GOVERNMENT MUST SUE HARRIMAN IN OREGON

Lawyers Declare That Case Must Be Opened Against the Southern Pacific to Determine Whether Land Grants Have Been Forfeited.

(Washington Bureau of The Journal.)

Washington, Aug. 13.—Lawyers of high official connection with the federal government, and who have investigated the Southern Pacific land grant issue as related to western Oregon, appear to hold as a consensus that preliminary investigations now being carried on will accomplish little; that only one course is open—for the government to begin suit in the federal courts to determine whether or not the Southern Pacific grant lands in western Oregon are forfeit because the railroad company has not complied with the terms of the grant act of the 60's, when the lands were given to the original company on condition that they were to be sold for not more than $2.50 an acre were to be procured by the purchaser under regulations governing the acquisition of homestead lands, and also, so most of them assert, that the lands were to be sold within a specified length of time.

"It is a question, then, not of facts to be ascertained in Oregon, beyond the mere fact that some of the lands have been sold for more than $2.50 an acre, and that a considerable portion of the areas orginially granted remain unsold settlers," one of the lawyers referred to said to The Journal. "In my opinion, the knowledge that any lands remain unsold and that some lands have been sold for more than the stipulated price, is all that may be ascertained in Oregon, and the only question remaining is as to how to proceed to procure an adjudication of the question—whether the government or some individual shall go into court to prosecute the case."

It is not understood why the department of justice has consumed so long a time in handling the preliminary phases of the case, although it must be said in justice to Attorney-General Bonaparte that in saying this the government lawyers do not asperse the good intentions of the head of the department.

Investigation for endless months never would settle the issue, which must be settled solely in court.

Interest has been manifested among the government lawyers in the theory advanced by several western lawyers of standing that the railroad company, under the terms of the grant act, was made a trustee and that, in the absence of faithful execution of the trust, it is competent for the court to remove the trustee and appoint another.

The theory appears to find supporters here among those nigh in authority.

A multiplicity of cases in which forfeiture of land grants has been the issue are found in the records of the courts. Decisions have been varied, according as the circumstances differed.

One principle, however, appears to have been accepted by the court and enunciated with frequency—that only the courts may decide that neither the executive or legislative branches of government may validly declare the grants forfeit.

TRAINS COLLIDE IN ELDER SNOWSHEDS

Passengers Are Thrown From Seats and Several Injured in Wreck.

(Journal Special Service.)

Sacramento, Aug 13.—A collision between Southern Pacific eastbound passenger train No. 10 and westbound passenger train No. 3, in the snowsheds at Elder station, on the Sierra Nevada mountains, this morning resulted in the injury of several passengers on train No. 3. The injuries were caused by passengers being thrown from their seats.

By some misunderstanding of signals train No. 3, instead of taking the siding at Elder, kept on the main line, No. 10 was waiting for the westbound train to pass, and the pilots of the two locomotives came together with such force that passengers on both trains were thrown violently from their seats. No one on train No. 10 was injured.

MAN'S BODY BROKEN ON GREAT FLYWHEEL

E. M. Porter, Head Oiler in Sawmill Near Bay City, Drawn Between Belt and Wheel.

(Special Dispatch to The Journal.)

Bay City, Or., Aug. 13.—While engaged in oiling the machinery in the Miami Lumber company's sawmill near this city E. M. Porter was caught by the shaft and lifted to the revolving flywheel. He was pulled around between the belt and wheel, receiving injuries that caused his death early the next morning. Porter had served as head oiler in the mill for a number of years.

The accident was witnessed by but one man, who gave the alarm and the heavy machinery was stopped as quickly as possible.

Dr. Hawk of Bay City was called and after his examination it was learned that the left arm was broken in five places, the shoulder completely mashed, the head bruised badly and the top of the left lung crushed with hemorrhage in progress.

The injured man was placed under the care of Miss Mabel Watt of Portland and received every possible aid.

Porter had but one relative here, Mrs. W. H. Cooper of Tillamook, a sister. The funeral will be held today at Tillamook.