

# TROLLEY INQUEST BEGINS

## Eye-Witnesses of Newark Grade Crossing Wreck Testify.

### Italian Employe Says the Sand Was Frozen—Special Charge to Grand Jury.

Special to The New York Times.

NEWARK, Feb. 25.—Thirty-four witnesses were examined by the Coroner's jury to-day in the investigation of the cause of the Clifton Avenue grade crossing trolley wreck last Thursday.

The most important witness was Antonio Genevesco of 12 Cutler Street, who has been under arrest since Saturday. Genevesco has been in the employ of the traction company for seven and a half months, and it was his duty to put sand and salt upon the trolley tracks at the Clifton Avenue crossing. The witness said that he put salt upon the tracks the afternoon before the accident. He also put sand where there was no snow. On the morning of the accident he claims there was snow upon the tracks and he sprinkled them with salt.

He admitted that he did not put sand upon the tracks because the sand was frozen. The witness stated that new sand was put in the boxes by employes of the trolley company on the afternoon of the day of the accident.

The first witness was Edwin G. Kempf, a civil engineer, who testified as to the distance from Orange Street to the scene of the wreck, which was 192 feet 10 inches, and as to the fall of the grade, which he said was 4 feet in 100. The witness said there was a slope on both sides of the track.

Dr. McKenzie, the County Physician, was also called and testified as to the condition of the wreck when he arrived on the scene. He found no injured passengers on the ground, but ordered five dead bodies removed to the morgue. Dr. McKenzie testified as to the cause of the death of Ernestina Miller, which, he said, was crushing of the brain. He also testified that the trolley tracks were covered with slush and snow.

The first eye-witness of the accident was James Kay, a letter carrier, of 81 Wilsey Street, who testified as to hearing the alarm of an approaching train. He saw the gates lowered and witnessed the trolley car, which was No. 291, dash through the gate and strike the locomotive of the express train.

Kay testified that he saw the motorman working with the brakes in an effort to stop the car. There were eight or ten school children on the front platform, the witness said.

A number of other eye-witnesses testified substantially as did Kay. They were Mounted Policeman William Stucky and Policemen Thorne and Wolfe. Policeman Stucky's daughter was aboard the car. He described the accident very vividly, saying that the occupants of the car were laughing at the time of the crash. He noticed no sand upon the tracks and was unable to find the sandbox on the trolley car.

Policeman Thorne testified that he saw an Italian sprinkling the tracks with yellow sand about half an hour after the accident. A. P. Jacobs of 81 High Street testified similarly. After a score of other witnesses, principally pupils of the high school, were heard, adjournment was taken until 10 o'clock to-morrow.

The Delaware, Lackawanna and Western Railroad was represented by Edwin B. Williamson, while George T. Werts represented the North Jersey Traction Company.

Chief Justice Gummere called the Grand Jury before him late this afternoon and charged them strongly relative to the Clifton Avenue disaster. He charged it was the duty of the Grand Jury to investigate every phase of the accident and find out if any one was in any manner criminally guilty of carelessness. If it was found by the Grand Jury that one person or more, or sets of persons, were responsible, it was the jury's duty under the law to indict such persons for manslaughter.

The jury must ascertain if the motorman used due care, knowing that the hill was ice coated, and had used every means in his power to prevent the disaster. It must be ascertained if the conductor did his duty and obeyed the rules and went ahead to tell the motorman that the track was clear. If the conductor was inside the car and prevented from getting out, it might still be that he was guilty. It must also be ascertained if the crossing flagman did his full duty under the circumstances. It seemed evident the train had been running at a high rate of speed. It must be ascertained if that speed was in excess of the rate established by ordinance.

That the sandman was guilty of neglect of duty was apparent from his own story to

the Coroner's jury. If the sand was frozen it was his duty to obtain dry sand, and it must be ascertained whether he did everything in his power to obtain such sand, and in that connection others' default must be looked into.

It was evident the officers of the company knew of the dangers of the crossing, and the fact that the road had a legal right to cross the steam tracks did not enter into the matter. They were bound to do all that was possible to avoid and guard against such an accident. If they had not, they were criminally negligent and liable to indictment. The fact that a derailing device had since been put in did not relieve them.

## DURYEA DENIES CHARGES.

### Says His Wife Planned to Humiliate Him Before Servants.

Taking of testimony was resumed yesterday in the separation suit of Mrs. Nina Larre-Smith Duryea against Chester Burnett Duryea before Justice Blanchard in the Supreme Court. The hearing opened with the continued examination of Gen. Hiram Duryea, President of the Starch Trust, and father of the defendant. Referring to Mrs. Duryea, the General said:

"I told her that if there were any wrongs to be redressed that they should be redressed in the family, and that if she went to court I could not be with her."

Letters to Gen. Duryea from Mrs. Duryea were introduced. They were affectionate in tone and made no mention of any trouble between the writer and her husband. When the trouble became known in the family Mrs. Duryea wrote to her father-in-law about it, and the first part of one communication, as presented to the court by Mr. Wellman, was about as follows:

Dear Dad: The following revelations may not surprise you. They are not written under an hysterical impulse, but are the result of years of careful consideration. For three years I have dragged my ball and chain with smiling face to keep up the farce of a happy married life, which was really one of senseless rages and unceasing abuse.

You will be amazed to know that the trouble commenced at the honeymoon, and its continuation since has opened up a chasm which has destroyed all chances of our being happy together. I must leave him because I have learned to dread his coming footsteps.

This letter was put in just after Gen. Duryea testified that at Narragansett Pier, in 1899, Mrs. Duryea had told him that his son had always treated her well, and had been especially kind to her during an attack of measles, at which time she has testified he insisted on her going to a masquerade ball.

Chester B. Duryea followed his father upon the stand, and, questioned by Mr. Man, denied in general his wife's charges of cruelty. He told many stories of her alleged unkind treatment of himself. He said that when he criticised things about the house she said to him: "Compared with my family—my mother and myself—you are a person of no consequence." He said that while in Sioux City, where he had gone to manage a starch factory, his wife deliberately had luncheon served before his arrival home on purpose to humiliate him in the eyes of the servants.

He admitted that when she told him she would do as she pleased he practically removed her from her place as the head of the home, ordered meals served at regular hours, and ordered all household supplies and paid the bills himself. The case goes on to-day.

## SPRINGER'S BAIL FORFEITED.

### Defendant in Tax Fraud Conspiracy Affair Fails to Appear—Counsel Throws Up His Case.

Nathan Springer, who is declared by District Attorney Jerome to have been the moving spirit in the tax fraud conspiracy, failed to respond yesterday when called to his second trial before Justice Herrick in the Criminal Branch of the Supreme Court.

The first trial, which was held last week, resulted in a disagreement by the jury, following which Springer was released on \$5,000 bail, which was furnished in cash. Justice Herrick forfeited Springer's bail, and dismissed 200 special talesmen who had been empaneled for the second jury at the request of the District Attorney's office.

Henry W. Unger of the firm of Levy & Unger, Springer's counsel in the former trial, told Justice Herrick that his firm no longer represented Springer, who, he declared, had failed to remunerate them for the services already rendered in his case. He said Springer had been absent from his home for three days, and that none of his family knew his whereabouts.

Mr. Unger asked the court to give Springer until Friday to come in and surrender himself, and Justice Herrick said that in case the defendant appeared before that time, he would revoke his order of forfeiture. In the contrary event a bench warrant would be issued for his arrest.