Bridgeport Evening Post.

WEDNESDAY AUGUST 16, 1899.

NOW FOR THE VERDICT IN TROLLEY ACCIDENT

Coroner's Jury Now Considering the Evidence.

Coroner Doten's Instructions—Tells the Jury to Fix the Responsibility of the Accident and Name the Person—Finding Will Be the Basis of Future Legislation Regarding Trolley Roads in the State—President Radel Recalled This Morning.

The coroner's jury which has been examining into the causes of the Shelton extension disaster, has heard all the evidence possible and is now considering the verdict to be returned.

At 11:30 this morning Coroner Charles A. Doten announced that he had no more witnesses to call and unless some juryman wanted enlightenment on any part of the case he would declare the hearing closed.

The jury appeared to be satisfied that they had heard all that was necessary upon the subject and so the hearing was declared closed. After being instructed in the law by the coroner the jury retired and commenced their deliberations.

The verdict will be awaited with great interest. Nothing heretofore in the history of the city has so stirred the general public as this sad accident and every one expects the jury to fix the responsibility where it belongs, regardless of whom it hurts.

In charging the jury Coroner Doten reminded them that they must consider the responsibility of the owners of the road for this accident, just as much as they did that of the motormen. He showed them how they could find the verdict in both cases provided they found both equally responsible. He reminded the jury that their verdict was of great importance because future legislation might be based upon it.

The coroner did not attempt to review the evidence. He said it would not be necessary as the jury would have a copy of the evidence before them and would be able to refer to it if they wished. The jury then retired and it is not thought that they will bring in a verdict until late this afternoon.

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The only witnesses examined this morning were William B. Palmer, the well known civil engineer of this city, and President Andrew Radel, who was recalled once more to testify about the relations between the Shelton road and the Bridgeport Traction Co.

Mr. Palmer was of the opinion that the bridge ought to have inside guard rails to make it safe. He thought the accident was due to the falling away of the earth about the abutment. This caused a depression in the track and made it possible for the car to jump. He believed that the car must have been going at a faster rate of speed than was safe at this point in order to make it leave the track.

President Radel stated that the Shelton Street Railway Co. ran the extension on the day of the accident, using the power, cars and motormen furnished by the Bridgeport Traction Co. There was no written agreement between the two companies, only a verbal one.

No evidence of any importance was heard yesterday afternoon. At four o'clock, after the jury had been in consultation for a short time, it was decided to go over to the scene of the accident again for further investigation.

In one of the pictures of the bridge furnished by Editor Beach of the Scientific American, there appeared to be a defect in the joint of the stringer, or guard rail, as it has been called. If this was an actual defect it would be of importance and the jury wanted to see if it was there.

Upon arriving at the bridge, the stringer was examined at the joint where it was supposed the defect was, but it was found to be the fault of the camera.

The jury also made a further examination of the approach to the bridge and everything connected with it, with a view to subsequent recommendations.

ENGINEER PALMER'S TESTIMONY.

William B. Palmer, the civil engineer, took the stand as the first witness. He has been civil engineer for 22 years and has had experience in constructing wooden bridges for railroads; no experience in building bridges for trolley roads.

Coroner Doten asked him whether he considered the outside guardrail or stringer on bridges was considered sufficient as a matter of safety.

"No, I do not," said Mr. Palmer. "The main purpose of that guard rail is to give that stability to the floor of the bridge to keep the ties together. This rail would not be of much use in keeping the car on the bridge. That was not considered its main purpose."

Witness was asked to explain about this style of guard rail and he gave the different sizes used.

In reply to a question by Juror Lee the witness said that a six inch guard rail would offer more resistance than a four inch one, but it would not, in his opinion, have prevented the accident.

Witness was questioned at some length on guard rails. He said that he did not consider an outside guard rail. Witness believed that the Latimer guard rail now in use on most of the steam roads was the best for that purpose. He did not know of its use on any trolley road bridge.

Questioned by Juror Stagg, the witness said that he thought the Latimer guard rail was in use on the Westport bridge, possibly on the Norwalk bridge. It was not in use on the bridge in this city. It was not necessary considering the speed at which trains went at this point.

In reply to a question by Juror Whiting Mr. Palmer said he had been to the scene of the accident and had made a general examination of the bridge and the approach.

What in your opinion was the cause of the accident?" asked Mr. Whiting.

"In my opinion the accident was due to the falling away of the earth from the ties near the abutment. This is a common occurance in approaches of the character of this one and they have to be watched very carefully. The earth about this one was very light and would disturb easily. The depression created by this naturally caused the car to jump."

"If a car was going at the rate of about four miles an hour, would it be so apt to jump the track even with the conditions as you describe them?"

"No, I don't think it would at that speed.

"Then from what you saw you are of the opinion that the car was going at a very high rate of speed?"

"I don't know about that. I think it was going too fast considering the condition of the approach and the high bridge near it."

After a few more questions about guard rails the witness was allowed to go.

After a short recess while waiting for a witness from New York, the jury came in to hear President Andrew Radel explain some things not quite clear.

"Was that car owned by the Milford Street Railway Co., or by the Bridgeport Traction Co.?" asked the coroner.

"It was leased to the Milford Co."

"And was it run by the Bridgeport Traction Co. on the day of the accident?"

"No sir, It was leased by the Bridgeport Traction Co., to the Shelton Street Railway Co."

"Did the Bridgeport Traction Co. run that road that day?"

"No sir, It was leased by the Bridgeport Traction Co., to the Shelton Street Railway Co."

"Did the Bridgeport Traction Co. run that road that day?"

"No sir, it was run by the Shelton Street Railway Co."

"Was there any agreement between the two companies?"

"Well, there was no written agreement. We had an understanding for the time and we intended to make arrangements later."

"Who furnished the power?"

"We furnished part of the power and the cars and the motorman and conductor."

"Who took the receipts?"

"The Shelton Street Railway Co."

"They were paid at the other end?"

"Yes, sir."

"You said something about the Shelton road not having any bonded indebtedness. Is there any floating indebtedness?"

"Yes."

"How much is it?"

"Well, now you have got me. I cannot tell just what it is. It has been mostly incurred in building this road."

This ended the examination of witnesses. Coroner Doten addressed the jury and said that he had no more evidence to introduce. If the jury wanted any further evidence on any point he would endeavor to secure it.

The jury did not express any desire for further enlightenment and the hearing was declared closed.

Just before the jury retired the coroner addressed them. He said that he had called them in accordance with section 2,009 of the revised statutes which provides for the calling of a jury of six persons whenever the coroner deems it advisable.

After making this statement Coroner Doten gives the following instructions to the jury:

Gentlemen of the Jury: In accordance with the provisions of the statute that I have just read to you. I propose to call your attention to the duty imposed upon you by the law in this case. The evidence is so voluminous (about four hundred pages of type written matter) that I shall not attempt to recapitulate, but a copy of the stenographer's report will be given to you so that you can refresh your recollection when in the jury room.

Bear in mind that you are called upon to decide as to the cause and manner of the death of William Osborn, at Stratford, on the 6th day of this month, and to determine whether said death was caused by the criminal carelessness or negligence of any other person or persons, and if it was then to name those persons.

Incidentally this would be decisive of all the other cases in this terrible disaster.

This case concerns the derailment and fall of a trolley car, on which said Osborn was a passenger, from a bridge, built and owned by the Shelton Street Railway company in the town of Stratford. You have viewed the bridge and its approaches and the wreck of the car.

The case appears to be capable of division into two phases, first as to the speed of the car and the conduct of the motorman at and just before the time that the car ran onto the bridge, and second as to the character and quality of the roadway and track approaching the bridge, and also the bridge and its appurtenances.

As to the speed of the car and the conduct of the motorman, there are a number of witnesses whose testimony you will recall, and may read, and if after a careful consideration of the evidence you are satisfied that said motorman, George Hamilton, ran said car at a reckless and dangerous rate of speed approaching the bridge and onto the bridge, or that he failed to use proper effort to stop said car in face of apparent danger, so that as a result of said conduct the car was derailed and fell into the ravine, then you would be justified in finding that said Osborn came to his death by the criminal carelessness of said Motorman Hamilton.

Second, If you should find, after considering the evidence that said bridge or the approach thereto was manifestly unsafe or improperly constructed, either by reason of a defective roadway or track approaching the bridge, or by reason of there not being any proper and effective guard rail or railing to prevent the fall of a derailed car, and that by reason of the defective construction of the roadway or track, if manifestly unsafe, or the absence of such suitable guard rail, that the car in question was derailed and fell into the ravine, then you would be justified in finding that the party who built and owns said bridge was guilty of criminal carelessness, or some form of negligence by reason whereof said Osborn came to his death.

If you find the bridge or its approaches manifestly defective in construction in the respects named, you should if possible name the persons responsible for said defect.

If you are satisfied from the evidence that the derailment of the car in question was the result of the conduct of said Motorman Hamilton, and that its fall into the ravine was the result of manifest defects in construction, in the bridge, road or track, then you would be justified in finding that said Osborn came to his death from the criminal carelessness or negligence of both said Hamilton and of the party who built and owns said bridge.

If you find a defective condition of said road or bridge, it would be proper for you to indicate such defects in your finding, and to make such recommendations or criticism in the way of censure as you think proper in the interest of public safety.

Your finding in this case may and probably will be the basis for future legislation regarding trolley lines in this state.

You may retire to the jury room and carefully consider the evidence and return such a verdict and finding as your consciences will approve.

The jury retired at 11:30 and commenced deliberations. They organized by electing County Commissioner Henry Lee foreman, and Charity Commissioner Arthur J. Cole secretary. The exhibits and the volume of evidence were placed in their hands and they were left in the quiet of the jury room to decide who is responsible for that sad catastrophe still so fresh in the public mind.

Discussion commenced soon after the jury retired. At times it must have been quite animated to judge from the sounds which worked their way through the walls and doors.

After being out about half an hour the jury sent for Coroner Doten and he remained with them about five minutes.

Shortly afterwards they took a recess for dinner. At 1:30 they returned and their deliberations were resumed.

KELLEY'S CASE CONTINUED

Held by Judge Comley Under $500 Bonds.

The case of William Kelley, the sensational witness at the coroner's inquest regarding the Peck's bridge fatality, was before Judge Comley in the city court to-day, but there were no extended proceedings. It will be remembered that Kelley told a long lingo to the coroner about being on the trolley car that went over the bridge at Stratford Aug. 6th, and that he jumped to save his life. He related a thrilling story of the incident and embellished it with artistic details. Then upon being cornered he admitted yesterday that his tale was a lie.

He is now in the court's hands, charged with perjury, a very serious offence. His case was continued until Saturday under $500 bonds. Kelley looked considerably crestfallen over the unpleasant situation in which he finds himself. The notoriety for which he yearned has not altogether a satisfactory flavor.

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