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# THE ERIE WAR OF THE GAUGES*

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IN DECEMBER, 1853, the city of Erie and the neighboring township of Harborcreek, with the enthusiastic support of a large majority of their people, tore up the tracks of the Erie and North-East Railroad, wherever they crossed or entered the city streets or the public highway. This made a seven-and-one-half mile break in the recently-completed chain of railroads from New York to Cleveland and the midwest. The railroad repeatedly re-laid its tracks; they were as often ripped up. An injunction was obtained from the United States Circuit Court at Pittsburgh to protect the railroad's property; the injunction was disregarded.[1]

A deputy marshal showed the injunction to Archibald Kirkpatrick, one of the Harborcreek leaders, and pointed out that it bore the seal of the United States. Kirkpatrick threw it upon the floor and stamped on it with his heel, "saying that (meaning the mark of his heel) was the Harborcreek Seal."[2]

Such was the beginning of the "War of the Gauges," which interrupted rail traffic between New York and the West for two months, and seriously inconvenienced it for two years. This conflict between Erie and the railroads which later became part of the New York Central system was one of the most fantastic episodes in Pennsylvania history, and certainly the most exciting in Erie his-

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[1] John Miller, *A Twentieth Century History of Erie County, Pennsylvania* (Chicago, 1909), I, 267-293; John Bach McMaster, *A History of the People of the United States* (N. Y., 1913), VIII, 92-94; Laura G. Sanford, *The History of Erie County, Pennsylvania* (Second edition, Erie, 1894), 119-121, 348-352; Alvin F. Harlow, *The Road of the Century* (N. Y., 1947), 267-274.

[2] Testimony of Thomas B. Dobson, January 5, 1854, before U. S. Circuit Court, Pittsburgh, quoted in D. Slie, *War of the Gauges* (Cleveland, 1854), 35; a similar traditional version is given by Miller, I, 284.

tory. A man who had been through the Erie War and later served in the Union Army throughout the Civil War pronounced the Erie War much the more exciting of the two.[3] Yet it is almost forgotten. If mentioned at all, the Erie War of 1853-1856 is likely to be confused with the struggle of Gould, Fisk, Vanderbilt, and Drew for control of the Erie Railroad—the Erie Railroad War of 1867-1868.

The immediate cause of the Erie War was the attempt to eliminate the break or difference in railroad gauges between the two east-west lines which connected at Erie. For this reason the conflict has been called the "Erie War of the Gauges." Other matters were in dispute. Erie also wanted the railroads to extend their tracks to the harbor, instead of running more than a mile from the lake front. Erie also was anxious that the projected Sunbury and Erie Railroad should have proper connections when it finally reached its Lake Erie terminus.[4]

The railroads and their friends stressed the discontinuance of the break in gauge. Erie's chief objection, it was charged, was that peanut vendors and piemen could no longer sell their wares to passengers while they changed cars.[5] From this came the mocking name of "Peanut War," which is occasionally applied to this conflict.

The underlying causes of the Erie War lay in a struggle for commercial leadership and economic advantage, similar to the struggle between Philadelphia and Baltimore for the trade of the Susquehanna Valley. Erie was contending with the other cities along the southern shore of Lake Erie for commercial leadership and for her economic future. Philadelphia and the interior cities of Pennsylvania were struggling with New York for the trade of the midwest. Pennsylvania had made enormous public and private investments in transportation facilities to reach the west. The Commonwealth was staggering under a heavy burden of debt for the State Works, the canal and railroad system linking Philadelphia with Pittsburgh and the west. The Pennsylvania Railroad was nearing completion.[6]

[3] Sanford, 349.

[4] "Statement of the Mayor and Councils of Erie . . . ," December 13, 1853, in D. Slie, 14-21; also in *Erie Weekly Observer* and *Erie Weekly Gazette.*

[5] *E.g., New York Semi-Weekly Tribune,* January 3, 1854, editorial "Pennsylvania Disgraced."

[6] Governor William Bigler, Annual Message to the Assembly, January 4, 1854, in *Pennsylvania Archives,* Fourth Series, VII, 650-652; "Statement of the Mayor and Councils of Erie . . ."; Governor William Bigler, Message to the Assembly concerning the Franklin Canal Company, February 11, 1854, *Pennsylvania Archives,* Fourth Series, VII, 686-696.

The two great railroad lines of New York, the New York and Erie Railroad and the New York Central Railroad, were trying to establish railroad connections with Ohio. They could reach Ohio only by crossing Pennsylvania. The Commonwealth was reluctant to concede such passage freely, without limiting conditions. Under the circumstances, with so much at stake, the leaders of Pennsylvania felt disinclined to take an unselfish, broadminded attitude. In Governor Bigler's words, "Pennsylvania holds the key to this important link of connexion between the East and the West, and I most unhesitatingly say, that where no principle of amity or commerce is to be violated, it is the right and the duty of the State to turn her natural advantages to the promotion of the views and welfare of her own people."[7] Therefore, the government and the courts of Pennsylvania approved Erie's objectives, although they frowned on some of Erie's methods.

People outside the state were scandalized by Pennsylvania's attitude, and by the goings-on in Erie. Editors and congressmen assailed the selfishness of the Keystone State.[8] Congressman Wade suggested that it be re-named the "Shylock State," since it demanded its "pound of flesh" from all who passed its borders.[9] Business circles talked of a blacklist on Pennsylvania investments.[10] Travelers wrote indignant letters to the newspapers. Typical in tone, but more witty than most of these letters, was one signed "Traveler," in the *New York Tribune,* December 23, 1853.

"Traveler" reported a rumor "that a new bake-pan has been ordered, representing the illustrious Governor [Bigler] of Pennsylvania, so that all gingerbread will be baked hereafter in his image." This he considered "a tender and beautiful testimony of respect to that great and good man, who declares that his sympathies are with a people who are nobly impatient of justice and common rights, and that he will abet proceedings entirely illegal, so far as the law will permit him." This is a malicious distortion of one of Bigler's telegrams to Erie. "Traveler" then paid his compliments to the unruly city:

> A New device for the Erie coat of arms is in preparation. It is described as a Peanut rampant on a ground of

[7] *Pennsylvania Archives,* Fourth Series, VII, 651.
[8] *E.g., New York Semi-Weekly Tribune,* January 6, 1854; *Congressional Globe,* XXVIII, Part I, First Session, 33rd Congress, 100-101, 195-196, 217-218, 229-237, 259.
[9] *Congressional Globe, loc. cit.,* 230.
[10] *New York Semi-Weekly Tribune,* December 23, 1853.

> apple pie: Pop-corn *d'or* and candy *argent*. There will be a bar sinister of a bottle of beer sizzling. Motto: *Aut Erie; Aut the Deluge*. . . . The Reverend Presbyterian clergyman—who spiritually consoled Erie militant, on the eventful day—[interprets] this to mean, 'All is not lost while Erie survives ! !' . . . It is rumored also that the city intends to present Mayor King, who led on the charge so valiantly, with a half dozen pale ale, (pints;) and that a picture . . . has been commissioned in which the great King is represented seated upon the rail which was so valorously torn up, while crowds carrying emblematic banners swarm exulting around him. Among the inscriptions are 'Bigler and Beer!' . . . 'No more riding on a rail!' 'Bunker Hill and Erie!'

The last-mentioned slogan reminded the writer "that the City of Erie has one immortal remembrance, for it was there that Perry fitted out his fleet for the famous battle of the Lake." He sadly admonished the people of Erie: "You have the proud satisfaction of knowing that you have linked to the one historical association of Erie, another and inseparable one, and of just the opposite character."[11] How shocked he would have been to know that the venerable and respected Captain Daniel Dobbins, the builder of Perry's fleet, had lent his honored name and support to the fight against the railroads, presiding over mass meetings and signing manifestoes![12]

In 1853 the chain of railroads had just been completed along the south shore of Lake Erie. This chain was made up of four separate railroads. The Buffalo and State Line Railroad extended from Buffalo to the New York-Pennsylvania line; the Erie and North-East Railroad covered the twenty miles from the state line to Erie; the Franklin Canal Company had a railroad from Erie to the Ohio state line; and the Cleveland, Painesville, and Ashtabula Railroad ran from the state line to Cleveland.

The little Erie and North-East Railroad was the first of these roads to be built. Chartered in 1842,[13] it began construction in 1849, and the railroad was completed in January, 1852, with a gauge of six feet. This broad gauge was intended to match the gauge of the New York and Erie Railroad, under a contract signed by the Erie and North-East Railroad on April 27, 1850. The New

[11] *Ibid.*
[12] *Erie Weekly Observer,* July 23, 1853; D. Slie, 24.
[13] 1842 P. L. 267, approved April 11, 1842.

York and Erie promised to build a connecting link, the Dunkirk and State Line Railroad, at the same gauge. This would make Erie, in effect, the western terminus of the Erie Railroad.[14]

The New York Central interests looked for a similar connection for their Buffalo and State Line Railroad. The Erie and North-East was agreeable, and its directors eventually agreed to lay a second track of four-foot-eight-and-one-half-inch gauge, to match the New York Central.[15] Erie business men, Erie editors, and Erie people in general, had glowing visions of the future of their city.

Meanwhile, the Cleveland, Painesville, and Ashtabula Railroad had been pushing eastward, and was expecting to meet the New York railroads. This was a more difficult problem. Pennsylvania was reluctant to charter a railroad which might strengthen New York's connections with the western markets. By a complicated deal, the Pennsylvania General Assembly was persuaded in 1848 to incorporate the Erie and Ohio Railroad. The next year, however, Philadelphia interests took alarm, and the act of incorporation was repealed, thus "interposing, as was supposed, an insurmountable barrier to the . . . progress of the New York Railroads West."[16]

What the New York and Ohio railroad interests could not do directly, they accomplished indirectly. In April, 1849, they secured passage of an act amending the charter of the Franklin Canal Company, which had been organized in 1844 to operate the canal from Meadville to Franklin.[17] It was now authorized to build a railroad from Erie to Pittsburgh. Under a most extraordinary interpretation of its charter, this company proceeded to build a railroad from Erie to Ohio, to meet the Cleveland, Painesville, and Ashtabula Railroad. It claimed that the four- or five-mile track not on its chartered course was merely a spur to connect it with the Ohio road. The profits earned from this connection would help to build the rest of the line.[18]

[14] "Statement of the Mayor and Councils of Erie . . . ," *loc. cit.*, 16; Sanford, 119; *Pennsylvania State Reports*, XXVI, 288.

[15] *Erie Weekly Gazette*, February 20, March 13, 1851. The Erie and North-East directors voted to build the second track, March 10.

[16] "Statement of the Mayor and Councils of Erie . . . ," *loc. cit.*, 15-16; see also D. Slie, 7-8. The incorporation act is not printed in the Pamphlet Laws, as a required fee was not paid. The repeal act is 1849 P. L. 137.

[17] 1844 P. L. 471, approved April 27, 1844, and amended by 1848 P. L. 765, approved April 9, 1849.

[18] Report of the Directors of the Franklin Canal Company, 1853, quoted in D. Slie, 47-49; *Pennsylvania State Reports*, XXI, 117-130.

The Cleveland, Painesville, and Ashtabula Railroad used a gauge of four feet ten inches, the gauge required by Ohio law. As its subsidiary, the Franklin Canal Company built to the Ohio gauge, and was opened for traffic in November, 1852.[19]

Then the Ohio and New York interests got together, and planned a deal which sent all Erie's hopes a-flying. The New York and Erie Railroad was already in financial difficulties and unable to push the Dunkirk and State Line Railroad. The C. P. and A., under the forceful leadership of Alfred Kelly, proposed that the four-foot-ten-inch gauge of Ohio should be carried through to Dunkirk and Buffalo. Then, neither New York railroad would have an advantage over its competitor, the Buffalo and State Line Railroad could serve both, and Buffalo and Dunkirk would both profit as transfer points. As a result, the Buffalo and State Line adopted the Ohio gauge. The Erie and North-East Railroad was left with an eighteen-mile stretch of six-foot track between two railroads of four-foot-ten-inch gauge.[20]

The New York Central, with the standard gauge of four feet eight and one-half inches, had its terminus at Buffalo; and the New York and Erie, with the broad gauge of six feet, terminated at Dunkirk. Erie interests had urged and expected that the line connecting the Erie and North-East Railroad with Dunkirk and Buffalo should be built to either broad or standard gauge. Instead, the Buffalo and State Line Railroad used the Ohio gauge of four feet ten inches, the same as the Franklin Canal Company Railroad and the Cleveland, Painesville, and Ashtabula Railroad. If the Erie and North-East Railroad also were induced to use the Ohio gauge, passengers and freight could move without transshipment from Ohio to western New York, a good train haul in those days.

As long as the Erie and North-East Railroad kept the six-foot gauge, passengers and freight had to be transferred at Buffalo from the New York Central, or at Dunkirk from the New York and Erie Railroad, to the Buffalo and State Line Railroad. They had to change again at the Pennsylvania-New York state line, to the Erie and North-East Railroad; and again at Erie to the Franklin Canal Company's railroad. This was inconvenient and troublesome, and

[19] *Ibid.*

[20] *Erie Weekly Gazette,* April 24, May 1, 1851; Miller, I, 259-262; Sanford, 349-352. Miller and Sanford reproduce significant parts of the Report of the Erie and North-East Railroad, January 18, 1852. See also Harlow, 266-268.

the blame was laid at Erie's door, even though it was the New York railroads which had violated the earlier contracts. Erie felt unjustifiably abused and mistreated, and resolved to keep her break, no matter what the cost.

Her first move against the wicked "railroad monopoly," as it was termed, was in the Pennsylvania legislature. State Senator John H. Walker, an Erie and North-East director, and a leading figure in state politics, secured passage of a Pennsylvania Gauge Law, which froze the existing gauges. Any railroad west of Erie must use four-foot-ten-inch gauge; any railroad east of Erie must use six-foot or four-foot-eight-and-one-half-inch gauge. When this was approved on March 11, 1852, Erie relaxed and felt more hopeful.[21]

The New York and Ohio interests were not discouraged. They went to work on the 1853 session of the Pennsylvania legislature. As a result of their efforts—it was charged that they spent $50,000—,[22] the Gauge Law was repealed on April 11, 1853.[23]

Meanwhile, Erie was losing control of her railroad. The Erie and North-East had used a large part of its bonds to pay the contractors who built its line. The contractors sold them, and by the summer of 1853 two-thirds of the shares were in the hands of the enemy. Most of the directors and officers, now in danger of losing their positions, saw new merit in the four-foot-ten-inch gauge. Since it was inevitable, they preferred to carry out the change of gauge themselves, rather than let other directors and officers be elected to do it.[24] On November 17, 1853, they signed a contract with the Buffalo and State Line Railroad, to make the change to four-foot-ten-inch track.[25]

In the meantime, the city councils of Erie had not been idle. With the enthusiastic support of the majority of the citizens, as expressed in mass meetings, they had adopted several ordinances striking back at the railroads. On July 19, 1853, they adopted an ordinance prohibiting a change of gauge. If either railroad made

[21] *Erie Weekly Gazette,* January 30, February 13, 1851, January 15, 1852; 1851 P. L. 155.

[22] "Statement of the Mayor and Councils of Erie . . . ," *loc. cit.,* 17-18.

[23] 1853 P. L. 366. This repealed all gauge laws.

[24] Miller, I, 265; A. H. Caughey, "Reminiscences of the Erie Railroad War," newspaper clippings of a speech, in Erie Public Library clipping file.

[25] Sanford, 120.

an attempt to do so, the high constable was directed to remove its tracks from the city streets.[26]

The Erie and North-East Railroad directors tried to win over the city councils. Appearing before the councils on November 14, they presented compromise proposals. If the gauge could be changed, an engine house and repair shops would be built at Erie; the railroad from Erie to Pittsburgh would be built; and help would be given in the construction of another railroad from Erie, to join the New York and Erie Railroad, by way of Jamestown. The city councils might have accepted these proposals, but for the pressure of public opinion. The railroads had made similar promises before, none of which had been carried out. The councils met next day, and resolved to enforce the ordinance of July 19.[27]

The mayor was authorized to appoint 150 special police officers, and to issue a proclamation "calling on the citizens of Erie, both civil and military, to hold themselves in readiness at a moment's warning to assist in maintaining the ordinances and peace of this city." The mayor issued this proclamation on November 21, with a lengthy legal opinion, prepared by three eminent Erie lawyers. These lawyers ruled that the city had the power to remove the tracks and bridges from the streets, as part of its power to regulate and improve the streets. Since the city had cancelled the railroad's franchise, and since the railroad had violated its charter by not extending its track to the harbor, the railroad track had become a public nuisance which it was the right and duty of the city to abate.[28] It is interesting to note that the Pennsylvania Supreme Court later upheld this opinion.[29]

On December 7, 1853, the Erie and North-East Railroad began to change its track, starting at Northeast, and proceeding about four hundred feet within the Erie city limits. Early in the morning, a signal cannon was fired to warn the citizens, and Erie began to gather its forces.

Mayor Alfred King, an imposing figure mounted on a large but swaybacked horse, together with the high constable and other city

[26] *Erie Weekly Gazette,* July 21, 1853; *Erie Weekly Observer,* July 23, 1853; Miller, I, 269-276.
[27] *Erie Weekly Gazette,* November 17, 1853.
[28] *Ibid.,* November 24, December 1, 1853.
[29] Commonwealth vs. The Erie and North-East Railroad Company, in *Pennsylvania State Reports,* XXVII, 339-379. The opinion was delivered by Chief Justice Black.

dignitaries, led a force of 150 special police officers up State Street to the railroad bridge. The railroad crossed French and State Streets on a long wooden trestle, which spanned the valley of Mill Creek. As the procession moved up State Street from the park, it was joined by the fire company and by an ever-increasing crowd of excited townspeople. By the time the noisy crowd had reached the railroad it is no wonder that railroad officials and employees thought it was a mob.

The municipal authorities and citizens of Erie tore down the bridges over State and French Streets, and ripped up the track where it crossed other streets of the city. Some rotten eggs and stones were thrown at railroad officials who tried to interfere, and most of them thought it wisest to leave town.[30] The next day, the road commissioners and citizens of Harborcreek joined in the fray. They tore down and burned the railroad bridge in that township, and tore up the track for about a mile and a half, where it coincided with the public highway, the Buffalo or Ridge Road.[31]

The railroad company quickly replaced the track in Harborcreek. The bridge was destroyed again, and the "track again torn up with an addition of nearly twenty rods." The people made evident by threats their determination to prevent the restoration of the railroad.[32]

On December 17, the railroad obtained an injunction from the United States Circuit Court in Pittsburgh, "restraining the city of Erie, the citizens of Erie County, and all persons whatsoever, from interfering with the change of . . . gauge." The United States Marshal served the injunction, and the railroad thought, mistakenly, that it was safe. It again attempted to re-build the bridges and to re-lay the track, but the people of Erie and Harborcreek continued to resist. "For several days in succession the track was torn up as often as it was re-laid."[33]

Horace Greeley, the famous editor of the *New York Tribune,* traveled through the battle zone, December 26, on his way from New York to Chicago. He had begun his journalistic career in an

[30] *New York Semi-Weekly Tribune,* December 9, 1853; *Erie Weekly Gazette,* December 8, 1853; Miller, I, 276-278; Caughey, "Reminiscences. . . ."

[31] *New York Semi-Weekly Tribune,* December 9, 1853; *Erie Weekly Gazette,* December 15, 1853.

[32] "Memorial of the Railroad Company to His Excellency William Bigler . . . ," December 28, 1853, in *New York Semi-Weekly Tribune,* January 6, 1854; also in Slie, 25-28.

[33] *Ibid.* See also *Pittsburgh Legal Journal,* December 17, December 24, 1853.

Erie printshop, but now the embattled city was merely an inconvenient, uncomfortable interruption in his lecture tour. He had calculated on keeping a lecture appointment in Adrian, Michigan, on Monday evening, "but that could not now be, for the Kingdom of Erie forbade it. . . ."

> On Monday morning at 9, the Lake Shore train came along from Buffalo, and we reached Harbor Creek in it about 11, and thence were carried over the gap (seven and one-half miles) in about one hour, riding mainly in open sleighs through a cutting storm of wind, snow and sleet. At Erie we were detained more than an hour while the baggage was unloaded, transported and reloaded; and it was cheering to see the unanimity with which the passengers, with a certainty that they could get no dinner elsewhere, refused to eat here, withstanding the utmost perseverance in clamorous bell-ringing and the fullest assurances that the restaurant belonged to the Railroad Company, and did not sympathize with the rioters. I presume that this was true; but a community which burns bridges and tears up railroad tracks in defiance of an injunction of the United States Supreme Court, and thus exposes infants to be frozen, as some have been by means of this break, would not hesitate to steal chickens to sell to a restaurant if a chance were afforded them; and it is always safe to give such people as wide a berth as possible. So think nearly all whom hard necessity compels to traverse this inhospitable northern neck of Pennsylvania.[34]

The *New York Tribune,* like other New York newspapers, was waging an editorial campaign against Erie and against the misguided government of Pennsylvania. Governor William Bigler, on December 12, telegraphed to B. F. Sloan, editor of the *Erie Observer,* thanking him for information about the Erie troubles, and stating: "My sympathies are with the people of Erie, and whatever my duties and the laws will permit, shall be done for them."[35] The *New York Tribune* virtually exploded in print:

"Some men are born to greatness, others have it thrust upon them. Some men are born fools, others arrive at that distinction through the working of favorable circumstances. But of both

[34] "Winter Travel Westward," *New York Semi-Weekly Tribune,* January 6, 1854.

[35] *Erie Weekly Gazette,* December 15, 1853.

these eminent classes, the perfections seem to be concentrated in His Excellency, JOHN BIGLER, the Governor of Pennsylvania."[36] The *Tribune,* it will be observed, had its governors confused; John Bigler, William's brother, was the governor of California.

A later editorial called upon all travelers to avoid Erie "until the grass shall grow in her streets, and till her piemen in despair, shall move away to some other city not inhabited by fools and ruffians."[37]

The Erie newspapers did not allow such comments to go unchallenged; their editorials were equally severe on the arrogance of New Yorkers. Erie even found a poet to scoff at Horace Greeley. Tabitha Trotwood described in glowing terms her own abilities as a pastry-cook and candymaker. She wasn't used to soiling her fingers with "poisonous inks."

> They condite sugared comfits; make wheaten loaves
> That would tempt a *New Yorker* to take and eat,
> As over the Isthmus he grumblingly roves
> In a rickety stage, or a car of six feet.
>
> And well they lay pastry; mix cake that is nice,
> Such as Horace himself would hardly refuse,
> Sure he'd moisten his lips with a *dainty* slice
> Though to Erie piemen he's waved his adieus.
>
> With hayseed and clover, he's sowed all our streets,
> Yet the sterling grass, he'd heedlessly trample,
> Could he catch but a glimpse at my pickled beets,
> And the Buffaloes, all, would heed his example.
>
> * * *
>
> Poor piemen of Erie, don't die in despair
> Cause Horace woud'nt eat when last he was here;
> Just furnish your shops with my condiments rare,
> And henceforth, indeed, you'll have nothing to fear.[38]

The most serious clash between the railroad forces and the people of Erie and Harborcreek occurred on December 27, 1853. That morning, the people of Harborcreek were again engaged in "abating the nuisance" of the railroad track, when a train pulled in from Buffalo carrying three hundred men, laborers, tracklayers, and railroad officials. Among the latter were a conductor named Cough-

[36] *New York Semi-Weekly Tribune,* December 15, 1853.
[37] *Ibid.,* January 3, 1854.
[38] *Erie Weekly Gazette,* February 2, 1854.

lin and Superintendent Dennis of the Buffalo and State Line Railroad.

Coughlin and Dennis walked up the track to see what was going on, and possibly to order the citizens to stop their work of destruction. A scuffle ensued. The farmers pressed close around the two men and threatened them. Coughlin, frightened, drew his pistol and tried to fire it. It snapped twice, but went off at the third attempt. The ball hit a man named George Nelson in the head, knocking him cold. Actually, the bullet was deflected by the bones of his skull, so that he was not seriously hurt; but the farmers thought he was killed.

The angry crowd, after its first surprise, chased after the two railroad men. The laborers and trackmen came to their rescue with picks and shovels, but were themselves driven back to the train by superior numbers. Coughlin jumped aboard a locomotive, and was soon taken to safety in New York State.

The crowd grew angrier and more excited, demanding that Dennis, who was still on board the train, should be handed over to them. Dennis assured them that he had not shot the man, and refused to give himself to any but officers of the law. They attempted to take him by force, and several actually forced their way on the train. Meanwhile, one of the railroad officials, realizing the seriousness of the situation, made his way forward to the locomotive, and started it, so that the train with two or three extra passengers from Harborcreek was soon headed at full speed for the state line.[39]

About this time, the Harborcreek forces received a huge reinforcement from Erie. "All the Erie military companies with Gen. Killpatrick at the head and the cannon at their tail, with the Sheriff and Mayor and half the citizens of Erie, came rushing to the spot"[40] —on horseback, in carriages or wagons, or in whatever conveyance could be found. There were speeches and wild talk. Finally, the sheriff took possession of the track, declaring that no further work should be done on it, until the rights of the dispute had been judicially determined. This he justified as a measure to keep the

[39] *Erie Weekly Gazette,* December 29, 1853; *New York Semi-Weekly Tribune,* December 30, 1853; "Memorial of the Railroad Company . . . ," *loc. cit.;* Miller, I, 283-285. The last dates the affair a month later, but is otherwise an excellent account.

[40] "Memorial of the Railroad Company . . . ," *loc. cit.*

peace, but he appointed as his deputy to enforce it, Morrow B. Lowry, the leading figure in the Ripper party.[41]

What happened to the two or three men who were carried off on the train into New York State? One of them, named Bill Cooper, stated in an affidavit the next day that the train stopped just beyond the Pennsylvania line. Then, Bill Kasson kicked him back into Pennsylvania.[42] Bill Cooper was a hero to the Erie-ites; too bad he could not show his wounds in public! This was the "Shanghai" incident, which gave the name of "Shanghais" to the Erie minority which favored the railroads.

The war had divided Erie into two bitterly hostile factions, the "Rippers" who were in an overwhelming majority, and the "Shanghais." The Rippers, as the name implies, were the enemies of the railroad, who ripped up the tracks. The Shanghais, the pro-railroad party, consisted chiefly of the directors, stockholders, and employees of the railroads.[43]

Erie's most prominent business and political figures were leaders of the Ripper party. Mayor Alfred King from his official position was the nominal head, but the real guiding spirit was Morrow B. Lowry, business man, director in the Sunbury and Erie Railroad, and later state senator.[44] Others prominent in the Ripper party included the Reverend G. B. Lyon, minister of the First Presbyterian Church;[45] Gideon J. Ball, former State Treasurer, and Erie's representative in the General Assembly;[46] James Thompson, a former congressman, soon to be Chief Justice of Pennsylvania;[47] and other leading lawyers of the county.

The Shanghai leaders were, for the most part, officials or directors of the railroads. Of these John A. Tracy, President of the Erie and North-East Railroad, was the most important.[48] The most hated, however, was the railroad director John H. Walker, once

[41] *Erie Weekly Gazette,* January 12, 1854, gives the sheriff's letter to the governor, explaining why he had appointed Lowry.
[42] *Erie Weekly Gazette,* December 29, 1853; Miller, I, 285.
[43] Caughey, "Reminiscences. . . ."
[44] *Erie Weekly Gazette,* August 11, 18, 25, September 1, 1853; *Erie Weekly Observer,* July 23, August 27, 1853.
[45] *Erie Weekly Gazette,* February 2, 1854, has material relating to acrimonious correspondence in the *New York Observer* over Reverend Lyon's activities. See also Miller, I, 803-804.
[46] See *New York Daily Times,* February 7, 1854; Miller, I, 279, 292.
[47] A. K. McClure, *Old Time Notes of Pennsylvania* (Philadelphia, 1905), I, 228, 232.
[48] Miller, I, 278.

the Whig chieftain of Erie County, and former president of the State Senate. Walker, it will be remembered, had secured passage of the Gauge Law of 1851; now he was regarded as a turncoat and traitor to Erie's cause.[49]

All the Erie newspapers, with one exception, supported the Ripper cause. The Whig *Weekly Gazette* and the Democratic *Weekly Observer* forgot their old quarrels to pursue a common policy in defense of Erie, while the *Waterford Dispatch* moved to Erie in the very thick of the battle and became the *Erie Dispatch.* The one exception was the *Erie Constitution,* edited by J. B. Johnston and A. H. Caughey, and backed financially by the railroads. It was the only newspaper which dared to stand out against the popular feeling.[50]

The trouble dragged on. After the federal injunction protecting the Erie and North-East Railroad was served, the city of Erie turned its attention to the Franklin Canal Company, and began to remove its tracks from the city streets.[51] Then the Cleveland, Painesville, and Ashtabula Railroad obtained an injunction from the Pennsylvania Supreme Court, to "stay waste" until the legality of this railroad could be decided.[52] The railroads proposed, as a compromise, that the ringleaders should be released from jail in Pittsburgh, and that the city should permit the re-laying of the tracks until the dispute could be judicially decided. The *New York Tribune* thundered "against any compromise which shall shield the bridge-burning, track-plowing, baby-freezing scoundrels of Erie and Harbor Creek from the legal consequences of their crimes."[53] But the Erie city councils refused to accept this offer from the railroads.[54]

On January 11, 1854, Mayor King and Morrow B. Lowry were charged with contempt of court. It was claimed that they had hindered the United States Marshal in arresting violators of the federal injunction.[55] They bade a sad farewell to Erie on January

[49] *New York Semi-Weekly Tribune,* January 24, 1854, reports that he had been hung in effigy with a placard, "Father of the Gauge Laws."
[50] Caughey, "Reminiscences . . ."; *Erie Weekly Gazette; Erie Weekly Observer.*
[51] *New York Semi-Weekly Tribune,* December 23, 1853.
[52] *Ibid.,* December 27, 1853; *Pittsburgh Legal Journal,* December 31, 1853.
[53] *New York Semi-Weekly Tribune,* January 10, 1854.
[54] *Ibid.*
[55] *Pittsburgh Legal Journal,* January 21, 1854.

12, an occasion for a mass demonstration of feeling.[56] The next day, the United States Marshal was arrested and jailed for false imprisonment. He was soon bailed out, but the effect on national opinion was terrific.[57]

President Tracy was reported as saying in Cleveland, "that within two weeks they would take men enough out of Erie to allow the directors to come home and live in peace."[58] On January 17, the outside world was startled by the story that the women of Erie had removed the bridges over State and French Streets.[59] This was generally accepted; in fact, the story has been seriously recited in later accounts of the Erie War. Actually, the women who destroyed the bridges are in a class with the Indians of the Boston Tea Party; they were men disguised in women's clothing.[60]

On January 3, the *New York Tribune* reported Washington gossip that the Erie War had been discussed in a cabinet meeting. All the cabinet members, except Campbell, a Pennsylvanian, used strong language to express their disapproval of Erie's action. The Secretary of War, Jefferson Davis, proposed to send in federal troops, "to defend the mail route and the property of the Railroad Company."[61] President Pierce, however, seems to have favored delay. Later, he told Senators Chase and Wade of Ohio, who pressed for immediate federal intervention, that he would not move until he was sure that ordinary judicial processes could not settle the matter.[62]

Congress also was concerned about the Erie War. On December 31, 1853, Mr. Hendricks of Indiana presented to the House of Representatives a memorial from a large meeting in Indianapolis protesting against the interruption of trade and commerce. He said that, "If a company of six, seven or eight hundred men had invaded our borders and had interrupted our commerce, stopped our mails, and hindered the inter-communication of people, the attention of the whole country would have been at once arrested, and the power of the whole country commanded." Pennsylvania representatives

[56] *New York Daily Times,* January 13, 1854.
[57] *New York Semi-Weekly Tribune,* January 17, 1854; *New York Daily Times,* January 15, 1854; *Erie Weekly Gazette,* January 19, 1854; *Congressional Globe,* XXVIII, Part I, 196.
[58] *Erie Weekly Gazette,* January 19, 1854.
[59] *Ibid.*
[60] Miller, I, 286.
[61] *New York Semi-Weekly Tribune,* January 3, 1854.
[62] *Ibid.,* January 24, 1854; Miller, I, 291.

replied that it was a matter for the Pennsylvania legislature and courts to handle. Mr. Boyce of South Carolina threw in slighting comments: "It is one of those incidents to which you are subject, because you have not the institution of slavery there. It is only the beginning of the end. . . . We can only offer you our sympathy. It is one of the misfortunes to which you are exposed, by having your whole population made up of freemen." There was laughter.[63]

Senator Cooper of Pennsylvania was looking for trouble on January 17, 1854, when he introduced a bill granting land to aid the Sunbury and Erie Railroad. Senator Wade of Ohio thought Pennsylvania could apply for aid for the Erie road with very bad grace while she permitted these "outrages" at Erie. Senator Cooper answered, "that if the proceedings at Erie were the acts of but few irresponsible persons, without cause . . . , there would be some justice in [such] remarks, but there was an unwritten history of the events leading to these occurrences, which, when known, would put the matter in a different light. The wrongs and insults endured by the people of Erie at the hands of railroad companies of other States would then appear. There were certain periods in the course of wrong and outrage when even cowards would resist. . . . When the whole history of this matter was written, he thought it would be found that, if wrong and aggravated injury had been inflicted, it did not commence with the people of Erie." Senator Wade, pointing out that such affairs were not unusual in Pennsylvania history, reminded Senator Cooper of the Whiskey Rebellion, another instance when Pennsylvanians had defied federal authority.[64]

The trackripping episode drew to a close, as the Pennsylvania legislature was taking measures to maintain the "break" at Erie. The four Harborcreek ringleaders who had been jailed for contempt of court were released.[65] Morrow B. Lowry and Mayor King were cleared when they stood trial in Pittsburgh, and after appearing before enthusiastic mass meetings in Pittsburgh and Philadelphia, returned to Erie in triumph.[66]

A bill repealing the charter of the Franklin Canal Company and providing for state operation of its railroad was passed by the General Assembly, and approved by Governor Bigler on January 28,

[63] *Congressional Globe,* XXVIII, Part I, 100-101.
[64] *Ibid.,* 195-196; also *New York Semi-Weekly Tribune,* January 20, 1854.
[65] *New York Semi-Weekly Tribune,* January 24, 1854.
[66] *Ibid.,* January 24, 31, 1854; also *Pittsburgh Legal Journal,* January 28, 1854; *Erie Weekly Gazette,* January 26, February 2, 1854.

1854.[67] The governor left for Erie on January 30, and took possession of the Franklin Canal Company, appointing William F. Packer, the future governor, as the state superintendent. This immediately quieted the troubles, and the tracks and bridges of the Erie and North-East Railroad were replaced without further difficulty.[68]

The Commonwealth, however, did not wish to undertake further costly ventures in the operation of railroads. Instead, the Franklin Canal Company Railroad was leased to the Cleveland, Painesville and Ashtabula Railroad, with the stipulation that the break at Erie should be maintained, even though both railroads now had four-foot-ten-inch gauge. The railroad was also to be extended to Erie harbor.[69]

The people of Erie shifted their grounds of attack against the Erie and North-East Railroad. The state attorney general brought suit in the Pennsylvania Supreme Court against that railroad for violation of its charter. The railroad's Erie terminal was some distance south of the city limits of 1842, when the charter was granted. In failing to reach these limits within ten years of the date of incorporation, the railroad had violated its charter.[70]

The Supreme Court granted the state's application, and ordered the railroad to move its tracks within four months, a period which expired on January 7, 1855.[71] The Erie and North-East pleaded its inability to make the change within the allotted time, and the court granted an extension of sixty days.[72] This aroused great feeling in Erie, where it was felt that the railroads were trying to put off the day of reckoning indefinitely. The Erie city councils met on January 5, to consider the immediate removal of the tracks and bridges from the city streets. Their legal advisers, Elijah Babbitt and James Thompson, and the Erie County members of the legislature, advised against this. It would prejudice Erie's case before the Supreme Court and before the General Assembly.[73]

Public feeling had risen too high to be checked. On January 8,

[67] 1854 P. L. 18.
[68] Message to Assembly, *Pennsylvania Archives,* Fourth Series, VII, 686-696; *New York Daily Times,* February 7, 1854.
[69] *Ibid.*
[70] Commonwealth vs. the Erie and North-East Railroad Company, in *Pennsylvania State Reports,* XXVII, 339-343.
[71] *Ibid.,* 360-361.
[72] *Ibid.,* 373-374; *Erie Weekly Gazette,* January 11, 1855.
[73] *Erie Weekly Gazette,* January 11, 1855.

the day after the original time limit expired, a mob of Erie citizens attacked the railroad, burned down the bridges, and ripped out the tracks. The sheriff, warned in advance, had issued a proclamation and had tried to raise a posse, but without success. Not even his relatives would help him, and, when he appealed to the mayor, he was too busy. He could not leave his house, as he had company for dinner.[74]

Harborcreek, as usual, took parallel action, but there the road commissioners carried out the work of demolition.[75]

In despair, some leading Rippers bemoaned the way in which the people had gotten out of hand. A meeting in the Erie courthouse, on January 10, regretted "the acts of our citizens in removing the bridges across our streets on the 8th inst.," but could not "overlook the fact that they believed they were acting legally and right, and removing a nuisance in a manner sanctioned by law." It resolved to protect the participants so far as possible.[76]

No record survives that any one was punished for this outbreak, although the Supreme Court severely admonished the city and township authorities.[77] The tracks and bridges were soon replaced, and not again disturbed.

On April 4, 1855, the General Assembly passed a bill repealing the charter of the Erie and North-East Railroad, and authorizing the governor to seize and operate it.[78] Governor Pollock, Bigler's Whig successor, postponed signing this bill, and offered compromise proposals which were accepted by the Erie Councils, but rejected by the railroads.[79] Finally, on October 6, Governor Pollock signed it, and appointed ex-Congressman Joseph Casey as State Superintendent of the Erie and North-East Railroad.[80]

But when Casey arrived in Erie on November 6, the railroad asked and received permission to retain possession until November 21. On that date the stockholders would meet to vote on the acceptance of Governor Pollock's compromise proposal.[81] The railroad was playing for time. On November 19, Justice Woodward of the Pennsylvania Supreme Court issued an admonitory order,

[74] *Erie Weekly Observer,* January 13, 1855.
[75] *Ibid.*
[76] *Ibid.*
[77] *Pennsylvania State Reports,* XXVII, 374-379.
[78] *Erie Weekly Observer,* April 7, 1855.
[79] *Ibid.,* November 17, 1855.
[80] *Ibid.,* November 10, 1855.
[81] *Erie Weekly Gazette,* November 15, 1855.

directing Casey not to take possession.[82] On November 21, the stockholders rejected the compromise.[83]

Casey appealed to the Supreme Court, and, after some delay, the Supreme Court upheld the constitutionality of the confiscation bill. Justice Jeremiah Sullivan Black stated in a lengthy opinion: "This charter was granted with a reservation of the right to repeal it, if the franchises should be abused or misused; . . . We are satisfied that, in point of fact, those franchises were abused and misused; . . . After that event happened, the General Assembly was invested with full power to repeal the charter; . . . The franchises are, as a necessary consequence, resumed to the State, and the road remains what it always was—public property."[84]

Casey returned to Erie on February 2, 1856, and took possession of the road. As a practical means of operating the railroad, he leased it to the Buffalo and State Line Railroad, which was to run it for the Commonwealth.[85] The reaction in Erie to this need not be described. Casey resigned as Superintendent in April.[86]

The popular feeling in Erie grew more and more tense, as the railroad troubles dragged on. Merchants considered favorable to the railroads were boycotted; Ripper children plagued and stoned Shanghai children. The Presbyterian Church in Erie split asunder, as the railroad officials and stockholders who were members there grew tired of Reverend Lyon's sermons against the railroads, and his prayers for their guilty, traitorous souls. They withdrew to form the Park Presbyterian Church.[87]

Fist fights and brawls became common, even in supposedly respectable circles. It is even said that a city ordinance was adopted to forbid discussion of the war in public places.[88] If such an ordinance did exist, it did not avert trouble.

In April, 1855, J. R. Cochran, a Ripper, met the detested John H. Walker on the steps of the courthouse, where both were going to

[82] *Ibid.,* November 22, 1855; Erie and North-East Railroad vs. Casey, in *Pennsylvania State Reports,* XXXVI, 290-291.
[83] *Erie Weekly Gazette,* November 29, 1855.
[84] *Pennsylvania State Reports,* XXVI, 287-326. Justice Black's opinion from which quotation is made is on pages 300-309. The railroad filed amendments to their bill of complaint on January 28, 1856, and Justice Black in a second opinion, on July 16, again upheld the constitutionality of the Act; see pages 315-326.
[85] *Erie Weekly Gazette,* February 2, March 6, 1856.
[86] *Ibid.,* March 20, April 17, 1856; McClure, I, 228.
[87] Caughey, "Reminiscences . . ."; Miller, I, 289-290.
[88] Miller, I, 292.

attend court. The day was damp and chilly, and Walker was muffled up and further hampered by the law books which he was carrying. Cochran demanded that Walker stop proceedings in a suit for damages, a suit connected with the railroad troubles. Walker curtly refused, and Cochran knocked him down. Walker picked himself up, and with battered hat and bloody face went on into court, where Judge Agnew was presiding. The judge ordered Cochran's arrest; he was fined and compelled to keep the peace.[89]

The consequences of this fight did not come until the following year, when John W. Walker, the son of the railroad man, came home from teaching school in the South. Late in April, 1856, the explosion came. Young Walker and a companion were lounging in front of the *Constitution* office, when Cochran came along the street from the bank, holding a bank draft in his hand. He evidently intended to call at the newspaper office to pay a bill. Neither Walker nor Cochran saw each other until they were at arms' length. Walker looked up, saw Cochran, and without a moment's hesitation or thought fetched him a wallop on the ear. Cochran landed in a heap in the doorway of the *Constitution* building. David B. McCreary, who had a law office in the same building, saw what was going on. He hastily dragged the stunned Cochran inside, locked the door, and called to Walker's companion to get him away.

Inside, Cochran came to his senses, and raged around the office, demanding to be released. McCreary gave in; Cochran rushed out the door, ran after Walker until he had almost overtaken him, seized a brick and threw it with all his might. It struck Walker only a glancing blow, but the effort upset the balance of the older man. Before he could recover, Walker came back at him and knocked him through the doorway of the Park Hotel. Following up his advantage, Walker pursued him, and, backing him up against or across a table, beat him unmercifully.[90]

This was only the beginning of the trouble which began on the courthouse steps. That evening, Cochran called a mass meeting and denounced his assailant to the excited townspeople. He told how the railroad desperadoes had lured him into the *Constitution* office, and had well-nigh taken his life. This crime cried out for punishment. With passions roused, the crowd rushed to the *Constitution* building, broke open the doors, and wrecked the office. Its

[89] Miller, I, 288.
[90] *Erie Weekly Observer,* May 3, 1856; Miller, I, 288-289.

books and papers, together with the lawbooks of the lawyers whose offices were there, were carried out and burned in the street. The type was thrown out, and the press was knocked to pieces. Finally, the entire building was torn down, so that only a heap of timbers remained on its site. Afterwards, the mob visited the homes of railroad leaders, where the shutters were closed and the owners made ready to resist. Shots were exchanged, and the crowd moved away and broke up. No one was injured. While this was going on, the sheriff was out of town, and the mayor could not be located.[91]

This riot shocked the more cool-headed among the Rippers. The *Erie Observer,* which had supported the popular cause from the beginning, commented severely on it, and even helped the *Constitution* to get out its next issue.[92] Ashamed at this outburst, and alarmed lest it lead to more disturbances, the leaders of Erie became inclined to accept a moderate settlement of the dispute with the railroads.

Alexander K. McClure relates that after Casey's resignation Governor Pollock "appointed . . . General William F. Small, . . . an experienced soldier in the Mexican War, . . . hoping that he would be able to calm down the belligerents and operate the line, but after devoting some weeks to his work he declared it to be hopeless and sent a peremptory resignation to the Executive." There is no mention of Small's appointment in the Erie newspapers; perhaps he never actually came to Erie.[93]

Meanwhile, the Finney Bill embodying Governor Pollock's compromise proposals was being discussed in the legislature. Some features aroused indignation in Erie. It did not provide for a break in gauge, nor for a terminal at the harbor.[94] Before passage, however, it was amended to provide for the construction of a line to the harbor within six months, and for a relocation of the highway in Harborcreek Township, at the railroad's expense.[95] Under the provisions of this bill, which the governor signed on April 22, 1856, the charter was restored to the Erie and North-East Railroad, but the Commonwealth was to retain possession until all the conditions of the bill had been accepted by the stockholders. The railroad

[91] *Erie Weekly Observer,* May 3, 1856; Miller, I, 289; Caughey, "Reminiscences. . . ."
[92] *Erie Weekly Observer,* May 2, 1856.
[93] McClure, I, 228.
[94] *Erie Weekly Gazette,* March 20, 1856.
[95] *Ibid.,* May 1, 1856.

was required to make a connection at the harbor with the Cleveland and Erie Railroad, and to subscribe $400,000 to the Pittsburgh and Erie Railroad.[96]

Governor Pollock sent Alexander K. McClure to Erie as the new superintendent of the railroad. McClure pressed for action, in order to settle the troubles at Erie. On May 15, the railroad accepted the conditions of the act.[97]

The final settlement appears to have been partly a gentlemen's agreement. It included not only the provisions of the Finney Bill, but another requiring the Cleveland Railroad to subscribe $500,000 to the Sunbury and Erie Railroad.[98]

Colonel McClure related that the final agreement was made at an all-night card party in his hotel room, to which he had invited John H. Walker and Milton C. Courtright, the leading railroad men, together with James Thompson and Senator Skinner, the most prominent anti-railroad men. He persuaded them to shake hands and join in a drink. Then they began a game of euchre, which lasted "until the sun was purpling the east." In McClure's opinion, "The whole war was settled in one night by a game of cards, several bottles of old rye, and the best supper that Brown's Hotel could furnish."[99]

This story is doubtful, I hasten to add. The settlement may have been reached before the card party took place; Colonel McClure may have yielded to a desire to make his story as dramatic as possible.[100]

The Erie War did not prevent the change of railroad gauge, but with the eventual standardization of railroad gauges throughout the nation, the advantage of Buffalo and Dunkirk disappeared. Four-foot-ten-inch gauge and six-foot gauge alike were replaced by the standard gauge of four feet eight and one-half inches. After many years, Erie finally had her through track to New York City.

The railroads were forced to build a line to Erie harbor. If they had had a grain of imagination and common sense, they would have done this in the first place. As it was, the New York Central

[96] 1856 P. L. 565; *Erie Weekly Observer,* April 26, 1856.
[97] *Erie Weekly Gazette,* April 17, May 22, July 17, 1856.
[98] *Erie Weekly Gazette,* July 17, July 24, 1856; *Erie Weekly Observer,* July 19, 1856; Miller, I, 291.
[99] McClure, I, 231-232.
[100] A newspaper article, presumably by Miller, in the files of the Erie Public Library, denies this story.

interests were so blind that they conceded the privilege of building the harbor line to the Sunbury and Erie Railroad, whose successor, the Pennsylvania Railroad, now owns it.

The settlement of the Erie War gave renewed impetus to the building of the Sunbury and Erie Railroad and the Pittsburgh and Erie Railroad. The stock subscriptions and the assurance of connections at Erie gave new life to these projects.

From the broader historical point of view, the Erie War is an interesting early example of popular agitation against monopoly, an anticipation of the Granger movement and of "Trustbusting." It brought the first suggestion of federal intervention to keep the railroads moving, such as was actually done by President Cleveland and by President Truman. These presidents followed the policy said to have been advocated by Jefferson Davis, rather than the "hands-off" policy of President Pierce, who refused to act so long as relief was possible through court action. The state seizure of the Franklin Canal Company and of the Erie and North-East Railroad provided two early examples of government seizure of a business in order to enforce its policy and prevent public disorder, a procedure very familiar to us.

When the trouble was over, and the smoke of battle began to clear, the people of Erie looked back on their war as an unpleasant occurrence, "a skeleton in the cupboard," something to be forgotten. Even leaders in the battle against the railroads came to regard it as an unmentionable subject. It was a sore point, too likely to provoke argument. The notion spread that the Erie War was an unjustifiable attempt to stand in the way of progress, and the complicated background was forgotten. This local attitude may be considered the primary factor in drawing a curtain of obscurity over this amazing episode in Pennsylvania and Erie history.

Today, even as some western towns look back with pride and amusement upon their wilder past, Erie should look back upon the days of her stiffnecked determination to defend her interests at all odds—upon the days when an anonymous and irreverent chronicler could boast: "Thus stands the City by the Sea-side east of Jerusalem, a great City, a terror to all the surrounding nations, whose fame is known in the uttermost parts of the earth."[101]

[101] *The First e-Pistol of John,* Chapter I, verse 21. In early days the area west of Peach Street was known as Jerusalem.