

MAX MILLER, VERA CAROLINE MILLER, AND OTHERS

MAY 7, 1942.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. MEYER of Maryland, from the Committee on Claims, submitted
the following

REPORT

[To accompany S. 1732]

The Committee on Claims, to whom was referred the bill (S. 1732) for the relief of Max Miller and Vera Caroline Miller, and others, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The facts will be found fully set forth in Senate Report No. 1163, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

Your committee concur in the recommendation of the Senate.

[S. Rept. No. 1163, 77th Cong., 2d sess.]

The bill, as amended, provides for the payment of \$3,000 each to the parents of Lucille Alice Miller, John Frederick Chapman, and Caryl Norrine Reid, all deceased, in full settlement of their claims against the United States for the death of their children, who died as a result of injuries received in an automobile accident between the automobile in which they were riding and a United States Army truck driven by Private James Duncan at the intersection of Illinois State Route 22 and United States Route 45 at Half Day, so-called, on March 1, 1941.

The records of the War Department show that on March 1, 1941, at about 12:10 a. m., an Army truck on official business, operated by Pvt. (1st cl.) James Duncan, with two enlisted men as passengers, was proceeding in a northeasterly direction on Illinois State Highway 22 at a speed estimated by one of the passengers at from 35 to 40 miles per hour, and approaching the intersection of said highway

with United States Highway 45 at Half Day, Ill. At about the same time a Mercury convertible coupe, owned and operated by Albert Drecoll, of Libertyville, Ill., with Miss Caryol Reid and John F. Chapman, both of Libertyville, and Miss Lucille Miller, of Aptakisic, Ill., as passengers, was proceeding in a southerly direction on United States Highway 45 at a speed estimated by Mr. Drecoll at from 35 to 40 miles per hour, and approaching the same intersection. The weather was cold and clear and the roadway dry. It appears that a two-story building at the northwest corner of the intersection obstructs visibility to the extent that the front of an east-bound vehicle 60 feet west of the center of the intersection is visible on the inside lane of south-bound traffic on United States Highway 45 at a distance not in excess of 100 feet north of the center of the intersection, and that a south-bound vehicle on United States Highway 45 is not visible to an east-bound driver on Route 22 unless the driver on Route 22 is within 60 feet of the center of the intersection and the vehicle on United States Highway is within 100 feet of the center of the intersection. The two vehicles in question collided in the intersection, the Army truck striking the right side of the Mercury coupe. As a result of the collision the Mercury coupe was almost totally demolished; the Army truck was extensively damaged; John F. Chapman and Lucille Miller were instantly killed; Caryol Reid received injuries from which she died about an hour and a half later; Albert Drecoll sustained chest injuries, contused abrasions, and lacerations of the right wrist; and the three enlisted men who were riding in the Army vehicle were all severely injured.

There was a signal light at the intersection. One of the passengers in the Army truck was sleeping. The driver testified that he did not see the civilian car or the traffic light, and that he must have fallen asleep, knowing nothing about the accident until he came to on the ground. The other passenger who was riding in the Army truck between the driver and the sleeping passenger testified that before the accident they had been driving at a speed of 35 to 40 miles per hour; that he did not see the traffic light except while it was red, until they reached about 75 feet from the light when it changed to amber; and that he did not recall seeing the green light come on. The civilian driver testified that he had seen the green light some seconds before the collision, and that he was driving at a speed of between 35 and 40 miles per hour. It appears from all the evidence that the light, when approached by the private car, was green. It also appears that the light showing to the Government truck must have been red.

In reporting on the bill the Secretary of War states that—

"After a careful consideration of the evidence adduced in this case, it is the view of the War Department that the preponderance thereof tends to indicate that the proximate cause of the accident was negligence on the part of the Government driver in that he entered an intersection against a red light, failing to yield to the civilian driver the right-of-way to which he was entitled. Since, therefore, it appears the deceased came to their deaths through no fault or negligence on their part but rather through the negligence of the Government driver, the Department, while not prepared to pass upon the exact amounts that should be allowed to the beneficiaries of the proposed legislation, will interpose no objection to legislation compensating them in such amounts as the Congress may deem proper."

The facts are fully set forth in the following communications, which are appended hereto and made a part of this report.

WAR DEPARTMENT,
Washington, August 8, 1941.

HON. PRENTISS M. BROWN,
*Chairman, Committee on Claims,
United States Senate.*

DEAR SENATOR BROWN: The War Department will interpose no objection to the enactment of S. 1732, Seventy-seventh Congress, which would pay to Max Miller and Vera Caroline Miller, parents of Lucille Alice Miller, deceased, the sum of

\$5,000; to Elizabeth Frances Chapman, mother of John Frederick Chapman, deceased, the sum of \$5,000; and to Gladys Estella Reid, mother of Caryol Norrine Reid, deceased, the sum of \$5,000, in full settlement of all their claims against the United States for the deaths of Lucille Alice Miller, John Frederick Chapman, and Caryol Norrine Reid, respectively, who died as a result of injuries received in an automobile accident between the automobile in which they were riding and a United States Army truck driven by Private James Duncan at the intersection of Illinois State Route 22 and United States Route 45 at Half Day, so-called, on March 1, 1941.

On March 1, 1941, at about 12:10 a. m., an Army truck on official business operated by Private First Class James Duncan, with two other enlisted men as passengers, was proceeding in a northeasterly direction on Illinois State Highway 22 at a speed estimated by one of the passengers at from 35 to 40 miles per hour, and approaching the intersection of said highway with United States Highway 45 at Half Day, Ill. At about the same time a Mercury convertible coupe, owned and operated by Albert Drecoll, of Libertyville, Ill., with Miss Caryol Reid and John F. Chapman, both of Libertyville, and Miss Lucille Miller, of Aptakisic, Ill., as passengers, was proceeding in a southerly direction on United States Highway 45 at a speed estimated by Mr. Drecoll at from 35 to 40 miles per hour and by one of the passengers in the Army vehicle at from 55 to 60 miles per hour, and approaching the same intersection. The weather was cold and clear and the roadways were dry. It appears that a two-story building at the northwest corner of the intersection obstructs visibility to the extent that the front of an east-bound vehicle 60 feet west of the center of the intersection is visible on the inside lane of south-bound traffic on United States Highway 45 at a distance not in excess of 100 feet north of the center of the intersection, and that a south-bound vehicle on United States Highway 45 is not visible to an east-bound driver on Route 22 unless the driver on Route 22 is within 60 feet of the center of the intersection and the vehicle on United States Highway 45 is within 100 feet of the center of the intersection. The two vehicles in question collided in the intersection, the Army truck striking the right side of the Mercury coupe, thereby giving rise to the damage which is the subject of the proposed legislation.

As a result of the collision, the Mercury coupe was almost totally demolished; the Army truck was extensively damaged; John F. Chapman and Lucille Miller were instantly killed; Caryol Reid received injuries from which she died about an hour and a half later; Albert Drecoll sustained chest injuries, contused abrasions, and lacerations of the right wrist; and the three enlisted men who were riding in the Army vehicle were all severely injured.

Traffic at the intersection in question is controlled by signal lights. It appears that at the time of the accident one of the two passengers in the Government truck was sleeping. The driver of the truck testified that he did not see the civilian car or the traffic light; that he must have fallen asleep; that he knew nothing about the accident until he came to on the ground. He later testified, in reply to the question "When did you first see the red light?" that he saw it "somewhere." The other passenger, who was riding on the front seat of the truck between the driver and the passenger who was sleeping testified that prior to the accident they had been driving at a speed of about 35 or 40 miles per hour; that as they approached the intersection the traffic light was red for them; that when they had reached a point about 75 feet from the light, the light changed to amber; that the driver, who had removed his foot from the accelerator pedal, then stepped on the pedal; that when the lights changed to amber, he (the witness) glanced at the speedometer and that their speed was then about 38 miles per hour; that by that time they were about 25 feet from the lights; that they entered the intersection at a speed of 35 or 40 miles per hour; that he did not know whether the light had changed to green when they entered the intersection; that he did not recall seeing the green light come on; that the traffic light when last he saw it as they passed on was amber. He later stated their distance from the traffic light at the time it changed to amber as 50 or 60 feet. He further testified that the civilian car was just about to enter the intersection when he first saw it, and estimated its speed at 55 or 60 miles per hour.

Mr. Drecoll, the civilian driver, testified that before reaching the intersection of Highways 45 and 22 he had stopped at another intersection for a red light; that as he left that intersection the traffic light at the intersection of Highways 45 and 22 was green; that as he approached it continued green; that he was driving at a speed of between 35 and 40 miles per hour, having just started after stopping for the red light; that the light might have changed to amber just at the moment of

the impact; that when he first observed the truck, as he was approaching the intersection, it was about twice as far from the intersection as he was.

According to an affidavit made by the district engineer of the Department of Public Works and Buildings of the State of Illinois, the signals at the intersection in question are semitrafic actuated or controlled. Under normal operation, the green indication remains on U S 45 until a vehicle approaches the intersection from either east or west on Route 22. The actuation of the controller is by magnetic detectors located under the pavement of Route 22, both east and west of U S 45. The signal change from green north and south to green east and west required about four seconds. During this clearing period, traffic on U S 45 is given a green and amber indication and the signals on Route 22 remain red, except that during approximately the last second a red and amber indication is given on Route 22.

From the foregoing it would seem probable that as Mr. Drecoll approached the intersection the light for him was green, as would normally be the case on U S 45 when no car had just passed the magnetic detector on Route 22, and there is no evidence of record in the War Department that any car had recently passed the detector. According to the above-mentioned testimony of the district engineer, the signal change from green for U S 45 to green for Route 22 requires about 4 seconds after a car on Route 22 has passed the detector, and the amber light shows with the red on Route 22 for the last second of that period. The detector for east-bound traffic on Route 22 is, as shown on a plan submitted by the district engineer, located at a distance of 100 feet from the center of the intersection. If, as stated by the only person in the Government vehicle who testified to having seen the traffic light, the speed of the truck at the time when the amber light came on was 38 miles per hour, which is approximately 55 feet per second, and if, as this witness first testified, the truck was then 75 feet from the light, or even 50 or 60 feet from the light as he later testified, the light would obviously have changed to green by the time the truck had reached the intersection. It is desired, however, to point out that the testimony of this witness to the effect that the truck was 75 feet (as first stated) or 50 or 60 feet (as later stated) from the light when the amber light appeared seems impossible of reconciliation with the fact that, according to the plan of the intersection submitted by the district engineer, it appears that the traffic light at which an east-bound driver on Route 22 would normally be looking (the light at the southwest corner of the intersection) is located but approximately 25 feet from the detector and that consequently the truck would have been only 25 feet from the said light when it passed over the detector and set the changing mechanism in operation. A further period of 3 seconds would then have elapsed before the amber light appeared. It appears, therefore, impossible that the truck could have been 75 feet, or even 50 or 60 feet, from the light when it changed to amber, or, in fact, any distance in excess of about 25 feet. It further appears that if the Government vehicle was proceeding so slowly when it passed over the detector that it had not yet passed the signal light—situated at a distance of 25 feet from the detector—when the amber light appeared about 3 seconds later, it could not possibly have attained the speed of 38 miles per hour, which the witness testified the speedometer showed, immediately after the amber light came on.

The investigating officer found that the collision and attendant damage was caused by the negligence of Albert Drecoll in passing through and against a red signal light. The police report of the accident included the following statement: "Ford sedan traveling south on Route 45 according to driver had green traffic light and was hit on right side by Dodge United States Army truck which was traveling east on Route 22 and failed to observe traffic signal lights, * * *."

At the time of their deaths, Caryol Reid was 20 years of age, Lucille Miller was 21 years of age, and John F. Chapman was 18 years of age. No information is of record in the War Department as to whether any persons were wholly or partly dependent upon the deceased for support, but when such information is obtained it will be furnished to the committee.

No claim has been filed with the War Department growing out of this accident.

After a careful consideration of the evidence adduced in this case, it is the view of the War Department that the preponderance thereof tends to indicate that the proximate cause of the accident was negligence on the part of the Government driver in that he entered an intersection against a red light, failing to yield to the civilian driver the right-of-way to which he was entitled. Since, therefore, it appears the deceased came to their deaths through no fault or negligence on their part but rather through the negligence of the Government driver, the Department, while not prepared to pass upon the exact amounts that should be allowed to the

beneficiaries of the proposed legislation, will interpose no objection to legislation compensating them in such amounts as the Congress may deem proper.

Sincerely yours

HENRY L. STIMSON, *Secretary of War.*

INQUEST HELD AT LIBERTYVILLE BEFORE DR. J. L. TAYLOR, CORONER

At the inquest were present: Dr. J. L. Taylor, coroner; Harry A. Hall, State's attorney; Major Gill, observer for commanding general at Fort Sheridan; John J. Morris, representing Mr. Drecoll; Mr. See representing Mr. Drecoll.

The bodies for which the inquest was held were Caryol Reid, Lucille Miller, and Jack Chapman.

The verdict is as follows:

We, the jurors sworn to inquire into the death of Lucille Miller, on oath, do find that she came to her death from injuries received as the result of an automobile accident between the automobile in which she was riding and driven by Albert Drecoll, and a United States Army truck, driven by Private James Duncan, United States Army.

We further find said Army truck did not stop for a red "Stop" light at Routes 22 and 45, thereby being entirely to blame for the accident.

We, the jury, find that the Army truck was traveling east on Route 22 and the Drecoll car was driving south on Route 45, at 12:15 a. m., March 1, 1941.

(Signed by the foreman) WILLIAM DECKER.
PAUL RAY, JR.
WILLIAM LAYCOCK.
EDWIN SWAN.
GUY GRINNELL.
HENRY SCHWANDT.

The same verdict was rendered in all three cases.

Dr. Penney, of Libertyville, testified that he arrived at the hospital just before the ambulance arrived, which was 12:45 a. m. There were two bodies in it. One of them was Caryol Reid, who was immediately admitted to the hospital. The other body was identified to be Miss Miller. Examination in the ambulance showed she was dead and she was not admitted to the hospital. A few minutes later Albert Drecoll arrived at the hospital and, as I recall, he was riding in the front seat with an officer and he was admitted to the hospital. The other deceased, Mr. Chapman, I understand, was never taken to the hospital but was taken directly to the undertaking home. Mr. Drecoll's principal injuries were a fractured rib with emphysema of the tissues of the chest wall. There was at least one fractured rib that punctured the pleural cavity.

Caryol Reid was admitted in extreme shock. She had practically an imperceptible pulse. A compound fracture of the left leg and left foot and the right leg and a simple fracture on the right foot. She also had fractures of both femurs and also a fractured pelvis. I made no diagnosis of head injuries. She lived for 1 hour. She was entirely unconscious and died at 1:45 a. m. The other parties, Miss Miller and Mr. Chapman, I examined very carefully at the funeral home. They both had multiple injuries. Miss Miller had a long laceration extending from her scalp down across her right eye and right face, apparently a basal skull fracture with a fracture of the jaw. She probably had injuries to the chest and one fractured arm and one fractured leg.

Mr. Chapman's injuries were somewhat similar—a skull fracture and fracture of the nose, some of the facial bones and chest injuries. At least one arm and one leg fractured.

Arthur Drecoll called as a witness. Says he resides at Hurlburt Court in Libertyville. Am a truck driver for the Kenosha Auto Distributing Co., and on March 1 was in an automobile with Caryol Reid, Jack Chapman, and Lucille Miller. I returned from Detroit that evening and went up to a show where Lucille and Caryol were at the show in Libertyville. After the show we picked up Jack Chapman. He was working at Ree's at the time. We then went to Young's Ice Cream Store. They had a hamburger and we had some soup. We were going to take Lucille Miller home at Aptakisic. We left the ice cream store and stopped at Schneider's and Lucille picked up some clothes that she was going to take home. We stopped at Maple Tower. I got a blanket and a coat out of the seat of cars that I left there. We started for Aptakisic and got as

far as Route 22 on 45 and the Army truck hit us and we were driving south on Milwaukee Avenue. None of us had been drinking. As we approached 22 the signal light was green and there was no change. On Route 22 crossing the light was red and I made a complete stop at the highway immediately north of the place of the accident. (This stop is about a city block north of Route 22.) When the light turned green at the north crossing, I started up and just started to go again and I came to the cross road at 22. That was still green. I seen the other car coming when I was about 100 feet from the intersection. It was coming from the west and going east and was being driven about 35 miles an hour. I did not speed up to get ahead of him. After the accident I was unconscious for about 20 minutes, lying on the cement. When I came to, they put me in a police car and I sat there and the officers were there. I saw Donald Hansen and James Dougherty, both from Libertyville, there. My car laid on the southeast corner of the intersection. The truck struck us in the side in the door. My car was 1939 Mercury convertible club coupe.

Frank Valenta, deputy sheriff, Lake County:

I live at Ingleside. On March 1, at the scene of the automobile accident at Half Day, I was about 1,000 feet south of the intersection of routes 22 and 45 and was heading north on 45. We were standing still and facing north. Ray Simmers was with me. I heard the crash distinctly and immediately went to the scene of the accident. I found a Ford or a Mercury automobile practically demolished, two bodies laying on the pavement and some men dressed in Army uniforms lay on the pavement and a truck laying on the gravel portion of the filling station driveway. It was tipped over on its left side. There were two persons laying on the pavement alongside of the Mercury car, which was standing upright. It was partly on the pavement about 2 feet over on the southeast corner of the intersection of the pavement. West of the Mercury about 3 feet from it was a girl laying on the pavement, and a boy. The girl was in pretty bad shape with both legs broken. The bones were sticking out through the flesh. The man didn't seem to be so bad off. After being assisted to his feet he was able to walk around. It was Mr. Drecoll. I looked in the Mercury car in the damaged part. It was practically demolished in the back where the back seat space should be. There was a man lying on his right side. His body was lifeless. And alongside of him, laying on the fender face down, that side of the car was torn out, was the body of a woman and her body was lifeless. East of that where this Army truck was, there was a man laying on the pavement dressed in khaki uniform—a colored man, and some distance from him was a white man dressed in Army uniform. The other colored man laying on the pavement on route 22, on being assisted to his feet had cuts on his head and face but was able to talk and walk around. He was taken to the filling station. The white man was also assisted and able to walk and was placed in the squad car. The other colored man—he wasn't able and didn't appear to be able to get up. He was later picked up by the ambulance and the others were taken to the military hospital at Fort Sheridan. The others (civilians) were brought to the Condell Hospital. The lights were green for Milwaukee Avenue—they remained green because it only took us probably 30 seconds at the most to arrive at the scene and on arriving at the scene was when the lights flashed back to red. We were probably 150 feet away from it when the lights flashed back to red.

The Mercury had seating space in it for four or five people. I am definitely positive that the green lights were on for Milwaukee Avenue. I talked with the driver of the car from Fort Sheridan. There was no indication of liquor on any of the parties. I saw the Mercury approaching from the north and saw the headlights on the truck coming on 22. The green lights remained on Milwaukee Avenue from the time I first saw the Mercury lights and remained that way until the impact—that is, at the moment of the impact the light was green. Route 22 is for the east and west traffic and I believe the lights change by magnet control as the cars pass over the pavement. Those are the lights on 22. I would say that the control of these lights on Milwaukee Avenue is about 75 feet from the intersection. I talked to the driver of the Army truck. I asked him if he was the driver and he said he was. I asked him how it happened and if he ran the red light. He said he didn't know—that he must have fallen asleep—that was at the scene of the accident and right after the crash, maybe 10 or 15 minutes. The other colored boy—I didn't talk to him. He was not conscious. The white man said he was asleep and didn't know what happened. That talk was in the squad car. Gibson was the white man's name. None of the three in the Army truck told me that the light had changed. The weather was clear, the pavement dry.

Private James Duncan testified. I live at Fort Sheridan. My home is at Rosedale, Miss. I am in Company A, Forty-eighth Quartermaster's Regiment. Been in the Army 4½ months. On March 1, I drove a truck on Routes 22 and 45, about 12:30 in the morning. Corporal Moody and Private Gibson were with me. I had been to Camp McCoy in Wisconsin and was returning to Fort Sheridan and had this accident. I started from Camp McCoy around 5:30 or 6:30, I am not positive, in the evening. I did not see the stop lights.

Question. And were you awake, do you think?

Answer. I am afraid to say. I believe I was dozing off—I am not sure but I think I was. I did not see the car that I struck nor I didn't see the lights. When I come to on the ground—that is the first that I can remember. I saw a policeman and I told him I would like to get these people to a hospital. The truck I was driving is a Dodge one-half-ton pick-up, and Corporal Moody and Private Gibson were seated with me in the same seat.

Questioned by Mr. Hall.

I left Fort Sheridan around 9:30 or 10 o'clock that day. I drive on the other side of Madison going up and Corporal Moody had taken the truck to Madison. I drove it until about to Camp McCoy and he drove it on in. I don't know the distance from here to Camp McCoy and left there about 6:30 in the evening. Corporal Moody drove first and on this side of Madison, I took the wheel. We stopped at Madison and had hamburger steak and some coffee but drank nothing beside the coffee—no liquor. I don't recall seeing the lights at all. I received a fractured head, back here, and my shoulder was kind of sore a little bit and also my ear was cut.

Question by Mr. Hall: Now what is the last thing you remember before the accident?

Answer. I can remember coming to after that and I can remember coming down this little grade and west of the intersection, but I am not positive about that. I don't remember anything at the time of the accident. The last time I remember looking at the speedometer, I was doing about 35 miles an hour. I did get up as high as 40.

Next witness, Charles Moody:

I live at 3612 Indiana Avenue, Chicago, Ill., and am in the Army and stationed at Fort Sheridan, in the Forty-eighth Quartermaster's Regiment, Company A. Been in the Army 9 months. On the 1st of March I was in the hospital here. Was in this accident, was told. On February 28, I delivered a motor to Camp McCoy from Fort Sheridan. Private Duncan and James Duncan was with me. Coming back we picked up the other boy. He was Gibson, the soldier, and stationed at Camp McCoy. I drove the truck part of the way. I did not see those lights at the crossing where the accident happened. I was asleep then. All three of us were in the front seat. I was seated next to the door. I went to sleep, I should say after we crossed the State line into Illinois, and slept until where this accident happened. James Duncan was driving.

Alexius M. D. Gibson called as a witness. His address is 615 South Gunderson, Oak Park:

I am in the Army, 2 years and 5 months in the Second Infantry. I was riding in the truck at the time of the accident from Camp McCoy. Private Duncan was driving the truck. I noticed the lights at the crossing where the accident occurred. They were red as we approached and then they changed to orange.

Question. Where were you on the crossing when they changed to orange?

Answer. We weren't at the crossing yet—we were approaching it.

I imagine that the driver, Duncan, saw the lights. From his actions, I thought he was awake. I saw the automobile that we collided with just a moment before. It was then about 15 feet from us. I was thrown out of the truck and was not unconscious. I got up. I saw a State policeman there. Nothing was said about looking out before the accident. I was about 75 feet from the crossing when the lights changed to orange. We were going about 35 miles an hour. I noticed Duncan put his foot back on the gas pedal after the lights changed from red to orange and increased his speed but didn't see the automobile until we were 15 feet away and it was then to the north of us. The front of the truck struck the car and the automobile was struck about in the middle and we were then about the center line of the road. I did not notice the driver apply any brakes. He swerved just before the impact to the right. I have an opinion concerning the automobile speed. I think it was going about 50 and the truck between 38 and 40. I only saw the passenger car a few seconds before the crash. I did see the passenger car—it ran about 20 feet after I saw it, during which time, to my mind, it was making 50.

STATE OF ILLINOIS,

County of Lake, ss:

Vera Caroline Miller, being first duly sworn upon oath, deposes and says that she is the wife of Max Miller and that they are the parents of Lucille Alice Miller; that Max Miller is conducting a grocery and general store in the village of Aptakisic, Lake County, Ill., and this affiant is a member of the firm of Emil Geest & Co., dealers in lumber, coal, and grain, in the village of Aptakisic, Lake County, Ill.; that her daughter, Lucille Alice Miller, was aged 20 years on the 14th day of March 1941; that she was a junior in the National Kindergarten College at Evanston, Ill., and was attending her third year in said school to fit herself as a kindergarten teacher; that her tuition amounted approximately to \$350 a year, which was paid by her parents; that she performed services for her board and room and on Friday of each week returned to her home at Aptakisic and worked on Saturday with this affiant in the business of Emil Geest & Co.; that she also contributed her time to the business of this affiant on holidays and during the vacation period each year; that her work in the office with this affiant was assisting with the keeping of the books, typewriting, and such other general office work as was necessary to be performed; that the period of time contributed by her to this affiant in her business was during the summer vacation which began about June 5 and lasted until the early part of September of each year; that the Christmas holidays were from 1 week to 10 days each year.

That the parents of said deceased paid all the funeral expenses in connection with the burial of said deceased.

Further affiant saith not.

VERA C. MILLER.

Subscribed and sworn to before me, this 6th day of June A. D. 1941.

[SEAL]

CORA E. HULL,
Notary Public.

STATE OF ILLINOIS,

County of Lake, ss:

Gladys Estella Reid, being first duly sworn upon oath, deposes and says that she resides at 146 East Sunnyside Avenue, Libertyville, Ill.; that she is the mother of Caryol Norrine Reid, deceased; that the said Caryol Norrine Reid died on or about the 1st day of March A. D. 1941, as a result of injuries received in an automobile accident between the automobile in which she was riding and driven by Albert Drecoll, and a United States Army truck driven by Private James Duncan, of the United States Army, at the intersection of Illinois State Route 22 and United States Route 45 at Half Day, so-called, in the town of Vernon, in the county of Lake and State of Illinois; that the father of the said Caryol Norrine Reid was Albert Elias Reid, deceased; and that the said Albert Elias Reid died prior to the death of the said Caryol Norrine Reid; that the said Caryol Norrine Reid became 20 years of age on May 28, 1940; and that the said Caryol Norrine Reid, at the time of her death and for some time prior thereto, contributed on the average of \$8 per week toward the support of this affiant, her mother. Affiant further says that the said Caryol Norrine Reid was earning approximately \$18 per week at the time of her death.

GLADYS ESTELLA REID.

Subscribed and sworn to before me, this 4th day of June A. D. 1941.

[SEAL]

CORA E. HULL,
Notary Public.

STATE OF ILLINOIS,

County of Lake, ss:

Elizabeth Frances Chapman, being first duly sworn, upon oath deposes and says that she resides at 122 Austin Avenue, Libertyville, Ill.; that she is the mother of John Frederick Chapman, deceased; that the said John Frederick Chapman was also commonly known by the name of Jack Chapman; that the said John Frederick Chapman died on or about the 1st day of March A. D. 1941, as a result of injuries received in an automobile accident between the automobile in which he was riding and driven by Albert Drecoll, and a United States Army truck driven by Private James Duncan of the United States Army, at the intersection of Illinois

State Route 22 and United States Route 45 at Half Day, so-called, in the town of Vernon in the county of Lake and State of Illinois; that the father of the said John Frederick Chapman was Frederick Francis Chapman, deceased, and that the said Frederick Francis Chapman died prior to the death of the said John Frederick Chapman; that the said John Frederick Chapman became 18 years of age on February 12, 1941; that at the time of his death and for some time prior thereto the said John Frederick Chapman contributed \$7 per week to this affiant, his mother, toward her support; and that just prior to his death the said John Frederick Chapman had enlisted in the marines and was to receive as compensation \$30 per month, and \$20 of same per month was to be paid to this affiant.

ELIZABETH FRANCES CHAPMAN.

Subscribed and sworn to before me, this 5th day of June A. D. 1941.

[SEAL]

CORA E. HULL,
Notary Public.

STATE OF ILLINOIS,
County of Lake, ss:

Frank Valenta, being first duly sworn upon oath, deposes and says that he resides at Ingleside in Lake County, Ill., and that he is a deputy sheriff of Lake County, Ill.; that on March 1, 1941, at approximately 12:15 a. m., he was on duty as a deputy sheriff, as aforesaid, accompanied by Ray Simmers; that at said time this affiant was standing on United States Route 45 facing northerly at a point approximately 1,000 feet south of the intersection of said United States Route 45 with State Route 22 at Half Day, so-called, in the town of Vernon in the county of Lake and State of Illinois; that said Route 45 runs northerly and southerly and said Route 22 runs easterly and westerly; that "stop" and "go" lights were installed and in operation for the control of traffic at said intersection at said time; that at approximately said time a collision occurred between an automobile, driven southerly on said Route 45 by Albert Drecoll, and an Army truck driven easterly on the aforesaid Route 22 by Private James Duncan, of the United States Army; that at the time of said collision, Caryol Norrine Reid, John Frederick Chapman, and Lucille Miller were riding in the aforesaid automobile driven by the said Albert Drecoll and that said last three mentioned persons received severe injuries in said collision, from which they died on the said 1st day of March A. D. 1941; that I heard the crash distinctly when said vehicles collided, as aforesaid; that I saw the lights of the automobile driven by Albert Drecoll as his car approached said intersection from the north on said Route 45; that as said automobile approached the intersection, as aforesaid, and until after the collision I noticed that the "stop" and "go" lights at said intersection showed green for traffic traveling on the aforesaid Route 45; that immediately after the collision I went to the scene of the accident where I found the automobile which had been driven by Albert Drecoll, and which was a Ford or a Mercury automobile, practically demolished; that two persons were lying on the pavement alongside of the Drecoll automobile, which was standing upright partly on the pavement at the southeast corner of the intersection; that east of the automobile was the Army truck, where I found the men who had been in the truck; that three men had been in the truck—all of them wearing Army uniforms, and that two of them were colored men and one was a white man; that I talked to the driver of the Army truck and asked him how it happened and if he ran through the red light and he replied that he didn't know—that he must have fallen asleep; that one of the colored men was unconscious and that the white man said that he had been asleep and didn't know what happened; that this conversation with the men from the truck took place in the squad car, which I was driving that evening, about 10 or 15 minutes after the crash; that none of the men from the Army truck told me that the light had changed; and that the weather was clear and the pavement was dry at the time of said accident.

FRANK VALENTA,
Deputy Sheriff, Lake County, Ill.

Subscribed and sworn to before me, this 23d day of June A. D. 1941.

[SEAL]

WILLIS A. OVERHOLSER, Notary Public.

STATE OF ILLINOIS,

County of Lake, ss:

Albert Drecoll, being first duly sworn upon oath, deposes and says that his permanent residence is located at Grayslake, Ill., that he is now residing temporarily at 126 North Third Street in the village of Libertyville, county of Lake, and State of Illinois; that he was the driver of the automobile in which Caryol Norrine Reid, John Frederick Chapman, and Lucille Alice Miller were riding at the time of the collision, which occurred on March 1, 1941, at approximately 12:15 a. m., at the intersection of Illinois State Route 22 and United States Route 45 at Half Day, so-called, in the town of Vernon in the county of Lake and State of Illinois; that the automobile which this affiant was driving, as aforesaid, was a 1939 Mercury convertible club coupe; that said collision occurred between said automobile which this affiant was driving at said time and place, and a United States Army truck driven by James Duncan, of the United States Army; that at said time and place the said Caryol Norrine Reid was riding in the front seat with this affiant in his said automobile and the said John Frederick Chapman and Lucille Alice Miller were riding in the back seat of said automobile; that as a result of said collision, the said Caryol Norrine Reid, John Frederick Chapman, and Lucille Alice Miller received severe injuries from which they died, respectively, on said 1st day of March A. D. 1941; that shortly before the accident this affiant had met said deceased persons in Libertyville, Ill., where they got into his said automobile for the purpose of taking the said Lucille Alice Miller to her home at Aptakisic, Ill.

That they drove south from Libertyville on Milwaukee Avenue, so-called, to Half Day, so-called, in said town of Vernon, county of Lake, and State of Illinois; that north of the intersection in which the aforesaid accident took place, for a distance of approximately one city block, there is another intersection and at both intersections there were installed and in operation, "stop" and "go" lights at the time of the accident, and upon coming to the aforesaid northerly intersection in proceeding toward the scene of the accident, this affiant stopped for the "stop" and "go" lights and upon receiving the green signal, proceeded on United States Route No. 45 to the intersection of Routes 22 and 45, where the collision occurred; that the aforesaid Route 45 upon which this affiant was driving his automobile, as aforesaid, at the time of and just prior to the accident, runs northerly and southerly, while the aforesaid Route 22 runs easterly and westerly, and in approaching the scene of the accident, this affiant was driving his said automobile southerly on said Route 45; that in approaching the intersection where the accident occurred, the "stop" and "go" lights were showing green for traffic proceeding on said Route 45, the highway upon which this affiant was traveling, and they showed red upon Route 22; that upon arriving at the intersection of said Routes 22 and 45, this affiant was traveling approximately 35 miles per hour; that this affiant proceeded with his car into the intersection and upon entering the intersection and getting upon same, the lights were still showing green for traffic on the aforesaid Route 45 and red for traffic on the aforesaid Route 22; that at the northwest corner of the intersection there is a building which stands very close to the intersection and obstructs the vision of Route 22 westerly of the intersection for those traveling southerly on Route 45; that upon entering the said intersection where the accident occurred, this affiant did not see the aforesaid Army truck but immediately before the impact and after getting into the intersection, this affiant saw the light of the truck flash, that this affiant didn't hear or feel the crash but was knocked unconscious immediately, that he did hear Caryol Norrine Reid scream immediately before the impact; that this affiant was unconscious for about 20 minutes following the collision; that the collision occurred as a result of the failure of the aforesaid Army truck to stop for the red light facing on the aforesaid Route 22.

That said collision, in addition to causing the deaths of said Caryol Norrine Reid, John Frederick Chapman, and Lucille Alice Miller, also injured this affiant by fracturing two of his ribs and puncturing his right lung; that as a result of said injuries this affiant was confined to the Condell Memorial Hospital at Libertyville, Ill., for 8 days and was laid up a month after leaving the hospital for recuperation; that at the time of the accident this affiant was employed by the Kenosha Auto Transport Corporation of Kenosha, Wis., as a tow-bar driver, from which employment he received an average income of \$50 per week; that after the accident this affiant attempted to go back to work on said job of tow-barring automobiles but was unable to do the work because of the weakened condition caused by the aforesaid injuries which he had received; that this affiant is now employed in landscape work by C. B. Andrews, 8 East Huron Street, Chicago, Ill., from which

employment he receives \$5 per day on the days that weather conditions permit working; that this affiant has paid Dr. M. D. Penney, Libertyville, Ill., \$11 for medical services in attending said injuries and he has paid the Condell Memorial Hospital \$38.25 for hospital services in connection with said injuries; and that the aforesaid collision also made a complete wreck of this affiant's aforesaid automobile, that this affiant purchased said automobile in July of 1940, and paid therefor, \$795, that same was insured in the Trinity Universal Insurance Co. and that he has collected \$525 from the insurance company upon the loss sustained through the aforesaid wrecking of his said automobile.

ALBERT DRECOLL.

Subscribed and sworn to before me, this 11th day of June A. D. 1941.

[SEAL]

CORA E. HULL, *Notary Public.*

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