

BLAMES TROLLEY ROAD FOR NEWARK DISASTER

Coroner's Jury Charges Officials with Gross Negligence.

Lackawanna System Held Responsible to a Degree—Board of Public Works and Police Department of the City Accused of Neglect.

Special to The New York Times.

NEWARK, N. J., March 7.—The Coroner's jury impaneled to conduct an inquest into the Clifton Avenue grade crossing disaster of Feb. 19 last, returned a verdict at 3:45 o'clock this afternoon, holding the North Jersey Street Railway Company chiefly responsible for the accident in that it failed to install proper safeguards at the crossing and neglected other necessary precautions.

The Delaware, Lackawanna and Western Railway Company is also held responsible to a degree, while the Board of Public Works and the Police Department are also charged with neglect of duty.

The verdict follows:

"In the performance of our duty, as indicated by the charge of his Honor Chief Justice Gummere and C. W. Heilman, the Coroner, we submit the following as the result of our investigation:

"We find that Ernestina Miller, on the morning of Feb. 19, 1903, was a passenger on trolley car 291 of the North Jersey Street Railway Company, in the City of Newark.

"At the Clifton Avenue crossing of the Delaware, Lackawanna and Western Railroad said car, in approaching on a comparatively steep decline, was not controlled by the motorman's brakes, broke through the railroad gates that had been lowered across the tracks, and came into collision with the passenger train on said steam railroad. The death of Ernestina Miller was caused by the collision.

"The terrible calamity that has brought sorrow to so many persons calls for more than ordinary investigation for the purpose of finding out clearly all the facts and fixing the responsibility. We have had before us many witnesses and voluminous testimony. The North Jersey Street Railway Company operates an immense trolley system, comprising practically all lines within the City of Newark and the County of Essex.

"We find its organization to consist of numerous officials, with clearly defined duties, and a code of rules and regulations in printed pamphlet form placed in the hands of each employe for their direction and guidance in the performance of their several duties.

"Notwithstanding this thoroughness of organization, we find among the officials and employes a disregard of their several duties, a systematic shifting of responsibility from one to another, and a lack of thoroughness and care for the public that has convinced us that however practical and elaborate the system may be, it does not protect the lives and promote the comfort of the public.

"We find that the tracks at the grade at Clifton Avenue on the morning of the accident were covered with ice and snow to the depth of two or more inches. Those who carefully examined the tracks immediately after the accident state that no trace of salt or sand could be found. The sand provided for that purpose was found frozen in the box and could not be used.

"We also find this trolley car to have been heavily overloaded, not less than 120 passengers being on it at the time it left the Orange Street crossing. There were eight, and possibly ten, passengers on the front platform at the time of the collision, which must necessarily have interfered with the motorman in the performance of his duty.

"It is fair to presume that, had the rules of the company prohibiting the use of the front platform been enforced, no deaths would have occurred in this collision.

"We find, further, that the trolley company had not used the most approved methods for safeguarding the tracks at this point, while they must have realized that this was one of the most dangerous grade crossings in this system. They failed to install what is known as the derailing appliance. The general manager gave as the reason for failing to adopt such device that they were prevented by the Delaware, Lackawanna and Western Railroad Company, but we find such a device has been acceptably used at the Bloomfield Avenue crossing of the same railroad in Montclair, and for this reason we cannot accept the statement of the general manager as satisfactory for leaving unprotected for so long a time this dangerous crossing.

"We find the employes of the trolley company were continually disregarding the rules and regulations that were prepared for their guidance, and that the infraction of these rules was clearly to the head officials of that road.

"For these reasons we find that the North Jersey Street Railway Company is guilty of gross negligence in the performance of their duties as common carriers within the City of Newark and County of Essex, and because of this gross negligence we hold this company responsible for the collision and the death of Ernestina Miller.

"We find the Delaware, Lackawanna and Western Railroad Company are violating the city ordinance by the running of their trains at a much higher rate of speed within the city limits than is permitted by the ordinances; also for not stopping all trains at the Broad Street crossing, all of which also are violations of such ordinances.

"But we feel that these violations cannot be held as in any measure contributing directly to this dreadful disaster.

"We find, further, that the Board of Street and Water Commissioners and the Police Department, whose duty it is to care for the safety of the public and the interests of the city, have not performed their whole duty, inasmuch as they have knowingly permitted flagrant violations of many city ordinances, and we would call upon those departments of our City Government to promptly insist upon full compliance with all laws pertaining to street and railroad traffic."

In conclusion, the jury makes the following recommendations:

"We would recommend that the Board of Street and Water Commissioners cooperate with the City Council in revising all city ordinances having for their object the regulation of all steam and street railway companies operating within the city, the object being that such ordinances shall more nearly conform to the requirements of our rapidly growing city.

"Such ordinances should be clear and specific and leave no doubt or uncertainty as to their meaning or application as some are found at present.

"We recommend, further, that all citizens unceasingly labor for the abolishment of all grade crossings of the steam railroads within the city limits.

"Experience goes to prove that the most elaborate safeguards that ingenuity can devise cannot eliminate the element of danger that some time, somewhere, and somehow the accident is sure to occur.

"We believe that time for concerted action has come. Citizens and governing bodies should make a united effort to accomplish this most desirable purpose. Let it not be said that they died in vain, yielding up their precious lives."

The verdict was signed by James A. Coe foreman; A. S. Staats, August Goertz, Frederick E. Stoutenburgh, Max Sachs, and Thomas Oakes, comprising the Coroner's jury.