

Bypaths of Kansas History

BEFORE THE DAYS OF DELUXE SUPER CHIEF SERVICE

From the records of the Ford county district court.

DAVID CRAWFORD *Plaintiff* vs. THE ATCHISON, TOPEKA AND SANTA FEE RAIL ROAD COMPANY *Defendant*—Action for Damages [January, 1878, term].

PLAINTIFFS PETITION

- I The plaintiff David Crawford complaining of the defendant says
- I That he is a resident of Ford County and State of Kansas
- II That the defendant the Atchison Topeka and Santa Fee Rail Road Company is a common carrier operating and conducting a line of Rail Road in and through the Counties of Edwards and Ford of said State
- III That on the 17th day of April A.D. 1877 the plaintiff paid to the Agent of said defendant, at the defendants office at their station at Kinsley Edwards County the sum of Two Dollars and 10 cents in consideration of which payment the defendant agreed to carry and transport said plaintiff and his personal effects to the Station of said defendants in the City of Dodge City Ford County Kansas. That at the time of said payment and agreement, the defendant by his agent delivered to plaintiff a receipt and agreement commonly called a ticket stipulating for the transportation as aforesaid.

Plaintiff further says that before the arrival at Dodge City of the defendants train in which plaintiff was being conveyed, this plaintiff on the demand of the defendants Agent, the conductor of said train, delivered to him his ticket heretofore mentioned, at the same time requesting said Conductor to notify this plaintiff of their arrival at said station at Dodge City.

And the plaintiff further says, that relying on his notice to said Conductor to notify him when at Dodge City of their arrival, he before their arrival at Dodge City fell asleep— That he was not awakened or in any manner notified by said Conductor or any other person of their approach or arrival at said City of Dodge City, that only after the said train had proceeded some three miles west of Dodge City was he awakened by said Conductor, that it was then about 3:30 A.M. of April 18th 1877, and an Extremely and unusually dark night— That in disregarding his Explanations and in total defiance of his protests the said H. R. Nickerson Conductor of said train and agent of the defendants, did then and there forcibly and rudely shove and push this plaintiff from the said Rail Road train, while the said train was moving rapidly and as this plaintiff believes at the rate of Eight miles an hour.

That by reason of such forcible and violent ejection and the rapidity at which the said train was at the time moving, this plaintiff was seriously and painfully lamed and injured and was unable to arise or walk from the place in which he was thrown by said Conductor, that for some considerable time he remained in a comitose condition having received an injury on the head when thrust from said train—

That this was at a place situated about 1½ mile from any human habitation, in a wild open and unsettled prairie— That being “a stranger in a foreign land,” he knew not where to drag himself that he might be taken in until the dawn of day.

The plaintiff further complaining says, that he has suffered greatly in mind and body from the Effects of said wrongful ejection, that he is depending for his support upon hard and manual labor, and that he has from the Effects of said

ejectment been for a long time incapacitated from performing such work or earning his maintenance

IV Your petitioner further complaining says that his baggage consisting of a leather hand trunk; and which said baggage was being transported by defendant in part consideration of the amount paid as aforesaid, has been by said defendant lost or destroyed. That said baggage was worth the sum of One hundred Dollars

And your petitioner now asks this Honorable Court that in view of the facts herein stated and because of the wrongful acts of defendant, and because of the loss and injuries sustained by plaintiff, that he recover judgment against defendant for the sum of Two Thousand dollars & all proper relief

HARRY E. GRYDEN
Atty. for Pltff.

An accompanying notation on the case reported that it was settled in full on January 3, 1878, for \$60, with the railroad also paying court costs.

HEAVENLY KANSAS?

From the *Sherman County News*, Voltaire, February 17, 1888.

The fame of Kansas is world-wide. *Puck* says in Italy children are taught that when they die they will go to Kansas.

BOOMING KANSAS

From the *New Kiowa Herald*, March 26, 1885.

The following story is said to have been told by a Santa Fe engineer, and it shows how fast the state is growing. We do not hold ourselves responsible for the truth of the story, but we do not hesitate to say that it is "not much of a yarn," compared with that told by some railroad men:

"One day I was driving my engine over the prairie at the rate of forty miles an hour, without a house in sight, and supposing the nearest town to be Dodge City, thirty miles distant. But as I glanced ahead I was astonished to see that I was approaching a small city. I rubbed my eyes, thinking it was a mirage.

"Jim," says I to the fireman, "what's this place?"

"Blamed if I know," says Jim, staring out of the cab. "I declare if there ain't a new town growed up here since we went over the line yesterday."

"I believe you are right, Jim. Ring the bell or we will run over somebody!"

"So I slowed up and we pulled into a large depot where more'n five hundred people were waiting to see the first train come into the place. The conductor learned the name of the town, put it down on the schedule, and we went on."

"Jim," says I, as we pulled out, "keep you eyes open for new towns. First thing you know we'll be runnin' by some strange place."

"That's so," says Jim. "And hadn't we better git one of the brakemen to watch out on the rear platform for towns that spring up after the engine gets by?"—Ex.