



### Grassroots Rebels: Municipal Power and Railroad Regulation in La Crosse, Wisconsin, 1883-1900

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On October 18, 1893, thirty residents of La Crosse, Wisconsin, submitted a petition to their city's Common Council. In the petition they accused the Chicago, Burlington, and Northern Rail Road Company of "running their trains at an unusual high rate of speed" and "endangering our property."<sup>1</sup> The Chicago, Burlington, and Northern was a branch of the Chicago, Burlington, and Quincy Railroad, one of the most powerful corporations in the American West, controlling a vast network of track that stretched from Chicago to the Pacific Northwest, employing 25,000 workers, with an operating revenue of \$30 million.<sup>2</sup> This commercial muscle did not stop La Crosse's Common Council from issuing a stern reproach to the railroad, warning the company to slow its trains within the city's limits or "face the consequences."<sup>3</sup> Six days later, the railroad's managers agreed to do everything in their power to carry out the council's instructions.<sup>4</sup> In this case, La Crosse politicians used the machinery of municipal government to force a wealthy and influential railroad corporation to reconsider its practices and to act in the public interest.

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Historians typically depict Gilded Age railroad regulation as a story of corporate executives manipulating politicians and political institutions to increase their profits and create economic stability in their industry at the

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<sup>1</sup> John Zahn et al., *Petition in Regard to Chicago, Burlington, and Northern*, 18 Oct. 1893, Chicago, Burlington, and Northern Rail Road Company File [hereafter CBN], Committee on Railroads, Resolutions and Reports, 1858-1932, Common Council, City of La Crosse, La Crosse Public Library Archives, La Crosse, Wisconsin [hereafter CoRR].

<sup>2</sup> Richard C. Overton, *Burlington Route: A History of the Burlington Lines* (New York, 1965), 192-96, 229, 377.

<sup>3</sup> La Crosse, Wisconsin, Common Council, *Resolution Regarding the Speed of Trains*, 20 Oct. 1893, CBN, CoRR.

<sup>4</sup> D. Cunningham, Chicago, to W. T. Symons, La Crosse, 26 Oct. 1893, CBN, CoRR.

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expense of common people.<sup>5</sup> In this paper, I argue that the conventional view is flawed, focusing too much attention on the failure of federal and state legislatures, courts, and commissions to regulate railroads, and not considering that Americans may have used municipal power to rein in railroads during the nineteenth century.<sup>6</sup> Taking La Crosse as a case study, I demonstrate that small cities had the potential to enact robust programs of railroad regulation between 1883 and 1900. During this period, La Crosse's Common Council passed ordinances that gave railroads the privilege to enter and expand their operations in the city, but that also regulated them so that they would act in the community's

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<sup>5</sup> Wisconsin has provided particularly fertile ground for scholars interested in exploring the question of how state governments failed to regulate railroads in the late nineteenth century. Robert S. Hunt, for example, suggests that Wisconsin executives, legislators, and judges failed to adjust state law to deal with the reality of growing railroad power during this period; Hunt, *Law and Locomotives: The Impact of the Railroad on Wisconsin Law in the Nineteenth Century* (Madison, Wisc., 1958), 167-75. Stanley Caine looks at the history of state railroad regulation in Wisconsin and concludes that lawmakers sympathetic to railroad corporations blocked laws designed to regulate those corporations after 1887; Caine, "Why Railroads Supported Regulation: The Case of Wisconsin, 1905-1910," *Business History Review* 44 (Summer 1970): 175-89. Many other scholars have suggested compelling reasons why the federal government struggled without much success to regulate railroads in the nineteenth century. Gabriel Kolko argues that railroad executives co-opted federal regulatory efforts in an attempt to rationalize a cutthroat industry; Kolko, *Railroads and Regulation, 1877-1916* (Princeton, N.J., 1965), 3. Albro Martin maintains that an underlying federal hostility to large corporations undermined the power of the Interstate Commerce Commission to work with the railroads and set acceptable maximum shipping rates; Martin, "The Troubled Subject of Railroad Regulation in the Gilded Age—A Reappraisal," *Journal of American History* 61 (June 1974): 343. Stephen Skowronek argues that the competing institutions of the federal government frustrated attempts to regulate railroads between 1877 and 1900; Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (New York, 1982), 161-62. Maury Klein holds that federal railroad regulatory agencies did not gain real influence until after 1903; Klein, "Competition and Regulation: The Railroad Model," *Business History Review* 64 (Summer 1990): 318. Colleen A. Dunlavy contends that the federal structure and separated powers of the American state allowed railroad corporations to undermine state regulation in the nineteenth century; Dunlavy, *Politics and Industrialization: Early Railroads in the United States and Prussia* (Princeton, N.J., 1994), 239-45. Together, these scholars highlight the numerous challenges of state and federal railroad regulation, but they say little about whether or not municipal authorities in Wisconsin or elsewhere tried to rein in railroad corporations in the late nineteenth century.

<sup>6</sup> In doing so, I expand on the work of William J. Novak, who has demonstrated a long-standing tradition of state and municipal regulation in nineteenth-century America; Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill, N.C., 1996), 1-18.

broader interest. Furthermore, the council continued to enforce these laws after 1883. As a result, railroad regulation was a fact of life in the city at the end of the nineteenth century. Ultimately, this hidden history of successful railroad regulation in La Crosse between 1883 and 1900 suggests that municipal governments may have played a far more significant role in defining the contours of late nineteenth-century American economic development than scholars have previously believed.

### **The Benefits and Costs of Railroads**

By the 1880s, railroads had transformed La Crosse from an insignificant western trading outpost into a bustling commercial hub and one of the most important merchant cities in Wisconsin. The city, which was founded by Anglo-American fur traders in the 1840s, owed a great deal of its early prosperity to its location at the meeting point of three important rivers: the Mississippi, the La Crosse, and the Black. These rivers served as arteries of commerce that linked the town to a larger world and paved the way for local commercial development. Following rivers, local loggers built profitable lumber camps in the rich timberlands of northern Wisconsin, while town merchants shipped their goods to prosperous markets both north and south. The opening of La Crosse's first railroad in the 1850s, however, was the event that sparked the city's transformation into a western mecca. By the 1880s, four railroads crisscrossed the city and linked local merchants to Milwaukee, Chicago, and other larger markets in the east.<sup>7</sup> These railroads attracted new people to La Crosse. Between 1865 and 1890, the city's population increased from 5,000 to 25,000.<sup>8</sup> Newcomers built new businesses and helped diversify the city's economy. In 1890, La Crosse was home to factories that employed 8,000 workers and produced goods worth \$16 million.<sup>9</sup> By the 1880s, La Crosse residents owed much of their prosperity to railroads.

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<sup>7</sup> In 1885, these railroads included the Chicago, Milwaukee and St. Paul, which first entered La Crosse in 1857; the Green Bay and Western, which entered the city in 1876; the Chicago, Burlington, and Northern and the Chicago and Northwestern, which both began operations in town in 1886. These railroads often began as independent lines with different names and many were purchased and renamed as part of larger railroad networks; see Anita Taylor Doering, "Grand Excursion: La Crosse, 1854-2004" in *Where Rivers Meet: An Educator's Guide to the History of La Crosse, Wisconsin*, ed. La Crosse Convention & Visitors Bureau (La Crosse, Wisc., 2003), 101-3.

<sup>8</sup> Wisconsin, Legislature, *Message of the Governor of Wisconsin, Together with the Annual Reports, of the Officers of the State* (Madison, Wisc., 1866), 107; Wisconsin, Secretary of State, *Tabular Statements of the Census Enumeration and the Agricultural, Mineral, and Manufacturing Interests of the State of Wisconsin* (Madison, Wisc., 1895), 57.

<sup>9</sup> Board of Trade of the City of La Crosse, Wisconsin, *Annual Report of the Board of Trade of the City of La Crosse, Wis., for the Year 1890* (La Crosse, Wisc., 1891), 18.

Yet, as La Crosse profited from the arrival of railroads, city residents became ever more aware that unfettered railroad corporations did not always act in the public interest. Railroads often charged exorbitant fees to ship goods and passengers and the majority of Wisconsin lawmakers were unwilling or unable to regulate those charges. In 1876, the state legislature eviscerated a law that had set maximum shipping rates and allowed railroads almost free reign to set fees.<sup>10</sup> La Crosse residents also knew that the arrival of a railroad in town could alter a city's physical geography and rhythm in unsettling ways. Railroad construction projects often blocked streets and slowed traffic for hours or days. Speeding trains could crack house foundations. Railroad corporations redirected rivers and marred private property.<sup>11</sup> City residents understood that train engines and cars were terribly dangerous vehicles that could easily maim or kill innocent people without warning. During one particularly gruesome two-month period near the end of 1870, six local railroad workers suffered a variety of agonizing job-related injuries, from amputated legs to smashed hands.<sup>12</sup> Running trains could also imperil domestic farm animals and, in turn, the livelihood of La Crosse farmers. In 1870, one city newspaper reported that a doomed calf had tried to outrun a moving train car

and was caught by the cow catcher, which killed the careless animal in the most approved manner of the Sandwich Islanders, by taking his heart out slick and clean, apparently doing no injury to any other portion of the body. The body lay at one side of the road, and the heart in the centre of the track and kept beating for some seconds after it left the body.<sup>13</sup>

By the 1880s, La Crosse residents recognized the commercial importance of the railroads running through town. Yet, many of them also understood that the business of railroading usually came with serious economic and social costs.

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<sup>10</sup> Hunt, *Law and Locomotives*, 99, 140-41.

<sup>11</sup> La Crosse residents raised this very issue in 1895; see John Schaefer et al., *Petition for Damages Claimed to have Sustained by Residents Along the Right of Way of the C. B. and N. R. R. Cos Tracks on North Side Caused by Reason of Building Trestle and Embankment*, 10 June 1895, CBN, CoRR.

<sup>12</sup> "Hand Badly Smashed By a Car," *La Crosse Evening Democrat*, 27 Oct. 1870, 4; "Accident—Leg Broken," *ibid.*, 3 Nov. 1870, 4; "Hand Crushed by Cars," *ibid.*, 14 Nov. 1870, 2; "Railroad Accident," *La Crosse Republican*, 26 Nov. 1870, 3; "This Morning as the Train," *ibid.*, 10 Dec. 1870, 2; "Fearful Explosion," *La Crosse Evening Democrat*, 12 Dec. 1870, 4; "There Has Been Two Accidents," *ibid.*, 23 Dec. 1870, 4.

<sup>13</sup> "On Monday as the Morning Passenger Train," *La Crosse Evening Democrat*, 17 Nov. 1870, 4.

### Asserting New Regulatory Power

Regardless of the political and economic might of railroad corporations, many La Crosse residents were more than willing to regulate them in the broader public interest during the late nineteenth century. The idea of municipal regulation was not new in La Crosse in the 1880s. The city's first charter in 1856 had vested Common Council members with authority to regulate a range of activities, from commerce to gambling.<sup>14</sup> Yet, the council did not gain power to control railroad corporations until the state legislature amended the city's original charter and granted alders new authority in 1883. First, the 1883 amendment gave the council authority to prevent railroad engines and cars from blocking traffic on city streets. Second, it gave the council clout to force railroad corporations to keep their property and works in good repair. Third, it entrusted council members with power to compel railroad corporations to build and mend railroad crossings and to ensure that safety measures would protect pedestrians.<sup>15</sup> Together, these new measures were a profound change in the city's police authority. In amending La Crosse's city charter in 1883, Wisconsin legislators redefined the relationship between municipal government and railroad corporations and guaranteed that the railroad regulation issue would remain a top priority for the city's politicians and residents for the next two decades.

La Crosse council members eagerly embraced this new regulatory power in the 1880s.<sup>16</sup> In 1885, two railroads—the Chicago, Burlington, and Northern, and the Chicago and Northwestern—petitioned the council for permission to begin operating trains in the city. In both cases, alders agreed to the request and passed laws granting the railroad right of way. At the same time, however, they mapped out a set of strict regulations that reflected their new police power. The council ordered both of the railroads to keep open city streets and to keep their tracks and operations in good repair. Furthermore, it required that each take measures to guarantee the safety of city residents. In particular, the council compelled the Chicago, Burlington, and Northern to hire a guard for its Main Street crossing, and the Chicago and Northwestern to build bars and gates at its Fourth Street

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<sup>14</sup> Wisconsin, *Private and Local Acts Passed by the Legislature of Wisconsin* (1856), 274-79.

<sup>15</sup> Wisconsin, *Laws of Wisconsin* (1883), 855-57.

<sup>16</sup> La Crosse's Common Council first issued an ordinance granting a railroad corporation—the Green Bay and Minnesota Railroad Company—the right to build a line in the city in 1876. The legislation, however, did little more than dictate where the line would run and protect the city from liability claims filed by angry property owners who did not want the line to violate their private holdings. La Crosse, Wisconsin, *Special Charter and Ordinances of the City of La Crosse Together with a Compilation of State Laws Pertaining to Cities Under Special Charters* (1911), 156-57.

crossing to prevent accidents.<sup>17</sup> In both instances, La Crosse's council granted the railroads privileges, but made sure that they would act in the broader interest of the community.<sup>18</sup>

La Crosse alders also used their new police power in an even bolder way: to rein in powerful railroad corporations that had been operating trains in the city long before the 1883 charter amendment. The council's chief target was the Chicago, Milwaukee, and St. Paul Railway Company, a Milwaukee-based corporation that had been running trains through town since the 1850s and had come to dominate Wisconsin railroading in the 1880s.<sup>19</sup> In 1886, the Chicago, Milwaukee, and St. Paul asked the Common Council for permission to build a new track from its city terminus. The council agreed to this request, but also used the opportunity to apply its new regulatory powers to exercise a measure of control over the corporation and its operations in La Crosse. As in the case of the 1885 laws, the Chicago, Milwaukee, and St. Paul ordinance asserted municipal power over the railroad. It required the corporation to move train cars that obstructed city streets, keep its operations in repair, and pay for any damages to private property.<sup>20</sup> In effect, La Crosse council members granted the railroad the right to lay new track and increase its profits in the city, but also asserted their authority and forced the corporation to act in the public interest.

### Enforcing the Law

These three ordinances and their amendments created a regulatory framework that the Common Council worked hard to enforce between 1883 and 1900. For the most part, railroads obeyed council demands and had a cordial relationship with the city after 1883. On occasion, however, council members accused railroads of violating municipal law and undermining the public good. In those instances, the Common Council was more than willing to threaten and, if necessary, coerce railroad corporations to change their behavior in La Crosse.

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<sup>17</sup> La Crosse, *Special Charter and Ordinances* (1911), 256-63.

<sup>18</sup> The council also required that both railroads gain its approval before expanding their operations in town. In 1886, the alders amended the Chicago, Burlington, and Northern ordinance and allowed it to build tracks across streets and alleys on its depot grounds. La Crosse, *Special Charter and Ordinances* (1911), 267. In 1890, the council took similar steps when it amended the original Chicago and Northwestern ordinance to give the corporation permission to establish a new sidetrack. La Crosse, Wisconsin, *Ordinances of the City of La Crosse* (1891), 53-54.

<sup>19</sup> On the influence of the Chicago, Milwaukee and St. Paul railroad in Wisconsin, see Agnes Mary Hayes, "The History of Transportation of La Crosse Wisconsin" (B.A. thesis, University of Wisconsin, 1916), 33-35; and Robert C. Nesbit, *The History of Wisconsin*, vol. 3: *Urbanization and Industrialization, 1873-1893* (Madison, Wisc., 1985), 90-91.

<sup>20</sup> La Crosse, *Special Charter and Ordinances* (1911), 265-66.

Council members flexed their regulatory muscle in three critical ways during the 1880s and 1890s. First, they pressured railroads to make sure that their engines and cars were not clogging public streets and blocking traffic. Repeatedly, council members investigated citizen complaints and issued bold resolutions ordering railroads to make it easier for pedestrians to navigate their tracks and works.<sup>21</sup> In 1889, for example, they demanded that the Green Bay and Western Rail Road install new crossings over Market, Ferry, and Madison Streets.<sup>22</sup> In 1896, alders directed the Green Bay and Winona to open crossings on eight major streets that ran through the heart of the city.<sup>23</sup> Sometimes the debate over who ultimately controlled public thoroughfares took a nasty turn. In 1897, council members informed the Chicago, Milwaukee, and St. Paul “to be more careful in the future not to stop their Passenger Trains on Mill St. Crossing And That They are not as yet sole Owner of our Public Street Crossings.”<sup>24</sup> Together, council investigations and resolutions forced railroads to alter their behavior and open city streets in La Crosse after 1883.

Second, La Crosse alders tried to prevent railroad corporations from lowering the value of private property in the city. This issue came to a head between 1895 and 1899. Residents submitted three petitions to the council that accused railroads of blocking the La Crosse River, flooding their streets, ruining their gardens, cutting them off from municipal services, and, as a result, lowering the value of their land and homes. After an investigation, the council issued a special report concluding that the city could not provide a legal remedy to salvage falling property values. It did, however, encourage petitioners to sue railroads in state courts. The report further stipulated that as business increased near the La Crosse

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<sup>21</sup> On four occasions between 1885 and 1901, La Crosse residents submitted petitions accusing railroads of violating local ordinances by blocking city streets. A. Hirsheimer et al., *Petition of A Hirsheimer and of Others*, 17 Nov. 1885, Chicago and Northwestern Railroad File, CoRR; Paul Wagner et al., *Petition in Regard to Crossing of the G. B. & W. R. R. at 13-14 & 15 Sts*, 14 Oct. 1887, Green Bay and Winona Railroad File [hereafter GBW], CoRR; Daniel Roberts et al., *Petition in Regard to Obstructions on Front and Pine Sts Referred to the Committee on Streets & Alleys*, 9 March 1888, Chicago, Milwaukee and St. Paul Railroad File, 1872-1903 [hereafter CMS], CoRR; John O. Neil et al., *Petition for Abatement of Mill Street R. R. Crossing*, 16 April 1901, CMS, CoRR. These petitions were often enough to convince the Common Council to investigate the activities of railroads in town.

<sup>22</sup> La Crosse, Wisconsin, Common Council, *Resolution Requiring G.B. R. R. Co to put in crossing on Market Ferry and Madison Streets*, 9 March 1888, GBW, CoRR.

<sup>23</sup> La Crosse, Wisconsin, Common Council, *Committee Reported on and Report & Resolution Adopted*, 14 Feb. 1896, GBW, CoRR.

<sup>24</sup> La Crosse, Wisconsin, Common Council, *Resolution Board of Public Works to Notify the C. M. and St. P. Ry. Co Not to Obstruct Mill St. Crossing*, 10 Dec. 1897, CMS, CoRR.

River, it might be necessary for council members to take action to protect the property interests of residents living in the area.<sup>25</sup> Even when La Crosse council members believed that they lacked the legal power necessary to order railroads to pay damages, they assumed that city residents had strong legal footing to sue railroad corporations in court, and they held that economic necessity might force their hand to take punitive action in the future.

Finally, La Crosse officials constantly demanded that railroads run safely through town. During the 1880s, many residents blamed the Chicago, Milwaukee, and St. Paul for endangering their lives. On January 25, 1887, representatives from the neighborhood of North La Crosse asked the council to order the railroad to build and maintain crossing gates at North Third Street in the interest of public safety: "The steadily increasing travel over this crossing, and the very narrow escapes from terrible accidents, that have occurred at this point, show that it is most necessary for the protection of the interests of both the Public, and the Railroad Company that gates be put in."<sup>26</sup> Although it is unclear whether the Common Council agreed to this particular request, on May 28 it did order the Chicago, Milwaukee, and St. Paul to erect street crossing signs at Caledonia, Hagar, and Avon Streets.<sup>27</sup> That same year, Frank J. Toeller, the city attorney, pressured the railroad to erect crossing gates at Mill Street.<sup>28</sup> A decade later, the Common Council expanded its focus and ordered all railroads in the city to build passenger platforms that protected local travelers from rain and snow.<sup>29</sup> In the 1880s and 1890s, La Crosse alders successfully leveraged railroad corporations to take new measures that would help prevent injuries and deaths in town.

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<sup>25</sup> John Schaefer et al., *Petition for Damages Claimed*, CBN, CoRR; Christ Kiel et al., *Petition from Property Owners Along C. B. and N. Ry Cos Right of Way on the North Side Complaining of the High Trestle as Being a Damage to their Property*, 10 July 1897, CBN, CoRR; and Wendell A. Anderson et al., *Petition for Relief from Surface Water Resulting from Floods and Back Water from La Crosse River*," 14 July 1899, Chicago, Burlington, and Quincy Rail Road Company File, CoRR.

<sup>26</sup> H. P. Magill to the Mayor and Common Council of La Crosse, 25 Jan. 1887, CMS, CoRR.

<sup>27</sup> La Crosse, Wisconsin, Common Council, *Resolution to Compel the C. M. and St. P. R. R. to Construct Crossings on Caledonia, Hagar, and Avon Streets*, 28 May 1887, CMS, CoRR.

<sup>28</sup> W. G. Collins, Milwaukee, to F. J. Toeller, La Crosse, 28 Aug. 1887, General 1860-1890 File, CoRR.

<sup>29</sup> La Crosse, Wisconsin, Common Council, *Resolution Railroad Companies to Build Suitable Platforms at Depots for the Protection of Passengers from Climatic Conditions*, 17 Dec. 1897, General 1891-1924 File, CoRR.



## Conclusion

The story of La Crosse railroads between 1883 and 1900 is not a tale of intimidating corporations running roughshod over city residents and their inept municipal leaders. Instead, it is a story of how during the 1880s municipal lawmakers enthusiastically used their new state-granted police power to regulate wealthy railroad corporations in the interest of the community. La Crosse alders welcomed railroads to their city, but they also made it clear to corporate executives and local voters that the council would have final say over where the new railroads were built, what obligations they owed to city residents, and how they would behave. Council members continued to enforce railroad regulations after 1883. In many cases, they chastised railroad executives and forced them to yield control of public space, account for property damage, and take measures to guarantee the safety of city residents. In the end, La Crosse railroading is a tale of grassroots regulation during the 1880s and 1890s.

This tale also has broad implications beyond the limits of La Crosse. Regulating the control of public space, property values, and safety certainly had an immediate impact on the lives of La Crosse residents. It also left a mark on railroad corporations. The Common Council repeatedly forced railroad executives to navigate local political concerns, to send representatives to inspect construction projects, to invest in new employees and safety devices, and to make business decisions based on the demands of city residents. Municipal regulation thus had an impact, not only on La Crosse residents, but also on railroad corporations. For this reason, our conception of nineteenth-century railroad regulation remains incomplete without greater attention to municipal efforts at regulation. Furthermore, La Crosse's success at reining in railroads raises tantalizing questions about Gilded Age economic development. If the city council used municipal power to control railroads, then is it possible that it used this authority in other ways that also had profound commercial consequences beyond the city proper? I have demonstrated that assertive grassroots rebels in La Crosse effectively challenged and limited the growing power of railroad corporations that ran trains through town at the end of the nineteenth century. I urge scholars to integrate municipal government into the equation when they explore how the American state shaped the economic history of the Gilded Age.