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Diboll, Texas, March 12, 1914.

My name is Oscar Stevens. My farthers name is Charley Stevens and he lived about five miles from Lufkin, Texas, on the Chancey road. Ike Brock is our nearest neighbor. He lives about onephalf of a mile from where we do. I have been employed by the Texas Southeastern Railroad as section hand on their Section No. 4, for the past two or three weeks.

Oscar Kelley and I came into Diboll yesterday morning and drew our time and went down to Cleveland a got some whiskey and came back in on the north bound passenger train last night. We got about a half of a gallon apiece. Both of us drank about a half of a pint of this whiskey before we got back to Diboll. Lee Bailey, Willie Stevens and Johnny Thompson got the section hand car at Neff and met me and Oscar Kelley here at Diboll. These boys were waiting for us when we got to Diboll and we walked out about two miles from Diboll to where they had left the hand-car. We went on to the hand-car, but I do not know whether Johnny Thompson drank any before we got to the car, but after to got on the hand-car and started back to Neff, I saw take a good big drink of alcohol out of a wuart bottle and later I saw him take a drink of whiskey. We stopped the hand-car at about the four mile board and all got off and then Johnny Thompson and Oscar Kelley got back on the hand-car and run off and left us. Lee Bailey followed them and said that he later caught them and they went on to the river section and took the car off of the track and two of them went to bed. I walked the railroad track

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from where they left us on down to the river, but never saw any one of the three boys along the track and have not since seen Johnny Thompson. Lee Bailey told me this morning that Johnny Thompson got off of the hand-car at Blix to wait for us, but we did not see him. We found the car at the river and put it back on the track and went on to Neff and got there about 6:30 o'clock this morning. Johnny Thompson, the boy that got hurt, lives about two miles from Blix, toward Lufkin. I saw Johnny Thompson when he was just about drunk last Christmas. I have known him for about five or six months, but have not been with him a great deal. I saw him at Robert Kelley's, his brother-in-law. I expect that it took us a hour and a half to run from the river to Neff on the hand-car.

I am seventeen years old, and I have been working for myself for about a year. My addre s can be had from my father at any time. His address to Lufkin, Texas.

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Witnesses:

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Diboll, Texas, March 12, 1914.

My name is Ed Baucum. I live at Diboll, Texas. I am thirty five years old. I have been a locomotive engineerfor the past thirteen years and have been employed by the Texas South-Eastern Railroad during the past eight years continuously as engineer on their mixed-run. On this morning, my train consisted of T.S.E. Engine No. 10, eight cars of lumber, two cars of merchandise and two coaches. Engine No. 10 is equipped with Westinghouse Air Brake equipment, known as E. T. No. 6, which is the latest and most improved air brake equipment now in use. The air pump on this engine is what is known as anEleven inch Pump and has been in service for about two years. I personally look after the running repairs of the air brake equipment on this locomotive and know that the air brake was in good working condition at the time the accident occured. I applied the brake at the six mile board, about one and a half miles before I reached the place of the accident. The brake took effect as usual and was then in good working condition.

We left Diboll at 6:50 A. M. and were delayed about ten minutes on the wye at Diboll by reason of a box car being derailed. At the time I discovered the object upon the track, we were running at abour thirty or thirty-five miles per hour. After leaving the curve and getting on the straight track toward the south switch at Blix, when I was about _____ feet from the switch, I discovered an object in the middle of the

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track, lying between the right hand main line rail and the lead rail, about _____ from the switch point and about _____ feet from the heel of the switch point. I could not tell what the object was until I got closer, because the lead rail, which is about _____ inch high, partly obscured my view of the object. I kept my eye upon the object until I had gotten somewhat closer and in almost an instant, I discovered that it was a person. I instantly placed the automatic air brake in emergency position and the full braking power of the air brake equipment was applied to engine and train. After applying the brake I blew the whistle continuously until after the engine had passed over the body. The engine passed the body about six car lengths. After the train came to a standstill, we pikced him up and put him in the baggage car and brought him back immediately to Diboll and then immediately placed him in the care of Dr. D. A. Mann.

My train was the first that had passed over this portion of the line and the rails were covered with dew, which might have caused the train to travel a slight distance after the applic tion of the brake than would have been the case had the rails been dry. My engine is equipped with a rail sanding device but the enterval between the time of application of the brake and the time the engine reached the body, was so short I did not have time to work the sand lever and give the proper alarm with the whistle. I thought by sounding the whistle continuously and as loud as possible, that the man would get the alarm and realize the dangerous condition he was in and get out of the way. I did every thing that I

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possibly could to bring the train to a stop before the engine reached the body. The place of accident, the track is level and in good condition.

In moving the injured body from under the train in to the baggage car, I smelled whiskey and did not see any evidence of any broken bottles about him.

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Witness:

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Diboll, Texas, March 12, 1914.

My name is C. Curry. I live at Diboll, Texas. I am employed by the Texas South-Eastern Railroad as brakeman on their mixed-run and have been so employed for the past year, and I was so employed on March 12, 1914, the date on which one Johnny Thompson was injured near Blix, Texas. I was head-brakeman and was riding in the cab of the engine on the fireman's side and was watching ahead, and I had been so riding since we left Diboll. After we had rounded the curve and was about _____ feet from the switch stand at the Groveton leg of the wye at Blix, the engineer applied the emergency brake and almost instantaneously blew the whistle several times, and I looked ahead to see what was the matter and the first thing I saw appeared to me to be a a pair of over-alls and blue jumper lying about the center of the track near the switch stand, immediately afterwards, I discovered that it was a person. After the emergency brake was applied, they were kept on until the train came to a fianl stop, about nine car lengths beyond the switch stand; that is, the engine was about nine car lengths beyond the switch stand. The train consisted of engine No. 10, eight cars of lumber, two cars of merchandise and two coaches, made up in the order as named. I cut the air in on the front end and the engineer in applying the emergency brake, applied the automatic air. At the time the emergency brake was applied, the fireman was down in the gang-way breaking up coal and putting coal in the fire-box. The engineer continued

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the sound the whistle from the time he first applied the emergency brake until after the engine had passed over the body. When the train stopped, I ran back and picked the body of the injured person from under the back end of the nineth car. I was the first one to get to him and was assisted in taking him from under the car by Ed Baucum, Frank Laing, Jess Morris, Lon Smith and probably one or two passengers. We placed him in the baggage car and returned to Diboll with him immedaitely and placed him in the office of Dr. D. A. Mann, where he is now being treated, and afterwards sent Oscar Kelley to notify his parents of the accident.

Witnesses:

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Diboll, Texas, March 16, 1914.

My name is Frank H. Laing. I am thirty-eight years old. I live at Diboll, Texas, and have been employed by the Texas South-Eastern Railroad Company for the past six years. I was conductor in charge of Train No. 5, which left Diboll at 6:50 A. M. on March 12, 1914. This train consisted of Engine No. 10, in charge of W. E. Baucum, eight cars of lumber, two cars of merchandise and two coaches. At about 7:25 A. M., as the train was leaving the curve between the switches at Blix, I felt the emergency brake being applied to the train. The train was brought to a stop and on going forward, I found a man who had been run over at the south switch at Blix and whose body was under the 5th or 6th car from the engine. His trousers were down and his head was bloody and badly cut. One of his feet was cut off and the toe of the other foot had been run over. With the assistance of the train and engine crews, we removed the body and placed it in the baggage car and immediately returned to Diboll, where the body was placed in the office of Dr. D. A. Mann.

I heard the engineer sounding his whistle, as though giving alarm to stock or persons on the track. The air was cut in on all cars in the train and the brake took effect and worked as usual. At the time, I was riding in the combination coach which was next to the last car in the train.

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Witness:

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Diboll, Texas, March 12, 1914.

My name is Jess Morris. I am thirty-three years of age, and I live at Divoll, Texas, and have lived at this place for the past twenty-nine years. I have been employed by the Texas South Eastern Railroad Company as locomotive fireman and engineer since 1909. Iwas fireman on Engine No. 10 on March 12, 1914. At the time the enginer was out of the curve at Blix, I felt the emergency brake applied and heard the engineer blow the distress signall with the whistle and I jumpped in to the gang-way from the tender where I was breaking coal at the time and looked ahead to see what the trouble was and I discovered an object lying in the middle of the track about _____ feet from where we were and about _____ feet from the briddle rod of the siwtch point. The object was partically obscured by the lead rail of the switch and as we approached I discovered that it was a person. The engineer had a ready applied the emergency brake and was blowing the whistle and continued to do so until after the engine had passed over the body. The engine passed over the body and went about five or six car lengths before it stopped, and then we got out and picked the body from under the car and put it in the baggage car and immediately brought it to Diboll.

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Witness.

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Groveton, Texas, April 30, 1914.

For and in consideration of the sum of Two Hundred and Fifty ($250.00) Dollars, the receipt of which is hereby acknowledged, and the further consideration that the Texas Southeastern Railroad Company will pay off and discharge all indebtedness now owing by me by reason of doctor bills, medical bills and burial expenses incurred by reason of an accident to my deceased minor son, Johnny Thompson, on the 12th day of March, A. D. 1914, wherein the said Johnny Thompson was injured and from which injuries he died, having been injured by the passenger engine and train of the Texas Southeastern Railroad Company at a point on its line near the flag station known as Blix, in Angelina County, Texas, and I do hereby fully release and forever discharge said Texas Southeastern Railroad Company of and from all claims accrued and to accrue by reason of the injuries and death of the said Johnny Thompson.

And it is expressly agreed and understood that I am not relying upon the representations made by any agent or representative of the Texas Southeastern Railroad Company as to liability or non-liability for such accident, but have made independent investigation for myself and have consulted other persons and attorneys with reference to such liabilities, and that I fully understand the nature and effect of this release.

WITNESS my hand this April 30, 1914.

J A Thompson

WITNESSES:

Leita Evans

[illegible]