

## THE CORONER'S JURY RETURNS VERDICT

### **Investigation Into Stephens Crossing Disaster Completed This Morning— Driver Quick Found More or Less Responsible—Railroad Completely Exonerated**

When the coroner's jury reconvened after the recess yesterday afternoon, the stenographer who had taken the depositions of Mrs. Rowley, Mrs. Clark, Mrs. Bond and Elisha Quick, read them to the members of the jury, after which an adjournment was taken until this morning at 10 o'clock.

There was no little interest among the jurymen and spectators in these depositions, as it was expected they would bring out considerable new and important evidence. The reading of them was therefore closely followed by all who were in the court room.

#### **Mrs. S. R. Rowley**

The deposition of Mrs. Rowley was read first. In answer to questions she said: The engine was right upon us before we saw it. The first we knew of it was then the load ahead warned us. I can not tell how near the track we were then. Don't know as the driver could have turned out. We all hollered. I sat next back of Mrs. Patchin on the left side. Mrs. Boughton and I begged the driver not to go across. No one saw the engine until they hollered. Do not know whether I heard the engine whistle. Think I heard the bell. Think the driver had a whip and that he whipped up the horses, but am not sure as to that. Do not know how far the other load was ahead of us. Don't remember anything being said about the crossing before we reached it. When they hollered we said, "Oh, don't." We were right on the track then. It was snowing a little. The load was not alarmed until they heard the warning and we were then right on the track. The driver said he had been out the night before, but did not see him asleep. Thought he had a whip, but he said he did not. The horses seemed to be under control. Did not hear the driver say anything. Don't know as he heard the warning.

#### **Mrs. Ellen Clark**

The next deposition read was that of Mrs. Ellen Clark. She was quite hazy as to the happenings prior to and during the accident, as she said her head had not felt right since. She said in answer to the questions: I was the last one in the sleigh on the left hand side. I did not see the train and can not tell about the distance we were from the crossing when it was first seen. I heard it coming when close to the track. Did not see or hear anyone urge the driver to stop. Can not say whether he heard the warning. I had seen the other load at times. Did not hear the whistle or bell. Do not know anything about the horses. Did not hear anything about the crossing being near. Saw the headlight just as it struck for the first time. We were on the track. Do not know that the horses were urged, or about the driver having a whip. Had perfect confidence in the driver, as he was Mrs. Graves' choice. Mr. Quick said his team would lead better as they were gentler, but for some reason the other team started ahead. I can not blame the engineer.

#### **Mrs. Bond's Testimony**

Mrs. P. M. Bond, who sat facing the direction from which the train came, testified that the headlight of the engine was at the crossing when she first saw it. She sat in the middle of the sleigh. Had looked for a train, but saw no headlight until they were right at the track. She heard no noise. Do not know as anything was said to the driver about not crossing. Do not think he had a whip. The horses were on the track when I saw the engine and the driver had no time to do anything. I did not hear the bell or whistle. The whistle could not have been blown. Do not think the bell was rung. Did not hear the load ahead, and do not know if they called. Do not remember the driver urging the horses. They were nervous and frightened. We had no

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chaperone. I depended on the driver, as he was careful going up, but looked for a train as is my custom when nearing a crossing. The horses were trotting when they neared the track.

### **Driver Quick's Statement**

Elisha Quick, driver of the ill fated load, was asked by the coroner and district attorney to tell his story just as he could remember the occurrences from the start. He said: We left Baldwin's shortly after 6 o'clock and drove along to Arkport, where we stopped to let one woman out. Came along down by Glynn's and stopped to let an Erie freight go by. Came along after that at a good clip, as some of the women were in a hurry to get home. Slacked up near Emery's, as I thought it was time for No. 20 on the Erie. The other sleigh went ahead. I looked both ways. As I went down to go up the incline a light busted on me. The women began to rustle about and got against my back. I saw the headlight. It was close by and kind of blurry. I tried to take up the horses, but on account of the bustle back of me could do nothing. Could not have turned the team without turning up the track and then we would have been struck anyway. Nothing was said to me about not crossing. As I was going up on the track saw the other load ahead. Did not hear any warnings. The horses were on a good trot. There were bells on both teams. Mine were light ones. I did not have any whip. I did not urge the team but kind of held them up to make the turn onto the crossing. Saw the headlight as I came around the turn onto the track. Did not expect a train on the Shawmut, but looked both ways. Have driven over this crossing hundreds of times in the past 35 years, day and night. Did not hear the whistle or bell. Think I would have heard them if they had been sounded. Saw no engine on the Erie. The headlight looked some distance away, perhaps three engine lengths. There was no time to do anything after I saw it. The horses nerved up and tried their best to get over. I tried first to hold them up, but could not on account of the women on my back, and then tried to get over. Had the horses under control but could not have got them over. They were excited and doing their best. Did not hear anything from the first load. I slept in a chair part of the afternoon, as I had been up every night. I have not taken any intoxicating drink since the morning of July 5.

### **Adjourned Until Morning**

At the conclusion of the reading of Quick's testimony the inquest was adjourned until 10 o'clock this morning.

### **Two More Witnesses**

The inquest was resumed this morning at 10 o'clock in the jury room in the city hall, as the court room was in use for another case.

The first witness called was Mrs. Cora Engler, who was in the first load. Her testimony was very plain. She sat next [to] the driver facing down the track. They were some ways from the track when they saw the headlight. It was discussed, but the driver said they were switching in the Shawmut. Barely crossed the Erie track when the driver stopped. Someone said get out of the way and he drove on to red barn. Was one of the first to go back. Saw Quick and heard him say he could not hold the horses. Did not see the other load from the time they left Arkport. Could see down the track quite a distance before reaching Shawmut track. Engine was quite far away. Saw two headlights, probably the one on the Erie first. Did not hear any whistle or bell. Could not say whether they were sounded. No one spoke about any crossing signal. First load had plenty of time to stop. Driver said they had plenty of time to get across, and hurried team across. Quick said when he saw he could not hold the horses he urged them to cross. We began to holler to second load at once, I think before we reached the Erie tracks. Did not know whether Quick had a whip or not. Did not hear any discussion at Baldwin's about one load staying and coming later.

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Mrs. Sarah Smith was recalled and asked regarding the discussion about one load waiting until later. She went to drivers and asked if one would wait. Quick said no, they came together and might go back together, so they [left] at the same time. We were about three times the length of the sleigh from the Shawmut tracks when we first saw Shawmut headlight, and had time to stop. The second team was about as far as from city hall to fire station behind us at this point. She was asked for names of ladies in first load and gave them as previously published.

### **Given to Jury**

There being no further evidence the case was given to the jury, who were left in the jury room to decide upon a verdict.

### **The Verdict**

The jury after careful deliberation, returned a few minutes before noon with the following verdict:

That Ruth Patchin and nine others came to their death by being thrown from the track by being struck by engine N. 9 on the Pittsburg, Shawmut & Northern Railroad, on February 1, 1905, at about 7:30 p.m., while attempting to cross said track in a sleigh the team of which was being driven by one Elisha Quick, near the city of Hornellsville, on what is known as the Stephens Crossing.

That we find, after a very careful hearing of all the evidence in the case, and a close observation of the premises where this disaster occurred, both in the day time and at night, that said Elisha Quick, driver of said team, had ample opportunity to observe the approaching train in time to have averted the accident. That in view of all the circumstances connected with the case, carefully and impartially considered, it is the opinion of this jury that said Elisha Quick was guilty of either carelessness or very poor judgment, or both, and is thereby more or less responsible for the terrible calamity, but we do not believe the facts warrant a criminal prosecution. We do not find that any blame can be attached to the Pittsburg, Shawmut & Northern Railroad Company in connection with the accident. Signed by the jury.

In addition to the verdict, but not incorporated in it, the jury suggested to the representatives of the railroad company that if they could secure permission of Mr. Babcock, they have the bushes near the crossing cut down as they might obscure the view in the summer time.

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