

# TESTIMONY OF WITNESSES

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## CORONER'S INQUEST ON THE BODY OF

*Oswald B. Schwartz*

DECEASED

Held at \_\_\_\_\_

In the Town of \_\_\_\_\_

In the County of \_\_\_\_\_

and State of Colorado \_\_\_\_\_

Filed \_\_\_\_\_ 190 \_\_\_\_\_

Clerk District Court,

By \_\_\_\_\_

Deputy,

Recorded in Coroner's Record \_\_\_\_\_

Page \_\_\_\_\_

Entered in Coroner's Docket \_\_\_\_\_

Page \_\_\_\_\_

Coroner,

By \_\_\_\_\_

Deputy,

*Note – This must be subscribed to by each witness in the order taken, and filed (with the other papers in the case) with the Clerk of the District Court of said County*

STATE OF COLORADO  
County of **PARK**

## CORONER'S INQUEST

Held at \_\_\_\_\_

*In the town of **COMO**, in the County of **PARK**, and State of **COLORADO**, on **SATURDAY** the **TWENTIETH** day of **MARCH** in the year of our Lord nine hundred and **NINE** upon the body of **OSWALD B SCHWARTZ**, deceased*

Present: **C. S. WELLS**, Coroner

W. H. Smith  
Edwin Pike  
C. H. Dunbar  
E. W. Cochran  
Partick Moffat  
Phillip Schaaf

### JURY OF INQUEST

Attest: \_\_\_\_\_ Coroner

**BE IT REMEMBERED**, *That at an Inquisition made before the undersigned **C. S. WELLS**, Coroner of the said County of **COMO**, in said County, on the **20<sup>th</sup>** day of **MARCH** A.D. **1909** upon the body of **OSWALD B. SCHWARTZ** by a Jury duly sworn according to the Law, to inquire how the said came to its death, the witnesses then and there sworn, testified as follows, to wit: **L. STANLEY** being duly sworn according to law, says that:*

My name is L. Stanley, I am a railroad brakeman in the employ of the Colorado and Southern Railroad Company, and my run is between Denver and Leadville. I was working for this company on the 19<sup>th</sup> day of March 1909. Have worked for the company since December 7, 1908. On the 19<sup>th</sup> of March this year I was one of the train crew taking charge of the train, known as extra east train, engine #41, from Dickey to Como. The train was inspected at Boreas, by the car inspector Mr. C. I. Page. I noticed the brakes to be in good condition at Boreas, I mean the air brakes. The hand brakes seemed to be alright as far as I know. Cars taken on at Boreas had been standing from about 12.00 to 9.00p.m. We had taken all of these cars except one from

Breckenridge that morning; do not know how long that one had been standing there. About five miles this side of Boreas train was wrecked killing the engineer Mr. Oswald Schwartz. I saw the body about five minutes after the wreck. Found the body, lying on its back, throat cut, and he was dead when I saw him. I was on top of the cars when the train started to run away, setting brakes; saw the conductor on the hind end coming towards me setting brakes. I was just going into the coach when the train was wrecked. Conductor was ahead of me on the platform of the coach. As near as I can remember, I heard four signals for the brakes. I thought the train was alright when we left Boreas, and had no apprehension of danger. I noticed no negligence at all on the part of the train crew that may have caused the wreck. I noticed nothing wrong about the working order of the train that would cause the wreck. I am not able to say whether the train was more than ordinarily over loaded. I do not know what caused the wreck.

***Questions by Mr. Smith***

*Did you have any railroad experience prior to December 1909?*

About twelve years, as brakeman on the Rio Grande and Santé Fe Railroads.

*Do you remember of any one engine having taken from Boreas as heavily loaded as this one of yesterday?*

Yes sir, the same number of cars, but do not know if they were as heavily loaded.

*State the position of this one car taken on at Boreas.*

It was about the seventh or eight car.

*Did you or did you not examine the hand brakes on this car?*

I examined the hand brakes on this car as I switched it.

*Did you find it all right?*

It was all right.

*How soon after leaving Boreas, did you and your conductor observe that the train was getting away from you?*

Down about Selkirk

*How many were in the coach after you left Boreas?*

The conductor and the car repairer, Mr. Page.

*Did Mr. Page remain in the coach?*

He did until train was wrecked.

*Were there any signals by the engineer before you reached Selkirk?*

No sir.

*Where was the train crew when the first signal was given?*

I was on top and the conductor and the hand brakeman were on the top also, just this side of Selkirk tank.

*How many hand brakes did you set?*

I set all I could get at, and then went over the brakes again, doubling up with the hand man.

*So far as you know, what were the conductor and hind brake man doing at the same time?*

Setting brakes.

*What caused you to quit setting brakes?*

We had got clear back to the hind end and as we had doubled on all the brakes, and done all we could and I started to go into the coach just as they went into the ditch.

*How far from the track did the cars land?*

Some of them, I should judge, went about 75 feet from the track, others not so far.

*Did the wreck occur on a curve or straight track?*

They had just started on a curve.

*Do you know of anything undone that might have been done to avoid the wreck?*

I do not.

***Questions by Juror Moffait***

*Did you couple the cars that made the connection between the first and last part of the train?*

Yes sir.

*Are you sure the air was out properly to both sections?*

Yes sir.

*How long after you made the coupling did the train leave?*

I clump up on top on account that the snow being as high as the cars, and walked over on the fourth car from where I had made the coupling.

***Questions by Juror Schaaf***

*I would like to know the position on the angle cock when it is open.*

With a large hose, the handle is lengthwise with the train line, with the old style, it is crosswise.

*What kind of angle cocks were they?*

The new style.

*When did you first see the conductor on the top of the train?*

I saw him, on top of the train, I should judge, about a mile this side of Boreas.

*What was he doing out there?*

He came over with the hind man, and I did not see that they were doing anything out of place.

*Was he setting up brakes?*

I did not see them doing it at that time.

*Did he ride on top of the train from a mile east of Boreas, to Halfway?*

Yes sir.

*Has it been customary, since you have been working here for the conductor to ride on the train?*

I have seen two or three conductors to come on top.

*Do you think when you seen the conductor on top of the train, a mile east of Boreas, that he knew the train was running away?*

No sir.

*Where was the first whistle for the brakes?*

This side of Selkirk tank.

*What car in the train did you meet the conductor on when you went back to double the brakes?*

About cars ahead of the coach.

*Did you work on to from the end?*

No, I and the other brakeman were going back toward the hind end, as we have everything set ahead.

***Questions by Juror Pike***

*Did you think from the condition of the track, with the ice and frost that it was hard to hold?*

Yes Sir.

*Did you know that they had lost control of the train starting out of Boreas?*

No Sir.

*Did you hear a signal for brakes leaving Boreas?*

No Sir.

*How far from the front of the train did you meet the hind brakeman and start to double up on the brakes?*

About the center of the train.

*Did you double on any of the brakes from there to the front of the train?*

Yes Sir.

***Questions by Mr. Smith***

*Now, Mr. Stanley, will you please say, how long did you and the other brakeman and the conductor, set brakes before the wreck?*

I should judge about 7 or eight minutes.

***Questions by Mr. Gray***

*Have you been on other trains on this grade where the cars were loaded with ore?*

Yes Sir.

*From the appearance from the loading of these cars, did they look to be overloaded?*

Well some of them did.

*About how many?*

About two or three.

*Is there a difference in the weight, as per cubic foot in that ore?*

I do not know.

*Is there a difference, in the weight of the ore, as per cubic foot could that not, account for the difference in the size of the loading?*

Yes Sir.

***Questions by Juror Pike***

*In you experience by railroading would a car that is overloaded be more difficult to handle and hold by brakes?*

Yes.

And the said testimony of *L Stanley* was then and there by me ordered reduced to

Writing, and is subscribed to by witnesses giving the same, in there own handwriting, according to law.

Given under my hand and seal at Como, this 20<sup>th</sup> day of March 1909.

*Chas S Wells*

Coroner of Park County