

Office of the Coroner, Cook County, Illinois

A. L. BRODIE, Coroner

TRANSCRIPT OF EVIDENCE IN CASE

No. 194
Month Year

118 Form 53 10M 12-41

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

BEFORE THE CORONER OF COOK COUNTY.

INQUEST ON THE BODY)
) FIRST SESSION.
 OF)
) Continued to 2-6-46.
EDWARD C. ZAJICEK.)

Transcript of the testimony taken and the proceedings had at an inquest held on the body of the above named deceased, before GEORGE E. MRAZEK, DEPUTY CORONER OF COOK COUNTY, ILLINOIS, and a jury, duly impaneled and sworn, at 2307 South Laramie Avenue, Cicero, Illinois, on January 21, A. D. 1946, at the hour of eleven a.m.

APPEARANCES:

MR. HENRY A. BLAIR,
on behalf of family of the deceased;

MR. A. J. CALLIENDO,
on behalf of U.S. Coast Guard.

HOLLEB REPORTING AGENCY.
MINA BROWN, Book No. 1296.

THE DEPUTY: This inquest will come to order.
This is an inquest into the death of Edward C.
Zajicek. Roll call of the jurors.

(Names and addresses of jury recorded.)

THE DEPUTY: Are there any legal representatives?

MR. BLAIR: Yes, Mr. Coroner. Henry A. Blair, 105
West Monroe Street, Randolph 3264, representing the
deceased's family.

THE DEPUTY: Any other representatives?

MR. CALLIENDO: Yes, representing the United States
Coast Guard. A. J. Calliando, 610 South Canal Street,
Chicago, Wabash 6955.

THE DEPUTY: Any other legal representatives?

All right, gentlemen of the jury, are you acquainted
with the deceased or the facts in this case?

THE JURORS: No.

THE DEPUTY: In hearing the testimony are you able
to render a fair and impartial verdict?

THE JURORS: Yes.

THE DEPUTY: Any objection to these gentlemen serv-
ing as jurors?

MR. BLAIR: No objection.

THE DEPUTY: The jury will be sworn and view the

remains.

(Jury sworn in over the remains of the
deceased.)

THE DEPUTY: Somebody from the Zajicek family here?

MR. BLAIR: Yes, the father is here.

THE DEPUTY: Have a seat there, please. Sit down.

EDWARD JOSEPH ZAJICEK,

called as a witness, having been first duly sworn,
was examined by DEPUTY CORONER MRAZEK and testified
as follows:

Q What is your name?

A Edward Joseph Zajicek.

Q And the address? A 1925 South 51st Court.

Q Cicero? A Yes.

Q What is your business or occupation?

A Supervisor at the Western Electric Company.

You are the father of the deceased?

A Yes.

Q What is your son's full name?

A Edward Charles Zajicek.

Q And his address, the same as yours?

A The same as mine.

Q The place of the occurrence, officer?

OFFICER SMETANA: 16th Street and 55th Court.

THE DEPUTY: That is in Cicero?

THE WITNESS: A Yes.

THE DEPUTY: The date of the occurrence, officer?

OFFICER SMETANA: 20th of January, at five a.m.

THE DEPUTY: And the place of death?

OFFICER SMETANA: He was pronounced dead on arrival
at the Loretto Hospital.

THE DEPUTY: All right.

(Family history not recorded in shorthand.)

THE DEPUTY: Q When was the last time you saw him
alive, Mr. Zajicek?

A About - possibly a quarter after nine Saturday
night.

THE DEPUTY: What did you give me for the time of
the occurrence?

OFFICER SMETANA: Five a.m.

THE DEPUTY: Does he have a social security number?

THE WITNESS: A If he has, I don't know.

Alvin, was there one in the wallet?

A VOICE: I don't know.

THE DEPUTY: He probably had one. You can have the
undertaker insert it in here.

THE WITNESS: He probably had one on record at Western.

Q Do you know who was the owner of this car that he was driving at the time of the accident?

A Mine.

Q What kind of a car?

A 1937 Oldsmobile, 8, town sedan.

Q How often did he drive that car?

A Well, he was driving since he is nineteen.

Q On and off he would be driving for four years?

A That is right.

Q Do you know anything about the accident itself?

A No, except what the police told me.

Q The last you saw of him was at nine o'clock?

A A quarter after nine.

Q And where was he going at that time? Do you know where he was going?

A No, he was going to meet his boy friend. He last saw him - one of them - at four o'clock in the morning on the corner of 22nd and 52nd.

Q Who was that, do you know?

A Somebody named Allen Zajicek, although he is no relation.

Q Is that boy the boy there (indicating)?

A No, that is my boy, Alvin.

Q Oh, that is your boy? A Yes, the other one was a pal of the other one. He is about the same age.

Q Now, this 1937 Oldsmobile, that was in good running order, was it? A Yes, sir.

Q You identified the boy here as your son, is that right? A Yes, sir.

THE DEPUTY: Any questions?

MR. BLAIR: None.

MR. CALLIENDO: No.

THE DEPUTY: Who is our first witness?

OFFICER SMETANA: There was no actual eye witness to it.

THE DEPUTY: What are you going to do? You are the Coast Guard?

MR. CALLIENDO: We have the driver of the other vehicle.

THE DEPUTY: Outside of that, what do you want to do? Do you want to close it with ^{the} driver only?

MR. BLAIR: If there are no other witnesses, I see no reason why it should be continued. The officer could testify as to what he has learned here, when he came to the scene of the accident, as to the position
6

of the cars, perhaps from the physical facts we might gain something.

THE DEPUTY: All right. Let us have the police officer.

FRANK SMETANA,

a witness called herein, having been first duly sworn, was examined and testified as follows:

THE DEPUTY: What is your name? A Frank Smetana.

Q Your address? A 2508 South 61st Court.

Q Police officer of the town of Cicero?

A Yes, sir.

Q Now, Officer Smetana, you made an investigation of this accident?

A Yes, sir.

Q And the accident took place where?

A At 55th Court on 16th street.

Q 16th street is an east and west street, is that correct?

A 16th street is an east and west street, yes, sir.

Q What is the width of 16th street at that point?

A I have a diagram here. Thirty-six feet.

Q Now, for those that are not acquainted with

16th street, will you just tell us what 16th street is composed of? Street end, what?

A Street, and alongside of it on the south is railroad tracks. It isn't used.

Q Well, will you give me the width again of the street?

A 36 feet for 16th.

Q That is just for the automobiles, is 36 feet?

A Just the automobile pavement, yes, sir.

Q 36 feet. And what are there, two tracks there?

A Just one.

Q One track? A That isn't being used.

Q Now, there is 55th street, that runs north -- I mean north and south?

A 55th Court runs from the south and ends at 16th Street. It don't go through.

Q It terminates at 16th? A Yes.

Q What is the width of 58th Court?

A 29 feet.

Q Are there stop signs for 16th street there at 55th Court? Are there any stop signs?

A There are.

Q Where are they located?

A This wasn't an intersection collision. It was a side swipe. One car was going east, one car going west.

Q They were both going on 16th street?

A Yes, sir.

Q Which car was going east and which one was going west? The Oldsmobile was going what direction?

A The Oldsmobile was evidently going west from the tire marks and position of the car and the impact.

Q What was the license number of this Oldsmobile?

A '45 license, 314286.

Q That is Illinois, '45? A Yes, sir.

Q And it is owned by Edward Zajicek, the father?

A Zajicek.

Q His initial, what was it?

MR. ZAJICEK: J.

THE DEPUTY: Q And it was being driven westbound on 16th street by the deceased, Edward C. is that correct?

THE WITNESS: That is right.

Q And the other vehicle involved is what?

A It was a 1938 Chevrolet panel truck, ton and a half. The license number of that was 45 F 8576,

Illinois plate.

Q Who was the owner of that truck?

A Well, he told me it was Tulips, Incorporated.

Q Who is that? Did you check it?

A We checked it and it belongs to Vaughan Seed Store, 601 Jackson boulevard.

Q On the corner of these plates?

A It is Vaughan Seed Store.

Q Did you contact the Vaughan Seed Store?

A That was left to the station to do when they came to bail him out.

Q This plate, 857645, is signed as what, Vaughan Seed Store?

A Yes, sir.

Q And they applied for that license?

A Yes.

Q And that plate - now what does he claim, who was the driver?

A Kenneth Bertoli.

Q Where does he live?

A 1867 South Avers Avenue.

Q Chicago?

A Yes.

Q His age?

A Thirty-one.

Q Married or single?

A I don't know. You can ask him.

THE DEPUTY: Well, what is it? Are you married or single?

MR. BERTOLI: Married.

THE DEPUTY: Q Does he have a chauffeur's license?

THE WITNESS: A Yes, sir, '45.

Q What is it? A 58-593.

Q Who is employed by?

A By the same place, Vaughan Seed Store. The statement he gave, the employee is Tulips, Incorporated. The address was Western Springs, Illinois.

THE DEPUTY: Anybody here from the Tulips, Incorporated? Anybody here from Vaughan's Seed Store?

(No response.)

THE DEPUTY: How do we know it belongs to them, whether he works for them?

THE WITNESS: A We just have the driver.

THE DEPUTY: Are you satisfied to close this case with the driver?

MR. BLAIR: No.

THE DEPUTY: We want to know whether Vaughan owns it or Tulips owns it. If you are not interested, I
11

am not. Is there anyone the Coast Guard seen. They just want to close the deal.

MR. CALLIENDO: The police ought to know.

THE DEPUTY: They don't have that information. How do we know he had permission to drive the truck? Did you get that information?

THE WITNESS: Well, it happened late in the morning. We had another accident right after that. We left it in the care of the station.

MR. BLAIR: Mr. Coroner, is the defendant going to testify?

THE DEPUTY: Now, you are a practicing attorney. How do I know whether he is going to testify? What if he refuses to testify, what testimony have we got other than what the officer tells us?

MR. BLAIR: I think we have a right to get that information.

THE DEPUTY: Yes, we have the right to get what information we need, but I think I am going to take the right to continue the case because the police haven't made the proper investigation. We don't know whether he has a right to drive this truck.

MR. BLAIR: I suggest it be continued.

THE DEPUTY: It won't interfere with the service.

You go ahead with the service. We will set it over a week or two.

MR. BLAIR: I think you should.

THE DEPUTY: We still don't know who the owner of the truck was. We don't know whether he has got the authority to drive the truck. Nobody representing him here.

MR. BLAIR: I suggest it be continued, Mr. Coroner.

THE DEPUTY: I want to check over there with this fellow to see who owns that truck. If we get conflicting stories as to who the owner is I think it should be continued.

THE WITNESS: Well, the story he told us --

THE DEPUTY: Q You got a statement from him?

THE WITNESS: A I have.

Q A signed statement? A A signed statement.

Q Who was present at the time the statement was taken?

A I, Officer Bielek and Officer Charles Verbiski. He explained that Tulips, Incorporated, bought out this Vaughan Seed Store.

Q As of what date? A I don't know.

Q Did he state as to what time he started working

that day?

A Well, he left Chicago for Morton Grove. That is the place where he picked up these tulips at seven o'clock Saturday morning. He worked all day, and at 3:30 in the morning he pulled out of Morton Grove with a truck loaded with tulip bulbs and some other seeds and things like that.

Q Is that what you found on the truck, tulip seeds?

A The truck was loaded. It was a closed panel truck. It was loaded with three ton of material.

Q Where is it now? A At 61st and Roosevelt.

Q In the custody of the police?

A Yes.

Q You have custody of the truck?

A Yes.

Q In taking the statement, - before you took the statement, you informed the driver of his constitutional rights, he didn't have to make a statement, is that right?

A Yes, sir, I informed him of all of that.

Q You are holding him now for the inquest?

A Yes.

Q Have bond set? A Oh, yes, a thousand dollar

bond.

Q He is out on bond, is he?

A Yes, sir.

Q He isn't in custody then, either? All right, how much time do you want?

MR. BLAIR: About two weeks.

THE DEPUTY: Two weeks? Better make it two weeks from tomorrow, if anything. Monday is a bad day. Make it February 6th at one o'clock, Cicero Town Hall. That is all.

(Whereupon the inquest was adjourned until February 6, 1946, at the hour of one o'clock P.M., at the Town Hall, Cicero, Illinois.)

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

CERTIFICATE.

I, MINA BROWN, do hereby certify that at the request of the Coroner of Cook County, Illinois, I took down in shorthand and transcribed the minutes of the foregoing testimony had and taken at the inquest held on the body of

EDWARD C. ZAJICEK,

deceased;

that the foregoing transcript of the testimony so taken and transcribed by me as aforesaid is a true and correct copy of the original minutes taken at said inquest, and is a true and correct statement of the testimony of each of the several witnesses who have testified at said inquest.

IN WITNESS WHEREOF, I hereunto set my hand this 21st day of January, A. D. 1946.

(Signed) Mina Brown.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

BEFORE THE CORONER OF COOK COUNTY.

INQUEST ON THE BODY)
))
 OF) SECOND AND FINAL HEARING.
))
EDWARD C. ZAJICEK.)

Transcript of the testimony taken and the proceedings had at an inquest held on the body of the above named deceased, before GEORGE E. MR AZEK, DEPUTY CORONER OF COOK COUNTY, ILLINOIS, and a jury, duly impaneled and sworn, at Town Hall, Cicero, Illinois, on February 6, A. D. 1946, at the hour of one o'clock p.m.

APPEARANCES:

MISS BARBARA A. McLAIN,
on behalf of the Coast Guard.

MR. ANTHONY MENTONE,
on behalf of driver of truck, K. Bertoli.

- - - -

HOLLEB REPORTING AGENCY.
Mina Brown, Book 1271.

THE DEPUTY: This inquest will come to order. The inquest into the death of Edward C. Zajicek. The first hearing was held on the 20th of January, 1946, at 2307 Laramie Avenue, Cecero. We have representing the family, we have the same attorney?

MISS MC LAIN: He isn't here.

THE DEPUTY: Not here?

MISS MC CLAIN. I am representing the Coast Guard.

THE DEPUTY: Who is representing the Coast Guard? What is your name?

MISS MC LAIN: Barbara A. McLain, Yeoman, second class.

THE DEPUTY: We had A. J. Calliando.

MISSMC LAIN: He isn't here.

THE DEPUTY: You are representing whom?

MR. MENTONE: I represent Kenneth Bartoli.

THE DEPUTY: What is your name?

MR. MENTONE: Anthony Mentone.

THE DEPUTY: Where is your office, Mr. Mentone?

MR. MENTONE: 77 West Washington Street.

THE DEPUTY: And the phone number?

MR. MENTONE: Central 8188.

THE DEPUTY: May I have the police officer?

R U D O L P H B I L E K,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

THE DEPUTY: Q What is your name? A Rudolph Bilek.

Q Your address?

A 2336 South Central Avenue, Cicero.

Q You are a police officer of the town of Cicero, is that correct? A Yes, sir.

Q Now, officer, did you make an investigation of the accident that happened on 16th street and 55th Court on the 20th day of January, 1946, about 5 a.m.?

A I did.

Q Now, this collision was between what, a truck and an automobile, was it? A Yes sir.

Q What make of truck and what make of automobile?

A 1936 Chevrolet, panel truck, ton and a half.

Q Going in what direction?

A It was going east on 16th street, 1937 Oldsmobile.

Q The owner and driver of the truck and everything, the whole thing?

A 1936 Chevrolet, ton and a half, panel, driven by Kenneth Bertoli, 1867 South Avers.

Q Is he a licensed chauffeur?

A Yes, sir. Chauffeur's license 58-593.

Q What is it, '45? What license number is that?

A '45, Illinois, and he is employed by Tulips, incorporated.

Q Where are they located?

A In Western Springs, Illinois, and it is also connected with Vaughan Seed Company, 601 West Jackson boulevard.

Q He is employed by Tulips, Incorporated?

A That is right.

Q Who was the owner of the truck?

A Vaughan Seed Company.

Q Do you have the number of the truck?

A No.

Q Besides the license number - the license number was F 8576, Illinois, '45?

A That is right.

Q How many trucks do they have, do you know?

A That I don't know.

Q What number truck was that he was using? Where is Bertoli? How many trucks do they have?

MR. BERTOLI: They had one, that is all.

THE DEPUTY: One truck.

MR. BERTOLI: Yes.

THE DEPUTY: Q And that Chevrolet truck was eastbound on 16th?

THE WITNESS: A Yes, sir, at the rate of fifteen miles per hour.

Q What is that, fifteen miles per hour?

A He was driving fifteen miles per hour.

Q On what side of the street?

A Well, he was partly in the westbound lane and the eastbound lane.

Q At the time of the accident, was he in the eastbound or westbound?

A He was half and half.

Q And the other vehicle involved in this accident was what make car?

A 1937 Oldsmobile sedan, license number 314-286, '45, Illinois.

Q Owned by whom? A Driven by Edward Zajicek, Junior, 1925 South 51st Court.

Q Who is the owner? A Owned by Edward Zajicek, Senior, 1925 South 51st Court; he was driving west on 16th street, speed unknown.

Q What part of the two vehicles come in contact

with one another?

A The Chevrolet truck, the left side, and the Olds -
mobile sedan, the left side.

Q What is the lighting condition on the morning
of the 20th at five a.m.? A Good.

Q Was it light or dark?

A It was light. The street lights were on.

Q All right. Just answer my question. Was there
darkness at five o'clock in the morning?

MR. MENTONE: It is dark at that time.

THE WITNESS: A It is a little dark at that time,
but the street lights were lit.

THE DEPUTY: Q What is the condition of the lights
there? Where is the closest light to where the ac-
cident happened?

A The closest light was about 75 feet away from
there.

Q Which way? A East of the accident.

Q Would that light illuminate the whole street?

A It does. It reflects down.

Q You say there were good lights. Darkness. Good
lights, is that it?

A Yes, sir.

6 Q What is the condition of the road, was it in

good condition, 16th street?

A Yes, sir.

Q No defects in the road? A No, sir.

Q Now, what was the condition of the road surface, wet or dry, snowy, icy?

A Snowy.

Q It had been snowing? A Yes, sir.

Q What was the condition of the driver, Bertoli, had he been drinking?

A No, we didn't smell anything on him.

Q Did he tell you he had been drinking?

A No.

Q And where was he coming from?

A He was coming from the Tulips, Incorporated, in Western Springs.

Q What time does he start work for the Tulips, Incorporated?

A Well, he claimed he went down there - he starts about 7:30 in the morning and he worked all day and he was driving the truck into Chicago.

Q He went there on what day, the 20th of January was what day? A He went there the 19th.

Q On the 19th. He went there what time, do you
7

know? A About 7 in the morning he left Chicago.

Q And he worked all day on the 19th?

A That is right.

Q And what did he do in the evening of the 19th?

A Well, he said he sat around in there and then about 2:30 in the morning he started driving for Chicago with the truck.

Q From Western Springs? A That is right.

Q By what way, Springfield, did he come to Chicago?

MR. MENTONE: I think he left at 3:30.

THE DEPUTY: Western Springs is ten miles from here.

MR. MENTONE: It takes a good hour -

THE DEPUTY: Western Springs is ten miles from here. He only went a mile an hour.

MR. MENTONE: He left Morton Grove, I understand, not Western Springs. Kenneth, come here a minute. Did you leave Western Springs or Maton Grove?

MR. BERTOLI: Morton Grove.

MR. MENTONE: At 3:30 in the morning.

THE DEPUTY: Did he leave Western Springs or Morton Grove?

THE WITNESS: Well, I didn't take this. My partner took it. Morton Grove.

THE DEPUTY: Q Were you able to determine as to what route the truck had taken or the automobile? Was it, say, a straight easterly and westerly route they had taken? It was snowy. You were able to see tire prints in the street, is that right?

A That is right.

Q Of both vehicles?

A On the car, we couldn't see very good.

Q On the truck, you were able to determine as to what route this truck had taken, is that right?

A That is right.

Q And checking it from 56th street, could you tell the jury the distance, as to where the truck was in the street?

A Well, just west of the accident from 56th Avenue there is a small curve in the street, and the driver claims he was driving north on 56th Avenue, and he made a right turn into 16th street.

Q He was coming north on 56th street?

A That is right.

MR. MENTONE: He must have been coming south, wasn't he?

THE DEPUTY: No, north, he said he was coming, north on 56th street. Wait a minute -

MR. BERTOLI: South.

THE DEPUTY: I think he was just going. He don't know where he was going. As long as you didn't question him you don't have it there.

THE WITNESS: No, I haven't got that here.

Q All right. From 56th Street to where the accident happened, can you tell me where these tire marks were in reference to the north curb of 16th street?

A They were fifteen feet from the left side of the truck. The truck was fifteen feet away from the north curb.

Q At the time of the accident?

A That is right.

Q All right. Now, go back here to 56th street. You were able to check these tires all the way to 56th up to where the accident was?

A No, to about fifteen or twenty feet. Fifteen or twenty feet we noticed the truck tires.

Q And those were fifteen feet south of the north curb; that would be in the westbound lane, is that right?

A That is right.

Q That isn't what your partner told me. He said all the way from 56th down here this truck seemed to be

on the north side of the street more than on the south side of the street. That is what he told me at the first hearing. Now, let us get consistent here. Was it this way or was it that way?

A Well, as far as I have seen - I have seen fifteen or twenty feet from the truck - the tire tracks.

Q He said it was going all the way back?

A My partner was doing the investigating. I was trying to get this fellow out of the car.

Q Going all the way back to 16th street, he said that man was closer to the north curb. You are probably confused. I don't know how much snow was on the street, but he was able to determine just the course that truck had been going up to the point of impact. He was almost to the north curb at one time. You don't have a statement in there like that?

A No.

Q Then these tire marks you did observe were how far west of the truck at the time?

A About fifteen to twenty feet.

Q And they were where, do you say, with reference to the north curb?

A Fifteen feet away from the north curb, the left

side of the truck.

Q How wide is the street at that point?

A Thirty-six feet.

Q That would be about - half of thirty-six would be eighteen feet. That would put him a little over to the center of the street, is that right?

A About three feet over the center.

Q And that is actual measurements?

A That is right.

Q And did you see any tire marks north of this point on the street at any time? Were they further north than what you saw them there?

A No, as far as what I seen of it.

Q You didn't see them? A That is right.

Q And Bertoli is how old? What is his name, Bertoli?

A Twenty-three years - no, thirty-one years.

Q Just where did the impact take place in reference to 55th Court?

A Approximately five feet west of the west curb of 55th Court. There is no crosswalk there.

Q 55th Court runs right into 16th. That is where it terminates, is that right?

A That is right.

Q This is the statement you had taken from him (indicating)?

A That is right.

Q And there was only one occupant in both cars, is that right, the truck and the car?

A There was what, sir?

Q One occupant, that was the driver?

A That is right.

THE DEPUTY: All right, any questions?

MR. MENTONE: Yes, Mr. Coroner.

Q Officer Bilek, were there any automobiles parked on 16th street at either the north or south curb?

A No, sir.

Q For how many feet in an easterly or westerly direction from the scene of the accident were there any automobiles parked at either curb?

A There was no automobile parked from 56th Avenue all the way to 52nd Avenue.

Q 56th Avenue to 52nd Avenue?

A That is right.

Q Now, are there any dividing lines on this street? In other words, are there any marks or white lines that divide the lanes on this street?

A Well, if there was, the snow covered them.

Q But if there was no snow was there any?

A There usually is. I don't know if they are worn out now or not.

Q And was it snowing lightly, heavily or moderately?
A Lightly.

Q These tire marks you saw, that began at a point fifteen feet west from the point of impact, did they proceed in a straight direction or did they deviate?

A They deviated about six feet. I mean six inches to ten feet.

Q Deviated about six inches.

A From what I seen of it.

Q Something about six inches, did you say?

A Six inches to ten feet.

Q Ten feet or ten inches?

A Ten feet. In other words, a six inch slant to ten feet.

Q I see. A six inch slant to ten feet.

A That is right.

Q You got there how soon after the accident, officer?
A Oh, approximately about two to three minutes.

Q And then did you observe the condition of both vehicles when you got there?

A I did.

Q Did you observe the truck, - which part of the truck was damaged?

A The left side of the truck.

Q Beginning at a point where on the truck?

A From the front cab.

Q From the cab. That would be near the driver's seat?

A That would be part of the left front fender and rear end of the left front fender.

Q And it worked backwards, is that correct?

A That is right.

Q Any part of the front of the truck damaged?

A No, sir.

Q Which part of the Oldsmobile was damaged?

A The whole left side.

Q Beginning where? A From the right front fender - or left front fender, I mean.

THE DEPUTY: Both left, aren't they?

THE WITNESS: A That is right.

Q One going west, one going east?

A That is right.

MR. MENTONE: Q Except that the impact as to the truck began at a point back of the motor, is that

correct?

A Yes, sir.

Q You talked to Mr. Bertoli after the accident?

A Well, I didn't have much to say to him.

Q Did you talk to him at all, Officer?

A Well, a little bit.

Q Was he coherent in his speech?

A He was.

Q Did you smell any intoxicating liquors on his
breath?

A Well, I didn't.

MR. MENTONE: That is all, Mr. Coroner.

THE DEPUTY: Q Now, I think we failed to ask you
where the vehicles were after the impact. What
happened to the driver, if anything?

A The Oldsmobile, after the impact, went about
thirty-five feet west over the curb facing south.

Q Over which curb, north curb or south curb?

A The north curb.

Q It was facing south? A That is right.

Q Did it strike anything there at all?

A He must have struck the curb.

Q How high a curb do you have at that point?

A About five or six inches.

Q And the car was righted, it didn't turn over?

A It didn't turn over, no, sir.

Q Where was the truck? A The truck was - stayed at its position, or maybe moved about five feet.

Q Where was that in reference to the center of 16th street? A That was - well, about half and half on the dividing line. Half of the truck was in the westbound lane and half in the eastbound lane.

Q What direction was that facing?

A Directly east.

Q Did you notice whether the lights were burning on the truck or not?

A Yes, sir.

Q They were?

A Yes, sir.

Q All right. How was the deceased moved, who moved the deceased?

A Well, we moved the deceased. We had the fire department over there to help us get him out of the wreckage, and had the ambulance there to move him to the Loretto Hospital.

Q The fire department here in Calicero moved the body from the damaged car, is that right?

A That is right. They helped us.

Q What caused the deceased - how was it you could not get him out? You tellus something about that. What was his condition whenyou found him?

A Well, the steering wheel was stuck on his abdomen, and his feet were pinned underneath the dashboard, and his head was caught by part of the roof of the car.

Q And then the Cicero police department removed the body from the wreckage, is that right?

A Yes, sir.

Q And the ambulance had taken him to the hospital?

A That is right. Well, the fire department - what they did - was help us straighten out the body so we could get him out of the body of the car because we didn't have any crow bars.

THE DEPUTY: Anything further, Mr. Mentone?

MR. MENTONE: Now, he said one half of the truck was in the eastbound lane and one half of the truck was in the westbound lane. I would like to know which half was in which lane.

THE DEPUTY: Going east, what lane do you think it would be?

MR. MENTONE: I don't know, Mr. Coroner. I wasn't there.

THE DEPUTY: Half of the truck was in the eastbound, half of the truck was in the westbound. Explain that here (indicating on diagram.).

A The left side of the truck was in the westbound lane, and the right side was in the eastbound lane.

MR. MENTONE: I thought maybe you were talking about the front half and the rear half.

A No.

THE DEPUTY: Q You set them about the center line of the street, apparently it was straddled by the truck, is that right?

A That is right.

THE DEPUTY: All right, that is all. All right, let us have the driver. All right, sit down and have a set.

To the same officer.

Q Calling your attention to this photograph of the truck, where would you say you saw no part of the front part of this truck was damaged? What do you call this, isn't that the front?

THE WITNESS: (Officer Bilek) I didn't investigate that. My partner was investigating that. All I seen was this here part here.

Q According to this photo here there is the front part of the truck damaged, is that correct?

A That is right.

Q This truck that was involved in this accident?

A That is right.

Q Is this all thrown on top of it?

A That is the car.

Q Is that the way the car was?

A Yes. You see, he was pinned right underneath this here part (indicating photograph).

Q It looks like everything had been forced up. That is apparently where he was driving from here, that is the steering wheel.

A That is right.

Q What is that, a coupe or sedan?

A Sedan.

MISS MC LAIN: All these pictures that were taken are made part of the Coast Guard record?

THE WITNESS: They belong to the Coast Guard.

THE DEPUTY: All right, the driver.

Now, you are Kenneth Bertoli, are you?

MR. BERTOLI: Yes.

THE DEPUTY: It is my duty as Deputy Coroner at

Cook County to inform you of your constitutional rights. You need not testify in this case unless it is of your own free will and accord. Anything you may testify to might be held against you now or any other future time. Knowing this, do you want to testify?

MR. BERTOLI: Yes, sir.

THE DEPUTY: All right, raise your right hand, please.

KENNETH BERTOLI,

called as a witness, having been first duly sworn, was examined by Deputy Mrazek and testified as follows:

Q Your name, again? A Kenneth Bertoli.

Q You live where, Kenneth? A 1867 South Avers.

Q. What is your business or occupation?

A Foreman of Vaughan's warehouse, Morton Grove.

Q You are a foreman? A Yes, sir.

Q What hours do you work at the Morton Grove plant?

A My hours vary, sir. I generally work until I finish. From eight in the morning until I complete my time.

Q Is there anybody here from Vaughan's? Is the boss here? Is there any timekeeper here?

(No response.)

Q What do you do? Do you punch a clock or anything?

A No, sir, I don't. I don't punch a clock.

Q Are you on a weekly roll or monthly roll?

A Weekly pay roll.

Q Who keeps your time? A My time is turned
in by myself.

Q You are the timekeeper and foreman, is that
right? A That is it.

Q Calling your attention to the 19th day of Jan-
uary, you were employed by the Vaughan's Seed Com-
pany or the Tulips, corporation, which one?

A Well, it is Vaughan Seed Store.

Q You get your checks from Vaughan Seed, is that
right? A Yes, sir.

Q Where is the Tulips, Incorporated, where does
that come in?

A That is out at Western Springs.

Q Where do they come in this picture, Tulips,
Incorporated? A Oh, they raise tulips out at
Vaughan's warehouse and we haul them to Western
Springs, Tulips, Incorporated, Western Springs.

Q Has that company got anything to do with this
22

case?

A No, sir.

Q How do they get in the picture?

A Well, I happened to mention it. I was hauling tulips to Western Springs, Tulips, Incorporated.

Q They had nothing to do with this case at all, is that right?

A No, sir.

Q You are employed by the Vaughan Seed Store of Chicago?

A Yes.

Q This is a corporation also, is that right?

A That I don't know.

Q Have the police checked as to whether this man - where he had worked? Let me see that card. Did you have an investigation? You let the boss come in here and you let him go, and there is nothing to it. Now, who do you work for? Let us get the record straight once and once for all.

A I work for Doctor Holman, indirectly. Tulips, Incorporated, which is part of Vaughan Seed Store.

Q You get paid by Vaughan, is that right?

A My check comes from Vaughan Seed Store, yes.

Q The only reason I am trying to get your record straight - talking with Mr. Vaughan of Vaughan's Seed, you were employed by Tulips, Incorporated, a subsidiary of Vaughan. Let us get this straightened

out. And, also, Mr. Bertoli, you had their permission to drive the truck, is that right?

A Yes, sir.

Q Gee, the boss ought to know whether you worked for Vaughan or Tulips. He said you worked for Tulips, Incorporated. You said you worked for Vaughan. They might carry you on the Tulips payroll. Now, let us get back to the 19th, what time did you start work on the 19th day of January?

A On the 19th day of January, I started at eight o'clock.

Q From where?

A From Morton Grove.

Q You got out there at eight o'clock in the morning?

A I was there at eight o'clock in the morning.

Q How did you get out to Morton Grove?

A On the train.

Q That is in Chicago. You left your home to go to Morton Grove?

A Yes.

Q Is that your regular routine, you go to Morton Grove to work?

A Yes.

Q You got out there about eight o'clock. What did you do on the 19th - that is eight o'clock a.m., is that right?

A Eight a.m., yes, sir.

Q You worked until what time?

A I worked until about eight o'clock p.m.

Q All right. What happened that evening?

A Well, I went across the street, had something to eat and stood around there until about 3:30.

Q Now, across the street from where, let us get that straight.

A Cross the street from the warehouse.

Q That is known as what?

A That is Louis Wachbaur.

Q That is at Morton Grove?

A That is at Morton Grove.

Q You had something to eat there, did you?

A Yes, sir.

Q You also had something to drink there, is that right?

A Yes.

Q You had two glasses of beer, is that what you said last time?

A Yes, sir.

Q You left when? Just about when did you leave there? A Well, I left there about 2:30 the following morning and went back to the warehouse.

Q Wait, wait. You are getting away ahead of me here. You worked from eight to eight p.m. Then you

went over to eat.

A Yes, sir.

Q You want to eat at eight; you left there at 2:30 in the morning, is that right?

A Yes, sir. I had been going back and forth to the warehouse to check my temperatures, and doing work, back and forth there.

Q Then how many times would you go across the street and back, would you go from Louis to the warehouse?

A Oh, I would run into some friends and we would stand and talk outside. We would talk over in the warehouse.

Q And during all that time you only had two glasses of beer, is that right?

A Yes, sir.

Q At 2:30 you went where, did you say?

A At 2:30 I went back to the warehouse and finished my work at the warehouse.

Q What time did you get through there then?

A It was about 3:30 .

Q Then what did you do after that?

Q Then I warmed up the truck and started home.

Q You were driving immediately home, were you?

A I was on my way home.

Q I thought the officer said you had a load of tulips on the truck?

A I did have a load of tulips on.

Q You were going to go home with the load of tulips, is that right?

A Yes, sir.

Q You had no sleep from the 19th all the way to this time at 3:30 in the morning, is that right?

A No, sir. I wasn't tired.

Q But you didn't have any sleep during the entire day until 3:30 in the morning?

A No, sir.

Q Now, from Morton Grove what route did you take, in to Chicago?

A Central Park south.

Q Does Central take you right into Morton Grove?

A Well, there is a dirt road runs right across the railroad tracks right straight into Central and they call it Lehigh Avenue and Railroad Avenue. That runs right directly into Central Avenue.

Q You take that right to 16th Street, is that right?

A Yes, sir.

Q And when you got to 16th street, you have a left turn, do you? A Yes, sir, a left turn.

Q That is on your way to 1867 Avers, is that correct? A Yes, sir.

Q Where do you usually keep this truck?

A The truck is parked right along side of the house.

Q Now, calling your attention to the 20th, at five a.m. in the morning, as you approached 55th - you know where the accident took place, don't you?

A Yes, sir.

Q Where was this automobile when you first observed it? A When I first observed it,

the automobile was about a block and a half east of me coming in the opposite direction.

Q What was it you could observe, the automobile or the lights? A The lights.

Q In what part of the street was the automobile or the lights?

A They seemed to be on my left hand side.

Q In what part of the street were you driving the truck in?

A I was on the right hand side.

Q Go ahead; as you approached 55th where was this

automobile?

A As I approached 55th, the next I seen was the flare of lights turning in, making a left hand sway.

Q Left hand sway; that would be what way?

A Swaying off to the left of the truck.

Q What part of the truck and what part of the automobile collided?

A I was hit on the left hand side.

Q What part was the automobile hit on?

A The automobile was hit on the left hand side.

Q You were not able to blow your horn or stop any time before the impact, is that right?

A No, sir. It was very sudden.

Q Do you have an opinion as to how fast you were going?

A I had just made the turn and I wasn't going any more than between ten and fifteen miles an hour.

Q How much was it snowing? Could you see the snow coming down there, was it snowing harder than that (Indicating outside.)?

A No, at that present time it just ceased snowing.

Q Visibility was good, was it?

A The visibility was good.

Q All right. After the impact, how far did your truck continue eastward?

A The truck stopped dead.

Q Did you apply your brakes?

A No, sir.

Q What caused the truck to stop dead?

A The rear left wheels were turned to the left causing the transmission to - or the differential to disengage, and that stopped the truck right where it stopped.

Q What direction did the other vehicle take from there to the point of impact?

A He went about thirty feet and turned and headed south.

Q It went thirty feet to what direction, did you say?

A Thirty feet to the west, approximately.

Q Straight west? A Well, after the accident he must have continued west and then turned.

Q All right. After the vehicle came to a stop, complete stop, can you tell the jury just where it stopped in reference to where the truck had stopped?

A It had stopped about twenty feet off of the left rear back of the truck, and it was headed in a southerly direction.

Q And was it north or south of the truck?

A It was north of the truck.

Q Was it closer to the north curb than the south curb? A It was closer to the north curb.

Q All right. What did you do after the impact then?

A After the impact, I got out of the truck, ran over to the car, tried to lift the top off, and then the police appeared and others gathered around, and then the ambulance came and took him away.

Q How often do you drive this truck?

A I drive it fairly steady, not every day, but in the last year and a half I have been driving it - oh - five or six times a week.

Q That is steady enough. How many days a week do you work over there? A During our busy season we work about seven. I work seven.

Q Other than the busy days how often do you drive a truck?

A I drove it all summer, hauling back and forth.

Q Who is your steady truck driver on this truck?

A There is no steady truck driver. We did hire

a truck driver when it is necessary, but I am the only steady employee at Morton Grove. Other than that we hire the help as we need it.

Q You are everything out there, foreman and truck driver and everything, is that right?

A Yes, sir.

Q That accounts for that. You handle the truck and the warehouse?

A Yes.

Q It is customary - you use this truck in your transportation to your own home?

A Since I sold my car I had, yes.

Q The company allows you to use the truck that way?

A Yes.

THE DEPUTY: Alright, any questions?

MR. MENTONE: Just one question:

Q Did the truck strike the automobile or did the automobile strike the truck?

A The automobile struck the truck at the left.

MR. MENTONE: That is all.

THE DEPUTY: Q You were in your proper lane where this accident happened?

A Well, it seemed to me it swung over pretty far.

Q I asked you the question, - If you were in your proper lane when the accident happened, from where the truck and the automobile collided?

A Yes, sir, I was.

Q It still would have happened?

A Yes..

Q If you were over five feet more to the south, it would still happen?

A Yes, I believe it would.

Q How wide is your truck?

A Six feet.

Q And it struck the front left fender?

A That is right.

✓ Q Well, that is your opinion. You are entitled to an opinion, is that right?

MR. MENTONE: For whatever it is worth.

THE DEPUTY: All right. Any questions?

THE JURY: No.

THE DEPUTY: Does the family want to ask the man any questions? What about the Coast Guard?

MISS MC LAIN: Do you have an estimated speed of the driver of the coast Guard automobile?

THE DEPUTY: Do you know how fast he was going?

Q It was a pretty fair rate of speed, I think.

Q Well, would you say twenty-five miles an hour or fifteen?

A No, faster than that. Somewhere between forty-five and fifty as he approached, the lights, and the instantaneous collision, the quickness of it.

THE DEPUTY: Anything further?

MR. MENTONE: Q Were the lights burning on the Oldsmobile?

A Yes, sir.

THE DEPUTY: Is that all?

MR. MENTONE: That is all.

THE DEPUTY: That is all. Does anybody present know of any reason why this inquest can't be closed at this time? Let the record show there was no response. We will read the doctor's report on the cause of death of Edward Zajicek. It was due to a fractured neck, fractured forearm, fractured clavicle, fractured wrist and multiple abrasions. Signed by Jerome Kaiser, Coroner's physician.

All right, Gentlemen of the jury, you heard the testimony presented. You deliberate on the same. After you reach a verdict call the coroner and we will prepare it in legal form.

(Jury retired.)

THE DEPUTY: All right, gentlemen of the jury,
have you arrived at a verdict?

THE JURORS: Yes.

THE DEPUTY: What is the verdict?

A JUROR: From the testimony presented, we, the
jury, believe it was accidental.

THE DEPUTY: Accidental. That is all of the inquest.
Sign the verdict and that concludes the inquest.

- - -

(Which was all of the testimony offered
and proceedings had at the inquest held
upon the body of the deceased named herein.)

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE.

I, MINA BROWN, do hereby certify that at the request of the Coroner of Cook County, Illinois, I took down in shorthand and transcribed the minutes of the foregoing testimony had and taken at the inquest held upon the body of

EDWARD ZAJICEK,
deceased;

that the foregoing transcript of the testimony so taken and transcribed by me as aforesaid is a true and correct copy of the original minutes taken at said inquest, and is a true and correct statement of the testimony of each of the several witnesses who have testified at this, the second and final session of said inquest.

IN WITNESS WHEREOF, I hereunto set my hand this 7th day of February, A. D. 1946.

(Signed) Mina Brown.