be hardely (*sic*) just to prohibit a leading track road from entering the city upon as fayvorable (*sic*) termes (*sic*) as other Roads which have obtained their franchises in times past." The obvious issue with this reasoning is that it only considers equity in the Council's treatment of railroad right-of-way; the property owners and residents abutting the streets on which the track was to run were not considered in the equation.²²

The final version of the ordinance did not include compensation for damages to property, but the railroad did not receive everything it asked for in its original draft. It

²² CP 1865/66 0925A 02/12.

was not given the right to lay sidetracks in public spaces such as any streets or alleys. If it wanted sidetracks, it had to purchase land on which to build them. Also, the railroad was required to improve the streets upon which it laid its track and to employ flagmen at certain grade crossings to ensure the public safety. Finally, the ordinance included a provision that attempted to prevent monopoly among the railroads in the city. These provisions sound similar to those described in right-of-way ordinances during the 1850s, but the debate and passage of the Northern Railroad's right-of-way ordinance represents a clear departure during the 1860s from the Council's focus on economic development and its disregard of public anger with railroads' negative effects on public spaces.

The transition occurred in part because of one characteristic that remained consistent from the earliest years of the railroad era: strong opposition from the public to any railroad development in public space. Nearly 800 people—a huge number of remonstrants, at least compared to similar petitions—signed the petition against the Northern Railroad's right-of-way ordinance.²³ The Galena & Chicago Union Railroad received massive opposition to the extension of their track on Kinzie and Water Streets to Lake Michigan, mostly due to the devaluation of abutting real estate and to the gridlock it would create by crossing the busy streets of Wells and Clark.²⁴ And the Chicago, Burlington & Quincy Railroad successfully attempted to build tracks on 22nd Street, a “most public thoroughfare” on which the petitioners claimed that if tracks were built, “our wives (*sic*) and families would be in constant danger.”²⁵ More strong opposition to railroad development during the 1860s generally came about because a street in which a

²³ Most Council petitions regarding railroads numbered between a few to a few score signatories, but very few even reached 100.

²⁴ CP 1861/62 0142A 09/11.

²⁵ CP 1865/66 0908A 02/05.

railroad wanted to lay tracks was a busy public thoroughfare; a railroad wanted to lay tracks across a street and thus cause gridlock at a grade crossing; or a railroad wanted to build more tracks in a street, nearly filling it with railroad tracks and thus making the street unusable to the public.²⁶

In the 1860s, as compared to the 1850s, aldermen appeared more willing to speak up and to act on behalf of the public that so often opposed railroad encroachment in their neighborhoods. The majority report on the Northern Railroad's right-of-way ordinance in 1866 and David Walsh's proposed railroad ordinance in 1863 are two examples of this trend. Though decades of negative experiences with trains and tracks in Chicago's public spaces likely conditioned these aldermen to stand with the public against the railroads, the change occurred when it did because of change to the structure of municipal government in Chicago.

Since the city received its first charter from the Illinois General Assembly in 1837, it had been ruled by a mayor elected by the constituents of the city at-large and by aldermen who were elected from geographically specific wards. Chicago's phenomenal growth necessitated multiple new charters in the 1840s and 1850s that expanded the city limits and the number of wards to assure adequate representation in the Council.²⁷ But the city was growing so quickly that nine or ten wards with two aldermen representing each ward was not enough. The 1863 city charter expanded the number of wards from

²⁶ CP 1862/63 0150A 09/22; 1862/63 0227A 12/01; 1863/64 0563A 02/01.; 1864/65 0198A 08/22.

²⁷ The city's 1837 charter split the city into six wards; in 1847, there were nine wards; in 1857, the number of wards expanded to ten. For discussion of the evolution of Chicago's charters, see Maureen Flanagan, "Charters, Municipal," *Electronic Encyclopedia of Chicago* (Chicago: Chicago Historical Society, 2005). Accessed at <http://www.encyclopedia.chicagohistory.org/pages/231.html> on 23 October 2009. See Bessie Louise Pierce, *A History of Chicago: The Beginning of a City, 1673-1848* (Chicago: University of Chicago Press, 1937, 2007), 322-4, and *A History of Chicago: From Town to City, 1848-1871* (Chicago: University of Chicago Press, 1940, 2007), 305, for a concise explanation of the changing ward maps and Council representation.

ten to sixteen while simultaneously annexing the Irish (and heavily Democratic) enclave of Bridgeport. Though the General Assembly changed the ward map in 1863 in part because the Democrats, who controlled both the Council and the General Assembly, wanted to strengthen their hold over Chicago government, the change was effected primarily as a direct response to the practical needs of a growing industrial metropolis, not as a tool of political partisanship.²⁸

The result of the increase in the number of wards and aldermen was greater accountability by the aldermen to the wishes of their constituents. The 1863 wards more accurately represented neighborhoods than did the ten wards from the 1857 charter; as such, they were usually smaller and more compact in area than those from 1857. This made a Chicago alderman someone who likely was more familiar with his constituents and their concerns than were aldermen from previous administrations. Also, each alderman represented on average a smaller number of people in 1863 than they did under the previous ward map. In 1862, as part of the ten-ward system, each ward had an average population of just under 14,000; in 1863, under the sixteen-ward charter, the average population of each ward dropped to under 9,400.²⁹ In other words, each alderman's constituency likely dropped by about a third. Fewer people in a smaller area meant that, more than during any previous time, aldermen had to keep their constituents

²⁸ See Einhorn, 182-3, for discussion and analysis of the 1863 Chicago city charter. Einhorn sees the 1863 ward map as "the first partisan gerrymander." Though the Democrats drew the map to their advantage, it did not have the telltale signs of gerrymandering. The ward boundaries fell on major streets, the Chicago River, or Lake Michigan, and the wards did not have irregular borders that allude to gerrymandering. The area of the wards also appears to accurately represent the population density of different Chicago neighborhoods. For example, the smallest wards were those that had the biggest population—two downtown wards south of the main branch of the river—and the largest were in the sparsely populated neighborhoods in the north and west.

²⁹ Based on 1862 and 1863 Chicago population statistics by Wesley Skogan, *Chicago since 1840: A Time-Series Data Handbook* (Urbana: Institute of Government and Public Affairs at the University of Illinois, 1976).

happy, or they had a good chance of losing their seat on the Council. The times had changed; no longer were aldermen able to make decisions solely based on what they believed was good for the city and themselves, like so many of the booster aldermen of 1850s had done. They now had to take the wishes and sentiments of the public into consideration. It is thus not a surprise that Alderman David Walsh, whose Sixth Ward was saturated with railroad tracks, introduced, immediately upon being seated on the Council in 1863, a radical ordinance aimed at ameliorating railroad hazards; or that aldermen on a committee considering the Northern Railroad's right-of-way ordinance reported on railroads with a tone of suspicion and righteous indignation. The Chicago city charter of 1863 made aldermen more accountable to their constituents, and aldermen's actions reflected this change.

In regard to railroads, aldermanic accountability meant one thing: aldermen had to protect the safety of their constituents, and they had to try in earnest to limit gridlock and delays that resulted from railroads sharing streets with the public. They did this on a consistent basis throughout the 1860s by enacting safety legislation. For example, Alderman David Walsh's ordinance did not accomplish Walsh's primary goal of removing steam locomotives from Chicago's streets, but it strongly influenced a comprehensive safety ordinance that was passed and enacted two weeks later. The ordinance, among other stipulations, prohibited the use of the steam whistle, prohibited the release of steam while on public streets, and mandated the ringing of the warning bell while in the city limits. It attempted to protect people from harm by warning them of oncoming trains and by ensuring that they would not be burned by steam while using the

streets. It further aimed to improve the quality of life by ridding the city of the noise pollution caused by the steam whistle.³⁰

One of the primary safety foci of the aldermen was the danger posed by grade crossings. Experience showed that caution signs were not at all effective in preventing people from being maimed or killed at grade crossings. A petition signed by hundreds of west side residents declared there was “inadequate protection afforded to human life upon the public streets where steam cars are permitted to run.”³¹ To prove the validity of the statement, the petition included a list of fifteen boys who had lost limbs or had been killed at Galena & Chicago Union Railroad crossings at Kinzie Street during an eighteen-month period. The railroads were taking their toll, and the west side residents expected action.

And action they got. Most right-of-way ordinances enacted during the 1860s included provisions that required the railroads to hire flagmen that were to be stationed at grade crossings. Each ordinance specified the crossings, usually at high-traffic areas, that flagmen were required to watch.³² At the time the Council received the aforementioned petition from the west side residents, it decided to bring flagmen to grade crossings through general legislation rather than solely through piecemeal right-of-way legislation. An ordinance enacted in 1867 required railroads to station flagmen “on all streets...on which horse railroad cars run.”³³ Four years later, the Council greatly expanded its requirements. Railroads were required to hire and station a flagman at all crossings north

³⁰ CP 1863/64 0301A 09/07.

³¹ CP 1867/68 0512A 08/12.

³² Chicago Common Council, *Laws and Ordinances*, 256, 292, 294, 309.

³³ CP 1867/68 1102A 12/09.

of Egan Avenue (today, 39th Street/Pershing Road) and east of Western Avenue.³⁴ In other words, by 1871, the law called for a flagman at nearly every grade crossing in the city.³⁵

Legislation was one thing, but enforcement was quite another. Throughout the 1850s, the Council had little power with which to enforce its safety legislation. It sometimes simply ignored calls from its constituents to enforce railroad safety and maintenance provisions. But a change came in the 1860s. The increased aldermanic accountability attendant with the new city charter of 1863 created the local political conditions for improved enforcement. It was coupled with other acts by the Illinois General Assembly that gave the Council the tools with which to effectively enforce railroad ordinances.

A bill enacted by the General Assembly established a Board of Police in 1861. Chicago's first professional police force was established in 1855, during which it reorganized its informal constabulary into a professional force based on a rigid hierarchy with a Chief of Police at the helm. This early force was run by the mayor, a fact that led directly to the formation of Chicago's Board of Police. Chicago's mayor in 1860 and 1861 was John Wentworth, a strong willed individual who, as a newspaper editor, four-term U.S. representative, and two-term mayor of Chicago, rubbed plenty of people the

³⁴ Chicago Common Council, *Laws and Ordinances*, 112.

³⁵ Grade crossings had become such an obvious danger by the late 1860s that the Illinois General Assembly drafted a railroad crossing law in 1869 that attempted to protect the public by placing appropriate safety precautions at crossings that did not lie within cities (municipal corporations had the power to regulate their own grade crossings). The law called for the county surveyor to investigate each grade crossing in a county outside any city limits and recommend the safety precautions to be taken at each crossing. If it was a busy crossing, they would likely require a flagman to be stationed there; if not, perhaps a caution sign or gate was enough. Even in sparsely populated villages and rural areas, railroad grade crossings were a tangible threat to the health and safety of the public. See Chicago Tribune, "The Railroad Crossing Law," May 12, 1869, p. 2, for a reprint of the law that was enacted March 31, 1869.

wrong way. (His regular use of fear as a political tool—a tool that came in the form of a six-foot, six-inch, 300-pound frame, and a penchant for whiskey and fighting—may have contributed to this.) As mayor, Wentworth employed the police force essentially as his personal army. He played an active role in even the most trivial matters that faced the force; he cut the numbers of the police force even as the population and crime rate rose; and he used the police as his personal army for city crusades against vice.³⁶

Wentworth's heavy handedness in regard to all police matters gave his opponents in Springfield an opportunity to politically emasculate and publicly shame him.

Chicago's new city charter set up a Board of Police that was run by three commissioners—one each from the North, South, and West Divisions. The mayor was stripped of nearly all power vis-à-vis the police department. Though the Board of Police came about because of simple political rivalry, the law that led to its formation was not a careless plan thrown together by spite driven legislators. As Chicago police historian John Flinn stated, “[t]he act went into minute details as to the jurisdiction of the board, the duties of officers and men, questions of discipline, etc.”³⁷ It led to a geographical organization of the police force in the North, South, and West Divisions of the city and soon became organized under smaller precincts. The increased efficiency that resulted from the formation of the Board of Police gave the police force the ability to more easily and effectively respond to problems throughout the city.

Among these problems were issues regarding the railroads. The new law required the police, among other things, “to protect the rights of persons and property, to guard the

³⁶ John Flinn, *A History of the Chicago Police: From the Settlement of the Community to the Present Time* (Chicago: Police Book Fund, 1887), 92-8. Don Fehrenbacher, *Chicago Giant: A Biography of “Long John” Wentworth* (Madison, Wisc.: American History Research Center, 1957), 142-161.

³⁷ Flinn, 94.

public health,...to remove nuisances in public streets, roads, places and highways,...[and] to protect strangers and travelers at...railway stations.”³⁸ In other words, the police were compelled to enforce railroad ordinances to protect the public safety and convenience, and they were able to operate from a more efficient bureaucracy and deal with the issues of a quickly growing industrial city. Further, the Council was given power to decide how many patrolmen it needed to hire. The politicians in Springfield essentially conceded that Chicagoans knew better how to deal with their own problems and crime than they did. As a result, the number of police officers steadily climbed through the 1860s.³⁹

The Board of Police bill produced a police force that could more efficiently and effectively enforce Chicago’s laws and ordinances. In addition, the 1861 Illinois legislative session produced a new Chicago city charter that created a city bureau that played a much more significant role than even the police in the enforcement of railroad ordinances: the Board of Public Works (BPW). The BPW replaced “the independent boards, street commissioners, superintendents, and special assessors” that had previously made the city’s public works decisions with three commissioners—generally engineering professionals—who devoted their time to coordinating and executing the public works plan of the quickly growing city.⁴⁰ Public works projects had, to that time, been mired in inefficiency. The multiple decision-making bodies that grew out of city charters from the 1830s and 1840s had no unified vision; the segmented system of special assessments that generated, for example, sidewalks built on different grades that were only unified with many sets of stairs, represented a plan that was, at best, scattered and myopic, and, at

³⁸ Ibid.

³⁹ See Skogan, Table 8.

⁴⁰ Einhorn, 182. See also Bessie Louise Pierce, *A History of Chicago, Volume 2*, 316, for an overview of the form and function of the BPW.

worst, non-existent. The BPW centralized public works decision-making and gave the city of 150,000 people a much needed, unified plan that sought to ensure the health, safety, and convenience of the public.

But the BPW did more than replace the multiple Council committees composed of politicians with one board made up of professionals; it created a central body that could effectively enforce city ordinances that dealt with large-scale public works and infrastructure projects. The decentralized mass of politician-run public works committees was both inefficient and inept at the enforcement of infrastructure ordinances. As was shown in the previous chapters, railroad safety and street maintenance provisions were often ignored or enforced by the ineffective method that politicians knew best: by drafting and enacting more legislation. The BPW played an important role in giving the Council's railroad ordinances some teeth. In thus becoming an effective enforcement arm of the Council, it began in the 1860s to tame the dangerous public spaces created by the introduction of railroads into Chicago's streets.

In regard to railroads, the BPW primarily dealt with railroad maintenance provisions and grade crossings. The maintenance provisions, which became a regular feature of railroad right-of-way ordinances beginning in the early 1850s, generally required railroads to pave and maintain the section of street in which their tracks lay. The provisions also called for the railroads to maintain "convenient crossings." As was discussed above, railroads often ignored these provisions. Residents regularly petitioned the Council to compel the railroads to maintain the streets and crossings, but the Council had little enforcement power; it followed the original ordinance with an order to follow the ordinance. Unsurprisingly, ink and paper proved ineffective enforcement tools.

The creation of the BPW gave the Council a way to enforce these provisions. The BPW dealt with all infrastructure and public works matters, so all railroad maintenance and many grade crossing issues were sent directly from the Council to the BPW commissioners, who then sent their employees to execute the project. The Northern Railroad provides an early example of the role played by the BPW in enforcing railroad provisions. Its right-of-way ordinance required the NRR to raise the grade of the streets in which its track lay “when ordered [to do so] by the common council or the board of public works.” It also was to lay its “track...in such a manner that a good travel way shall be maintained for the use of the public, and shall keep the said roadway in good repair at all times, the said improvement (*sic*) to be done under the direction of the board of public works.” If the railroad failed to improve the street in a reasonable amount of time, “then the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments, from any real or personal property of said company.” And if the NRR refused to pay the assessment for the work performed by the city within twenty days, the city would “collect the cost thereof by suit at law in any court of competent jurisdiction.”⁴¹

Before the BPW, there was no municipal legislation that explained the procedure to be followed and consequences for railroads that failed to fulfill the responsibilities of their ordinances. Other right-of-way ordinances enacted in the 1860s include provisions similar in content and wording to the Northern Railroad ordinance.⁴² But the BPW made it possible to not only enact new railroad ordinances with conditions that could be enforced; it also enforced the provisions of ordinances enacted in the 1850s. For

⁴¹ Chicago Common Council, *Laws and Ordinances*, 293-4.

⁴² *Ibid.*, 255, 257, 295.

example, the Joliet & Chicago Railroad agreed under the terms of its right-of-way in 1857 to “plank, pave or macadamize the whole surface of [Archer Road, between Grove Street and North Street], and forever maintain such planking, paving or macadamizing in good order and condition.”⁴³ The Joliet & Chicago did not keep its promise. Archer Road fell into disrepair, which made travel by horse, carriage, or foot difficult. To ameliorate this problem, the Council passed an ordinance in 1866 that essentially reiterated the maintenance provision from the 1857 right-of-way ordinance: it required the railroad to macadamize Archer Road. This time, though, the Council was able to enforce the requirement by ordering the BPW to oversee and, if necessary, carry out the paving of the road.⁴⁴

The Chicago, Alton & St. Louis Railroad leased the Joliet & Chicago less than a year later, in 1867. The Joliet & Chicago did not fulfill its obligation to improve Archer Road, but now the responsibility for street maintenance had passed to the Chicago, Alton & St. Louis. So the BPW, on the basis of the 1866 ordinance, took action and paved Archer “with wooden pavement.”⁴⁵ It then assessed the railroad \$18,000 for materials and labor. One of the railroad’s stockholders, Morris Jessup, disapproved of the assessment; he claimed that it was “illegal and invalid” and thus brought suit in the U.S. Circuit Court to avoid payment. Perhaps Jessup claimed that the use of wooden pavement instead of macadam made the assessment “illegal and invalid;” or maybe he hoped that simply bringing suit would compel the city to drop its claim. In the end, the railroad and the Council came to a compromise: the railroad paid \$10,000 and persuaded

⁴³ Ibid., 253.

⁴⁴ Ibid., 255.

⁴⁵ Ibid., 257.

Mr. Jessup to drop the suit, and the Council released the railroad “from the obligation to forever maintain such pavement on any portion of said avenue.”⁴⁶ The city got some money, and the railroad was given the legal right to do what it had done during its decade-long tenure in the city—ignore the condition of the streets upon which its tracks lay. But the true winners of this compromise were the people that used Archer Road for business, pleasure, and everyday life. The compromise likely made neither the Council nor the railroad completely content, but the public was able to bask in a rare victory.

Although the Council had the BPW at its disposal since 1861, it was used only once to enforce railroad street maintenance provisions during the first five years of the BPW’s existence.⁴⁷ It did not begin to actively enforce these until 1866, at which time the Council became aggressive in its enforcement. This change can be attributed to two factors: war and law. The Council, like the nation, focused its attention on the Civil War during its duration. Railroad matters were considered much less frequently in the Council than they were both before and after the war. But perhaps more significant was the fact that the railroads played a key role in the Union war effort. Railroads transported hundreds of thousands of troops from Chicago, as well as food, horses, ordnance, and other supplies.⁴⁸ The Council and Chicago’s residents likely believed that to focus attention on enforcing city railroad ordinances was to impede the war effort. After the

⁴⁶ Ibid.

⁴⁷ The Chicago & Fort Wayne and Chicago, Alton & St. Louis Railroads were ordered in 1861 to improve Stewart Avenue by filling the street to the grade of the track and constructing culverts at crossings. The BPW was to perform the street improvements and assess the railroads the costs if they did not comply with the order within thirty days of its enactment. This was the lone law of its kind during the BPW’s first five years. See CP 1861/62 0185A 10/21.

⁴⁸ See John Stover, *History of the Illinois Central Railroad* (New York: Macmillan, 1975), 85-107, for an in-depth discussion of the Illinois Central’s role in the war effort. See also John Stover, *American Railroads*, 2nd ed. (Chicago: University of Chicago Press, 1961, 1997), 35-60, for a discussion of the role played by railroads in the Civil War.

war's conclusion, there was a rash of Council business that dealt with railroad street improvements. Attention once again could focus on issues at home.

The interpretation of law by the state courts also played a role in the wartime paucity and postwar profusion of the enforcement of railroad street improvement provisions. The BPW was able to effectively enforce these provisions because of the threat of assessment: if the railroad did not improve the streets as required, the BPW would improve the streets and assess the railroad for labor and materials. In 1865, the railroads challenged in court the Council's ability to make these assessments. The Superior Court found in favor of the Council, but the BPW was cautious and held off improving the streets while the decision was appealed to the Supreme Court. The Supreme Court also found for the city, so the Council and BPW forged ahead on railroad street improvement.⁴⁹ Soon after the decision, the Council enacted a general resolution as follows: "Resolved. That many of the streets, upon which railroad tracks are laid are in such a condition that travel upon them, with teams and carriages is inconvenient and dangerous, and that the Board of Public Works be ordered to enforce all city ordinances relating thereto immediately and vigorously."⁵⁰ Right around the time of this resolution and the aforementioned court decisions, the Council and the BPW began enforcing railroad street improvement provisions. Both the Northern Railroad right-of-way ordinance and the Joliet & Chicago/Chicago, St. Louis & Alton Railroad street

⁴⁹ Chicago Board of Public Works, *5th Annual Report* (Chicago: Chicago Common Council, 1866), 23, and *6th Annual Report* (Chicago: Chicago Common Council, 1867).

⁵⁰ CP 1866/67 0240A 07/23.

improvement compromise mentioned above originated in 1866, as did another three similar orders.⁵¹ Such enforcement continued through the late 1860s and early 1870s.⁵²

Despite the Council's power to finally enforce street maintenance ordinances and thus make streets safer and more convenient for public use, its power to do so was not absolute. As was discussed above and in previous chapters, the Galena & Chicago Union Railroad, which was consolidated into the Chicago & North Western Railroad network in 1864, was a source of constant complaint by people from the west side. It was frequently accused of breaking city laws, from speed limit violations to creating street obstructions.⁵³ Its violations sometimes sparked stricter general railroad safety ordinances. For example, a petition by residents of the West Division maintained that the G&CU had "enjoyed the privilege [of blocking the crossing at Jefferson and Kinzie Streets] so long that they seem[ed] to regard it as a matter of right and frequently [had] their empty cars standing directly over this crossing when there [was] plenty of room for them elsewhere, thus compelling pedestrians, ladies and all, to turn out into the mud to pass." The Council's Committee on Streets & Alleys-West Division agreed that the petitioners' description of the obstructions as an "intolerable nuisance' ...is none too strong, and that the same term might with equal propriety be applied to similar obstructions which are well known to exist at all principal street and Rail Road crossings in the City."⁵⁴ It is not surprising that this phrase was penned by the faithful champion of the public in issues regarding railroads' negative effects on public space, Alderman

⁵¹ CP 1866/67 0092A 06/18; 1867/68 0679A 09/09.; 1867/68 0797A 10/07.

⁵² CP 1869/70 1499A 09/26; 1869/70 2197A 12/01.

⁵³ For speed limit violations, see CP 1856/57 0836A 08/14. For street obstructions, see CP 1854/55 1777F 03/05 and 1863/64 0563A 02/01.

⁵⁴ CP 1863/64 0563A 02/01.

David Walsh. This episode yielded two responses by the Council: an order for the BPW to abate the nuisance at the crossing and the passage of an amendment that more strongly regulated the behavior of railroads at crossings.

But the outcome was not always so successful for the public. The constant hazard and inconvenience posed by the G&CU led the Council to attempt to ascertain “what right if any the [G&CU/Chicago and North Western Railroad]” had in “occupying and monopolizing the south half of West Kinzie Street” and whether the Council had “any power by ordinance or otherwise to compell (*sic*) said G. & C.U.R.R. co. & N.W. co. to keep said W. Kinzie Street in good repair.” To the chagrin of Alderman George von Hollen, who introduced the order to the Council, and to that of his Eleventh Ward constituents and the countless other residents who were regularly inconvenienced by the G&CU and other railroads, the city attorney found no respite for the public from the railroad’s neglect of street maintenance. He found that, per the 1848 right-of-way ordinance, the railroad had the right to occupy Kinzie Street, and the ordinance contained “no provision requiring the Railroad Company to make repairs upon said street for the accommodation of the public travel;” as such, he knew of “no way in which the Common Council [could] compel the company to keep the street in good repair.”⁵⁵ The Council had been much more effective in the 1860s than it had previously in enforcing railroad ordinances, which made public space safer and more convenient for the city’s residents. But it was not able to undo the liberal rights-of-way that it gave gratis to some of the city’s earliest railroads, and, as a result, the public paid the price.

⁵⁵ CP 1864/65 0232A 09/19.

The Council proved with its 1860s railroad ordinances that it was concerned about the threat of monopoly beyond the G&CU's "monopolizing the south half of West Kinzie Street." The Northern Railroad's 1866 right-of-way ordinance and that of the Chicago, Burlington & Quincy Railroad in 1864 included anti-monopoly provisions that are substantively different from those included in the right-of-way ordinances from the 1850s. The Northern Railroad was given permission to enter the city on the condition "that the said company shall not consolidate with, or be controlled by, any other company having a trunk road entering in said city, and in case the said company shall ever be controlled by any such road, either by sale, purchase of stock or otherwise, this permission or grant shall cease to be of no force or effect, and the city may enter upon said streets, avenues and alleys, and take up and remove said track...and repossess the same."⁵⁶ The Chicago, Burlington & Quincy Railroad received permission to build track on Brown Street in 1864 with the express condition that "[t]he right hereby granted shall not be used for the purpose of building up a lumber business in one locality in said city and destroying it in another;...the authority hereby conferred is granted upon the distinct understanding that said...Railroad Company shall receive all lumber delivered at its depot...and transport the same in the order of its delivery."⁵⁷ To further prevent the CB&Q from privileging one lumber yard over another, if it "[took] or [sent] its cars off its own tracks, and to or into the lumber yards of any one locality in said city to be loaded

⁵⁶ Chicago Common Council, *Laws and Ordinances*, 294.

⁵⁷ *Ibid.*, 266.

it...also [had to] take or send its cars to and into the lumber yards of every other locality, in said city, which is to be reached by railroad.”⁵⁸

Whereas anti-monopoly provisions in the 1850s ordinances had a Jacksonian tone that focused on preventing monopoly by circumscribing exclusive privilege, the provisions from the CB&Q and the NRR ordinances concentrated instead on economic monopoly that arose from a crucible of production and other market forces. The NRR was granted entrance into the city in part because it provided competition to the Chicago & North Western Railroad. The Council saw a rash of railroad consolidation in the 1860s. There was little federal regulation to control monopoly and its anti-competitive tendencies, but the Council was able to temper the negative effects of railroad monopoly by using legislation to prevent it at the municipal level. Its control over the use of city streets coupled with Chicago’s privileged position as North America’s railroad hub gave the Council real power in the regulation of railroad monopoly. The CB&Q ordinance took up an issue that became common knowledge a few years later with the Grange Movement: preferential pricing by the railroads. Again, the Council was able to wield its influence on decisions regarding the use of streets to effect regulation of the railroads in order to ensure a level of fairness and competition in the city’s commercial activities. In other words, the Council began to appropriately adapt and respond to industrial capitalism and its negative effects. It no longer tried to solve problems from the industrial era with Jacksonian solutions.

The Council’s solutions to the city’s spatial problems also took a different direction in the 1860s. The BPW enforced railroad maintenance provisions that

⁵⁸ Ibid.

improved the quality of the streets upon and across which railroads ran. Though this enforcement made travel slightly less hazardous and inconvenient for people, the key element that created danger—railroads sharing streets with the public—remained. In the 1860s, the Council began to solve this issue by separating the railroads from people. First, the city began to reclaim its busiest streets from the railroads by ordering the BPW to remove track from the streets and sidewalks. Second, the Council began to rid the city of dangerous grade crossings by having the BPW plan and build both viaducts that led foot and horse traffic above the railroad tracks and tunnels through which trains traveled under the grade of public traffic. As the city became more densely populated, the dangers attendant with railroads became more apparent. The Council made it a priority in the 1860s to make Chicago a more livable city by dramatically altering its railroad spaces. It was able to do this in large part because of the BPW, which spearheaded the reshaping of public space.

The Council was able to remove tracks from some of the city's streets by enforcing railroad ordinance violations and by making deals with railroads that were given the right to lay track on busy streets. The Galena & Chicago Union Railroad had consistently violated the city's railroad safety ordinances since it became the first railroad to enter the city in 1848. As was mentioned above, the G&CU had become a constant headache for business owners and residents in the vicinity of Kinzie Street. It had "occup[ied] and monopoliz[ed] the south half of West Kinzie Street" from the time it first received its right-of-way ordinance; yet that ordinance did not even require the railroad to maintain or improve the street on which it was such a prominent presence.⁵⁹ Thus West

⁵⁹ CP 1864/65 0232A 09/19.

Kinzie Street fell into disrepair while the railroad flaunted other laws such as the speed limit and street obstruction provisions. Yet the Council was determined to reign in the G&CU and its parent company, the Chicago & North Western Railroad. In 1868, it found that the railroad had not complied with its 1848 right-of-way ordinance. Specifically, the railroad was not to have exceeded “twenty-two feet in width in the center of [Kinzie Street],” and it was to have constructed a carriageway along each side of the tracks.⁶⁰ It far exceeded its maximum prescribed width, “occupying one half the width of the street thereby rendering the street nearly useless.”⁶¹ So the Council ordered the railroad to remove its tracks from the north side of the street to bring it into compliance with its right-of-way ordinance; if it ignored the order, the BPW was to remove the tracks and charge the company for labor costs.

The Council also cleared streets of railroad tracks by compromising with railroads that were within their rights to have tracks on said streets. Clark Street south of Taylor Street was a sparsely populated thoroughfare in an industrial area in the early 1850s, at which time the Common Council gave the Chicago & Rock Island Railroad and its partner, the Michigan Southern & Northern Indiana Railroad, the right to lay track in it. The area’s proximity to railroad and industrial jobs drew working-class people and quickly turned South Clark Street into a major thoroughfare and a bustling area composed of manufacturing and industrial interests, small businesses, and working-class homes. As was shown in previous chapters, remonstrances against railroads on Clark Street became a regular feature of Council business starting in the mid-1850s. By the

⁶⁰ Chicago Common Council, *Laws & Ordinances*, 268.

⁶¹ CP 1868/69 2004A 07/19.

1860s, the Council could no longer ignore the hazards faced by residents of South Clark Street.

In 1869, the Council was presented an opportunity that it used to remove some railroad tracks from Clark Street. The Michigan Southern & Northern Indiana Railroad bought a large amount of land between 16th and 22nd Streets for “right of way and other purposes connected with its business in said city.”⁶² It needed from the Council the right to lay its tracks across the streets and alleys that lay between the two major east-west thoroughfares. The Council accepted the railroad’s proposal, but on one important condition: the railroad was to “relinquish all rights to use Clark Street” between 16th and 22nd Streets.⁶³ The railroad accepted the ordinance “providing for removal of track from Clark Street,” and the residents of Clark Street had fewer trains and tracks with which to deal on an everyday basis.⁶⁴

Removing tracks was the most effective way to make public spaces safer from the dangers attendant with railroads, but it was not usually the most sensible solution in Chicago, which was so economically dependent on the railroads. The trains needed to run, and the growing population needed to be kept safe from those trains. Beyond preventing bodily harm, it was in the economic interest of the city to prevent traffic congestion caused in large part by railroads, for safer and more efficient travel meant more economic production. Karl Marx illuminated this connection between time, efficiency, and economic production, by positing that “[t]he less time the society requires

⁶² CP 1868/69 2418A 09/06.

⁶³ Ibid. Chicago Common Council, *Laws & Ordinances*, 292.

⁶⁴ CP 1868/69 2428A 09/07. Other Council Proceedings files that discuss the removal of railroad tracks to accommodate the public include 1863/64 0510A 11/30; 1867/68 0300A 07/22; 1868/69 1270A 01/04; 1869/70 0802A 07/11; and 1869/70 2198A 12/01.

to produce wheat, cattle etc., the more time it wins for other production, material or mental.”⁶⁵ This quote describes the transition from a pre-industrial to an industrial economy, but it can also help illuminate the spatial processes that occurred in the industrial transition of Chicago. The sporadic negative events that helped determine the success of a preindustrial subsistence farmer—crop failure, drought, hail, etc.—were replaced by analogous events in the new industrial city, such as delays due to railroad traffic that occurred on a more regular industrial schedule than the farmer’s acts of nature. Some of the “time [society] wins for other production, material or mental” was used, for example, waiting at a grade crossing for a passing train. That “material or mental” time gained by the rhythms of the industrial capitalist economy was often wasted due to inefficiencies that occurred as the result of new spatial relations in industrial cities.

The transition between preindustrial and standardized, industrial/railroad time was still occurring in Chicago in the 1860s, fifteen years after Chicago’s railroad era began. A petition by agents and superintendents of various railroads that entered the city called for “the Rail-Road and city time [to] be regulated by the same person so that irregularities will be avoided and that the public will have an uniform time.”⁶⁶ The Council finally contracted with Giles Brothers & Co.—a local manufacturer of timepieces—to standardize timekeeping in the city in 1865.⁶⁷

As timekeeping became standardized and regularized in Chicago, the Council sought to remove both the inefficiency of travel through the city and the threat of bodily

⁶⁵ Karl Marx, *The Grundrisse*, (London: Penguin, 1973), 173; accessed at <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch03.htm> on 3 November 2009. See also E.P. Thompson, “Time, Work-Discipline and Industrial Capitalism,” *Past and Present* 38, 56-97.

⁶⁶ CP 1862/63 0068A 06/23. This duty of railroad and city time standardization was given to Giles Brothers & Co. in 1865. See CP 1865/66 0121A 06/26.

⁶⁷ CP 1865/66 0121A 06/26.

harm caused by grade crossings. The Council's solution to make Chicago simultaneously more livable and more efficient and profitable was to remove the city's busiest grade crossings by separating the grade on which trains traveled from that on which all other traffic traveled. It did this by occasionally mandating trains to pass under grade through tunnels and much more frequently by ordering the construction of viaducts over railroad tracks. This vertical separation—a precursor to the grade separation that occurred with Chicago's public transit system, the elevated railroad, at the turn of the century—was not a perfect solution to the hazards caused by railroads in public space, but it was an important step in making Chicago a more livable place.

The first mention of a railroad viaduct in Chicago appeared in 1857. Residents from the west side petitioned the Council to compel—to no surprise—the Galena & Chicago Union Railroad to build a “bridge over the Rail Road at the Crossing of Paulina Street,” because they “labour[ed] under a very great inconvenience” without the viaduct. The Committee on Harbor & Bridges agreed with the petitioners and ordered “a Bridge be immedeately (*sic*) Built by the Proper parties.”⁶⁸ Like so many other railroad matters during the 1850s, nothing came of this order. It was referred to the Committee on Streets & Alleys—West Division; there is no record after that.⁶⁹

Three years later in 1860, the Pittsburgh, Fort Wayne & Chicago Railroad received permission from the Council to build a freight and passenger depot. The PF&C, which ran parallel to and immediately west of the north and south branches of the Chicago River, was to share the depot with other connecting railroads on the banks of the south branch of the Chicago River between Madison and Adams Streets. It received

⁶⁸ CP 1857/58 0158A 04/13.

⁶⁹ CP 1857/58 0556A 06/08.

permission to build its depot and temporary tracks on the condition that it did not cross Madison, Randolph, or Lake Streets at grade. The depot grounds were at a prime location just west of downtown, and the railroads gladly accepted the conditions. The PF&C tunneled underneath each of the three streets, thereby avoiding three grade crossings.⁷⁰ Madison, Randolph, or Lake Streets were chosen for tunnels by the Council because each was a busy thoroughfare that led into downtown. As such, there were bridges where each street crossed the river, and traffic was thus channeled onto the streets. It was important to the council to relieve the heavy traffic congestion at the river crossings, so they required the tunnels. Finally, Randolph and Madison Streets were also the locations of horse railway lines. The intersections of horse and steam railways had been especially prone to accidents, so this was an even more significant victory for public safety and convenience.

⁷⁰ Chicago Common Council, *Laws & Ordinances*, 308-11. See W.L. Flower and J. Van Vechten, "Chicago: Drawn from Davie's Atlas with the Latest Recorded Subdivisions [map]," 1:6,000 (Chicago: Charles Shober, 1863) for an accurate representation of the tunneling at each cross street. Accessed at <http://www.lib.uchicago.edu/e/su/maps/chifire/G4104-C6-1863-V3-NEC/> on 3 November 2009.

(this one was at the main branch). The railroad gave the city land between the river and Wolcott Street so the BPW would open the street and thus build a bridge/viaduct to connect Wolcott with State Street on the south side of the river. It also provided \$1500 towards the initial cost of the bridge and promised \$400 annually for maintenance. The BPW's engineers planned the bridge/viaduct, and the city covered the remaining costs. This agreement was mutually beneficial to both the city and the railroad. The railroad would have a direct link between its freight depot and the downtown area; the bridge gave city residents another much needed connection between the north and south sides of the city.⁷¹ As the Board of Public Works underscored, the Chicago River divided the city "into three distinct parts. All interruption of communication between these natural divisions tends to isolation. Nothing will so much contribute to the prosperity of the city as reliable and convenient means for intercourse between them."⁷² The BPW declared this five years after the construction of the State Street viaduct, in 1869. These bridges and viaducts were of the utmost importance in connecting the city. They were especially valuable in the mid-1860s.

Through the second half of the 1860s, eleven viaducts were constructed in the city. Most were designed like the G&CU State Street viaduct: they were "near the river, and [were] connected with a pivot bridge across the river. The street having attained the elevation necessary for the bridge [was] simply continued at about the same elevation above the railroad tracks, and then descend[ed] to ordinary grade."⁷³ The Halsted Street viaduct, which crossed the multiple tracks of both the Chicago, Burlington & Quincy and

⁷¹ CP 1864/65 0102A 07/11. Chicago Common Council, *Laws & Ordinances*, 272-6.

⁷² Chicago Board of Public Works, *8th Annual Report* (Chicago: Chicago Common Council, 1869), 3.

⁷³ Chicago Board of Public Works, *9th Annual Report* (Chicago: Chicago Common Council, 1870), 22.

the Chicago & North Western Railroads that ran near 16th Street, was of a completely different design. It was not adjacent to the river, so the hybrid viaduct/bridge was not possible. Instead, the viaduct, the “first of its kind” in the city in 1869, was “wholly for the purpose of elevating the street, so that the railway trains may pass beneath it.”⁷⁴ The public was then able to continue along Halsted Street without the annoyance and hazard of crossing railroad tracks at grade. Though someone traversing the viaduct may have received a mouthful of coal smoke when a locomotive passed underneath, this inconvenience was definitely preferable to a bodily run-in with a train at grade.

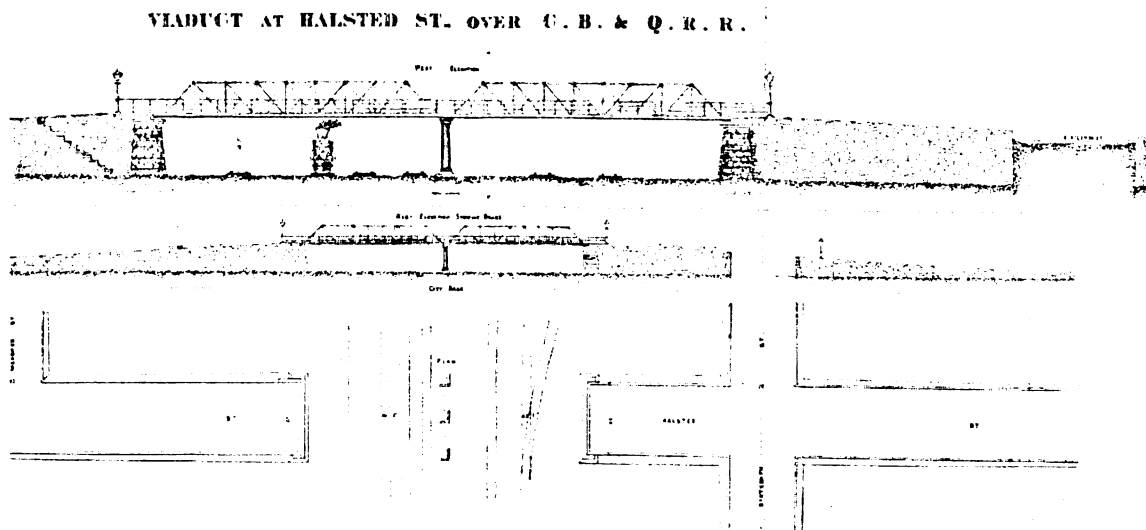


Figure 8. Design of the Chicago, Burlington & Quincy railroad viaduct at Halsted Street. Perspective is east, Sixteenth Street (on the right) is to the south. 1869. (Chicago Board of Public Works, *9th Annual Report*)

The Halsted viaduct was not pushed on the railroads by the city. Instead, the railroads brought their idea to the BPW and offered to pay for the majority of construction expenses.⁷⁵ Most Chicago railroads were willing to pay an assessment for a viaduct. After the aforementioned Illinois Supreme Court case found that railroads were

⁷⁴ Ibid. CP 1868/69 1505A 03/08.

⁷⁵ Chicago Board of Public Works, *9th Annual Report*, 23. CP 1868/69 1505A 03/08.

subject to special assessments, they likely resigned themselves to the fact that they would have to pay for viaducts if they wanted to remain operational within the city of Chicago. Occasionally they tried to pay less, but most at least tacitly agreed that the viaducts were needed in the places the Council and the BPW wanted them built.⁷⁶ In some cases, such as the aforementioned G&CU State Street viaduct, there was a demonstrable business advantage to building the viaduct that made it easy for the railroad to justify the cost; the viaduct created a much needed connection with another part of the city, thus opening up economic opportunities. In the case of the Halsted Street viaduct, accidents likely became a major distraction for the C&NW and the CB&Q, railroads that were responsible for the most and second-most deaths of any railroad within the city limits in 1869: ten people were killed by the C&NW, and six people were killed by the CB&Q. Fatal accidents were so common that the railroads' business likely was adversely affected. It is not surprising that they were willing to pay for almost the entire cost of a viaduct.⁷⁷ The increased willingness by the railroads to help fund viaduct construction was coupled with the fact that the profusion of viaduct construction in the 1860s was planned and partially funded by the city. This showed that the Council acted in the public interest by taking steps to protect the safety of its residents and make the social experience of Chicago more convenient and pleasant.

Not everyone was happy with all the viaducts, though. Residents along Michigan, Wabash, and Indiana Avenues heard that the BPW was exploring the possibility of building viaducts that would cross each of the three avenues plus Clark and State Streets

⁷⁶ The Chicago & North Western successfully got the city to pay more for a viaduct at Wells Street, which reduced its assessment. See CP 1866/67 0682A 11/12.

⁷⁷ See CP 1869/70 0893A 07/18 for the city Sanitary Superintendent's report on railroad deaths in Chicago in 1868 and 1869.

at the CB&Q track near Sixteenth Street. These wealthy residents of the avenues immediately called for a meeting to express opposition to the viaducts. Their words were heated, as they accused the railroads of having “a majority of the Council in their pockets.”⁷⁸ They further claimed that the BPW “held a love feast with the railroads” and that the Board of Public Works president and commissioner, W.H. Carter—referred to derisively only as “Carter”—“had not brains enough to overstock a moderate sized mosquito.”⁷⁹ Their primary reason for the heated opposition and claims of abuse of personal property rights was that “their beautiful avenues [would] be ruined” because their unadulterated view down the avenues would be blocked by viaducts seven feet in height (railroad viaducts needed to be sixteen feet tall, but the railroad supposedly was going to sink its track nine feet). Besides the hurling of insults, the residents called for the tracks to be buried in tunnels, for the railroads to be removed from the city altogether, or for the tracks to be left alone, to continue to cross the avenues at grade. Of course, their concern lay with the avenues only; they did not seem to care what happened with the State or Clark Street crossings.

These wealthy individuals appeared not to hold popular opinions regarding viaducts. A working-class individual from South Clark Street attacked the wealthy opponents of the viaducts for essentially being arrogant and clueless: while the avenue dwellers complained about a ruined view and having to drive their horses more slowly because of the slight incline of the viaduct, the “common people” on Clark Street dealt with worthless, devalued lots and massive traffic congestion because of the profusion of

⁷⁸ *Chicago Tribune*, “Viaducts: Objections to their Construction on the Avenues,” July 10, 1870, p. 3.

⁷⁹ *Chicago Tribune*, “Anti-Viaduct: Meeting in Opposition to Bridging the Avenues,” July 22, 1870, p. 4.

tracks and switches at the CB&Q crossing.⁸⁰ Writers for the *Chicago Tribune* also editorialized in strong support of the viaduct construction. The viaducts

would remove the present frequent obstructions to driving, and...[those made] by trains stopping on the crossing, and the present hazard risked by every street vehicle of being run over by trains that dash suddenly across the streets. Drivers are liable to misunderstand the flagman, and horses frightened by an approaching train are liable to become unmanageable just on the most dangerous spot, and there will, of course, be more accidents, than have already occurred, unless the bridges are adopted.⁸¹

The writer goes on to address the main objection of the anti-viaduct contingent—that the seven- or eight-foot high viaduct would be “unsightly”:

many persons would think the [gradual] elevation [of the viaduct] ornamental....The ‘dead level’ of our streets is desirable for the traction of heavily-loaded wagons, but it imparts to them a sort of railroad stiffness that is not an element of the beautiful, and by many is regarded as an actual defect in the natural site of the city. A railroad track on a level with the street will often impress the casual visitor with the notion that the ground on which he stands is as ‘low and flat and swampy’ as some of our envious Eastern and Western competitors delight to call it, while a railroad nine feet below the surface would effectually dispel that notion from the minds of those who cross it. But be this as it may, it is apparent that something must soon be done with the railroad crossings, as they are now a dangerous nuisance, and the citizens must either attempt turning the railroad out of the city or accept the bridges.⁸²

Another *Tribune* writer also strongly supported the viaduct construction, but he used slightly different logic to build his argument: “We have a high regard for the sanctity of the rights of individuals, but we confess that we do not discover any substantial or technical injury in the supposed obstruction to the view. All rights of individuals must yield to those of the public convenience.”⁸³

⁸⁰ *Chicago Tribune*, “The C.B. & Q. Crossing,” July 31, 1870, p. 3.

⁸¹ *Chicago Tribune*, “Real Estate: The Proposed Viaducts over Michigan and Wabash Avenues,” July 17, 1870, p. 3.

⁸² *Ibid.*

⁸³ *Chicago Tribune*, “Viaducts on the Avenues,” July 17, 1870, p. 2.

This *Tribune* writer beautifully summed up the political tenor that had developed in Chicago during the 1860s. The segmented idea that individuals should only get what they paid for in public works began to fade, and public interest politics that looked to make Chicago both profitable and livable took hold. This change was reflected in the politics of railroad development. By the late 1860s, the actions and beliefs of the Council, the public, and even the railroads had begun to coalesce regarding the effect of railroads on public space. This conviction, combined with the Council's ability to enforce its ordinances, led to a city that could finally shape its railroads to best meet the needs of both business and the public.

CONCLUSION

In late fall of 1868, J.M Walker, a representative for the Illinois Central, the Chicago, Burlington & Quincy, and the Michigan Central Railroads contacted the Common Council about “acquiring the title to and possession of...Lake Park.”¹ The three railroads shared a passenger terminal at Randolph Street that was quickly becoming inadequate to accommodate the traffic of the booming city of over a quarter-million people.² They wanted to purchase a three-block section of Lake Park—the narrow strip of lakeshore land that lay between Michigan Avenue and Lake Michigan. On this land, which lay directly south of the railroads’ existing passenger depot, they wished to build a magnificent lakeshore passenger terminal on the lakeshore.³

The Council’s Committee on Judiciary received Mr. Walker’s request and responded in early December. The committee members observed that the “land is in the very center of the business part of Chicago and is among the most valuable in the city.”⁴ They estimated its value to be “not far from four millions of dollars,” and this assessment did not even include the value of “the shore or riparian right in the harbor in front of this tract.”⁵ Because of the great value of the land and its prominent location, the committee declared “it is not desirable for the city to open negotiations for the sale of any portion of

¹ CP 1868/69 1253B 12/28.

² John Stover, *History of the Illinois Central Railroad* (New York: Macmillan, 1975), 179.

³ CP 1868/69 1253B 12/28.

⁴ *Ibid.*

⁵ *Ibid.*

Lake Park,” though it suggested leasing the land “at a six per cent valuation” annually, which would have brought \$240,000 per year to the city in rent.⁶

The railroads were not interested in renting, however. They wanted to own the Lake Park land for their passenger terminal. Perhaps more importantly, the Illinois Central wanted Lake Park’s attendant riparian rights to the shallow waters of Lake Michigan. With these rights, the IC would have been able to use the submerged land fronting its property for its own purposes. There is little doubt the railroad planned to develop the harbor for its own profit.

The railroads initially got their wish. As historian Joshua Salzman has shown, there was considerable ambiguity over who held legal title to Lake Park and its adjacent submerged lands during the late 1860s, though the Common Council had made all decisions regarding the Park since the Illinois & Michigan Canal commissioners declared the land “Public Ground—A Common to Remain Forever Open, Clear and Free of any Buildings or other Obstruction Whatever.”⁷ The railroads combined this ambiguity with political bribes to obtain passage of a bill by the Illinois General Assembly in April 1869.⁸ The Lake Front Act of 1869, as it was popularly known, granted the three-block

⁶ Ibid.

⁷ Joshua Salzman, “Safe Harbor: Chicago’s Waterfront and the Political Economy of the Built Environment, 1877-1920” (Ph.D. dissertation, University of Illinois-Chicago, 2008), 76-81. See also *Chicago Tribune*, “Who Owns Lake Park?,” June 23, 1867, p. 2.

⁸ The political corruption was well documented. See Salzman, 80-1, 85. See also John Wentworth’s speech delivered in February 1886 at a public meeting about the lake front and the railroads as quoted in A.T. Andreas, *History of Chicago, from the earliest period to the present time*, Volume III: *From the Fire of 1871 until 1885* (Chicago: A.T. Andreas Co., 1886), 192. For further discussion about railroads and political corruption during the period, see, for example, Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), 465-9; Thomas Summerhill, *Harvest of Dissent: Agrarianism in Nineteenth-Century New York* (Urbana: University of Illinois Press, 2005), 114-46; and Charles F. Adams, Jr., and Henry Adams, *Chapters of Erie and Other Essays* (Boston: James R. Osgood & Co., 1871), 1-99.

section of Lake Park between Randolph and Monroe Streets to the Illinois Central, the Chicago, Burlington & Quincy, and the Michigan Central Railroads “for the erection thereon of a passenger depot” for a compensation of \$800,000 to Chicago’s park fund.⁹ (This was between one-fifth and one-third of the estimated value of the land.¹⁰) The IC was also given the right to all submerged lands extending from their railroad tracks up to one mile east into the lake, essentially from the main branch of the river to 12th Street. In other words, the IC was handed the valuable, under-developed outer harbor. Lake Park was to no longer be “Public Ground—A Common to Remain Forever Open, Clear and Free of any Buildings or other Obstruction Whatever” as the Illinois & Michigan Canal Commissioners had declared in 1836. The “public ground” was to be the private playground of railroad corporations, and the harbor—nearly two square miles of submerged land—their private pool. To add insult to injury, none of the land, dry or submerged, was to be subject to municipal taxation.¹¹ The IC was to pay the seven percent of its revenue to the state guaranteed in its charter, but the city of Chicago was to receive nothing more than a pittance for public land that held great economic potential and acted as the front window of the city.

⁹ Common Council of the City of Chicago, compiled by Murray Tuley, *Laws and Ordinances Governing the City of Chicago* (Chicago: Bulletin Printing Co., 1873), 290. The act further stipulated that if the Council did not sign a quit-claim to the Lake Park tract thus legitimating the railroads’ claims to the land within four months of the act’s passage, then the railroads could occupy the land for a total of one \$200,000 payment. See 291.

¹⁰ Most estimates were near Governor John Palmer’s \$2.6 million, though the Council’s Committee on Judiciary estimated the Lake Park land to be valued at \$4 million. See Salzmann, 82-3; CP 1868/69 1253B 12/28; and Illinois Anti-Monopoly League, *Report of the Present Status of the Claims of the Illinois Central Railroad to the Lake Front, and Submerged Lands Adjoining, under the “Lake Front Steal” of 1869* (Chicago: Anti-Monopoly League, 1881), 5.

¹¹ Anti-Monopoly League, 5. Andreas, *History of Chicago* III, 191-2.

Gov. John Palmer vetoed the act, but the Illinois legislature overrode his veto.¹²

The Lake Front Act was law, yet the railroads were able to do little with their new depot grounds in the northern portion of Lake Park. Individuals opposed to the railroads' occupation of Lake Park obtained an injunction from the United States Circuit Court "restraining the city from releasing, or the railway companies from occupying, the land granted for depot purposes, by the Act" almost immediately after the law's enactment in April.¹³ The act was repealed by the Illinois General Assembly in 1873, though the IC continued to claim ownership of much of the harbor. After numerous other suits and injunctions, the case was finally decided in the United States Supreme Court in 1892. The majority, led by Justice Stephen Field, used public trust doctrine and *ultra vires* to substantiate the claim that the original grant was invalid. In other words, the justices believed there was a strong public interest in the lands submerged in navigable waters; the state of Illinois thus did not have the right to confer them to any outside party. They also argued with *ultra vires* that Illinois Central's charter conferred on the railroad the right to transport goods over land; it was not chartered to use or manage Chicago's harbor.¹⁴ The people of Chicago would not have to hand their park and harbor to a railroad.¹⁵

Ironically, the rationale of *ultra vires* used by the Supreme Court justices to argue against the Illinois Central's claim on the submerged lands represented the exact same

¹² See Salzmann, 82-3, for a detailed discussion of the reasons Palmer gave for his veto.

¹³ Andreas, *History of Chicago* III, 191-2.

¹⁴ For an in depth analysis of the justification for the decision, see Salzmann, 99-109.

¹⁵ Other Council proceedings files that discuss the details of the lake front case include 1868/69 2124A 08/12, 1868/69 2126A 08/12, 1868/69 2138A 08/16, 1869/70 0143A 01/03, 1869/70 0144I 01/03, 1869/70 0637A 05/16, and 1869/70 0744A 06/13.

logic used by the IC's attorney, Mason Brayman, to argue against a request by the Common Council during negotiations over the railroad's entrance into Chicago forty years earlier. The Council requested that the railroad fill the submerged land between its railroad tracks and the lakeshore with earth to build a public promenade. Brayman contested its request, maintaining that railroads "are constructed to do a carrying trade[,]. . . not . . . for the purpose of building cities."¹⁶ In other words, the IC was chartered to transport, not to fill submerged land and manage the resultant promenade. Brayman billed the IC as a narrowly-defined corporation of the Jacksonian mold that was chartered to carry out a public service; it was only to carry out the purposes specified in its charter.

The fact that the Supreme Court thwarted the IC's dreams of a commercial empire in Chicago's harbor using this logic is definitely ironic, but the railroad corporation was not acting at all hypocritically. Alas, it was amazingly consistent considering forty years had passed between its right-of-way and Supreme Court battles. Simply, the IC's overriding goal from its inception to the "Lake Front Steal" to the present day (it currently exists as a subsidiary of Canadian National Railway) has been to maximize its profits. Mason Brayman argued against the construction of the public promenade because it would have cost the corporation both time and money; and, as I have shown in this dissertation, the public interest and the private pursuit of profit were usually at odds. The IC wanted to develop the under-developed harbor of a major American port city, and it would have stood to gain astronomical sums had it been successful in its appeal to the Supreme Court. In sum, the IC has always been a corporation of the more modern ilk: a broadly-defined, profit- and growth-seeking entity. The IC thus represents all other

¹⁶ CP 1851/52 1376A 12/29.

railroads that entered Chicago's city limits. Whether the Common Council would have reacted differently to the railroads had it viewed them as such from the commencement of Chicago's railroad era can never be known.

The "Lake Front Steal" marked an appropriate end to Chicago's railroad decade of the 1860s. The battle between the railroads and residents for Chicago's public space had been played over and over in the 1850s and 1860s, but it had never before actively involved the federal government in the disputes. (It is poetic that the foundation of the IC's power—the land grant—came from the federal government, as did the Supreme Court's check on its economic pursuits.) The "Lake Front Steal" was more than just a battle over public space writ large by federal participation, however. It was the culmination of a local political trend that began in the 1850s in which the Chicago Common Council moved away from a philosophy of economic boosterism towards one that looked to uphold and protect a public interest in shaping the built environment of the city. Chicago's politicians and public stood together against the railroads' intrusion into public space. A report by the Council's Committee on Judiciary represented this unified interest by declaring that the city, due to the Illinois & Michigan Canal commissioners' dedication more than three decades earlier,

cannot in good faith to such citizens and property owners permit said grounds to be used for other than Public uses. Even if the sum which said act declares the City shall receive...were an adequate compensation for the property (which it is not) your committee believe that it would be a most flagrant and unjustifiable breach of trust upon the part of the city to sell this property or...to consent that this land shall be appropriated to other than public uses.¹⁷

¹⁷ CP 1869/70 0744A 06/13.

Of course, the public who was to use Lake Park remained secondary to the public composed of the owners of property who had “a view and outlook upon and over this public ground,” the latter of whom owned property that had value directly linked to an unobstructed view of Lake Michigan. Nevertheless, the Council stood with Chicago residents of all classes against the appropriation of its lakeshore and harbor by private railroad corporations.

The true end of this era cannot be marked by the fight over the lakefront, though. On the night of Sunday, October 8, 1871, a fire started near the intersection of DeKoven and Jefferson Streets on Chicago’s west side. Fires were common occurrences in cities, but this one started under circumstances that would allow it to grow into a massive conflagration. It began after months of drought in a neighborhood filled with flimsy wood-structured houses and out-buildings, the latter of which contained such inflammable materials as lumber and hay. Strong winds then blew the flames to the north and west, to the lumber yards along the south branch of the Chicago River. The inferno then found its way across the river via wooden bridges, viaducts, and wind, to the central business district of the city. Finally, the flames crossed the main branch of the river and burned a large swathe of homes and property between the river and Lake Michigan, moving all the way to the city’s northern limits at Fullerton Avenue. The fire finally died on the morning of Tuesday, October 10, after reaching a few blocks north of the city, only to be extinguished by a rainstorm.¹⁸

¹⁸ The story of the Chicago fire has been told often. Descriptive narratives of the fire include Robert Cromie, *The Great Chicago Fire* (New York: McGraw Hill, 1957); Robert Cromie and Herman Kogan, *The Great Fire: Chicago 1871* (New York: G.P. Putnam & Sons, 1971); and David Lowe, ed., *The Great Chicago Fire* (New York: Dover, 1979). Many of the standard general histories of Chicago employ the Great Fire as a watershed moment during which the city was able to rise like a phoenix and develop into an

The fire's effect was devastating. Nearly a third of the city's 300,000 residents were rendered homeless, and the entire downtown business district lay in ruins. The working class was disproportionately affected by the fire, in large part because they tended to live in wood-frame homes, though the flames did not discriminate based on class, as many of the downtown homes and business transformed to soot and stone. The railroads were also hit hard. The Illinois Central, the grounds of which were directly in the path of the fire, lost its depots, though employees were able to move much of its rolling stock out of harm's way. Most of the city's passenger depots, which were relatively near downtown, were destroyed, though the freight terminals that lay on the city's periphery escaped damage, as did most track. Overall, the railroads emerged from

even greater metropolis than the one destroyed in the flames. In A.T. Andreas, *History of Chicago: From the Earliest Period to the Present Time*, Volume II: *From 1857 until the Fire of 1871* (Chicago: A.T. Andreas, 1885) and Volume III: *From the Fire of 1871 to 1885* (Chicago: A.T. Andreas, 1886), he separates the volumes of his encyclopedic history by recounting the story of the fire at the end of Volume II and narrating the rebuilding effort at the beginning of Volume III. Donald Miller uses the same method of organization in *City of the Century: The Epic of Chicago and the Making of America* (New York: Simon & Schuster, 1996): he ends Part I with the story of the fire and begins Part II with the rebuilding of the city. Bessie Louise Pierce begins *A History of Chicago*, Volume III: *The Rise of a Modern City, 1871-1893* (Chicago: University of Chicago Press, 1957; paperback edition, 2007) with a short discussion of the fire and follows with an extended narrative of the rebuilding effort. Harold Mayer and Richard Wade's *Chicago: Growth of a Metropolis* (Chicago: University of Chicago Press, 1969), though a general history, focused on the changes to the built environment and transportation that came as a result of the fire.

The Great Fire also plays a central role in a number of analytical histories. Carl Smith argued that the fire played an important role in defining the Gilded Age industrial city as a site of disorder in *Urban Disorder and Shape of Belief: The Great Chicago Fire, the Haymarket Bomb, and the Model Town* (Chicago: University of Chicago Press, 1995). Karen Sawislak explored the political dimensions of class and ethnic conflict during the period subsequent to the fire in *Smoldering City: Chicagoans and the Great Fire, 1871-1874* (Chicago: University of Chicago Press, 1995). Christine Meisner Rosen looked at the local political response to urban fires in the United States in *The Limits of Power: Great Fires and the Process of City Growth in America* (New York: Cambridge University Press, 1986) and maintained that most American cities that experienced large fires failed to use the fires as opportunities to enact large-scale city plans. Margaret Garb argued in *City of American Dreams: A History of Home Ownership and Housing Reform in Chicago, 1871-1919* (Chicago: University of Chicago, 2005) that the fire limits passed by the Common Council immediately following the Great Fire sparked opposition by working-class individuals who depended on wood-frame houses as an important economic investment and viewed home ownership as an American right. Finally, Maureen Flanagan begins *Seeing with their Hearts: Chicago Women and the Vision of the Good City, 1871-1933* (Princeton, N.J.: Princeton University Press, 2002) with a discussion of the difference in fire relief response by men and women in Chicago: men wanted to make all decisions and distribute relief based on worthiness, while women believed relief needed to be distributed much more liberally because of the scale of the horrible tragedy caused by the fire.

the fire in relatively decent shape, as did much of the economic infrastructure of the city: the stockyards were untouched, only a quarter of the city's grain and lumber had been destroyed, and much of Chicago's manufacturing base was operational. The city had the foundation for a phoenix-like rise after the last of the fire was doused on October 10, though that was cold comfort to the individuals who lost one of hundreds of people to succumb to the flames or had a home or business that numbered among the 18,000 buildings and 2,000 acres destroyed, the losses of which added up to over \$200 million.¹⁹

Chicago experienced a remarkably quick recovery. The analogy of Chicago as a "phoenix rising" likely became a cliché in only slightly more time than it took the city to get back on its feet; yet it became a cliché because it so aptly illustrated Chicago's emergence from the devastating event. A number of factors contributed to the revitalization. Citizens from all over the United States offered generous relief to the victims of the fire. The wealthy businessmen and boosters of Chicago such as J. Young Scammon and Cyrus McCormick led the immediate action to rebuild Chicago businesses.²⁰ And as was mentioned above, the city was lucky that much of its grain, lumber, meat, and manufacturing infrastructure had sustained minimal damage.

¹⁹ Stover, 181-3. Mayer and Wade, 117-24. David Young, *The Iron Horse in the Windy City: How Railroads Shaped Chicago* (DeKalb: Northern Illinois University Press, 2005), 101-3.

²⁰ Pierce, 10.



Image 9. The Chicago Fire. Chicago is destroyed by the Great Fire of 1871 and rises like a phoenix from the ashes. Clichés are clichés for a reason, and there is no other that can so accurately capture Chicago's recovery and growth after the fire. (from Rev. David Swing, *A Story of the Chicago Fire*, 1892)

The railroads form a final part of the story of Chicago's quick recovery. The fact that relatively little damage had been done to the tracks made it possible for the railroads to quickly spring into action in the relief effort to help rebuild the city. It simultaneously aided the relief effort and helped spur the railroads' freight business: Chicago needed

building materials, and the railroads had the tracks to transport them. Passenger traffic took a hit for a while after the fire, but it was not long before Chicago was again a destination for not only visitors but residents.²¹

The fire actually sparked Chicago's growth. The city's increase in population from 1871 to 1872 marked both the largest percentage and absolute increase in population during the decade of the 1870s.²² The massive rebuilding effort drew workers to build the skyscrapers, magnificent railroad terminals, and thousands of new buildings that came in the wake the fire. A number of people likely moved to Chicago in 1872 for the same reason that motivated so many of Chicago's original settlers: Chicago was a fresh start and a place of opportunity. Yet the start was not completely fresh, as the massive post-fire population growth combined with even more railroad development: the Council gave right-of-way to five railroads in 1872 alone. This ensured a continued presence of railroads in public space. As the Council fought the Illinois Central to retain the harbor and Lake Park, the stage was set for the reprise of a struggle against the railroads and the hazards and inconveniences their presence brought to a city.

²¹ Stover, 181-3. Young, 101-3.

²² Wesley Skogan, *Chicago since 1840: A Time-Series Data Handbook* (Urbana: Institute of Government and Public Affairs at the University of Illinois, 1976), Table 1. The city's population grew from 325,000 in 1871 to 367,396 in 1872, an increase of 42,396, or 13%.

Appendix 1: “The C., B. & Q. Crossing” from *Chicago Tribune*, “City Letters,” July 31, 1870, p. 3.

It would be thought by a person unacquainted with the city, from reading the publications on the subject, that the people on Michigan and Wabash avenues were the worst sufferers in the city from railroad obstructions. It is sometimes fortunate for the poor and medium classes in a city that the wealthy and “upper ten” are subject to the same grievances as they, otherwise their grievances would never be noticed. If the wealthy on the avenues are suffering from the steam cars merely crossing their street once, what must be thought of their humble neighbors on South Clark street, especially those living and owning property between Twelfth and Twenty-second streets. Instead of a single crossing, that might be remedied by a single bridge that would obstruct the view and thereby injure the prospect and retard the fast driving on the street, they have the same C. B. & Q. Railroad crossing, with the addition of switches running in various directions, but have, also, one railroad running lengthwise, and one less than one hundred feet from them, running parallel with the street, rendering the lots on the west side of the street almost worthless, and reducing to half its value the property on the east side of the street. But then the people on Clark street are only common people, most of them; only those who get their living by hard work, have no carriages and fast horses, and their beautiful prospect up and down the street is obstructed, it is true, but what business have they to spend their time looking up and down the street? They would be satisfied if they could be permitted to get their lots with their wood, coal, and other necessaries of life, if their view was not left so beautiful, or even if they were not permitted to drive at a 2:40 gait the whole length of their street without obstruction, or without crossing the C. B. & Q. R. R. on a bridge. They have repeatedly petitioned the City Fathers for relief, but they being

nobodies, not living in palaces and driving fast horses, the Aldermen have thought them unworthy of notice. "Their petitions have generally been referred to some committee and there resied (*sic*). A person might think that, if these people in moderate circumstances were worthy the notice of our Aldermen, the railroads had something to do with killing our petitions. But everyone knows that our Aldermen are above suspicion, and that none of them would be influenced by a pass on the railroad, or by their offer of pecuniary compensation, and they are vile slanderers that say the railroads own or influence the action of the City Fathers. The Michigan Southern Railroad had to get out of Clark street, and purchase their right of way into the city, as most other railroads have done. Part of the consideration, it is true, was in clearing Clark street: that part has not yet been paid. The Chicago, Rock Island & Pacific Road appear to be the especial favorites of our city fathers. I am so obtuse that I cannot see why they should be, as they have made more efforts to cut trade and travel to the city than all other railroads combined. First, they formed a junction with the Southern Michigan, six miles south of the city, for the purpose of transferring passengers without coming into the city; next, they formed a junction with the cut-off at Joliet, to take both trade and travel from the city, and, no longer ago than last winter, they made a desperate effort to get through Congress an act to construct a railroad from some point in Indiana—I think Logansport—to a point on their railroad about 100 miles southwest of Chicago, and thereby direct the trade from the Pacific away from the city. It is to me, therefore, something of a mystery why the Rock Island Railroad, that is a curse to the city, should receive from the city such special favors; that they should be allowed to traverse, free of cost, one of the best streets in the city, taking millions in value from the property of citizens, without rendering either the

property-holders or the city any compensation. Too mean to pay for their right of way, they ask the city fathers to aid them in stealing it from citizens that are illy able to lose it. The last petition of the inhabitants on the street was referred to a committee that has repeatedly agreed to meet the property-owners but have as yet not done so. Will they ever report any method to relieve the inhabitants who are having their property destroyed and their lives constantly endangered? Several have been killed on that street already, I think, at least one a year, by their fast and careless way of using steam on that street. No one supposed when the right was given to the railroad to run their cars on Clark street that it was to be permanent occupancy of the street.

SOUTH CLARK STREET.

CHICAGO, July 30, 1870.

Appendix 2: Chicago Railroad Right-of-Way Ordinances to 1871 (in chronological order; does not include railroads that entered the city solely on track-sharing agreements)

Galena & Chicago Union Railroad, July 17, 1848

Chicago & Rock Island Railroad, May 26, 1851

Illinois Central Railroad, June 14, 1852

Illinois & Wisconsin Railroad, October 4, 1852

Chicago, St. Charles & Mississippi Air-line Railroad, April 11, 1853

Fort Wayne & Chicago Railroad, February 13, 1854

Chicago & Mississippi Railroad, September 11, 1854

Joliet & Chicago Railroad, January 5, 1857

Chicago & Milwaukee Railroad, February 2, 1857

Chicago, St. Paul & Fond du Lac Railroad, August 16, 1858

Chicago, Burlington & Quincy Railroad, December 15, 1862

Northern Railroad, February 5, 1866

Chicago & Great Eastern Railway, October 8, 1866

Chicago, Alton & St. Louis Railroad, April 22, 1867

Pittsburgh, Cincinnati & St. Louis Railway, August 16, 1869

Michigan Southern & Northern Indiana Railroad, September 6, 1869

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