

Q.—Tell us exactly in your own words, what you were doing and what took place?

A.—Well, as I approached the track, I went up there just as carelessly and just as simply as I ever approached anything.

Q.—What do you mean by carelessly and simply? A.—Without any fear, I mean.

Q.—Did you look? A.—Well, I didn't; I was not, my attention wasn't arrested to any fact other than just simply allowing my going right along the way I always did.

Q.—As you approached the track did you, or did you not look? A.—Why, certainly I looked; it would be surprising if I didn't look.

Q.—Did you see any train? A.—No.

Q.—At what rate were you travelling? A.—The horses were walking up the approach there right up to the track.

Q.—It is up hill as you approach the track there? A.—Yes, it is up hill all the way.

Q.—Where were you when you saw the train? A.—I was just within about between time and eternity when the thing hit, and that's the last I heard of it.

Q.—Where were your horses? A.—Right on the track.

Q.—Did you see the train then? A.—I didn't see them till I tried to jog them backwards. I never seen the train till they were right on to me.

Q.—How far was the train when you first saw it? A.—Ten feet; well, it might be a rod or two probably.

Q.—You jogged along when you left Raglan; what sort of a seat had you? A.—Well, I had a seat that at one time was on top of the box, it was a spring seat, but it had been broken, and the thing was so that it wouldn't sit up any way, and I pulled the thing off and put it lengthways in the bottom of the waggon.

Q.—Which way did it face, toward the off horse or the nigh horse? A.—The off horse.

Q.—So that as you jogged along your back would be towards the west—towards the way the train came? A.—Yes.

Q.—Did you expect a train or not? A.—Well, I didn't know the time to a few minutes.

Q.—When you left Raglan did you think about the train? A.—No.

Q.—Did you think about the train between the time you left Raglan and the time of the accident? A.—No.

Q.—You were not looking out for bells?

A.—Well, I knew I was going near a train.

Q.—Could you see the head-light? A.—Couldn't see anything; it was a beautiful night.

Q.—Moonlight? A.—Yes.

Q.—Did you see the head-light—the glare of it shining? A.—I couldn't say. That's not what startled me.

Q.—Can you say now whether you saw that or not? A.—No, I would not say anything about that. I would say I never seen it.

Q.—The first thing you knew was a crash? A.—The first thing I knew was a little timidity, and I said "Whoa," and I thought I would make a gallant escape.

Q.—What caused the little timidity? A.—It was the suddenness of the approach, and I thought I would clear myself if possible.

Q.—And you instinctively yelled "Whoa," and pulled the horses back? A.—Yes.

Q.—Up to that time you did not turn your head? A.—Oh yes I did; what's the use of talking that way? The first I knew was the horses on the track. I looked around and saw this engine right upon me.

Q.—Had you looked before that? A.—No, I hadn't; I never seen it before, nor never had any cause to look.

Q.—Were you singing as you went along—whistling? A.—I was humming.

Q.—Humming a tune to yourself? A.—Yes.

Q.—Were the horses going on a walk or a trot? A.—Walking. They were right on the approach.

Q.—Was the waggon on the track at all—the fore-wheel of the waggon, did it go as far as the iron rail? A.—I don't think it did; no.

Q.—Do you think either of the horses stepped over the iron rail? A.—They were both on the track.

Q.—Does that mean that their front feet had stepped across the iron rail? A.—Yes, but that was as far as they went.

The train was going at a speed of about thirty miles an hour, on a heavy up grade, in consequence of which the exhaust or