The Court Archive:
Fields Aflame

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The railroad system in the mid-nineteenth century brought an increase in mobility to many Americans, but they also had a less than positive impact on the people who owned land adjacent to the railroad. Livestock wandered onto tracks and killed by oncoming trains, and railroad companies needed to build fences along its right of way. Attorney Abraham Lincoln wrote a letter to Illinois Central General Counsel Mason Brayman that Lincoln had been approached about suing the Railroad because "the railroad does not keep it covenants in regards to making fences." Lincoln declined the work but subtly suggested that the Illinois Central take care of its fences by noting that a "stitch in time will save nine in this matter."

Even during construction, crews had to move significant amounts of earth to grade properly the track beds, and several landowners sued the railroads for despoiling crops and leaving giant pits on their properties. The railroads lost many of these lawsuits.

Fire was also common along the railroad tracks, resulting from brush and debris that should have been cleared in areas around the tracks. The Illinois Supreme Court heard a case resulting from one of these fires in 1869.

The Illinois Central Railroad Company owned land that extended 100 feet on either side of the railroad track and needed to maintain the land to prevent the spread of fires. William Nunn's land was adjacent to one of these tracts of land. The company's failure to remove debris resulted in a fire that spread to Nunn's farmland, resulting in his loss of crops and income for a year. Nunn brought a negligence suit against the Illinois Central in the Effingham County Circuit Court.

The circuit court found for Nunn, and a jury assessed damages at $183.40. The Illinois Central appealed the case to the Illinois Supreme Court, 51 Ill. 79 (1869), on the argument that there was no neglect involved. A drought had created a situation in which the company's lands filled with combustible materials earlier than the planned yearly clean-up. Justice Sidney Breese wrote the opinion affirming the jury award.

While railroads created a transportation revolution, there were also problems with negligence that the Illinois courts decided. These cases are several of many that illustrate the technologically changing landscape and some of the lesser-known effects of these changes on the settlers in the Midwest.