

THE WAUDEST WRECK THE JURY'S VERDICT.

Was Kerr or Carson to Blame? The Jury Does Not Say.

The Accident Could Have Been Averted Says the Jury—Carson and His Assistant Examined—Brakeman Smith and James Troyer Also Give Evidence—Addresses by Counsel—Others on the Witness Stand—Patients Doing Well—Mr. Pope Talks.

Waudest, Dec. 30.—One of the reasons for the inexplicable chain of circumstances which prevented express No. 5 being stopped before it reached the Waudest siding was explained to-day by the evidence of James Troyer, the operator at Kingscourt Junction. He had been only three days an operator, and from his own admission, did not know the call of his own office, "K.C." The night of the accident was his first night of service in the little station at the Junction, and his previous experience had been two nights' service at Strathroy, during which time he had received four train orders as placed by the train Despatcher Kerr, at London, and Agent Carson, at Watford, looked to as the means of stopping the express. It is barely seventeen years ago Kingscourt Junction of course was important only one night, and that night the despatcher, Mr. Troyer, failed. Ordinarily the orders received at it are few and unimportant, and the wages paid by the company for a night man at such a post could scarcely be considered meagre, being \$40 per month. The company appears to have pressed into service, however, the Waudest young men as operators to meet the demands of the tremendous freight and passenger traffic of the last month, one of them being Troyer and another Hicks, the assistant of Agent Carson, at Watford.

The Jury returned its verdict to-night in the coroner's court at Watford, placing the direct responsibility on one man; the finding was abortive. The verdict handed to Coroner Harvey after hours of deliberation was as follows: "We find that Arthur W. Ricketts was killed on the evening of Friday, Dec. 26th, 1902. That said collision was caused by wrong orders being given No. 5 at Watford; responsibility for the issuance of wrong orders are not agreed upon as between Operator Carson and Despatcher Kerr. That after No. 5 had left Watford, the issuance of wrong orders, we consider that the accident could have been averted by the operator at Kingscourt Junction, had the railway company had more experienced operators at these points, one being, but a boy of sixteen, at which point the despatcher, having ample time to do it, endeavored to get the opposing trains stopped."

Addresses to the Jury. The Coroner followed the unusual course of allowing addresses by counsel to the jury, and these were delivered at the evening session, after the evidence had been given. Mr. Hanna stated that he had no personal feelings in the matter, but as the representative of the estate of F. W. Ricketts, Agent Carson and the others, he felt that he ought to be allowed to speak. He had no doubt that the jury would deal perfectly fairly.

The Crown ruled that the Crown Attorney would make his address, and then if there were any points Mr. Hanna wanted to refer to afterwards he could do so. In addressing the jury Mr. J. P. Burke, the County Crown Attorney, told them that they were to give their verdict entirely from the evidence, and not from anything they might have read or heard. Some might be reminded of the different features of the accident and the orders leading up to it. He did not think the train handling was done in either train. The question had been put, "Why did Carson give a clearance to No. 5?" That was for the jury to decide, and he thought the jury must be given the fact that Carson had heard the conversation between London and Watford, might be the same as he had heard the clearance. However, all railroad employees were supposed to know the company's rules. Carson had acted on his own responsibility, and it was for the jury to say if he was justified in so doing. In concluding he said, "You are here in the interest of the public, and in the interest of the public, I must ask you to explain how the accident happened. That is all I ask of you."

Mr. Hanna said he would like to say a few words regarding the cancelling of that order. He did not like the way in which Mr. Burke had no to speak, "pointed the finger of suspicion" at Carson. He would like to ask if it was right that a mere boy of 16 years of age and 48 hours' experience should be trusted with the lives of hundreds of human beings? He asked that it be remembered that Kerr was in a hurry at the moment, and was it not possible that in the excitement of the moment he had slipped back into the old position that was in use up to three years ago, and said "bust"? He admitted himself that he had used these words.

Mr. Pope said there was no desire on the part of the railway to saddle the blame on Carson or shield Kerr. Coroner Harvey gave the evidence to the jury at 8 o'clock, and the verdict was brought in at 11:04 o'clock, as given above.

Brakeman Smith's Evidence. James Smith, of the Sarnia Triangle, was the freight brakeman who was the principal actor in the disaster. He was on the engine of 772, which was the best train, when Waudest was reached. The engineer went down as the switch was closed, and Smith dropped the train, and ran ahead to the switch. He was on the switch in time, and he was on the main line when the engine passed into the siding, and he was on the switch again when the engine was on the siding.

was about two minutes, and the train was just at the siding when the switch opened when the express came. The force of the impact drove the freight back two and a half car lengths. The freight had been stopped at the siding, and the train was on the siding when the switch opened. This statement was brought out because the operator at Watford, Mr. Troyer, said he saw stop signals coming from the brakeman at the rear of the train. He told the conductor, who was also on the front of the train, of the signal, and he and the conductor climbed on top of the first car and answered the stop signal. The rear brakeman did not repeat his signal, and the train moved on. He believed that the car on which the rear brakeman stood was about fifty feet from the station platform when the stop signal was sent ahead. Smith himself did not see the signals of the operator. There was no discussion on the engine as to what was meant by the stop signal, and he was positive on the point that the semaphore was not displayed against the freight when it left the yard, for the witness and the fireman were on the train, and the semaphore was on the south side of the track—when the train left. The reason the train was delayed at Watford was because of the frost, and difficulty was experienced in getting water.

The Kingscourt Operator. The Kingscourt operator, James Troyer, came next. He had never worked in any station but this. On Friday night he went on duty about 7 o'clock, but could remember no more in particular that night than that he went through before the accident, and just as express No. 5 was about to pass the station he saw the semaphore down, and he heard the Kingscourt call, and on answering it was told by the despatcher to "stop No. 5." He set one man out and threw up the west semaphore. The locomotive had by that time passed the semaphore, but it was raised over the engine, and he saw the train as it looked up they would have seen it. Troyer denied that he was out of his office before No. 5 came. He said that he had been studying it in the station. His key was ticking, but he did not recognize the signal "K.C." the call for Kingscourt. He had used the call, and this was his only explanation of his failure to hear the despatcher call. He said that the wire or Agent Carson at Watford called him on the commercial wire. He was familiar with "K.C." as letters, but not as a signal. Mr. Troyer said that he had studied for seven months on the Canada Southern, and had been examined by Mr. Goodwin, the chief train despatcher, at London. He was sixteen years of age, and his salary was \$40 a month. He had been seven months learning, and had been taught by his brother, the Grand Trunk operator at Aylmer. He was in Mr. Goodwin's office about four hours, but so far as he knew had been under examination about twenty minutes, receiving test orders and messages. At the Strathroy office, on the second night, he had been given four orders and took them at right. At Kingscourt he was shown about the station by Mr. Lamont, the agent, and while Mr. Lamont was there, answered a call to "K.C." the station, and when the extra freight passed about 9:00 o'clock he reported to the despatcher that the key "stuck" several times, and worked badly.

Agent Carson Recalled. Mr. Andrew Carson, the Watford agent, was recalled at the request of Mr. Pope, the company's solicitor, who put to him this question: "You have had time for reflection since yesterday. Can you now give me the date or name any occurrence that you are acquainted with, of an order being annulled by the use of the word 'bust'?" "I have not been in a position to secure such information since last night. You have taken away my books, even the one book I had yesterday," returned the witness hoily.

Mr. Hanna, the witness' solicitor, interferred, and said that he had tried to get the books the night before, but had been unable to do so.

Mr. Pope threw the books across the table to the opposing counsel, but Mr. Hanna refused to accept them, saying that when he had asked for them he had been refused.

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Mr. William F. Mylne, the agent at Watford station, sent word to the court that he had four freight trains in his yard and could not receive any more.

Mr. Pope said that this was not the case. Mr. Carson had been offered the order bearing the words "Bust it," and he, Mr. Pope, had simply for the book over night. He now returned it. "Your recollection is not any better than yesterday regarding the date of any other 'bust' order?" was the next question, to which Carson replied in the negative.

Order 93 Produced. Mr. Pope then produced several orders from the station agent's books that had been cancelled by the despatcher in the regular way by the words "Annulled by order." One of those orders was annulled by Hicks, the assistant to Carson, and, producing the book containing the train orders from Dec. 16 to the night of the accident, and showing the witness order 83, asked, "When did you write those words, 'Bust it' on this order?" "I wrote it when the express was coming into the station, before I gave the clearance order," said Carson.

"Why is it then that the word 'busted' appears on that order, and on no others that we can find?" "If the despatcher had been successful in trying up the freight train at Watford, he could have completed the order normally, cancelling the first."

"But on all three copies would have appeared for all the time the words 'bust it'?" "Yes, sir." The witness followed this by stating that some "busted" orders might be taken out and that after he had seen train orders taken on other sheets than those contained in a book. He had seen orders taken on an ordinary telegraph blank. Mr. Carson on again being asked to produce another completed order bearing the words "bust it," said that he had no chance to do so, because the Superintendent had come down to his station and had scooped all of his papers up.

Coroner Harvey—But you've seen "busted" on more than one completed order? "Yes, on several at least," said Carson. He added that it was commonly known that trains were allowed to go if an order had been annulled. The clearance order was to save delays. Despatchers took a chance. The Watford agent admitted that it was his duty if he had no further unfavorable symptoms shown by the message to the despatcher. Speaking of his duties, he said that his salary as station and express agent was from \$74 to \$75 a month. Mr. Carson had been looking through his files and found an order that had been "busted," but in answer to a question by Mr. Pope admitted that it was not a completed order. He said he did not think he ever saw a crossing order, except on a regular blank.

Assistant George Hicks. George Hicks, assistant to the Watford agent, followed his superior on the stand, and told the story already given in these columns. He heard the crossing order come to the Watford office and a little later heard Mr. Carson say "It's busted." The witness said that he could not remember of occasions when orders had been "busted," but could give no specific date. An order not properly annulled, however, was considered to be not an order at all. He had heard Mr. Carson receive an order and have it "busted," and also reported having heard orders "busted" at Watford, where he was previously employed. He was not absolutely certain these orders had a received under the circumstances.

Dr. James Nowell, of Watford, the first surgeon on the scene, said that the death of the victims of the wreck was due to wounds, exposure and shock. He said that the railway authorities had showed the greatest promptitude in rescuing and caring for the wounded, and he paid a high tribute to Dr. and Mrs. Hamilton, of Independence, Iowa, both members of the medical profession, who gave invaluable aid. Dr. W. D. Chapelle, of Wyoming, also testified and said that the railway had done everything possible under the circumstances.

The Wyoming Agent. Mr. William F. Mylne, the agent at Watford station, sent word to the court that he had four freight trains in his yard and could not receive any more.

Prayed for Car Malt Bains. St. Petersburg, Dec. 30.—(Special Telegram.) The czar and his family, telegraphing to the czar from Andjan, says: "The garrison and population of Andjan are praying for a respite from the three days after the catastrophe, praying for the czar on his name day, among the rains beneath the grey, wintry heaven, uninterfered from the threatening snows."

Watson to Stand Trial Middleport Man Committed for Killing His Brother. CASE TO COME UP AT ASSIZES Brantford, Ont., Dec. 30.—The court room was crowded this afternoon when Samuel Watson was arraigned before Squire Leitch on a charge of unlawfully killing his brother, Wesley Watson, at Middleport, on Tuesday, Dec. 23rd. The accused was greatly excited when he appeared in court, and appeared to be suffering from intense mental exhaustion. He pleaded not guilty to the charge, and the Crown proceeded to submit evidence. James Watson was the only witness called. He reviewed at length the details of the assault, robbery and tragedy. After hearing the evidence, Squire Leitch committed Samuel Watson for trial.

His case will come up for consideration at the Spring Assizes. Watson was taken back to jail, where he has to be confined until his case is disposed of. He worries continually over the tragedy, and if he is here right away," said the coroner to the constable, who immediately released his life will be in danger. Hanley and Ray, the two Anas-ter men, who are charged with the robbery will be arraigned before Squire Leitch to-morrow.

Finally admitted that he had left his office without the sanction of the chief train despatcher, as required by the rules. The point made by Hicks, the assistant to Carson, had little effect on the Magistrate, who hinted that a warrant was more important than even a chief despatcher's order under the circumstances.

Mr. W. E. Costello, the Assistant Superintendent at London, gave complete data as to the sending of train orders by despatchers, and their receipt by operators. He declared that the practice of "busting" orders in the way described by Agent Carson would be considered grossly irregular, and would never be permitted by the company. All despatchers were drilled in the application of the standard rules, which governed in such cases. Mr. Costello said that Mr. Carson had had an exceptional place in the estimation of the officials of the company. The Assistant Superintendent said that he had taken some of the agent's record books for the purpose of investigating his statement, and that he had had ample opportunity to look over the books in the presence of witnesses before the coroner. The rule regarding the cancellation of orders was made for the express purpose of protecting the operator.

Patients Doing Well. London, Ont., Dec. 30.—At Victoria Hospital to-day the patients injured in the Waudest disaster are reported as doing well. Several are not yet out of danger, but no further unfavorable symptoms have appeared in any of the cases. The funeral of the late Nicholas Jeffrey, the only London citizen who has been with Carson or Kerr, was largely attended. Bishop Baldwin, Dean Innes and Canon Dann, of St. Paul's Cathedral, conducted the services. The pall-bearers were: James Mattinson, W. E. Saunders, C. A. Kingston, A. B. Robinson, James Grange, and Samuel Mauro.

A NEW PASTOR IN KNOX CHURCH. Solemn Services of Induction Held Last Evening. A LARGE CONGREGATION Witnessed the Ceremony—Rev. R. Martin, Dr. Lyle, J. Ratcliffe and S. H. Grey the Officiating Clergyman on the Occasion. The services in connection with the induction of a minister into a Presbyterian pastorate took place in Knox Church last night, and a room in that large congregation felt the impressiveness of the ceremony. It was the last chapter in the church's epoch which began fourteen months ago, when the old and beloved pastor, Rev. Mungo Fraser, was obliged through ill-health to vacate his pulpit, and on June 1st of this year the pulpit was declared vacant. On Oct. 1st a unanimous call was extended to Rev. E. A. Henry, Brandon. The Brandon Presbytery sustained the call, and on Nov. 20th Rev. E. A. Henry formally accepted it, before the public service there was the usual service on such occasions by the Presbytery. At the conclusion of the service, Rev. R. Martin acting as Moderator. Those on the platform were: Revs. Dr. Lyle, Dr. Fletcher, A. MacWilliam, J. Young, Neil Leitch, S. H. Grey, Dundas, Mr. Ratcliffe, J. H. Black, Messrs. W. H. Wardrope, K. C., and A. I. McKenzie.

Had Lost Hope of Getting Well. Years of Keen Suffering from Kidney Disease—Owes Life to Dr. Chase's Kidney-Liver Pills. R. J. McBain, Niagara Falls, Ont., a man of eighty years, and well known throughout the Niagara district, writes: "I believe if it had not been for Dr. Chase's Kidney-Liver Pills I would be in my grave before this. I was very bad with kidney disease, and suffered with dreadful pains in my kidneys. Being disappointed in the use of many medicines, I had almost given up hopes of ever getting better. One morning, after a night of especially severe suffering, a friend called to see me, and asked why I did not try Dr. Chase's Kidney-Liver Pills. I got a box at once, and took two pills, which was a rather heavy dose; one pill is plenty at a dose. I used them regularly for a month, and at the end of that time was a changed man."

"It is now about five years since I began using this pill, and since that time I have felt as good as I did forty years ago. I am almost eighty years old, and I am free from all disease, except rheumatism, and this is much better than it used to be before I used this medicine. I recommend Dr. Chase's Kidney-Liver Pills with all my heart to any person, man or woman. This is my opinion of these valuable pills, and you may use it for the benefit of others."

Dr. Chase's Kidney-Liver Pills are especially appreciated by people of advanced age. The kidneys are frequently the first organs of the body to break down, and there are few old people but suffer from kidney disorders, and resulting pains and aches. One pill a dose, 25 cents a box, at all dealers, or Edmanson, Bates & Co., Toronto.

Will be in Demand Hereafter. "I am considerably advanced in years, and I have of late been almost rejuvenated by the use of your very excellent preparation which you have rightly designated as 'Force.' For the last month or two we all have it and never tire of it. It will be in demand hereafter." "E. CATTERBELL, England."

Sweet, crisp flakes of wheat and malt. will make ALL the year happy.

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