Witch Hunt in the Snow:

Progressive Era Ideology in the Courts and Newspapers Following America’s

Deadliest Avalanche

Kevin Curlett

9/2/11

Hist 400
Introduction

Few nightmares could be more frightening than being thrown down an icy, tree-laden mountainside inside a train car that has been struck by an avalanche by the dead of night. But that is exactly what happened to over one hundred passengers and employees of the Great Northern Railroad on March 1\textsuperscript{st}, 1910, as their train was crushed in the snows of the Cascade Mountains, near the small town of Wellington in Steven’s Pass. Ninety-six lives were lost that snowy night in what became—and what remains to be—America’s deadliest avalanche. The nightmare of this traumatic event has largely left the nation’s collective memory, and lingers only as a piece of local history or mere trivia. Unlike larger disasters in the same decade, such as the sinking of the Titanic or the Triangle Shirtwaist Factory fire, no significant lessons were learned; no relevant legislation was enacted or even proposed. The loss of life did, however, severely shock much of the public, most notably the residents of the continually expanding American West who read of the catastrophe in the daily newspapers.

1910 also marks a year of high water in the Progressive Era, a watershed period of reform and rethinking of the role of government and industry in society. The Progressive Era should not be thought of as a cohesive movement, but rather, in the words of the historian Richard Hofstadter, a “broader impulse towards criticism and change” that consisted of a “widespread and remarkably good-natured effort of the greater part of society to achieve some not very clearly specified self-reformation.”\textsuperscript{1} The aspects and institutions of society that progressives sought to reform consisted primarily of government (especially local), banking, medicine, insurance, education, industry,

religion, and railroads, although there were many others in addition to these. The ideology of reform that the progressives brought to these institutions also embraced the social sciences in everyday life and decision-making.

So, how can the tragedy at Wellington be thought of within the framework of the Progressive Era? This becomes apparent only when looking at the relevant legal investigations and media attention given to the avalanche. **It is the thesis of this paper that the two progressive ideologies of accountability of industry and efficiency were in the forefront of shaping the debate over who was to blame for Wellington, both in the investigations and in the media.** In order to provide evidence to this argument, we must first understand the significance of the two buzzwords *efficiency* and *accountability*, and see how the two ideas actually fit into the greater Progressive Movement. Then we can examine the court cases and newspaper battles with the correct mindset for this problem. However, before we get to these items, some details of the disaster itself must be laid out.

### The Avalanche

In cliché terms, the incident was the result of *a perfect storm*, as the late days of February that year yielded feet upon feet of ice, freezing rain and snow. These three types of precipitation were piled on top of each other like a layered cake; only in this case they were primed not for eating, but for an avalanche. Analogies aside, Stevens Pass saw over 15 feet of precipitation, mostly consisting of snow, in the seven days preceding the
disaster. On the night of the avalanche, a mail clerk and veteran of the No. 27 line though the pass noted in his diary, “It was snowing heavily, very heavily … [as if] somebody was plucking a chicken.” The storm started slowly, beginning just one day before Great Northern’s No. 25 train left Leavenworth, the last safe haven before the tracks climbed up into the mountains. They left Leavenworth per orders of the Cascade Region Superintendent, James O’Neill, at 1:30AM on February 23rd, following a rotary snowplow. The coal-powered snowplow they followed—one of five used by the railroad on the line—was mighty enough to clear up to 10 feet of snow at a pace of a few miles per hour. This is pace that the train known as The Seattle Express preceded for 8 hours until it stopped just outside the small Cascade Tunnel Station, with the Fast Mail Train stuck behind it on the single track. The two trains named for their prized efficiency and speed were now trapped in the growing snows of what was quickly becoming one of the Cascade’s worst storms on record.

After a hearty breakfast and re-coaling, the plow and two trains made their way though the two-mile long tunnel to find even higher snow on the other side. After bursting through the initial wall, they made their way at a rate of less than one mile per hour towards Wellington. In this section, the snow was beginning to overwhelm the ten-foot plow, necessitating a small crew of men to lower the snowfall with shovels before it

---

4 Great Northern Railroad, “Lawsuit Correspondence, Depositions and Brief [Incomplete],” July 1910-11, Great Northern Railway Company Wellington Disaster records, Sophie Frye Bass Library.
5 Ibid.
could be tackled by the machine. Soon after the plow leading the trains left the tunnel, a second plow left Wellington, eight miles away and heading east. The second plow carried a much larger crew of shoveleres, resulting in the two meeting by nighttime. The No. 25 and No. 27 (the names of the passenger and mail trains, respectively) made it to the small railroad town of Wellington before the end of the 23rd, and stayed there until their destruction six days later on March 1st. What occurred in those six days was the manifestation of an increasingly dire situation.

By the second day superintendent O’Neill had made his way from Everett to Wellington via his private coach. On the scene, he could directly administer the workforce of the hundred or so workers stationed at Wellington. However, the problem facing Great Northern was not one of a labor shortage, but simply a massive snow surplus. They did not have the equipment, the time, or the luck of the weather on their side; and so it went for five whole days. It was an upward battle that was measured not by the mile of track cleared, but the foot. For those five days, the passenger and mail train moved continually, but never in the manner the passengers so desperately yearned for in their journals. Ned Topping, on the final leg of his journey all the way from Ohio wrote in his journal on the 3rd night, “This makes 30 hours here in the same spot. It’s still snowing hard…. Conductor this morning says snow over there [at the Wellington station] is 20ft deep and slides back as fast as taken away.” They changed tracks continually to accommodate the needs of the snowplows that were continually breaking down. When they did move, it was only along the one or two mile portion of track that was continually

kept clear. Interestingly, even with the increasingly large threat of an avalanche, the trains were never moved into the nearby tunnel, just to the east of the Wellington station. This was not considered an option at the time, for the fear of the coal fumes building up and suffocating the passengers and crew was rampant.9

By some point during the last days trapped in the mountain pass, many of the workers and passengers had given up hope for ever getting out, leading an adventurous trio of passengers to set out by foot for the next station down the line: Scenic.10,11 The group made it there relatively safely, trading seven miles of hardship for their lives. The cabin fever they sought to escape ending up being the least important thing they avoided. And then in the early morning hours of March first, the slide came. Left dead after it finally put the trains to rest 150 feet down the canyon were thirty-five passengers and fifty-eight employees. The majority of the two groups were sleeping peacefully in the sleeper cars of the Seattle Express. Three additional employees were killed when the same slide hit the small control shack they were in nearby. The destruction was on an unprecedented scale. All of the wooden cars were completely destroyed; only permitting a handful of survivors. Immediately the town of Wellington must have asked, ‘why did this event happen? Why were the cars parked below such a steep and treeless slope?’ Their questions would remain temporarily unanswered due to the immediate action needed to help the survivors, but would rise again in the coming weeks and months.


10 Ibid., 16.

The Progressive Era

Efficiency played an important role throughout the various efforts of the Progressive Era, and also garnered its own subsection of the greater reforms, known as the efficiency movement. The belief that through science, the “one best way”\textsuperscript{12} to achieve goals could be found was not only the cornerstone of Frederick Winslow Taylor’s scientific management, but also progressive ideology at large. A newfound emphasis on efficiency was tied into new scientific tools, as well as newly developed technologies for everyday life. The amount of technological change that came in the decades prior to the event fundamentally changed the way people lived. More so, it changed how they worked in increasingly competitive labor markets. Hofstader writes, “American business itself had entered a new phase. Before the 1890’s it had been too absorbed in the problems of plant construction, expanding markets, and falling prices to pay attention to either efficiency or the moral of its workforce.”\textsuperscript{13}

In reference to the American West, the railroad was a far more efficient transporter of people and goods than any pervious option, such as the stagecoach. These new technologies enabled people to communicate, travel, produce goods faster, and in a more abstract sense, to live more efficiently. Reformers put pressure on all types of institutions to be more efficient as well, from local governments to the Postal Service. In the still newly industrialized world,

\textsuperscript{12} This phrase was coined not by Winslow, but by Frank Bunker Gilbreth, Sr., also an advocate of scientific management. Kanigel, Robert. \textit{The One Best Way : Frederick Winslow Taylor and the Enigma of Efficiency}. New York: Viking, 1997

\textsuperscript{13} Hofstader, The Age of Reform, 242.
“efficiency emerged as a mantra,” one historian wrote, “precisely because it was elusive, capable of translation and metamorphosis.” These practices permeated every industry, especially railroads, that at the time were soaring and speeding examples of human ambition and accomplishment. However, not all notions associated with efficiency were positive. Many feared Taylor’s idea that, “In the past Man has been first. In the future the System will be first.” Today the quote can be viewed as an overblown Orwellian paranoia, but at the rate of societal, institutional and technological change in the early 20th century, it was a legitimate fear. The march of efficiency was on an unsustainable pace in 1910, on the fast track to keep up with the increasingly radical ideas of Taylor and his contemporaries. Whether the ideas of efficiency were applied to mechanical, societal, governmental, or industrial systems; the result was the same.

Efficiency was not the only battle cry of the Progressive Era; accountability of the newly gained powers of the nation’s industrial corporations was seen as essential to maintaining a democracy in which the people were protected. Progressives sought to reform every aspect of business, from unions and labor rights to consumer protection to monopolization to environmental degradation. Driven by a sense of social justice, those who chose to reform industries faced massive battles, especially against the then extremely powerful and rich railroad companies. This is not to say that corporations were a brand new locus of power in the 20th century, but rather a quickly growing one that was in increasing need of political checking. Accountability did not just manifest in legislation and preventative actions, but also in the courts. Muckraking journalists who

15 FW Taylor, quoted in Kanigel, The One Best Way, ix. (Emphasis added.)
took on the role of whistleblowers were soon backed up by lawyers and politicians in
their quest to clean up industries.

The quest for accountability of industry played out on a national political scale,
resulting in much specific regulatory legislation for each industry, as well as more
general laws. In a comprehensive explanation for the need to regulate corporations,
Theodore Roosevelt wrote in his autobiography:

> A simple and poor society can exist as a democracy on a basis of sheer
> individualism. But a rich and complex industrial society cannot so exist;
> for some individuals, and especially those artificial individuals called
> corporations, become so very big that the ordinary individual is utterly
> dwarfed beside them, and cannot deal with them on terms of equality. It
> therefore becomes necessary for these ordinary individuals to combine in
> their turn, first in order to act in their collective capacity through that
> biggest of all combinations called the Government, and second, to act, also
> in their own self-defense, through private combinations, such as farmers'
> associations and trade unions.\(^{16}\)

Roosevelt, a true progressive by the time he is writing in 1913, believed that these large
corporations had a distinct need to be regulated, and helped create the tools to do so.
Much of the work had already been done, as the Sherman Anti-Trust Act had been in
place since 1890. Hofstader further synthesizes the idea, saying, “it was [Roosevelt’s]
belief that while business combinations should be accepted and recognized, their affairs,
their acts and earnings, should be exposed to publicity; and that they should be subject to

\(^{16}\) Theodore Roosevelt, Social and Industrial Justice, in *Theodore Roosevelt: An
regulation and be punished when they were ‘bad.’”\textsuperscript{17} This level of accountability suggested by Roosevelt was certainly not the status quo in the previous decades, but was an emerging trend of the Progressive Era.

The Progressive Era—specifically the year 1910—was an opportune time for a disaster such as the one at Wellington. A decade or two prior, the victims and their families might not have received any support from the media or the courts. It is all-probable that few would dare call into question the responsibility of the railroad in such a disaster in those years. But by a full decade into the twentieth century, the power held by the great railroad companies was on its long decline. After taking heavy economic hits in the wake of the panic of 1873 and, more importantly, the panic of 1893, the boom was over. No longer did family dynasties have complete control of these decreasingly monopolistic corporations; a sign that accountability and competition was on its way to the railroads. Progressive ideology had a powerful hand in every conceivable aspect of early 20\textsuperscript{th} century American life, and the two ideas of efficiency and accountability followed the greater movement into many of the tight spaces it squeezed.

**Accusations and Investigations**

The ideas of accountability and efficiency were abundant in the aftermath of the incident at Wellington. They manifested in the local and national newspapers that followed the disaster, as well as the King County Coroner’s investigation, and the court case *Topping v. Great Northern*. We must examine the use of the two terms at once, as they interact often at even the smallest scale.

\textsuperscript{17} Hofstader, The Age of Reform, 247.
The idea of efficiency appears many times and in myriad uses throughout official and unofficial communications of the Great Northern Railroad. James J. Hill, the wealthy owner of the railroad, once famously told his engineers “What we want is the best possible line, shortest distance, lowest grades, and least curvature that we can build.”

This proclamation is filled deep with one thing: efficiency for the sake of profit, speed, and modernity. The motivations to have a fast railroad were great, and at the time of the Great Northern’s cut into the Cascade’s, the only expense spared was safety. On the subject of Hills choosing of Stevens Pass, Krist notes:

Hill had known from the beginning, however, that the great challenge would be getting the line across those ever-troublesome northern Cascades. The only known viable passes—the Snoqualmie and NP’s Stampede, was well as the water-level Columbia River route—were all too far south; using any of them would involve taking the tracks on a long detour, something that the parsimonious Hill could simply not tolerate.

These quotations and inferences concerning superintendent Hill are not to say that he was the only railroad owner who sought the shortest, fastest line; he was simply the one most willing to vocally declare it. All other railroads were built upon the same principles, as they are profit driven firms. But Stevens’s Pass was particular in its complex challenges. In order to conquer it, “sharp curves, brutal grades, elaborate switchbacks, and even a baroque horseshoe shaped tunnel” were needed, violating all of Hill’s cherished efficiency of railroad design to a considerable degree. But Hill was in a hurry to get the

\[\text{References}\]

20 Ibid., 43.
line done, for fortunes could be made with the completion of a direct line to the growing city of Seattle.

In fact, a wealthy Seattleite praised Hill for the efficiency of his new line upon its completion in 1893, declaring it “the most judiciously planned, the most economically constructed, and the most wisely managed line that has ever served a new [region of the] country.”21 The wealthy man, Thomas Burke, was praising Hill for his progressive qualities of frugality and scientific management—arguably two facets of the greater efficiency movement.

In the examples given preceding the disaster, it is clear that efficiency is continually prized, without the slightest hint of negativity. However, this is not true in the months that followed that March morning, where efficiency was framed poorly in order to hold Great Northern accountable. In a letter to the editor of the Seattle Times published five days after the avalanche, the headline read, “Did Cost Squeezing Cost 100 Lives at Wellington?” Inside the accusatory letter, its author wrote:

The Great Northern railroad will never hire able men for its mountains or any of its work. They are the ones that imported Japanese labor because it was cheaper. They could get them for $1.25 a day. When this trouble came, they brought Italians up there to fight the snow. What do the Italians know about snow anyway? Why did they send Italians? Only because they were cheaper.22

______________________________


22 “Did Cost Squeezing Cost 100 Lives at Wellington?,” Seattle Times, Letters to the Editor, March 5, 1910.
These accusations certainly fit in with the Progressive Era; today the language looks full of racism and Social Darwinism, all while attempting to hold a large company liable for the death of one hundred lives. It is clear that in the eyes of this enlightened citizen, efficiency been abused as an excuse to cut corners on quality and safety. For him, the linchpin of the situation was the lack of labor—quality labor—on the scene to shovel away snow. The anger in this letter was repeated in many others throughout the month of March. The tragedy enjoyed its spotlight in the media, making the front page for consecutive days in more than one newspaper.  

A similar article was run on the same day in *The Seattle Star* with the headline “Dollar-a-Day Jap Could Have Prevented the Slide.” It was another piece in the quickly developing blame game. Within the text of the article—which was not an opinion piece, but supposedly journalistic in nature—the author argued “Had the slope been wooded, as it was before the fire [the summer before the slide], the slide would have never occurred, as the trees would have held the snow and not have allowed it to start.” And although the author fails to cite and expert throughout the article, he is able to convince the reader that the cutting of corners for the sake of speed unequivocally caused the death of nearly one hundred innocent lives.

Blame games in the media seem rather trivial when compared to legal blame, as the avalanche headed toward the Washington courts. In the King County Coroner’s investigation into the matter, the idea of efficiency was used similarly as it was in the papers by each side. The investigation was a rather haphazard legal hearing, with a jury

of 6 that was allowed to actively participate in the hearings. Its intent was to determine the cause of death of John Brockman specifically, as well as all other dead. If the jury found a possibility for negligence, it would set legal precedence for lawsuits, but not a criminal trial. It was sort of a formalized grand jury, able to set legal precedent. In defending himself and the decisions he made, (placing the trains under a steep slope, as well as bringing the trains into the pass at all) superintendent O’Neill cited the total number of trains he had put through the pass in snowy conditions without incident or delay of more than 12 hours—over 3,000 in all. In citing this, he sought to prove he was an efficient and competent superintendent, aware of the inherent dangers of avalanches.

Unfortunately for O’Neill, the survivor Henry White made his appeal directly to the hearts of the Jury when he was questioned on the stand, claiming, “through lack of coal and lack of help, we were forced to remain in that position, right at the base of a thousand-foot mountain.” He painted a desperate situation, where the railroad was not there to help in any capacity. In doing so, he pitted a person—a human being—versus a corporation. Suddenly, the prized efficiency that corporations naturally seek must have seemed offsetting and inhumane to the jury.

When it came to deciding upon a ruling, the jury determined “John Brockman and eighty-eight [sic] or more others came to their deaths on the 1st day of March, A.D. 1910, by reason of a snowslide,…the cause of which was beyond human control.” With this sweeping statement, the jury almost completely acquitted the accused. However, they did

25 Coroner’s Inquest Transcript: “In the matter of the inquiry into the cause of the death of John Brockman and eighty-seven, or more, others, Deceased: Testimony taken before King County Coroner J. C. Snyder, commencing March 18th, 1910” (Puget Sound Regional branch of the Washington State Archives, Bellevue, WA), 101.
26 Ibid., 49.
27 Ibid., 120
not let Great Northern off the hook completely. In the finer notes of their decision, the jury stated, “the trains were not placed in the safest place to avert accident” and that G.N. “did not have enough sufficient coal at Wellington to cope with all possible emergencies.”28 These last two points opened up the possibility for lawsuits, and G.N. began to make private settlements $500-$2,500 each with families of victims, as well as survivors.

One family that would not settle for a small payoff was the family of Ned Topping, the businessman from Ohio. Ned’s father, who lived in Seattle and practiced law (although he did not represent himself in the case), brought his case to King County district Court. However, records of this case have been unattainable.29 It is not until the case reaches the Washington State Court of Appeals in 1913 that records become available. The initial case, although the specific points of debate are unknown—resulted in the awarding of $20,00030 to the Topping family.31 The plaintiff had convinced the jury that G.N. had failed to care for the life of Ned to the degree that a “reasonable and prudent person” would have. It helped that Ned was a single father, who was survived by his 5-year-old son. By proving the railroad negligent, the court opened up the possibility for immediate and devastating litigation from other victim who had yet to settle. The Toppings had achieved their goal: accountability of a manor corporation. For the victims, it was a victory analogous to the story of David. This was a very likeable story for

28 Ibid.
29 Court Case # 94511 - Topping vs. The Great Northern. The microform transcript of this case has a citation at the King County Courthouse in Seattle, but has been lost.
30 This was half of the $40,000 that the plaintiff argued was due.
31 TOPPING v. GREAT NORTHERN R. CO, 81 Washington Reports 166 (Washington State Supreme Court of Appeals 1914), 166.
subscribers to Progressive Era ideology, who held a newfound love for stories where the small toppled the powerful.

It truly was a victory, until Washington State Supreme Court overturned the decision in the following year, late in the summer of 1914. In the decision, the court first stated all conclusive facts, then found:

It is apparently conceded, or at any rate it was shown by the plaintiff, that the primary cause of the accident was the snowslide which came down the mountainside and swept the train to disaster. It is plain, from the evidence in the case and from the undisputed facts, that this avalanche was what is known in law as vis major or an act of God, which, unless some intervening negligence of the railway company is shown to have cooperated with it, was the sole cause of the accident, and for which the railway company is not liable. As we have seen, the complaint alleged that the train was wrecked through the negligence of the appellant, the nature of which negligence was unknown to the respondent. No specific act of negligence is alleged. 32

Along with this overturning, the Topping family was ordered to return their $20,000. The decision was contingent on, as shown in the quotation, the specificity of negligence. The G.N.’s emphasis on efficiency, although enough of a reason for negligence to the jury of the initial trial, as not specific enough for the seasoned judges of the Supreme Court.

The most interesting disparity between the two different findings in the Topping cases was the use of efficiency in the legal reasoning. In the first case, the railroad’s

32 Ibid.
continual desire to be as efficient as possible, including not building snow sheds, not fighting the fire, and not protecting the trains as a number one priority during those six days served as evidence on which to hold them accountable for negligence. For the jury of Topping’s peers, the Great Northern overemphasized efficiency, and cut corners to do so. In the second decision, the judges made a complete 180-degree turn the use of the idea. They even cited the railroad’s excellent record of getting trains over fast, and stated, that the “that slides had never occurred before at the place in question, but were known to have occurred along the mountain-side, usually in gullies, and that the railroad had been operated at that place for a period of seventeen years.” With this conclusion, the court claimed that the lack of avalanches on this particular quarter-mile of track for seventeen years of service meant the railroad was not liable, as they needed only construct life-saving snow sheds where there is the highest risk of avalanches—all in order to preserve their economic efficiency.

**Conclusion**

So, in the end, the Great Northern Railroad won the court battle, and the issue quickly disappeared from the newspapers. The entire event was dismissed as simply an unavoidable *act of God*. For many, this dismissal must have been a shock, especially after the finding of the first Topping case. The Progressive Era prized the ability for regular people and the governments they create to hold others accountable for their actions (or inactions.) However, in the case of the disaster at Wellington, that goal was just out of reach. The long-term aftermath would have been vastly different had the original court

33 Ibid.
decision not been overturned. Krist notes, “Letting the original decision stand would have been a precedent ominous for big corporations of every kind,” as “the public, after all, had given it’s opinion through the jury.”34 Certainly, it can be imagined that following such a decision, not just Great Northern, but also all other railroads would have taken far greater efforts to secure trains against the dangers of avalanches, simply in order to protect themselves from liability. One can even extrapolate the situation one step further to posit the question: would the decision have led to any legislation? After all, a significant amount of legislation regarding building codes and labor laws followed the contemporaneous disaster of the Triangle Shirt Waist Factory Fire. A reform of similar magnitude to the railroad industry would have been an enormous event in 1914, and arguably probable with a finding of negligence for Great Northern. It would have greatly changed the role of the newly created Interstate Commerce Commission, whose regulatory powers at the time left railroad safety off the table. Without this victory, why remember the events at Wellington? One answer is that the case illustrates just how close reform came. It gives the taste of just how circumstantial every new political issue is—every debate rises out of varying understandings of a gritty set of facts.

Then there is the enduring idea of efficiency. Efficiency was always lurking in the background of every decision made by James O’Neill during those treacherous days in Steven’s Pass. But the idea exists not just on the scale of one train superintendent, or for that matter on the scale of one scholar of scientific management. Efficiency is internalized into every action taken by all profit-maximizing companies, running smoothly behind the scenes on a crusade to do more for less. Essential to the Progressive

Era was the examination of this newfound focus on efficiency, a weighing of its costs and benefits in each of its many applications—especially those within industry. This was one aspect of the Era that endures to this day.

Frighteningly similar situations to the mixture of trains and cutting corners can be found in our 21st century life. Today, we entrust the government to regulate industry so that safety is not exchanged for efficiency; but is a continual battle. In recent years, major airlines have begun to outsource heavy maintenance of their planes to third party companies, often located in Turkey or China.35 The labor is so much cheaper that it is actually cost effective to fly planes halfway across the world to be fixed up. One reason for the lack of expense is the regulation; mechanics for third party airline maintenance companies—even those located in the U.S.—are not mandatorily licensed by the FAA, unlike their counterparts who work for the airlines themselves.36 This is just one example of many modern-day possible conflicts between industries seeking efficiency and government and citizens seeking accountability. Hopefully we can learn from the mistakes learned at Wellington in order to overcome future acts of God.

____________________

35 Catherine Rentz, “Flying Cheaper.” Frontline. (Boston, MA: WGBH, PBS, April 19, 2011.)

36 Ibid.
Appendix

Abstract of WILLIAM TOPPING, by his Guardian etc., Respondent, v. GREAT NORTHERN RAILWAY COMPANY, Appellant.

There is not such a presumption of negligence on the part of a railway company merely from the occurrence of an accident as to render it liable for the death of a passenger on the ground of res ipsa loquitur, but the accident was the result of an act of God, placing the burden on plaintiff to show negligence concurring therewith before recovery could be had, where it appears that a passenger train stalled in the mountains was placed on a passing track on a hillside during an unusually severe snowstorm, while efforts were being made to open the track, and that while so located, an avalanche of snow swept down the mountain-side and carried the train one hundred feet from the track, where it was destroyed, killing and injuring the passengers, it further appearing that the hillside above the train sloped at an angle of 30 degrees, and at the time of the accident was covered with from nine to twelve feet of snow, that slides had never occurred before at the place in question, but were known to have occurred along the mountain-side, usually in gullies, and that the railroad had been operated at that place for a period of seventeen years. SAME - NEGLIGENCE - EVIDENCE - SUFFICIENCY. In such a case, the railroad company is not shown to be guilty of negligence concurring with the act of God in causing the accident from the fact that it adopted the location on the hillside for its roadbed, in failing to construct a snow shed over the passing track or to move the train under snow sheds near the place of the accident, in failing to move the train into a tunnel near at hand or to a spur opposite a flat area, in failing to notify the passengers that it did not intend to, or could not, move the train from the mountain-side to a safe place, in taking the train from the tunnel, where it was safe, and in leaving it on the mountain-side where there was a heavy body of snow, whereat appears that the road had been located and operated at the place of the accident for seventeen years, that no slide had ever occurred there before, that the train was placed on the passing track for the convenience of the passengers, who remained on the train during the blockade and boarded at hotel nearby, and because it was considered a safe place; that the failure to notify the passengers that the officers did not intend to move the train, or in failing to notify them that it could not move the train to safer place, was because the officers did not know when the train could be moved; that the company was using every effort to raise the blockade and to provide for the safety and comfort of the train and passengers; that no one could anticipate that a slide would occur; and that the officers of the train exercised their best judgment in placing the train where it was at the time of the accident.
Works Cited

Primary
“Coroner to find if human fault aided avalanche.” unidentified, March 10, 1910.
Great Northern Railroad Legal Department. “Cost of Washington Snow Slide,” April 11, 1911. Great Northern Railway Wellington Disaster Records, Museum of History & Industry, Seattle.
“Ninety-two dead and fourteen are injured in Revelstoke slide.” Seattle Post-Intelligencer, March 6, 1910.

Secondary