

# After train missed depot, rider steamed into court

Through the years lawsuits in Monroe Circuit Court have come in all sizes and descriptions, but perhaps the one filed on Oct. 23, 1895, was one of the most unusual. It was the case of the eye doctor versus the Monon Railroad.

It all began on Sept. 16, when Dr. G.B. Harris bought a 45-cent ticket for the midnight train to Ellettsville. The purpose of his trip was to visit patients in that town, and he carried with him at least one, if not two, pieces of luggage.

What went wrong with his journey was that the train apparently overshot the Ellettsville station, and Harris was put down some distance beyond it. That was an inconvenience he resented very much, since one of his bags contained



## Looking back

By Rose McIlveen

heavy optical equipment, and the hour was between midnight and one o'clock.

So much for the bare essentials of the story. But the readers of the *Bloomington Courier* were treated to additional details, no doubt furnished by the unhappy passenger or one of his attorneys.

According to the newspaper, Harris said, "he was carried by almost

a mile and a half north when the conductor stopped the train and ejected him." Furthermore, even though Harris demanded that the train be backed up to the Ellettsville station, the "official" refused to comply.

By the time Harris' attorneys filed a lawsuit on his behalf, it contained even more allegations — that he sustained injuries in negotiating the gap between the train step and the ground, that he suffered humiliation, that there was not enough light, that the place where he was ejected from the train was a bank above a creek, etc.

After the usual preliminary legal maneuvering between his attorneys and those of the Louisville, New Al-

bany and Chicago Railroad, the participants got down to real business on Jan. 8, 1896. The lawsuit was decided by a jury made up of Ben Whisenand, James Skirvin, Michael Kirk, William Profit, Thomas E. Robinson, Stanton Thrasher, Frank Shields, Fred Hacker, Nicholas Walker, Ephriam Stanger, Enoch Berry and J.B. Dillman.

Harris had claimed that he sustained permanent injuries in getting off the train and carrying a 56-pound bag into Ellettsville — that he was unable to keep appointments with his patients for some three days. But the jury wasn't impressed with that claim. Someone testified that Harris had spent 50 cents on medication after his train

ride.

The distance past the station was measured by someone for the benefit of the court. It shrank from a mile and a half to one-half mile or even to 900 to 1,000 feet.

Then there was the matter of the "humiliation" Harris said he was subjected to just before eviction from the train. Apparently, some of the other passengers who were present in the car on that particular night testified that Harris suffered neither verbal abuse nor physical ejection from the train.

Strangely enough, the jury found that Harris was carried past the station and entitled to be let off there, but otherwise he got no monetary satisfaction from the suit.