

Statement of O. W. Newell, flagman, L&E., residence Clay City, Ky., made to H. T. Lively on train No. 19, November 26, 1913 relative to fatal injury to Mike Crone at Winchester, Ky., November 21, 1913.

I was flagman on train <sup>Fast</sup> No. 19 between Lexington and Jackson on November 21st when this crossing watchman was killed there at Winchester. Our train got to Winchester about 5:20 that morning and had been switching around there up to the time this man was killed, at 7:05 a. m. Our train is the assistant local and does this switching there at Winchester. We pulled in on this cross-over into No. 1 track to let No. 21 by us at Winchester. No. 21 was pulling south on the main track over this crossing when this man was killed. Our engine was backing up with four cars in ahead of it. I was there at the cross-over switch, and when our engine backed by me I took my key out of the lock and wheeled around and caught the rear end of our tank. And just as I caught our engine tank I saw this old man standing right in the middle of this side track with his back towards our engine and the flag under his arm. I hollered at him just as loud as I could yell and signed the engineer down, but the old man never did seem to hear me at all. As soon as I gave a wash-out signal, the engineer just put the engine in emergency and stopped within about six or seven feet and stopped with the front tank wheels on the man, so the rear wheels of the engine tank ran over him. When I first saw this man our engine tank was within about three or four feet of him, right against him, and it was impossible to give a signal and stop in that distance. Our engine was backing only about two or three miles an hour, just barely moving along. Our engine bell was ringing, but we did not whistle for that crossing at that particular time, as we had been using the crossing a number of times and we do not do any unnecessary whistling, but keep our engine bell ringing. The man was killed between the main track and the side track and right on the north edge of the crossing. About (fifteen) mins. before he was killed I saw this crossing watchman there at Pendleton St. and he said 'well, I thought you fellows had gone, I was then there at the switch leading to the cross-over, and told him that 'No, we had to take them cars down ~~the~~ to the connection track and leave them.' This connection track is some distance north of the depot at Winchester, and Pendleton St. is south of the depot, so he knew that we had to pass back over his crossing. I saw him just a minute or two before he was killed and he was standing between the tracks, but I don't know whether he knew we were coming back or not. No. 21 was pulling out then, but I turned away from him to lock the switch and did not see him until I jumped on the rear end of the tank and he was then on the track. He was cut in two. No one else around that crossing but just trainmen. I am sure that our engine bell was ringing, and think the engineer was looking back towards me because he got the signal so quick, but you understand we were on straight track there and with this man standing in the track right behind the tank he could not have seen him at all. There was nothing that we could do to avoid this accident. This man seemed to be hard of hearing. I had talked with him a right smart.

The above statement is correct.

Witness:

*H. T. Lively*

O. W. Newell