

THE GREAT



RAILROAD

CONSPIRACY

By Bill Loomis

On April 19, 1851, a posse from the Wayne County sheriff's office rode west in the middle of the night to the village of Michigan Center and arrested 44 men. Of that group, 37 were indicted and taken to Detroit for a trial that would last five months, include the testimony of more than 400 witnesses, and become one of the most controversial cases of its day. William Seward, a future U.S. secretary of state, was a lawyer for the defense and described the proceedings in this way: "Not only was [it] an important judicial event in the history of Michigan, but also was entitled to a place among the extraordinary state trials of our country and of our times."

The incident that provoked the trial, known as "The Great Railroad Conspiracy," pitted a group of Jackson County farmers against the Michigan Central Railroad.



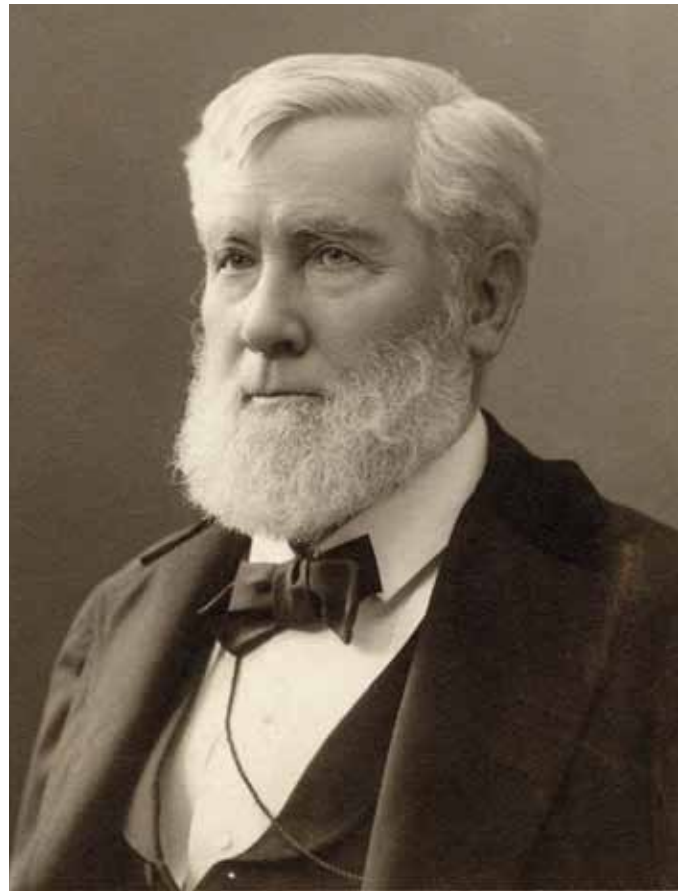
In the early sessions of the Michigan territorial legislature, representatives authorized the development of three railroads and two canals to build up the state's infrastructure and advance the commercial interests of its cities. Though the work was begun—affecting almost every settled part of the state—a property collapse and financial panic in 1837 slowed such improvements. By 1839, the state was teetering on the brink of insolvency—a situation that forced it to abandon work on the canals and put the partially completed railroads up for sale. One line, called the Detroit and St. Joseph Railroad, captured the interest of a group of East Coast investors.

Led by James Joy, a recent transplant to Detroit, the investors shared a vision of a railway line that would compete with Great Lakes steamships and run from New York, through Michigan, and then beyond to the great West. In 1845, they formed a corporation called the Michigan Central Railroad. John Brooks, a Massachusetts-born civil engineer, became the superintendent, while Joy handled the financing and the politics.

When Brooks took charge, the line was only half-finished, ending in Marshall, Michigan after several years of shoddy workmanship and frequent delays. "It is in miserable condition," noted one resident in 1845, "unfit for heavy transportation, and requires to be re-laid and repaired."

Confrontations with Cattle

The tracks were made from oak rails covered with "strap" iron, a primitive form of construction that limited trains



New Hampshire-born James Joy organized the corporation that owned the Michigan Central Railroad and later served as its president. From the "History of the University of Michigan," by Burke A. Hinsdale.

to just 15 miles per hour. Despite this slow speed, grazing cattle that wandered onto the tracks often met their demise. Collisions were common on a segment of the line that ran from Grass Lake to Jackson, passing through the small



Above: This 1850 map of the railroads of the region indicates the planned route of the Michigan Central. Courtesy of the Library of Congress.

Below: Cattle and other livestock used the raised bed of the railroad to move across the marshy land of eastern Jackson County. From "The Animal Kingdom Illustrated," by S.G. Goodrich.

towns of Leoni and Michigan Center. (This area was low-lying and contained a dry marsh that was difficult for cattle to cross. So they used the rail bed as a convenient bridge.)

The state had made it a practice to fully compensate farmers for the loss of their animals.

When the Michigan Central took over the line, Brooks authorized several improvements that exacerbated the livestock problem. First, he replaced the old strap rails with stronger iron "T" rails, which enabled the trains to move along at twice the previous speed. To further complicate matters, the Michigan Central began running its trains at night, with locomotives that had no lights, whistles, or warning signals. This led to even more collisions—some with consequences for the railmen themselves. As one locomotive engineer recalled:

"[T]hree miles out [of Marshall]...I ran over an ox and threw the engine and train, and every wheel, from the track. The engine rolled over twice and a half and lay on her back, fifty feet from the track headed the opposite way. ... [On] taking inventory I found one arm disabled, my face and hands scalded, and my shoulder and collar bone broken. The fireman fared much worse and died in a few days."

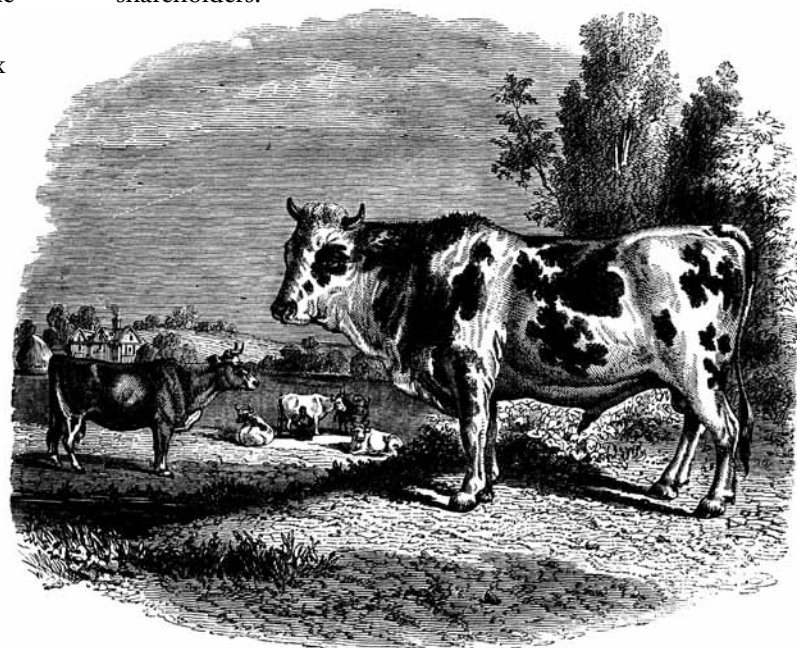
A simple solution to these accidents would have been to fence in the rail beds. But that was a cost the railroad did not intend to bear.

The Farmers Organize

Jackson County farmers formed a committee of men to address their concerns to the Michigan Central. The most prominent member was Abel

Fitch, who had migrated from Connecticut in the 1830s and helped establish the town of Michigan Center. Fitch owned a large farm with 500 peach trees. Though he'd lost no livestock, he allied himself with his fellow farmers because he felt threatened by the "aristocracy of Brooks and the railroad corporation."

Fitch and the others penned a letter to Brooks, asking the superintendent to direct his engineers to run their trains more carefully and, until the tracks were fenced, to pay full damages for any loss of livestock. Brooks refused to compensate the farmers or to recognize their committee. In his opinion, livestock was the property and responsibility of the farmers. He considered himself obligated only to his shareholders.





Above: John Brooks proved a formidable opponent for the farmers. Courtesy of the State Historical Society of Iowa—Iowa City. Below: The railroad's freight depot (at left) was destroyed by fire. From the "History of Detroit and Wayne County and Early Michigan," by Silas Farmer.

When letters from the farmers continued to arrive, Brooks sent a group of butchers and drovers to inspect the animals that had recently died along the line. By then, the carcasses had deteriorated to such a degree that the inspectors deemed them worthless. This fueled Brooks' suspicions that farmers were purposely sending sick and lame animals onto the tracks to scam the railroad.

Despite his suspicions, the superintendent ultimately offered to reimburse the afflicted farmers for half of the appraised value of the animals. Rather than appeasing Fitch, it infuriated him. He read Brooks' letter aloud from the steps of the American Hotel in Jackson and declared the offer "worthless humbug!"

The committee then tried to pursue a legal remedy through the Michigan court system. When their lawsuits were repeatedly thrown out, the men ultimately turned to lawless acts. Although Fitch claimed to have never committed any acts of vandalism, he certainly encouraged others to do so.

The farmers met at a local tavern to fortify themselves for their activities. After nightfall, they would head to the tracks and pelt the trains with stones as they sped by. Wood piles set along the line by the Michigan Central were regularly burned by the men. And dead animals and tree trunks were laid on the tracks. Even the farmers' wives joined in, using animal fat to grease the rails on upgrades. Train crews would be forced to stop their trains and "sand the tracks," with passengers often enlisted to help. As one retired conductor recalled,

"[At] times there would be numbers of the inhabitants... laughing at us, and if asked 'who greased the track?' they would reply: 'who killed our cattle?'"

From Stones to Switch-Pulling

In 1849, the violence escalated; that's when the farmers began shooting at the locomotives. Bricks were heaved into train car windows, sometimes hitting passengers. And switches were pulled, causing trains to derail.

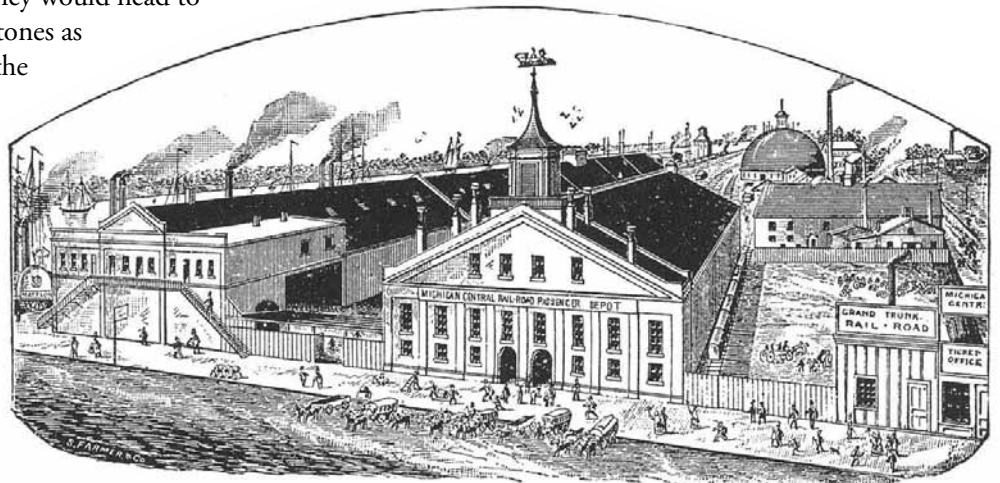
The farmers' accumulated grievances turned into a mob-like hatred. Abel Fitch and the others began talking about burning down train depots, destroying bridges, shooting employees, and blowing up trains. For Fitch, this took on a near-holy purpose: the rights of the individual standing against a corporation of Eastern capitalists whose actions must be challenged.

Brooks had to act; a nuisance had become a serious threat to the safety of Michigan Central's passengers and, in turn, to the economics of the line. People on the East Coast were reading newspaper reports of the lawlessness and opting to travel by steamship. Investors were sending letters to management. The intoxicating vision of a privately owned railroad that would someday connect the entire nation would not be stopped by a gang of hoodlums.

For assistance, Brooks turned to Darius Clark, a businessman from Marshall whom he'd had dealings with in the past. Clark was employed to run a network of spies. To ensure the legality of the operation, Brooks also brought on a lawyer named John Van Arman from the same community.

Arson Is Suspected

On November 19, 1850, the protest escalated to a new level. Michigan Central's freight depot in Detroit—which Brooks had designed—was set on fire in an act of arson. No one was hurt in the conflagration, but the building and its contents were destroyed.



Detroit April 22. 1851

My Dear Wife

I am still in Jail I wrote you yesterday that I hoped I should never write you again from a Jail but I thought I would write you one more and say to you that Mr. Holcomb was here also Mr. Wakeman, his Son Harvey is one of the desperate the R.R. folk, think they have got us completely in their clutches and feel disposed to wrong us in every possible way I have never placed a shaw in their way and still they seem to me a great grudge, but I sometimes ^{think} they are deceived by such men as Messrs Phelps and others of that class who get round them for the purpose of getting their money and they care not how if they come there to examine any papers have some one there that you can depend upon to be with them and see that they do not put a letter or something else in for the purpose of a trap to catch me with I have thought that the reason why ~~they~~ our dog was poisoned was for the purpose of having him out of the way so that they could place some of their bogus concerns some where on my premises Phelps is more

Clark hired Henry Phelps, a former guard at the state penitentiary in Jackson, to spy on Fitch. Phelps knew Fitch from the past and approached him with a story about wanting to buy the man's prize-winning team of oxen.

It wasn't long before Phelps had wormed his way into the farmers' group and earned their trust. He reported to Clark that Fitch and the others had masterminded and funded the depot fire. They had even shown the informant a "match"—a foot-long device they had made and stuffed with flammable material that smoldered when ignited. By adjusting air holes on its side, the match could be timed to burst into flames, allowing an arsonist enough time to escape. The actual arsonist was identified as Detroitier George Washington Gay, a brothel and saloon owner who had a long police record.

Clark and Van Arman were intrigued by Phelps' report, but skeptical. So the spy dressed the two men in rough clothes and took them to pay a visit to Gay in early April 1851, claiming to need help passing counterfeit bills. After a few drinks, Gay admitted he had committed the arson and told them he was paid \$150 by Fitch for the service.

On this evidence, the Wayne County sheriff assembled and led a posse to Michigan Center in the middle of the night on April 19 and arrested 44 men. Among the suspects was Fitch, who was brought in separately by Clark and Van Arman. Another group picked up Gay and a handful



William Seward, later to be President Abraham Lincoln's secretary of state, argued in the farmers' defense. Painting by Francis Bicknell Carpenter. Courtesy of the U.S. Senate Historical Office. Below: As required by law, the Michigan Central eventually fenced in their rail beds. From the Doug Leffler Collection.

of known counterfeiters; the *Detroit Free Press* claimed that these men were brought in to add more villainy to the arrests.

III Treatment at the Jail

Ultimately, 37 men were charged with conspiring to destroy railroad property. Their collective bond was set far beyond what anyone could afford: \$2 million (about \$45,000 each).

The defendants arrived in Detroit by train and were greeted by hostile mobs as they were marched in a column to the county jail. And the media went after them, too,



with the *Free Press* calling them an “organized band of desperadoes—congregated around a drunken rum-hole in Jackson County.”

At the jail, the men—who were held in a single cell—were put under 24-hour guard, paid for by the railroad corporation. The prisoners believed that the guards were sent to spy on them. As Abel Fitch wrote to his wife from the cell, “The R.R. folks think they have got us completely in their clutches and feel disposed to wrong us in every way possible.”

In his letters, Fitch expressed anger at Brooks, the spy Phelps, and the court. Oddly, he could not understand why the railroad was so furious and the court so merciless toward him. He fiercely maintained his innocence and saw himself as the victim: “I never placed a straw in the way of the Co. Only I have had the independence to tell them to their faces that they done wrong when they took the poor man’s last cow without remuneration.”

Conditions in the cramped cell were deplorable, with disease ravaging the imprisoned men. Before a month had passed, Gay had died and Fitch was suffering from dysentery.

Witness After Witness

The trial finally got underway in June. To prosecute the farmers, Michigan Central hired the finest legal team in the state, including James Van Dyke, a former mayor of Detroit. Facing them on defense was a group of little-known attorneys who were ill-suited to their task until joined by William Seward, a former New York governor.

At that time in judicial history, defendants were not allowed to testify. To compensate, Seward called hundreds of witnesses in the hopes of discrediting Henry Phelps and others hired by Clark.

Midway through the trial, two of the imprisoned farmers died. One of those men was Abel Fitch. Fitch’s remains were taken back to Michigan Center, where an 1881 Jackson County history book noted that “One of the greatest funeral corteges was formed that ever followed the corpse of a citizen of this county to a grave.”

A month later, on September 25, the trial against the Jackson County conspirators finally came to an end. Filling the courtroom was an audience of observers who had received free train tickets from the Michigan Central to hear the fate of the men.

Seward’s closing statement, which focused on the idea that the Michigan Central spies stood to gain from the farmers’ convictions, took two days to present. Despite the New Yorker’s best efforts, though, the judge decided that 12 of the men were guilty and then sentenced them to between five and 10 years of hard labor.

Incarceration, Then Vindication

Around the state, reaction to the verdict was mixed. In Jackson County, it heightened the hostility toward the railroad. Benjamin Burnett, considered a key conspirator in the crime but later acquitted, started a newspaper in Grass Lake called the *Public Sentiment*. In his fiery editorials, Burnett vowed never to forget Fitch and the men of Michigan Center and Leoni. Calling the Michigan Central “an iron-armored slave-holding giant without any soul,” he helped change public opinion toward the corporation and set the stage for the early release of the farmers and for the passage of a landmark railroad law.

The legislation, introduced in the state Senate by Jackson lawyer (and future Michigan governor) Austin Blair, incorporated many of the changes for which Abel Fitch and the others had fought. From 1855 forward, all railroads were required to install bells on locomotives, to instruct engineers to sound a steam whistle before crossings, to post “stop, look, listen” signs, to fence the rails, and to install special cattle guards where needed.

Bill Loomis wrote about the Ten Eyck Tavern for Michigan History’s January/February 2012 issue. He is the author of the book “Detroit’s Delectable Past.”



Abel Fitch’s final resting place is Jackson’s Mt. Evergreen Cemetery.