FREIGHT TRAINS CRASH IN DARK

Rear End Collision in Blue Mountains Delays Eastern Mail Train.

A rear end collision between two O. R. & N. east bound extra trains at Gibbon station delayed the fast mail, due to arrive here at 7:30 this morning, 2 hours and 12 minutes. Gibbon station is about 20 miles west of La Grande. The collision occurred at 11:45 o'clock last night. No one was injured, but the locomotives were damaged considerably.

W. Bollons, superintendent of the Oregon division, with headquarters in this city, went to the scene of the accident and immediately started a searching investigation as the collision occurred within the limits of the block signals.

Extra train No. 361, eastbound, in charge of Conductor Stacey and Engineer Saunders, was standing between the switches at Gibbon, with helper engine No. 363, in charge of Engineer Johnson, at the rear. The train was run into by extra eastbound train No. 459, in charge of Conductor King and Engineer Gettings, the latter train moving at the rate of about 12 miles an hour.

The engine of the moving train was that $50 will cover repairs to the cars damaged to the extent of about $1000, while it is estimated that $225 will repair the damages to enging No. 363 and

This afternoon Superintendent Bollons wired General Manager J. P. O'Brien's office here that he had ascertained that the signal lights were burning brightly and that Engineer Gettings claims that he could not see the block signals and could not see the train ahead on account of steam escaping from his engine.

HERMANN ADMITS HE KNEW OF FRAUD

(Continued from Page One.)

Bliss employed Gifford Pinchot to make an examination of the forests of the country.

About Hyde Decision.

Secretary Hitchcock went into office about two years after Hermann became commissioner, the witness said.

Mr. Heney asked Hermann about his decision of the Hyde case, May, 1898, asking him if he remembered that he had decided it unlawful to appropriate unsurveyed land as lieu land. Hermann said he had so testified.

Heney asked to refresh his memory and read from the land decisions, by Secretary Bliss, which rejected it on the grounds given by Hermann as his own. Heney contended that it had been Bliss and not Hermann who announced the unsurveyed land doctrine. This was evidently for the purpose of showing inaccuracy in Hermann's recollection.

Heney also put in evidence a decision by Secretary Hitchcock reviewing the Hyde case, April 14, 1899, for the same purpose.

Not Frauds Until 1897.

Heney asked Hermann if he had testified that the lieu land act, in his belief, was the mother of the public land frauds. Hermann said it was his testimony. Heney then asked if it was not a fact that there were not many frauds until after 1897. Hermann said yes.

Heney then asked if Hermann had not learned soon after that date that lands in Oregon and California had been scripped extensively. Hermann said this was so.

Hermann said he had secured an expense allowance for trips to the west each year, while in office. Part of this time he spent in Roseburg and in Portland and he charged this subsistence to the government.

Heney then asked if he was not on official business while he was charging this per diem of $3 and therefore was not paying a social visit at the surveyor general's office in Portland. Hermann said he could spend part of the time on social business but he was attending to official business all the time.

Heard of Frauds.

Mr. Heney asked the defendant if he had not found out about the land frauds during his visits to Oregon in 1901 and 1902 and Hermann said he had heard of them with the result that he became more than ever serious in his effort to secure the repeal of the lieu land law.

In answer to questions he said that he did not remember of having heard of the operations of Weyerhaeuser, Smith and other of the eastern timber kings in Oregon lands and that they had helped to secure the passage of the lieu land law. Oregon was too remote and her forests were too far from the market to make them the object of timber thieves as early as 1897.

About the last year of his administration of the land office, Hermann said he had heard of whole carloads of men being brought to Oregon to file on public lands, but he denied that he had heard of the activities of Puter, Kribs or McKinley, before the time he made the Kribs claims represented by Senator Mitchell special before the land office for action.

Knew of Thayer Frauds.

Hermann said that he had never heard of the Claud Thayer frauds until the case came up on contest from the Oregon City land office, and that his attention had been called particularly to the case as it passed before his because he had known Thayer and his name arrested his attention. He said he remembered the accusations made by Father Schell, about the Thayer frauds, but that nothing was ever done with the charges and he had no personal knowledge of the case.

Heney then began to bore into the witness. He asked him if it had been brought to his attention through the press and otherwise that gross frauds were being perpetrated in land matters, i fhe would not consider that sufficient ground to cause his agents to make an immediate investigation. Hermann said that he had instructed his agents to show great diligence and that he had expected both the agents and the land office officials locally to do their duty.

Appealed to Congress.

He had been given various reports about the frauds and had appealed to congress to give him more special agents to investigate them. The records of the land office would show this to be a fact. He had found that he was deceived by his agents and had called them to account. He was using his every endeavor to stop the abuses of the lieu land act in 1901 and 1902.

Mr. Heney then went into the Montana land cases and asked if Hermann did not remember that Senator Clark was involved in them. He then asked if the repeal of the lieu land act would have stopped these frauds. Hermann said that these had been a distinct class of frauds under the misuse of the timber and stone act.

Of of this testimony Mr. Heney drew to the fact that the frauds had been cases where many individuals had taken contiguous lands and sold them as soon as secured, to speculators. He asked Hermann if he believed that these frauds were accomplished by a large numhber of individuals taking claims independently, or by their taking them under contract for a few men and Hermann said that was his understanding.

Refers to Wallowa Reserve.

Heney then went into the withdrawal of the Wallowa reserve. He asked Hermann how he knew that the northern entries in that reserve were fraudulent, and the witness said that he had an investigation made in his office and found that large numbers of them had been made after the notice of the impending reserve was made public and before the withdrawal. He believed, however, that these entries had been made honestly so far as compliance with the law of individual use was concerned, but that the applicants had intended to use the land as base for exchange and that he did not consider that fair, so worked for the modification of the withdrawal order.

Heney then showed that the geological report on the reserve had been made in June, 1902, and the withdrawal had not been made until November of that year, and asked the witness if it would not have shut ou the entries if the withdrawal had been made immediately after the report had been sent to him.

Was Serious Matter.

Mr. Hermann contended that it was a serious matter to withdraw so large a tract of land from settlement and that he had considered the matter of all withdrawals carefully for that reason. It took time for this consideration.

Mr. Heney asked the witness if he had ever sought the repeal of the timber and stone act when he was in congress, or had introduced a bill for that purpose. He asked if he had ever sought opportunity to address the house in opposition to the timber and stone act, and Hermann said he had worked against the law, but had introduced no bill. The record would show his course in regard to the law.

Heney asked if it were not a fact that no action was ever taken on lieu land law until after the Puter indictments and conviction and the Hermann indictment, and Hermann said he did not believe that one congressman in 25 ever heard of Puter. They were interested in the indictment of Senator Mitchell and himself, however.

Mr. Heney asked if Hermann had begun to look with suspicion on the few men who were seeking to create reserves in 1901 and 1902, when he had heard of the school land frauds, and Hermann said he had.

Heney asked if Hermann did not consider it likely that land thieves would trade in school land base, just as they had in timber and stone lands and Hermann said he most assuredly did, and that he was doing all he could to protect the lands. He had no special knowledge of the school land frauds until he had received the Zabriskie letters, though the timber land frauds had been called specifically to his attention.

HERMANN FIRST HEARD OF FRAUDS IN LETTER WRITTEN BY ZABRISKIE

Continuing his testimony at the afternoon session yesterday, Mr. Hermann said he had suspended all further action on the Blue mountain reserve after the temporary withdrawal had been made, pending the final report of the geological survey. This report had never come to him while he was commissioner of the land office.

Explains Letter.

Hermann explained the Dodson letter of protest by saying that the secretary had complained at the opposition of the public to the creation of reserves. Hermann had written the letter to explain away the belief that a reserve would be hostile to mining interests. Dodson was writing as a representative of the mining interests.

Hermann said he did not remember talking to Mays and Jones about the Blue mountain reserve while in Oregon in 1902. He had talked to Senator Mitchell at different times about the Blue mountain reserve, and the reserve question generally. He had always taken occasion when opportunity offered to protest against the lieu land act. He asked the senator to aid in changing the lieu land law.

In discussing the unsigned letters to Secretary Hitchcock, George Cottenach and Sells, which Heney put in evidence as showing the evident refusal of Hermann to transmit the protests to the secretary, Hermann denied ever having seen them. He said he was in sympathy with the purpose of the letters and had he seen them he would gladly have signed them.

Memory Fails Him.

Hermann said he had a very faint remembrance of Emmett Callahan of Baker City. He said he had no remembrance of having seen Callahan at Washington until he testified at Washington. He did not remember what their conversation had been about.

He had always considered that Mays' desire to create the reserve was his desire to conserve the water supply. He did not know that either Mays or W. H. Odell was interested in the school lands.

Hermann said it had been his policy to checkerboard objectionable lands and exclude them from the reserve boundaries when it was necessary for a reserve to be created. He had often discussed this question with various men.

He had checkerboarded an Arizona reserve, Hermann said, because the people there had made a great demand for a reserve.

What Railroads Owned.

The railroad owned the odd sections in the proposed reserve, and Hermann said he decided that to incorporate these sections in the reserve would give the railroad company a great advantage under the lieu land act. Therefore he excluded the odd sections.

In discussing the general question of reserve land, Hermann said, he had discussed the advisability of excluding the school sections. He held, however, that it would be unjust to exclude school sections, unless fraud was disclosed. He knew of settlers in Oregon who had bought school lands and made homes there, and believed it would be unfair to shut out the school land holders from exchange of lands, while all government claim holders could exchange, unless fraud was shown.

Hermann said he knew of no man, Mays, Odell or anyone else, who held school lands for speculation, and he denied that he had told Callahan that these men were friends and should be protected. He thought all the holders of school lands were honest in their intentions.

Praises Mitchell.

Hermann eulogized Senator Mitchell, and said he always esteemed him as a clean handed official, and a big hearted man. Whenever he had official relations with him, Hermann said he had felt that he was dealing with an honest man.

Hermann said that he had always considered both Mays and Jones to be men of standing and integrity. He had not known Jones as well as Mays, and knew him slightly. He did not remember of ever meeting H. A. Smith or George Sorenson.

Hermann testified that his relations with Hitchcock were strained. Hitchcock was captious and suspicious.

After the Spanish-American war the land office was required to publish a large cession map, showing the different land acquisitions, Hermann said, and he asked authority to put the lands gained through the war on the map, and Hitchcock said it could not be done.

Thought Hitchcock Wrong.

Hermann said he thought Hitchcock was wrong, and he appealed to McKinley. McKinley expressed himself warmly, and the next day Hitchcock sent him a note to put the islands on the map. After that the relations between himself and Hitchcock were very much strained.

Hermann denied emphatically that at any time, or any place, or in any way, he entered into any agreement with Mays, Jones, Smith or Sorenson about the Blue mountain reserve, or agreed to aid them, or to give them information.

Hermann said that F. A. Hyde's name was very familiar to him, coming down from the divisions. He had never had any correspondence or acquaintance with him, except as coming from the departments.

His relations with John A. Benson were unpleasant. Hermann said he held up a claim of $50,000 which Benson had almost secured. Benson came into the office and Hermann had expressed himself very freely to him, until the scene became so animated that he thought it would be necessary to put him out of the office.

Called Into Conference.

Hermann said he had been called into conference while in San Francisco, and had met the California delegation, where Benson complained to the delegation that Hermann would not pass his claims. Hermann said that when he explained the situation to the delegation its members stated they would have nothing to do with the case.

Hermann said he did not hear of the employment of W. E. Valk and Assistant Chief Clerk Harlan by Benson until after he had left the commissioner's office.

Hermann said he did not put the Zabriskie letters on the files because it was marked private and confidential and also because the letter charged that one of the land clerks in the department was betraying secret information to outside parties. He accordingly wrote answers to the letters and did not file the correspondence.

Hermann said he had approved the Hyde entries because they had been passed upon by the department. He had not seen any Benson entries and so asked that it be looked up by Professor Roth.

Never Saw Letter.

Hermann said he had never seen the "citizen" letter, charging Hyde and Benson with fraud, until the letter was produced in court.

Previous to the Zabriskie letters, Hermann said he had never heard of school land frauds in forest reserves. He had never heard of school land frauds in the Blue mountain reserve prior to his order of withdrawal. The first intimation he had of these frauds was in the Zabriskie letter, which charged frauds in the Warner mountain and Cascade mountain reserves.

As soon as he received the Halsinger report on the Hyde-Benson frauds, Hermann said he instructed Clerk Harlan to suspend all entries in which Hyde and Benson were interested.

Colonel Worthington read this order, which was made special with orders to rush. Colonel Worthington also read the testimony of Assistant Chief Clerk McGee of the forestry division given at the Washington trial, regarding the suspension order, which said that Hermann had ordered the report. This order was still effective when he went out of office.

Hermann took the Halsinger report of the Hyde-Benson frauds to the secretary, he said, and told him he felt it unsafe to file the report in the land office, so he had brought it to the secretary for safe keeping.

Mr. Hermann concluded his direct testimony at 4 o'clock and Mr. Heney began at once on the cross-examination, continuing until 4:30, when court was adjourned for the day.

UMATILLA TO GO ON WAYS.

Steamer May Leave Tomorrow for Riparia to Be Overhauled.

Advices received this morning at the offices of the corps of engineers, United States army, from Captain Winslow, master of the government steamer Umatilla, which is at Homly Rapids, state that the steamer may leave the latter place tomorrow for Riparia to go on the O. R. & N. ways. She will go on for general overhauling if the water in the Snake river will allow her to reach Riparia.

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