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Who is Right, Koehler or the Commission?

A LETTER FROM PROF. S. A. STARR.

Letter From one of the Men Who Counted the Rails in the Labish Wreck.

ED. CAPITAL JOURNAL. Your attacks upon Mr. Koehler and the Oregonian, sometimes containing base insinuations, are becoming somewhat offensive to some of your readers. Some intelligent persons, who know as much about the wreck at Lake Labish as the JOURNAL force do, believe that Mr. Koehler is right in this controversy. In the JOURNAL of Nov. 25, you say, "The Oregonian and Supt. Koehler will find it rather uphill work in the long run to maintain that a rail was removed from the Labish trestle, basing their claim, as they do, upon the finding of a rail alongside the track, and the assumption that the engineer saw something on the track was wrong."

This statement is both unfair and untrue. Mr. Koehler never made any such argument as we shall see further along. In the same issue you say, "The positive testimony of Mr. Commissioner Colvig is that he and two other men measured and counted the distance and the rails involved in the wrecked part of the trestle and they found all there, and they found no room for the extra rail lying by the side of the road."

You then further add, "How can Mr. Koehler and the Oregonian get over these two facts, which are not denied by any of the witnesses and will not be successfully disputed by anyone?"

Now Sir, I say that the import of the above statements have been denied, and were denied before the railroad commission. There are a number of men as intelligent as Mr. Colvig, men who made as thorough examination of the facts as did Mr. Colvig who have denied the statement. Mr. Colvig made the mistake of measuring and counting all the rails from one end of the wrecked trestle to the other. One might as well measure and count all the rails from Portland to Eugene to determine the case. I measured all the rails in the immediate vicinity of the gap where the rail was claimed to be missing, and a number of others did the same, and we know that a rail was missing from that place, and that there was no other rail within one hundred feet of the place, that could answer for the missing rail, unless the one claimed by Mr. Koehler be the one. If Mr. Colvig had made his investigation at the place where the rail was missing, he too would have made the discovery. Now I make the statement that neither did Mr. Colvig, nor any other person find all the rails required for the track, from a point under the front trucks of the fourth coach to a point fifty feet south of there, unless they counted one rail not in that part of the wreck. Furthermore, I could not find a loose rail anywhere in the wreck, except the rail in question. To claim that the finding of a sufficient number of rails in the entire gap of six hundred feet is any evidence in the case is simply absurd. No man will say that a rail was not missing from the East side of the track, immediately in front of the fourth coach. Where was it? It was not within fifty feet of there. There are plenty of men who would testify that it was gone.

Some of the bets upon which Mr. Koehler relies for his theory are the following, and they are incontrovertible, viz: The wheels of the engine ran on the ties exactly where the east rail should have been for a distance of twelve feet, while the west wheel ran on the west rail opposite it. This fact is positively substantiated, and the proof is still in existence, and no amount of testimony would controvert it. None will be offered. This fact proves beyond a possibility of doubt that the rail was not in its place when the engine passed this point. Dare you deny it? I could as easily disprove the fact of the wreck as you could disprove the fact that the rail was not in its place when the engine passed that point.

A further important fact is, that

there is abundant evidence to prove that the bridge did not fall under the engine, or from the weight of the train. One law of motion, a law as inexorable as the law of gravitation, is, that if a support give way under a load, the load will fall with the support. It will never fall away from it. In the case of the Labish wreck, if the wreck occurred as you and the railroad commission claim that it did, the bridge would have fallen forward, in the direction of the motion of the moving train. This would have been absolutely necessary unless one side of the trestle had given way first, when the bridge would have fallen diagonally to that side, and the engine necessarily have followed it. It could not have gone any other way. But this law, inexorable as it is, belies your theory, and corroborates Mr. Koehler's theory; for the trestle fell west and the engine went east. One other fact is, that the engine, when it left the trestle, was still on the erect trestle, and ran off the bridge with an eastward motion. Now I offer the following question which I defy the JOURNAL and the railroad commission to harmonize with your theory: Whence came the eastward momentum of the engine when it left the bridge? The momentum of the moving engine alone was about 3,750,000 foot pounds; and when it left the track, its eastward momentum was about 825,000 foot pounds. But when it left the west rail it jumped about seven inches to the east before it struck the next tie. This force was more than enough to wreck the trestle to the west. There can be but one explanation to these facts, and that is that the engine met with some obstruction which threw it to the east. If that were not so there is no law known to man that would have prevented the engine from falling to the west with the bridge. No amount of testimony can balance these unchangeable laws of God himself.

But further, sir, you rely upon the rottenness of the bridge for a foundation for your theory to rest upon. And a rotten foundation it is too. Tell me then, why did it not at least one rotten timber give way where it was decayed? When timbers give way under too great a strain because of rottenness, they break in the rotten places. But not a single timber in the Labish trestle gave way where it was rotten. Candidly, I cannot see a single differentiating or pivotal fact about that wreck that will corroborate your theory. Every principle seems to me to be against it.

Mr. Colvig says that he saw no marks of violence on the rail in question; that the holes in the ends of the rail showed none. I agree with him. But did he not know that in the end of one rail where three bolts were broken, the rail itself showed no more violence than the rail in question, so far as the holes in the ends were concerned? The breaking of soft iron bolts in the ends of hard steel rails makes no impression upon the rail. Does not Mr. Colvig know that?

Now, Mr. Editor, I make these statements because of the malicious thrusts, and charges of almost criminal dishonesty, which you make against Mr. Koehler, and continue to repeat almost daily. There are plenty of men, just as intelligent and just as honest as the JOURNAL force, or any of the men who agree with them, who are positive that the Labish wreck was caused by an obstruction on the track; and who know positively that no other theory will explain all the facts, and who further know that the obstruction theory will.

Hoping that these base and malicious charges will no longer mar your usually clean columns.

I am yours truly,

S. A. STARR.

SALEM, OR., Nov. 25, 1890.

MR. BROWN'S LETTER.

MR. G. C. BROWN, one of the men who counted the rails in the Labish wreck, and whose affidavit was part of the testimony given in by Commissioner Colvig, writes to the Oregonian as follows:

A QUESTION OF FACT.

BROOKS, OR., Nov. 25.—As to the Lake Labish disaster, I deem it proper to give you the unbiased truth. Mr. Koehler says that it took forty rails to fill the space and that there were twenty on the west side and nineteen on the east side, making thirty-nine in all. Now, then, it took forty to fill the space, I suppose that the train wrecker had swallowed the missing

rail. But the facts are as follows: It took just nineteen rails on the west and nineteen on the east side of the track to fill the space; and now that the trestle is rebuilt and completed, it has just nineteen rails on each side, and that is conclusive evidence that there was no rail removed; or, if there had been, it was not that extra rail that lay on the west side of the track; that bore no evidence of having been in the wreck, except a slight scar on the flange near the middle of the rail, as if some one had struck it with a crowbar. Had the wheel of the engine struck that rail lying across the track it would have knocked it further away, and would not have left it lying alongside the track and directly opposite the space where it was said to belong.

I counted the rails on both sides and there were only thirty-eight rails, nineteen on each side, leaving out the odd rail. I have no interest either way, but only investigated the matter for my own satisfaction. Making a remark in hearing of the commissioner, he asked me to show it to him, and I took him all around and counted the rails, showed him where they all belonged and convinced him that there were enough to fill all space without the extra rail that lay on the west side. As to that rail, it had no ancient marks on it to have been there, it was by someone or by the trestle, it would have made some impression on the soft mud, but there was no such evidence to be seen. Let any man count for himself, and it he can count nineteen he can solve the question. As to that rail, I say that it had no connection with the road, and if there are any doubts remaining as to the evidence let any one come and see. G. C. BROWN.

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