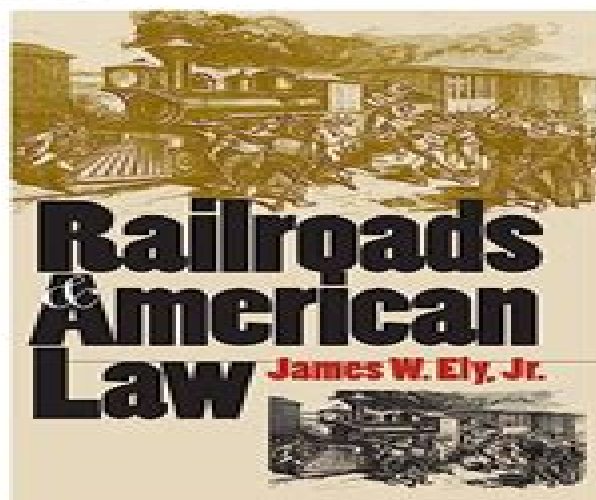


## Railroads and American Law



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*No enterprise is so seductive as a railroad for the influence it exerts, the power it gives, and the hope of gain it offers. At its peak, the railroad was the Internet of its day in its transformative impact on American life and law. A harbinger and promoter of economic empire, it was also the icon of a technological revolution that accelerated national expansion and in the process transformed our legal system. James W. Ely Jr., in the first comprehensive legal history of the rail industry, shows that the two had a profound influence on each other. Ely chronicles how "America's first big business" impelled the creation of a vast array of new laws in a country where long-distance internal transport had previously been limited to canals and turnpikes. Railroads, the first major industry to experience extensive regulation, brought about significant legal innovations governing interstate commerce, eminent domain, private property, labor relations, and much more. Much of this development was originally designed to serve the interests of the railroads themselves but gradually came to contest and control the industry's power and exploitative tendencies. As Ely reveals, despite its great promise and potential as an engine of prosperity and unifier of far-flung regions, the railroad was not universally admired. Railroads uprooted people, threatened local autonomy, and posed dangers to employees and the public alike situations with unprecedented legal ramifications. Ely explores the complex and sometimes contradictory ways in which those ramifications played out, as railroads crossed state lines and knitted together a diverse nation with thousands of miles of iron rail. Epic in its scope, Railroads and American Law makes a complex subject accessible to a wide range of readers, from legal historians to railroad buffs, and shows the many ways in which a powerful industry brought change and innovation to America.*

# Railroads American Law

**Barbara Young Welke**



## **Railroads American Law:**

**Railroads and American Law** James W. Ely, Jr., 2001-12-06 No enterprise is so seductive as a railroad for the influence it exerts the power it gives and the hope of gain it offers Poor s Manual of Railroads 1900 At its peak the railroad was the Internet of its day in its transformative impact on American life and law A harbinger and promoter of economic empire it was also the icon of a technological revolution that accelerated national expansion and in the process transformed our legal system James W Ely Jr in the first comprehensive legal history of the rail industry shows that the two institutions the railroad and American law had a profound influence on each other Ely chronicles how America s first big business impelled the creation of a vast array of new laws in a country where long distance internal transport had previously been limited to canals and turnpikes Railroads the first major industry to experience extensive regulation brought about significant legal innovations governing interstate commerce eminent domain private property labor relations and much more Much of this development was originally designed to serve the interests of the railroads themselves but gradually came to contest and control the industry s power and exploitative tendencies As Ely reveals despite its great promise and potential as an engine of prosperity and uniter of far flung regions the railroad was not universally admired Railroads uprooted people threatened local autonomy and posed dangers to employees and the public alike situations with unprecedented legal ramifications Ely explores the complex and sometimes contradictory ways in which those ramifications played out as railroads crossed state lines and knitted together a diverse nation with thousands of miles of iron rail Epic in its scope Railroads and American Law makes a complex subject accessible to a wide range of readers from legal historians to railroad buffs and shows the many ways in which a powerful industry brought change and innovation to America **A Treatise on American Railroad Law** Edward L. Pierce, 2023-10-03 Reprint of the original first published in 1857 *Recasting American Liberty* Barbara Young Welke, 2001-08-13 Through courtroom dramas from 1865 to 1920 of men forced to jump from moving cars when trainmen refused to stop of women emotionally wrecked from the trauma of nearly missing a platform or street and women barred from first class ladies cars because of the color of their skin Barbara Welke offers a dramatic reconsideration of the critical role railroads and streetcars played in transforming the conditions of individual liberty at the dawn of the twentieth century The three part narrative focusing on the law of accidental injury nervous shock and racial segregation in public transit captures Americans journey from a cultural and legal ethos celebrating manly independence and autonomy to one that recognized and sought to protect the individual against the dangers of modern life Gender and race become central to the transformation charted here as much as the forces of corporate power modern technology and urban space **Enterprise and American Law, 1836-1937** Herbert Hovenkamp, 2009-06-01 In this integration of law and economic ideas Herbert Hovenkamp charts the evolution of the legal framework that regulated American business enterprise from the time of Andrew Jackson through the first New Deal He reveals the interdependent relationship between economic theory and law

that existed in these decades of headlong growth and examines how this relationship shaped both the modern business corporation and substantive due process Classical economic theory the cluster of ideas about free markets became the guiding model for the structure and function of both private and public law Hovenkamp explores the relationship of classical economic ideas to law in six broad areas related to enterprise in the nineteenth and early twentieth centuries He traces the development of the early business corporation and maps the rise of regulated industry from the first charterbased utilities to the railroads He argues that free market political economy provided the intellectual background for constitutional theory and helped define the limits of state and federal regulation of business behavior The book also illustrates the unique American perspective on political economy reflected in the famous doctrine of substantive due process Finally Hovenkamp demonstrates the influence of economic theory on labor law and gives us a reexamination of the antitrust movement the most explicit intersection of law and economics before the New Deal Legal economic and intellectual historians and political scientists will welcome these trenchant insights on an influential period in American constitutional and corporate history

*A History of American Law* Lawrence M. Friedman, 2019-09-09 Renowned legal historian Lawrence Friedman presents an accessible and authoritative history of American law from the colonial era to the present day This fully revised fourth edition incorporates the latest research to bring this classic work into the twenty first century In addition to looking closely at timely issues like race relations the book covers the changing configurations of commercial law criminal law family law and the law of property Friedman furthermore interrogates the vicissitudes of the legal profession and legal education The underlying theory of this eminently readable book is that the law is the product of society In this way we can view the history of the legal system through a sociological prism as it has evolved over the years

**American Law** Lawrence Meir Friedman, Grant M. Hayden, 2017 This book provides an introduction to the American legal system for a broad readership Its focus is on law in practice on the role of the law in American society and how the social context affects the living law of the United States It covers the institutions of law creation and application law in American government American legal culture and the legal profession American criminal and civil justice and civil rights Clearly written the book has been widely used in both undergraduate and graduate courses as an introduction to the legal system it will be useful too to a general audience interested in understanding how this vital social system works This new edition follows the same basic structure as applied in the previous editions providing a thorough revision and reworking of the text This edition reflects upon what has happened in the years since the second edition was published in 1998 and how these events and evolutions have shaped our fundamental comprehension of the workings of the American legal system today

**A History of American Law, Revised Edition** Lawrence M. Friedman, 2010-06-15 A History of American Law has become a classic for students of law American history and sociology across the country In this brilliant and immensely readable book Lawrence M Friedman tells the whole fascinating story of American law from its beginnings in the colonies to the present day By showing how close the life of the law is to the

economic and political life of the country he makes a complex subject understandable and engrossing *A History of American Law* presents the achievements and failures of the American legal system in the context of America's commercial and working world family practices and attitudes toward property slavery government crime and justice Now Professor Friedman has completely revised and enlarged his landmark work incorporating a great deal of new material The book contains newly expanded notes a bibliography and a bibliographical essay *A History of American Law: Third Edition* Lawrence M. Friedman, 2005-06-01 In this brilliant and immensely readable book Lawrence M Friedman tells the whole fascinating story of American law from its beginnings in the colonies to the present day By showing how close the life of the law is to the economic and political life of the country he makes a complex subject understandable and engrossing *A History of American Law* presents the achievements and failures of the American legal system in the context of America's commercial and working world family practices and attitudes toward property government crime and justice Now completely revised and updated this groundbreaking work incorporates new material regarding slavery criminal justice and twentieth century law For laymen and students alike this remains the only comprehensive authoritative history of American law **The American Law of Railroad Reorganization** Harold Gwyn Wren, 1957\* *Wisconsin and the Shaping of American Law* Joseph A. Ranney, 2017-07-18 Examines the full course of American history from a comparative state law perspective using Wisconsin as a case study to emphasize the vital role states have taken in creating American law *The American Law of Railroad Reorganization* Harold G. Wren, 2014 *American Railroad Labor and the Genesis of the New Deal, 1919-1935* Jon R. Huibregtse, 2010-04-11 American historians tend to believe that labor activism was moribund in the years between the First World War and the New Deal Jon Huibregtse challenges this perspective in his examination of the railroad unions of the time arguing that not only were they active but that they made a big difference in American Labor practices by helping to set legal precedents Huibregtse explains how efforts by the Plumb Plan League and the Railroad Labor Executive Association created the Railroad Labor Act its amendments and the Railroad Retirement Act These laws became models for the National Labor Relations Act and the Social Security Act Unfortunately the significant contributions of the railroad laws are more often than not overlooked when the NLRA or Social Security are discussed Offering a new perspective on labor unions in the 1920s Huibregtse describes how the railroad unions created a model for union activism that workers organizations followed for the next two decades **Lawyering for the Railroad** William G. Thomas III, 1999-10-01 Lawyering for the Railroad provides the first full account of railroad monopoly power tracing its sources and effects in the southern political economy Issues touching on railroad development were major components of politics in the days of both Populism and Progressivism and railroad attorneys often in their role as lobbyists were always in the middle of the action They distributed free passes to legislators retained the best counsel for their clients laid out the legal agreements to form monopolies and instituted practices to ensure quick and favorable settlements for the railroads In this intriguing work William G Thomas introduces the

southern attorneys who represented railroads between 1880 and 1916 closely examining their role in the political economy of the South during the Gilded Age and the Progressive Era a period in which the region experienced sharp change explosive growth and heated political contests Thomas tells his fascinating story with legal department records from some of the largest interstate railroad companies in the South With the help of these records he demonstrates how the railroads tried to use the law and the legal process to mold the southern political economy to their ends and what kind of opposition they faced Standing at the crossroads of business law and politics Lawyering for the Railroad gives context depth and specificity to what have been cursory glimpses into the shady world of corporate power in the Gilded Age From small town lawyers to big city firms the story of the railroad attorneys brings into focus the many ways the interstate railroad transformed the South

**Encyclopedia of U.S. Political History** Andrew Robertson, Michael A. Morrison, William G. Shade, Robert Johnston, Robert Zieger, Thomas Langston, Richard Valelly, 2010-04-01 Unparalleled coverage of U S political development through a unique chronological framework Encyclopedia of U S Political History explores the events policies activities institutions groups people and movements that have created and shaped political life in the United States With contributions from scholars in the fields of history and political science this seven volume set provides students researchers and scholars the opportunity to examine the political evolution of the United States from the 1500s to the present day With greater coverage than any other resource the Encyclopedia of U S Political History identifies and illuminates patterns and interrelations that will expand the reader s understanding of American political institutions culture behavior and change Focusing on both government and history the Encyclopedia brings exceptional breadth and depth to the topic with more than 100 essays for each of the critical time periods covered With each volume covering one of seven time periods that correspond to key eras in American history the essays and articles in this authoritative encyclopedia focus on the following themes of political history The three branches of government Elections and political parties Legal and constitutional histories Political movements and philosophies and key political figures Economics Military politics International relations treaties and alliances Regional histories Key Features Organized chronologically by political eras Reader s guide for easy topic searching across volumes Maps photographs and tables enhance the text Signed entries by a stellar group of contributors VOLUME 1 Colonial Beginnings through Revolution 1500 1783 Volume Editor Andrew Robertson Herbert H Lehman College The colonial period witnessed the transformation of thirteen distinct colonies into an independent federated republic This volume discusses the diversity of the colonial political experience a diversity that modern scholars have found defies easy synthesis as well as the long term conflicts policies and events that led to revolution and the ideas underlying independence VOLUME 2 The Early Republic 1784 1840 Volume Editor Michael A Morrison Purdue University No period in the history of the United States was more critical to the foundation and shaping of American politics than the early American republic This volume discusses the era of Confederation the shaping of the U S Constitution and the development of the party system VOLUME 3

Expansion Division and Reconstruction 1841 1877 Volume Editor William Shade Lehigh University emeritus This volume examines three decades in the middle of the nineteenth century which witnessed the emergence of the debate over slavery in the territories which eventually led to the Civil War the military conflict itself from 1861 until 1865 and the process of Reconstruction which ended with the readmission of all of the former Confederate States to the Union and the withdrawal of the last occupying federal troops from those states in 1877 VOLUME 4 From the Gilded Age through the Age of Reform 1878 1920 Volume Editor Robert Johnston University of Illinois at Chicago With the withdrawal of federal soldiers from Southern states the previous year 1878 marked a new focus in American politics and it became recognizably modern within the next 40 years This volume focuses on race and politics economics labor and capitalism agrarian politics and populism national politics progressivism foreign affairs World War I and the end of the progressive era VOLUME 5 Prosperity Depression and War 1921 1945 Volume Editor Robert Zieger University of Florida Between 1921 and 1945 the U S political system exhibited significant patterns of both continuity and change in a turbulent time marked by racist conflicts the Great Depression and World War II The main topics covered in this volume are declining party identification the Roosevelt Coalition evolving party organization congressional inertia in the 1920s the New Deal Congress during World War II the growth of the federal government Franklin D Roosevelt s presidency the Supreme Court s conservative traditions and a new judicial outlook VOLUME 6 Postwar Consensus to Social Unrest 1946 1975 Volume Editor Thomas Langston Tulane University This volume examines the postwar era with the consolidation of the New Deal the onset of the Cold War and the Korean War It then moves into the 1950s and early 1960s and discusses the Vietnam war the era of John F Kennedy the Cuban Missile Crisis the Civil Rights Act Martin Luther King and the Voting Rights Act antiwar movements The War Powers Act environmental policy the Equal Rights Amendment Roe v Wade Watergate and the end of the Vietnam War VOLUME 7 The Clash of Conservatism and Liberalism 1976 to present Volume Editor Richard Valelly Swarthmore College The troubled Carter Administration 1977 1980 proved to be the political gateway for the resurgence of a more ideologically conservative Republican party led by a popular president Ronald Reagan The last volume of the Encyclopedia covers politics and national institutions in a polarized era of nationally competitive party politics and programmatic debates about taxes social policy and the size of national government It also considers the mixed blessing of the change in superpower international competition associated with the end of the Cold War Stateless terrorism symbolized by the 9 11 attacks the continuing American tradition of civil liberties and the broad change in social diversity wrought by immigration and the impact in this period of the rights revolutions are also covered

[Encyclopedia of U.S. Political History](#) Andrew Whitmore Robertson, 2010 Annotation st1 behavior url ieouui Unparalleled coverage of U S political development through a unique chronological framework Encyclopedia of U S Political History explores the events policies activities institutions groups people and movements that have created and shaped political life in the United States With contributions from scholars in the fields of history and political science this seven

volume set provides students researchers and scholars the opportunity to examine the political evolution of the United States from the 1500s to the present day With greater coverage than any other resource the Encyclopedia of U S Political History identifies and illuminates patterns and interrelations that will expand the reader s understanding of American political institutions culture behavior and change Focusing on both government and history the Encyclopedia brings exceptional breadth and depth to the topic with more than 100 essays for each of the critical time periods covered With each volume covering one of seven time periods that correspond to key eras in American history the essays and articles in this authoritative encyclopedia focus on the following themes of political history The three branches of government Elections and political parties Legal and constitutional histories Political movements and philosophies and key political figures Economics Military politics International relations treaties and alliances Regional histories Key Features Organized chronologically by political eras Reader s guide for easy topic searching across volumes Maps photographs and tables enhance the text Signed entries by a stellar group of contributors VOLUME 1 Colonial Beginnings through Revolution 1500 1783 Volume Editor Andrew Robertson Herbert H Lehman College The colonial period witnessed the transformation of thirteen distinct colonies into an independent federated republic This volume discusses the diversity of the colonial political experience a diversity that modern scholars have found defies easy synthesis as well as the long term conflicts policies and events that led to revolution and the ideas underlying independence VOLUME 2 The Early Republic 1784 1840 Volume Editor Michael A Morrison Purdue University No period in the history of the United States was more critical to the foundation and shaping of American politics than the early American republic This volume discusses the era of Confederation the shaping of the U S Constitution and the development of the party system     The American and English Railroad Cases Lawrence Lewis (Jr.), Adelbert Hamilton, John Houston Merrill, William Mark McKinney, James Manford Kerr, John Crawford Thomson, 1890     *American and English Railroad Cases, New Series* , 1895     *The Railroad and the State* Robert G. Angevine, 2004 This book examines the complex and changing relationship between the U S Army and American railroads during the nineteenth century     *State Constitutional Politics* John Dinan, 2018-04-06 Since the US Constitution came into force in 1789 it has been amended just twenty seven times with ten of those amendments coming in the first two years following ratification By contrast state constitutions have been completely rewritten on a regular basis and the current documents have been amended on average 150 times This is because federal amendments are difficult so politicians rarely focus on enacting them Rather they work to secure favorable congressional statutes or Supreme Court decisions By contrast the relative ease of state amendment processes makes them a realistic and regular vehicle for seeking change With *State Constitutional Politics* John Dinan looks at the various occasions in American history when state constitutional amendments have served as instruments of governance Among other things amendments have constrained state officials in the way they levy taxes and spend money enacted policies unattainable through legislation on issues ranging from minimum wage to the regulation of



marijuana and updated understandings of rights including religious liberty equal protection and the right to bear arms In addition to comprehensively chronicling the ways amendments shape politics in the states Dinan also assesses the consequences of undertaking changes in governance through amendments rather than legislation or litigation For various reasons including the greater stability and legitimacy of changes achieved through the amendment process he argues that it might be a more desirable way of achieving change     The American and English Railroad Cases ,1906

The book delves into Railroads American Law. Railroads American Law is a vital topic that must be grasped by everyone, ranging from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Railroads American Law, encompassing both the fundamentals and more intricate discussions.

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- Chapter 2: Essential Elements of Railroads American Law
- Chapter 3: Railroads American Law in Everyday Life
- Chapter 4: Railroads American Law in Specific Contexts
- Chapter 5: Conclusion

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3. In chapter 2, this book will delve into the foundational concepts of Railroads American Law. This chapter will elucidate the essential principles that need to be understood to grasp Railroads American Law in its entirety.

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