

Hastings Banner July 21, 1909

Two were killed and sixteen injured in wreck near Schultz.

Misunderstanding of orders send CK&S passenger train crashing head on into freight.

Boiler head was blown 100 feet.

First disastrous wreck in Barry Co.

At coroner Burton's inquest, testimony throws partial blame on railroad company.

Two people were killed, sixteen injured in a head on collision between the North bound passenger train, and a portion of the South bound freight on the CK&S railroad at Bush's Grade, half a mile North of Schultz station, at about half past three o'clock Thursday afternoon.

The Dead

Melvin Mead, engineer of the passenger, Kalamazoo.

Seth Chandler, fireman of the passenger, Kalamazoo.

The Injured

Fred Kruse, engineer of the freight, Kalamazoo, hip broken.

John Milbeck, fireman of the freight, Kalamazoo, shoulder broken and minor injuries.

Mrs. M.S. Gould, passenger, Adrian, internal injuries.

Mrs. Charles Batchellor, passenger, Hastings, face lacerated.

Mrs. Hannah Batchellor, passenger, Hastings, face lacerated.

Charles Batchellor, passenger, Hastings, seriously bruised.

Martin Gould, passenger, Adrian, bruised across chest.

E.A. Burton, passenger, Hastings, arm injured.

Charles G. Weissert, passenger, Hastings, seriously bruised, injured internally.

Oscar Grook, mail clerk, Hastings, severely bruised and shocked.

L.N. Elder, mail clerk, Kalamazoo, scalp injured.

Benjamin Voorhees, baggageman, Kalamazoo, head injured.

Frank N. Maus, passenger, Kalamazoo, chest and spine injured.

J. Monroe Maus, Kalamazoo, ribs broken, ligaments of right leg seriously strained.

Floyd Maus, Des Moines, Ia, right ankle broken

Miss Lelah Wagoner, passenger, Kalamazoo, shoulder hurt.

Though the wreck is believed to be do to a misunderstanding of orders, and partially due to the failure of Benjamin McMurray, the station agent at Delton to deliver the orders before the passenger train left Delton, testimony given at the inquest held by coroner C.H. Burton on Saturday would indicate that the blame rested upon other shoulders also, and that knowledge of the direct cause of the accident was the ill-fated train had passed away with the deaths of the engineer and fireman. From testimony given at the inquest it may be justly concluded that the train crew knew that the freight train was ahead. The inquest will be resumed on Thursday when members of the train crew will give further testimony.

The accident was the first really serious one that has ever taken place in Barry County. That so many of the passengers should have escaped death is regarded by many as nothing short of a miracle.

The freight with a string of 19 cars, became stalled on Bush's Grade North of the station, and the engineer, unable to make it, broke his train and took 10 of the cars down to a siding at Schultz, intending to, return for the others. The passenger train just at this time pulled into the station, going North.

Station Agent, Alonzo McCarthy at Schultz station, and Conductor Tom Clark, of the passenger claim they ordered engineer Mead to pull up to a switch beyond the station and there wait for the return of the freight. Clark and Brakeman, McCormick stepped on board the rear coach of the passenger and alighted at the switch block, thinking the train would stop. They were horrified to see it's speed increase and round the curve on the main line and head directly for the freight, then about due to return.

Those at the station shouted when they saw the train speed away, and ran frantically after it waving their hands to attract the attention of the firemen and engineer. Then the train turned the bend where they knew the freight was, and waited breathless with horror until the expected crash came. There was a rumbling roar followed by a dense column of steam which rose high above the treetops, and was visible at distant farms.

Within the train there was knowledge that a crash was imminent. Passengers noticed that the train left the conductor behind at the switch, and saw him and the others waving their arms frantically. Frank N. Maus, a passenger, rushed into the combination car and notified Ben Voorhees, the baggageman. Voorhees went into the passenger end of the car and pulled the emergency brake several times. It is said he pulled it several times before the speed of the train slackened perceptibly. Several in the car expected a crash and rose. When it did come they were thrown in every direction. There were several shocks, which ended in the combination car being thrown into a slanting position on the roadbed. Everyone made a rush for the door. At the first shock, it is said that the first passenger who jumped from the car,

saw Melvin Mead jump from the cab of his locomotive only to be hurled under the wreckage. The tangled mass of steel which had once been the engines was covered with a cloud of steam and the heat was so intense that some time elapsed before the fate of the firemen and engineers could be learned.

In the passenger car there was a terrible crash. Some of the passengers were thrown clear over seats, others thrown into the aisles. The impact of the collision was so great that a circular hole was knocked in the window in the rear door of the car. There was little confusion.

In the smoking car Charles Batchellor, of Hastings and Martin Gould of Adrian were sitting together. Near them Charles G. Weissert of Hastings, and C.A. Witham, a Cloverdale youth, were sitting together. Witham's testimony at Coroner Burton's inquest is told elsewhere.

All were hurled back and forth several times, and all with the exception of Witham were injured. Mrs. Gould was sitting in the front part of the coach with her cousin, Mrs. Batchellor, sitting beside her. When the collision came she was pinched against the seat in front of her, striking on her abdomen and thrown over into the aisle. Her cousin pitched bodily over the back of the seat. Her son 7 years old, who was sitting with them was not hurt.

Voorhees was carried out and made as comfortable as possible. His scalp was badly cut. Mrs. Gould assisted in caring for him until she discovered that she was injured internally.

Within the little compartment occupied by the mail clerk were Oscar Crook of Hastings, and L.N. Elder of Kalamazoo. Mr. Elders scalp was badly injured, Mr. Crook was uninjured, but late that night he suffered so severely from the shock that it was necessary for Dr. Sheffield to remain with him nearly all night.

News of wreck spreads rapidly

The news of the wreck spread within marvelous rapidity. From a farmhouse someone telephoned a call for surgeons from Hastings. In a remarkably short time half a dozen automobiles were speeding over the country roads with all the physicians that could be gathered in a few minutes. Those who went were Drs. J.C. Lampman, F.R. Timmerman, C.P. Lathrop, D.E. Fuller, Chas D. Mohler, C.A. Sheffield, W.H. Snyder. Dr. Harrie Kenfield, of Cloverdale was also present. Dr. C.H. Burton, Coroner, was also present and gathered information necessary for the inquest.

Farmers assist the injured

Farmers who had heard the crash and seen the column of steam rise, hurried to the wreck from all directions and in every kind of vehicle. News spread by telephone and crowds soon came from the country miles around. As soon as the boilers had cooled sufficiently and the steam had all escaped approach to the wrecked

locomotives was easy. There was no sound. A portion of the boiler of the passenger engine lay pointed to the South, with a tangled mass of iron beneath it. Under this apparently a lot of torn clothes. This was all of the earthly remains of fireman Seth Chandler. He had been torn to pieces. The earth was shovelled out and the remains were gathered and carried into the car. Somewhere under the high mass of wreckage was the body of engineer Melvin Mead. Further search revealed the apparently lifeless bodies of engineer Fred Kruse and fireman John Milbeck of the freight train. Kruse was lying a considerable distance North of the wreck on the West side of the track. Milbeck lay on the East side. Kruse was unconscious and he was black as a negro. He was still living and was soon put on a cot which was placed in a wagon in which he was carried to the home of Benjamin Bush. Near the residence the auto containing Hastings doctors arrived, and Kruse was turned over to Dr. Timmerman for treatment. Milbeck's injuries were slight compared with those of Kruse's but they were bad enough. He was carried into the passenger car where Mrs. Gould was being cared for.

As soon as the wreck occurred Station Agent Alonso McCarthy notified General Manager Sergeant of Kalamazoo, and a relief train loaded with mattresses and other supplies and accompanied by doctors and a large force of workmen was started for Schultz. The train arrived two hours after the wreck occurred all of the injured had been cared for by the Hastings physicians. The injured were removed to the train, which arrived in Kalamazoo at 8:00. There they were taken to Bronson Hospital.

Boiler Head Blown 100 Feet

Had the collision not taken place on a sharp curve the death list would have been much larger. The boilers of the engines struck at an angle, consequently the wreck was different from the ordinary head on collision in which cars are telescoped. The impact of the engines was terrific. The freight engine was considerable heavier than the passenger locomotive. Consequently the latter was smashed into something which looked like a pile of junk with a boiler on top of it. The boiler of the freight engine was thrown into the air. It turned completely round and fell upon the wreckage with the head pointing Northward. Whether the passenger engine exploded is not known. There are indications that it did, for the head of the boiler was found lying 100 feet distant in a swamp. The running gear of the locomotives were shattered, torn and twisted, and the hole when seen from a distance resembled an immense pile of junk.

Freight Conductor's Story

Thomas Walker, conductor of the freight train, riding on the caboose, tells an interesting story of how the accident appeared to him.

"We were going," he says, "probably 18 miles a hour. It is hard to estimate now but I should judge the speed was about that. I was on the back step of the

caboose. We had only a short time before we backed some of the cars of the train to the side track at Shultz and had gone on to Hastings to pick up the rest. We thought that it was understood that the passenger train would wait for us at the station. Suddenly I felt a jar. Looking out I saw what had happened. With all the speed I could muster I ran down to the engines."

"One was piled on the other. The accident occurred it seemed to me at Bush's Curve, one of the worst places along the line, and most excusable for a disastrous wreck. The lay of the land here is such that it is impossible for one engine to see another that is coming in the opposite direction. When I reached the engines I found stretched on the ground at the right Milbeck and Kruse, the former senseless and to all appearances dead. Going to him I turned him over. He breathed slightly and I knew that there was still hope for him. Kruse, who later developed a broken hip, sat up. Neither of them told me how they had escaped from their cabs and the fate that the engineers in the other engine had met.

"I went into the passenger coach the only one with the exception of the smoker that was attached to the engine, and there I found Mrs Gould. While I was there Milbeck, whom I had left in a dazed state back by the engine, walked in. I think he was still dazed. Yet he had strength enough to walk from the front of the train where the engine lay a wreck, to the end of the car, climb into it and come to us. Who the fault lay with I cannot tell. I left flagman McCormick back at the switch, and he signaled the approaching passenger train. I understood, of the impending danger. It seems to me that no one can place the blame except the two men in the passenger engine and both of them are dead. After Milbeck came into the car I went back to the engine and a little later found the body of Chandler.

Wreck Cleared Friday

A wrecking train was obtained from the Michigan Central on Friday and work clearing away the wreckage was begun at 8 o'clock. The combination car was replaced on the rails without great difficulty. The quest was the body of Melvin Mead. At about half past 8 it was seen under the tender of his engine. Half an hour later it was lifted from the mud and water into which it had been crushed. His watch had stopped at exactly at 3:35 o'clock. It was taken to Kalamazoo at once. The line was cleared sufficiently to allow the passage of trains Friday evening.

All Improving

Fred Kaese and John Milbeck are improving rapidly at Borgess hospital. The latter was able to be wheeled out for the first time yesterday. Mrs Gould was so far recovered that she was taken to her home in Adrian in the afternoon.

Where Does Blame Lie?

An attempt to lay the absolute cause of the wreck on Ben McMurray, station agent at Delton has been made. Subsequent developments at the inquest have shown

that he was not alone to blame for the awful accident.

According to testimony at the inquest, Brakeman McCormick of the freight flagged the passenger train before it reached Shultz. Melvin Mead, as engineer of the train must have recognized him when he slowed down. Being familiar with the custom of meeting the freight at that and other stations, and seeing the long line of freight cars at a flag station like Shultz, he must have known that the freight locomotive was on the line ahead of him.

Testimony of two witnesses showed that Conductor Tom Clark told the fireman to "Go ahead and back into the siding." He must have heard this order or the train would not have started. He was looking ahead, and paid no attention to Clark when he pronounced the order, but the train moved away from the station.

Is it not reasonable to believe that he was watching intently ahead for the freight locomotive.

It is thought that only the words "Go ahead" were heard. Is it probable that a man of Melvin Mead's experience on the road would have started on the run to Hastings when he had seen Brakeman McCormick flag the passenger train at Shultz when he knew that remainder of the freight train was ahead? As engineer he had control of the locomotive. He slowed down when the train was flagged at Shultz. He started the train when Conductor Clark said to Fireman Seth Chandler "Go ahead and back into the siding." Those in the car say there was a perceptible reduction of speed just before the crash came.

The theory that the locomotive ran wild and that the engineer did not regain control of it until just when the perceptible reduction of speed was noticed an instant before the crash came, maybe as plausible as any theory given as cause of the wreck.

What efforts the dead men made to prevent a collision will never be known, but they went to their deaths at their posts.

When Frank N. Maus, of Kalamazoo, saw that the conductor had been left behind he looked for a bell rope to pull to stop the train but there was none. He rushed into the baggage car where he and Ben Voorhees attempted to work the emergency brake. They pulled the appliance several times. At last the train slowed down slightly before the crash came. But this is not proof that it was the work of the emergency brake.

It is a well known fact that every properly equipped train is provided with a bell rope for use in emergencies.

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No Bell Rope In The CK & S Passenger Train

Starling Information Brought Out In Testimony Of Oscar Crook , Mail Clerk , At Inquest.

“No there was no bell rope through the car . The air brakes didn't work . There was no way of notifying the engineer from the rear of the car to stop.” Was the assertion made by Oscar Crook, Mail Clerk , to the coroner Burton's query as to whether he (Crook) thought the car was equipped with proper safe guards against accidents.

According to testimony given at the inquest held over the death of Fireman Seth Chandler, the train knew of the presence of the freight. It had been intimated that Chandler heard only the first few words when conductor Tom Clark said at Shultz Station. “Go ahead and back into the siding.” Whether he heard only the words “Go ahead” will never be known.

The inquest was held in the supervisors room in the court house. Besides the coroner, there were present Prosecuting Attorney W.W. Potter representing the state , Attorneys N.H. Stewart, of Kalamazoo and P.T. Colgrove, of Hastings, representing the railroad company.

The first witness placed on the stand was Edward Shultz, of Shultz, who testified that he was standing at the station when the train pulled in and that he heard Tom Clark, the conductor on the passenger train, shout to Seth Chandler to go ahead and back into the siding. The words of the conductor were loud enough, it was testified, so that they could be heard 25 feet away. Chandler evidently did not hear the full sentence and only the first part. It is likely he did not hear any of it as he did not turn his head to look at Clark so that the latter might know that he had heard. The train which was standing still at the time this warning was shouted, Now started ahead, gradually increasing it's speed. The moment it passed the switch, Shultz testified, the people who had congregated at the station to see the train arrive realized that a wreck was certain for they knew that the freight train was not far down the track hidden by the double bend. They started on a run, shouting loudly as they could towards the spot where they felt the wreck would occur. In his further remarks Shultz testified that the freight train had left Brakeman McCormick when it pulled away towards Hastings to pick up the part of the train which it had left behind and that McCormick went South of the station and flagged the passenger train as it pulled into the station. He did this in full sight of the persons standing at the station.

H.O. Karns was the next witness to be examined. Karns is a farmer living a half mile west of Shultz. His testimony was not important. It was merely for the sake of proving that Chandler and the man he first saw when he reached the wreck were one in the same. He stated that he heard a crash and saw a column of steam. He rushed to the place whence the noise issued and there saw the wreck and a man he recognized as Chandler lying beneath it.

George Thomas was next sworn in. He is a Blacksmith at Shultz and was 80 rods away when the wreck happened. His testimony similar to Karn's, further showed that he saw the engines piled up and under them was the form of Chandler.

B.E. Pierce, a merchant at Shultz, stated that was standing outside his store which is located on a hill, when he saw the passenger pass the switch. Knowing that the freight was only a short distance down the track he anticipated the results and ran to the point where the accident shortly afterward occurred.

C.A. Whitam: 18 years old, and living in Cloverdale, said that he was one of 7 or 8 in the smoking car. He was sitting on the West side and saw Tom Clark go past the car on the way towards the engine and heard him say: "Go ahead and back into the siding." The train was standing at Shultz at this time. It started up slowing until it reached the switch. Then it went faster. The next thing he knew was that a man who later proved to be Frank Maus of Kalamazoo, rushed into the baggage car crying that they had left the conductor behind. Ben Voorhees, the baggageman, came out of the baggage compartment when he heard this and pushed the emergency button. It failed to work. There was no whistle as there should have been. He pushed it again. Just then came the crash. The occupants of the smoking car were expecting it and braced themselves against the seats. That is the reason, without doubt, that so few in this car were injured at all. Immediately following the crash everyone in the car ran out. Voorhees was found lying on the floor by Whitam.

The next witness was Andrew Carpenter of Shultz, who was at the station and following him on the stand was Oscar Crook. The inquest was then adjourned.

The inquest will continued on Thursday when testimony will be heard from the following: I. Dewing general manager and S. Sergeant superintendent of the C.K. & S railroad Co: Ben McMurray agent of Delton, who forgot to deliver the train orders; conductor Tom Clark, of the passenger train: Ben Voorhees baggageman; Alonzo McCarthy, agent of Shultz; R.C. Lienaar, agent at Hastings; Charles G. Weissert. Charles Batcheler School Commissioner Edger, passengers of Hastings; Frank N. Maus, J. Monroe Maus, passengers of Kalamazoo.

Hastings Banner July 21, 1909

Funeral Of Engineer Melvin Mead Held Monday

Victim of Wreck was Barry County man- Fireman Chandler Buried at Richland

Melvin Mead, engineer of the passenger train, was well known in Hastings and this county. Funeral services were held from his home in Kalamazoo at 11 o'clock Monday Morning. A large number of relatives and friends attended. Burial took place in Riverside cemetery in Kalamazoo.

Mr Mead was a member of the Hastings Odd Fellows Lodge. Forty three members went to Kalamazoo and escorted the body to the grave: John W. Bronson, W.G. and Peter Trumper, Chaplin, conducted ritual services of the order.

Mr Mead was born in Castleton Township, Barry County, Jan 25, 1866. His parents : Mr & Mrs Frank Mead of Cloverdale, are well known Pioneer residents of Barry County. Besides his wife and two children Mr Mead is survived by two brothers, Auther of Allegan, and Ned of Hastings, and five sisters, Mrs Martha Hine of Cloverdale, Mrs Fannie Wilkinson of Battle Creek, Mrs Bernice Dash of Elba N.Y. and Mrs Orpha Floa of Woodland, Mich.

The body of *fireman Seth Chandler* was buried in Richland Sunday afternoon, the funeral occurring at home of his father David R. Chandler at 3:30 O'clock. The Rev, Mr Scott of the Richland Presbyterian Church Officiated.

Local News

While viewing the wreck near Shultz Charles Bidelman fell into a hole and was so severely shaken up that he was ill several days afterwards.

Hastings Banner July, 28th, 1909

**MISUNDERSTANDING OF VERBAL
ORDERS GIVEN FIREMAN SETH
CHANDLER CAUSED THE
WRECK**

**So Decided Jury at Coroner Burton's
Inquest Closed Thursday.**

**NO BLAME LAID ON BEN McMURRAY,
FORMER STATION AGENT AT
DELTON**

**Railroad Commissioner Sculley Discovered No
Order Boards Are used on the Road, and
Brings Out Other Interesting Facts.**

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"We the members of the jury, find that Seth Chandler came to his death by being crushed in a collision between C.K.&S train No. 3 and train No. 6, on Thursday afternoon July 15. We find the direct cause of the accident to be due to a misunderstanding of Thomas Clark's order at Shultz to pull up and back in on the siding by said Chandler, the fireman of the passenger train.

- A.F. Sylvester
 - George Menhennick
 - Ernest L. Edmonds
 - James L. Crawley
 - R.W. Cook
 - A.E. Johnson
-
.....

The above verdict was returned by Coroner Burton's jury which held an inquest over the remains of Seth Chandler, fireman of the passenger train who was killed in the wreck on the C.K.&S railroad. The inquest adjourned from the preceding Saturday, was a long drawn out affair and the Jury did not retire till 3:10, returning a verdict nearly an hour later.

The State was represented at the inquest by State Railroad Commissioner Sculley, of Ionia, and by Prosecuting Attorney W.W. Potter. Attorney N.H. Stewart, of Kalamazoo and Attorney P.T. Colgrove appeared for the railroad company.

Testimony had not been listened to very long before it was apparent that the entire crew of the passenger train knew of the presence of the freight train at Shultz. While Ben McMurray, formerly agent at Delton, failed to deliver the orders there is no direct proof that he was responsible for the awful accident. Cross examination by Mr. Sculley, of Mr. Sergeant superintendent of the railroad, showed that the equipment of the road and the matter of running it, were not first class, and that the equipment was such that in the space of half an hour McMurray was unable to head off the train at a station about seven miles distant. Granted that the entire crew of the passenger train knew that the freight train was ahead, as testimony showed, the true reason of the wreck was known only to the dead men. If the locomotive became uncontrollable for a time, or if Engineer Mead was stricken at his post, the blame of the wreck is lifted entirely from Mr. McMurray. If the train crew had not received orders at Shultz to back in on the siding, then the blame might be placed on Mr. McMurray.

Commissioner Sculley's questions brought out some startling facts about methods used in running the road. Mr Sergeant stated on the stand that no other boards are used on the road, and it was further brought out that some of the telephones used for dispatching services on the line were located in country stores and not in stations.

Prosecuting Attorney Potter states that no one will be prosecuted. The only person liable might be Ben McMurray, but his name was not even mentioned in the verdict brought in by the coroner's Jury. The State railroad commissioner will obtain a copy of the testimony and may make out a list of changes in equipment of the road. Mr. Sculley stated that the commission had ordered no order boards, as it was taken for granted that no good railroad would be without them.

The inquest on Thursday was changed from the supervisors room to the court room in order that the crowd might be accommodated. The first person called to the stand was Ben McMurray, former agent of Delton, on

whom an effort had been made to lay the entire responsibility of the collision. Mr. McMurray told the story of his neglect to deliver the orders and his vain attempts to head off the train by telephone dispatching service. He said Mr. Sergeant called him up 20 minutes before the passenger train was due and gave him an order to deliver to conductor Tom Clark of the passenger ordering the trains to pass at Shultz. Agent Leinaar at Hastings received the same order at Hastings, and delivered them to the crew of the freight train then awaiting orders at Hastings. Mr. McMurray wrote down the orders in triplicate form in the book and left them on the desk. Testimony showed that the job at Delton is a one man job. It is the duty of the agent to sell tickets, handle the baggage, freight and express, to deliver train orders and to go to the post office after the mail. On this day Mr. McMurray, who had resigned his position, was instructing George Crates, his Successor about the duties at the station. After Mr. McMurray received the orders he went to the Post Office after the mail. He returned to the Station and the train pulled in. He watched Crates perform his duties of loading milk cans into the baggage car. As the train drew away he returned to the office and discovered the orders in the book. Seizing the book he rushed out of doors and after the train, which was then half a block away. "I didn't think a failure to deliver the orders would result in a wreck, as the train had ample time of 37 minutes in which to reach Shultz" said Mr. McMurray.

He then related how he tried to stop the train at Cloverdale and at Shultz. At Cloverdale he called up Pattens store in which the railroad company's telephone is located. This store is about 150 feet from the station. When he finally succeeded in getting someone, he was told the train had just left the station. McMurray then tried both lines to Shultz but received no response. About four o'clock, he said Mr. Sergeant called him up and inquired whether he had delivered the orders at Delton, Mr. McMurray said "No". Mr. Sergeant replied "That's all I want to know", and hung up the receiver. Mr. McMurray had no knowledge of the wreck till Crates was notified by the agent at Hastings.

"I suppose when you received the orders you used the order board" said Coroner Burton.

"there is no order board on the line", replied Mr McMurray.

Further questioning revealed the fact that the road is without this essential equipment for the protection of passengers. It also revealed the fact that there is no rule requiring the conductor to call for orders.

Sergeant on the Stand

Great interest was roused when superintendent Sergeant testified. He was on the stand longer than anyone else. Mr Sculley took a hand in the questioning and the facts he brought out and the manner in which he asked them caused Attorney Stewart to inquire rather warmly whether an inquest or a trial was being held. Mr. Sergeant explained that the master mechanic had notified him that the engines were in good order and were fitted with airbrakes and signals. He said the bell rope had been discontinued after the air signal service had been installed. He stated that he had given the train orders simultaneously over the telephone to McMurray at Delton and Leinaar at Hastings. The freight was then at Hastings awaiting orders.

Mr. Sergeant stated that the company had had no orders from the railroad commissioners in regard to equipment used on the road, and that he knew of no inspection by the State. He said they had used no written orders on the road till the State ordered them and they were put into use in March.

Mr. Sculley then took a hand in probing the methods by which trains were run.

"Do you remember of having a heated argument with railroad commissioner Dickinson in a Kalamazoo hotel last fall when he refused to ride over your line the next day unless you used written orders?" asked Mr. Sculley.

Mr. Sergeant replied that he did and that he used the written orders to satisfy Mr. Dickinson, but that the triplicate system of written orders did not go into effect till March. In reply to a query he said no other boards for holding trains till orders are delivered were used on the line. "Do you think this is safe railroading?" asked the commissioner. "Ours has proven so until this accident" replied Mr. Sergeant. " With an agent having so many duties to perform, and being in danger of forgetting within half an hour to deliver the orders don't you think your road would be safer with order boards?" asked Mr. Sculley.

Mr. Sergeant admitted that it would, and Mr. Sculley then called attention to the fact that when the passenger train goes from Woodbury to Kalamazoo the passenger car is coupled next to the locomotive asking Mr. Sergeant whether he thought he was complying with law.

"I think so " replied Sergeant. Mr Stewart in defense of Mr. Sergeant stated that the State never ordered the company to use order boards to which Mr. Sculley replied that it was assumed that all railroads used them.

Mr. Sergeant explained that before the State ordered the present system of written orders, he had a system by which he called the conductors of trains on the road to the telephones and gave them orders simultaneously,

and that a conductor could not move his train until he knew that the other conductors had received their orders also. It was brought out that the system of written orders had not worked so satisfactorily without the use of order boards as the original system discontinued by order of the State. It was also discovered that the conductor was not in the habit of calling for orders, and that it was not the custom of reading the orders to the fireman as is the system on other roads.

Brakemans Important Testimony

Charles McCormick, brakeman of the freight train, gave some important testimony which tended to show that Engineer Melvin Mead must have been aware that the freight train was ahead. He told how he flagged the passenger train South of Shultz when Mead slowed up to allow him to ride to the station. Ten cars of the freight were on the siding. He told fireman Chandler that the cars didn't clear very well from the main line. Clark understood the freight was ahead. McCormick testified that he heard conductor Clark tell Chandler to "Pull down and back in", and that the fireman acknowledged the order with a nod of his head. "I told Seth to pull down and back in, and gave him the back in sign". said McCormick and he also gave my order a nod of the head".

Mccormick said he heard the grind of the air brakes when the train stopped at Shultz and the release of the brakes when the train started. He told how he and Clark got off at the switch and shouted and did everything to attract the attention of the men on the ill-fated train when it pulled away with increasing speed. McCormick also explained that he had been stationed at the depot to flag the passenger train.

"Am I to understand that the engineer of that passenger train was supposed to get his orders from the brakeman of that freight train?, put in Mr. Sculley.

Testimony of Tom Clark.

The inquest was resumed at half past one. Tom Clark, conductor of the passenger train taking the stand. Prosecuting attorney Potter at once brought out the fact that there were no order boards on the line to hold the train for orders, and that the conductors received orders when told. Mr. Clark said the air brakes were working satisfactorily. he verified the testimony of McCormick, but said he did not see Chandler acknowledge the order to "Pull

down and back in" He said the air signalling system worked all right at the Crooked Lake Station and just as the train pulled into Shultz. he said he used every means to stop the train after it left him behind at the switch and that he would have gone on had he not seen McCormick after the train was flagged South of Shultz.

Others Testify

Herb Burroughs, brakeman of the freight, testified that the freight train was equipped with air brakes and that there was nothing to indicate that they were used before the crash came.

Conductor Tom Walker, of the freight train, explained that he had received orders at Hastings, and that no air was used on the freight before the crash came. His testimony showed that the company had no printed rules except those used on the blanks for written orders. He explained the merits of the former system of receiving orders by phone.

Frank N. Maus, A Kalamazoo druggist was next called to the stand. He told how E.A. Burton of Hastings called his attention to the fact that the conductor had been left behind. He said that he at once went into the baggage car and told Ben Voorhees that Clark had been left behind. He said Ben rushed into the smoking compartment and pulled the emergency brake. He said Voorhees gave two or three pulls, that there was no answering whistle from the locomotive, and that after waiting for the reply he pulled it again: then the crash came. Mr Maus said he could see no way of signalling to the engineer.

James H. Dewing, vice president and general manager of the railroad, testified that the triplicate system of written orders had been put into use in March. He said he knew nothing about systems of orders on other roads and didn't know how to operate other roads.

"I see you don't have a brakeman on your train." said Mr. Sculley. "Yes Sir." replied Mr. Dewing "the baggageman is the brakeman also, though there is no braking done under the air brake system."

Mr Dewing in discussing the air signals in cars, said that if there was no response from the engine after one had been operated, it would indicate that it didn't work.

Ben Voorhees told how he rushed into the car and pulled the emergency. He could not recall how many times he pulled the lever, as he was knocked senseless after the crash

County school commissioner E.J. Edger testified that he heard no

signalling at Shultz, and that he did not remember hearing an air test.

Charles G. Weissert, who was in the smoking car when the crash came and who witnessed Voorhees efforts to stop the train by means of the emergency brake, said he had heard no order back at Shult, that Voorhees tried the emergency brake twice, and that the train, in his estimation, was running about 15 miles an hour when the collision occurred.

Charles Batchellor, another passenger in the smoking compartment said he heard Clark give the order to "Pull up and back in" Mr. Batchellor was the last witness called, and the jury went out at once.