Morning Oregonian.

VOL. XLIII.—NO. 13,383. PORTLAND, OREGON, MONDAY, NOVEMBER 2, 1903. PRICE FIVE CENTS.

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SPANISH MINERS WIN.

Condition Improved After a Strike—More Trouble Ahead.

BILBAO, Nov. 1.—As the result of mediation, the ironworkers of Bilbao will no longer be compelled to live cooped up in the barracks provided by the mining companies, and they will no longer be forced to purchase food from the company stores, which has been often declared unfit to eat.

Instead of being paid by the month, they will hereafter be paid every week. They have been refused, however, the right to organize, and it is believed this refusal will lead to trouble in the future. The strike affected 25,000 men.

MULES BALK ON TRACK.

Train Crashes Into Vehicle With Corpse, Killing Four Persons.

CHARLOTTE, N. C., Nov. 1.—A southbound passenger train on the Southern Railway crashed into a funeral party at Glass, a flag station a few miles north of Charlotte today, killing four persons instantly. The dead are:

John Key, Benjamin Tippett, Dan Weaver, Lulu Townsend.

The vehicle containing the corpse and the four victims was crossing the railroad tracks when the mules drawing them balked and the heavy locomotive struck the outfit squarely, killing all of the occupants, smashing the coffin and horribly mutilating the corpse.

VICTIM OF A FEUD

Adolph Burkhardt Killed by Samuel Baumann.

SLAYER IS IN CUSTODY

Fired Shots, He Says, to Scare Halloween Marauders.

MURDER TO BE THE CHARGE

While on His Way to Home of Haywoods, Enemies of Baumann, Two Portland Boys Are Assailed and One Falls, Fatally Wounded.

While celebrating Halloween Adolph A. Burkhardt was shot and killed by Samuel Baumann, near Bertha, late Saturday night. Baumann, who says he fired the fatal rifle shot to scare away boys bombarding his house with a fusillade of bullets, came into the city and gave himself up early yesterday morning. He will be charged with murder in the first degree.

Harry Fuller, the companion of Burkhardt, and the only witness of the shooting, tells a story of intentional murder. His account is weak in many points. To determine the truth an inquest will be held this afternoon. It is expected that a tale of a long-standing feud will be unearthed.

Baumann, the man who fired two rifle-shots at Burkhardt and Fuller, had, it appears, been in constant trouble with the sons of H. D. Haywood, the farmer for whose house on the Garden Home road the young men were headed. Dogs had been killed by Baumann and by the Haywood boys in return. That Baumann intended to injure some one seems certain from the testimony of Fuller, and from the position of his house and Burkhardt's body when found. Whether the shot was intended for the Haywood brother, or for Burkhardt, or was fired to scare away maraunders, is the question the Coroner's jury must decide.

Dead Man a Portlander.

Burkhardt, who was 20 years of age, was the son of J. J. Burkhardt, 934 East Ankeny street. Together with Fuller he roomed at the stable of James Lyons at Union avenue and East Alder street. He had been driving a team for E. Morris.

News of the killing reached the city about 1 o'clock yesterday morning. C. H. Skewes, as representative of Coroner Finley, went out before daylight to recover the body. He met Baumann driving into the city to surrender himself. With Skewes was Fuller, who had walked into the city. He said last evening that at the time of the shooting he had recognized Baumann 100 yards away in the moonlight. But when in the Coroner's buggy he did not recognize Baumann in daylight, though he was but a few feet distant.

"An Accident," Cries Baumann.

Baumann was then much excited and cried: "It was all an accident." Fuller, knowing him then, contradicted him, declaring that Baumann had tried to kill Burkhardt. Baumann is now in the County Jail, and by the orders of Sheriff Storey no one is allowed to see him.

"We left town at 8 o'clock," said Fuller last evening at the Coroner's office. "We went up the road from Corbett street, and walked slowly up the hill. We were going to Haywood's house, where we go almost every Saturday night. We had one small pistol with us and we fired it off occasionally. When some distance up the hill we heard other shots further on and answered these. We kept this up for several minutes. I always fired the pistol straight down into the gulch, which was covered with brush. When not far from Haywood's house, it was about 11:30 I guess. We had not heard the other shots for several minutes then."

"Suddenly I saw something in the moonlight fully 100 yards ahead of us. Then I saw that it was Baumann and that he had a gun. At once I heard him shoot, and felt the bullet pass near me. We both started to run back down the road, intending to climb the bank and escape into the brush which grows on either side.

Story of the Eye-Witness.

"Baumann fired again and I heard Burkhardt cry out loudly. I was nearly up the bank then, and Burkhardt was a few feet behind and not yet up the steep bank. Then I saw Baumann turn back toward his house, which is about 100 yards further back from where he shot at us. We had not run more than 20 feet before Burkhardt was shot."

"I pulled Burkhardt up on the bank. He was gasping but was able to speak once. 'I'm going,' he cried. 'That was Baumann,' I told him. Then he fell back and seemed to be already dead. I ran along the bank to Haywood's house nearly half a mile away."

H. D. Haywood, an elderly man, and his daughter, Mrs. May Dickson, went back with Fuller to the spot where Burkhardt's body had been laid. Either in his death spasm or from some cause he had moved fully 20 feet, but was dead when his companion reached him.

Fuller then came to the nearest telephone in Portland and called up the coroner's office. It was then 1 o'clock. As Deputy Coroner A. L. Finley was absent on another case, C. H. Skewes made the investigation.

Baumann's house is on the other side of the hill which flanks the Garden Home road over which the young men were traveling. The place is about three miles outside the city limits. The road there runs in a curve along the hillside.

Mrs. Haywood told Mr. Skewes that she had seen the flash of the second shot from her window. The exact spot where Baumann must have stood is hard to determine. The accounts are extremely contradictory, and it is believed that there is more in the affair than appears on the surface.

"Why did you and Burkhardt fire those shots? was asked of Fuller.

Were Celebrating Halloween.

"Oh, we were just celebrating Halloween," he replied.

"Were the Haywoods expecting a visit when you reached there a little before 12 o'clock?"

"No, they had given us up and had gone to bed."

Mr. Skewes had asked him if he had shot the pistol after Baumann had fired the fatal shot which struck Burkhardt's back.

"No, well, yes, I saw something white near Haywood's house and took a shot at it. But it was a pig."

Burkhardt's brother married Haywood's daughter Edith. The young men were acquainted in the neighborhood and frequently went to the Haywood residence.

"How did you know it was Baumann who shot at you?" was asked of Fuller.

"I have seen him a few times, but never to speak to," was the reply.

Baumann's Feud With Haywoods.

It appears that Baumann and the Haywood boys, Del and Roy, had been in constant trouble. One killed a dog belonging to the other family, and the compliment was returned in kind. Baumann told the officers that a short time before he went out into the road and shot Burkhardt that a band of boys had shot several times at his house and that he had heard the bullets strike the side of the building. He had gone out to frighten away the marauders whom he feared would kill some calves in a nearby pasture. In the dim light he had mistaken Burkhardt and Fuller for members of the gang, whom they had heard a short time before shooting in the vicinity of Baumann's house. According to Fuller the first shot from his 44-caliber rifle came close to its target. The second killed Burkhardt, striking him in the back and penetrating the body. The shots do not appear to have been fired with the sole intent of frightening away any one.

Murder in First Degree Charged.

"Baumann will be charged with murder in the first degree," said District Attorney Manning last evening. "It seems that if he didn't get the man he was after he certainly tried to kill some one."

Mrs. Baumann told the coroner's representative that her husband had not gone outside the yard, that he had stood near the dwelling and fired in the air at the boys who had been shooting at the house.

CHINA BEGS FOR AID.

Helpless Against Russian Occpuation of Mukden.

PEKIN, Nov. 1.—The Chinese government is greatly disturbed at the reoccupation of Mukden, the capital of Manchuria, by Russian troops. The Foreign Office is appealing to friendly foreign Legations for help and advice, admitting its own helplessness in the matter.

The Russians returned to Mukden on Thursday of last week. According to advices received by the Chinese government, 1500 Russian soldiers took possession of the official buildings there, and barricaded the gates. There are between 15,000 and 20,000 Chinese troops in and about Mukden. The communication relating to Mukden is as follows:

"The Russians employed a noted brigand, who was accused of many crimes against the Chinese, as chief of one of the irregular bands of police that are organizing in Manchuria. The authorities repeatedly requested the surrender of this man, and the Russians recently consented to give him up.

"Thereupon a Chinese officer decapitated the brigand without giving him a trial. When this became known, the Russians demanded the execution of this officer within five days, giving as an alternative the seizure of Mukden.

"The Chinese Foreign Office was negotiating with Paul Lessar, the Russian Minister, on the matter, and offered to banish the officer, pleading that he had exceeded his instructions, and to remove the Taotai, his superior, from office.

"There was a misunderstanding as to the time limit set for these negotiations. The Chinese thought it expired yesterday. Before the negotiations were completed the news was received here that Russia had fulfilled her promise to reoccupy Mukden.

Alexieff Leaves Port Arthur.

PEKIN, Nov. 1.—The fact that Viceroy Alexieff has removed his headquarters from Port Arthur to Vladivostok has caused great surprise in Pekin. It is generally conjectured that he was unwilling to risk passing the Winter at a port which the Japanese undoubtedly would make a strenuous attempt to blockade in the event of war, thereby preventing the Viceroy from communicating with his government.

ANGRY, BUT STILL LOYAL.

Commissioner Says French-Canadians Will Abide by Decision.

BOSTON, Nov. 1.—A. D. Aylesworth, one of the Canadian members of the Alaskan Boundary Commission, arrived here today from Liverpool on the steamship Mayflower. Speaking of the decision he said:

"I think the decision was most unjust and unfair to give all to the United States and nothing to Canada. Sir Lewis Jett and myself held the opinion that the decision was wrong while the others held they were right."

When asked what effect he thought the decision would have on Canada's future Mr. Aylesworth said:

"I don't think it will have any political effect. The French-Canadian people are the most loyal subjects that England has in Canada. There is no more loyal British subject in Great Britain than Sir Lewis Jett."

Anvil Printing Plant Destroyed.

PHILADELPHIA, Nov. 1.—The large plant of the Anvil Printing Company, in West Philadelphia, was destroyed by fire tonight and much surrounding property damaged. The loss was estimated at $200,000. Surrounding property was damaged to the extent of upward of $100,000.

TO END LAND EVIL

Richards Has Way in Lieu Land Tangle.

NEW METHOD OF EXCHANGE

Only Non-Timbered Tracts for Those in Reserves.

WOULD LIMIT WITHDRAWALS

Commissioner Opposes Any That Retard Settlement--Favors Giving Forestry Matters Over to That Bureau.

REFORMS RICHARDS FAVORS.

LIEU LAND EVIL—Law should be amended so only non-timbered land may be taken in lieu of land within a forest reserve.

CREATION OF RESERVES—Only such areas as are absolutely required to preserve the timber and protect the water supply should be withheld.

CONTROL OF RESERVES—All business in the General Land Office pertaining to forestry, excepting lieu selections and matters affecting titles, should be transferred to the Bureau of Forestry.

SHIPPING TIMBER OUT—Act forbidding it should be amended so as to give the Secretary of the Interior discretionary powers in exceptional cases.

OREGONIAN NEWS BUREAU, Washington, Nov. 1.—If Congress will carry out a simple recommendation contained in the annual report of Commissioner W. A. Richards, of the General Land Office, made public today, one of the greatest evils growing out of the forest reserve system will be checked, and the Government will be in a fair position to proceed with the extension of reserves in forested areas of the West. Commissioner Richards deals with the lieu land question in an altogether new manner, and offers a most simple solution of what has heretofore been regarded as an involved and vital question.

"I recommend that the act of June 4, 1897, as amended by the act of June 6, 1900—the law authorizing forest reserves and providing for their administration—be further amended so that only non-timbered land may be taken in lieu of land within a forest reserve."

That is the whole thing in a nutshell. Continuing, the Commissioner says:

Unfair to Government.

"In the exchange of land within a forest reserve for other public land, it frequently occurs that land from which the timber has been cut is exchanged for land heavily timbered. This is manifestly unfair to the Government, but cannot be prevented under the law. While it is considered to be impracticable to require that only land of like value shall be taken in exchange for land in a reserve, it might be provided that timber should not be selected in lieu of such land, just as mineral land is now excepted from such selection.

"There would be no hardship in this restriction, as the timber can be taken off the land in the reserve before the exchange is made, and, in fact, this is generally done. In addition to this is the fact that these exchanges are optional with the owners of land in a reserve. He is not obliged to make the exchange."

The commissioner says there were 5504 forest lieu land selections pending on the first of last July and they involved an approximate area of 1,283,136 acres.

Creation of Reserves.

For the first time, the Commissioner officially declares his policy as regards the creation of new reserves, and as to changes in the method of administering reserves already or that may hereafter be established. At the present time, when so many temporary withdrawals pending, and final action not yet in sight, Commissioner Richards' views on the question of forest reserve extension are doubly interesting.

"The work of forest reserve extension has been pushed forward as rapidly as possible during the past year," says he. "It has, however, been greatly retarded by a lack of authentic information respecting many of the regions under consideration, which has prevented recommendations being made, as yet, in many cases.

"It is undoubtedly a matter of first importance that the reserves thus far established should be supplemented by such additional ones as are needed to form a comprehensive series, such as will insure full protection to the water and timber supplies of both the Rocky Mountains and Pacific Coast regions. As yet, neither of the two great ranges of these regions has a sufficient chain of reserves protecting its entire length, nor has the matter of reserving as many sources of water supply as may be needed in connection with the irrigation movement been fully determined.

Would Limit Withdrawals.

"While impressed with the urgency of losing no further time in protecting all needed watersheds and other important areas, I deem it of equal importance that no hasty or ill-advised action should be taken in connection with a measure of public policy that involves withholding extensive areas from settlement. The forest reserve system is simply one of the features of our general land policy, and requires to be so administered as to be made to serve the main purpose and intent of that policy—the settlement of the country by home-builders.

"I am of the opinion that any administration of the forest reserve system that results in unnecessarily withholding areas from settlement should be avoided. Only such areas as are absolutely required to preserve a supply of timber for present and future needs, and to protect important sources of water supply, should be withheld from the general area available for settlement. Acting upon this principle, I have proceeded slowly in the matter of recommending the setting apart of new forest reserves. Careful expert examinations are deemed essential in considering all cases. A general scheme of reserves has been mapped out, and thorough field examinations will be made before final action is taken in any case.

"In the meantime the precaution is taken of securing the lands from speculative appropriation by temporarily withdrawing them from settlement and disposal of all kinds."

Forest Reserve Fires.

Commissioner Richards highly commends the work of forest rangers in suppressing forest fires throughout the West. The effectiveness of the present fire protection system is shown by the constantly decreasing number of fires in reserves. Whereas in 1901 1335 fires were discovered; in 1902 there were 1053, and in 1903 only 597, while the area in reserves, and for which fire reports were made, was materially increased each year. The excessive fires reported last year were in the Cascade reserve, Oregon; Rainier reserve, Washington, and the Teton and Medicine Bow reserves, Wyoming, where location, weather and wind conditions made it practically impossible to control the flames, once they got under way.

Free Use of Timber.

There is a growing demand for the free use of forest reserve timber for domestic purposes, and in the development of mines within forest reserves, but as yet the aggregate amount of timber so used is comparatively small. Commissioner Richards, in his report, endeavors to correct an impression that obtains to some considerable extent among residents in and near forest reserves, that they are entitled to free use of timber to supply fuel or other needs incidental to conducting business or commercial enterprises.

Persons conducting hotels, road ranches, way stations and similar places are not among those who are permitted the free use of reserve timber, nor can settlers make use of free timber in the manufactur of crates, boxes, etc., for the shipment of the product of their land, or for fencing, corrals, or other use in furtherance of grazing or any other industry conducted as a matter of speculation upon other lands than those owned or claimed under the public land laws by the stockgrower, rancher or settler.

Timber Shipments.

Commissioner Richards declares the forest reserve act of June 4, 1897, is defective in requiring that all timber procured from forest reserves shall, without exception, be used in the state or territory in which the reserve lies. While such limitation is undoubtedly well in some instances, yet he says cases arise in which it results in working a serious hardship. It is pointed out that persons living in Wyoming, near the Black Hills forest reserve, and in Montana, near the Big Horn reserve, and in Southern Wyoming, near the Uintah reserve, are compelled, by their necessities, to violate the law, since they live on prairie land, and can only secure timber from the reserves lying across the state line. These reserves contain their natural sources of timber supply, and yet they are deprived of it. The same conditions exist in Oregon, Washington, Idaho and California.

"While leaving this restriction operative

(Concluded on Page 3.)

CROW OUTBREAK

Battle With a Posse in Wyoming.

SHERIFF KILLED IN FIGHT

Fear of a General Uprising on the Rosebud Agency.

THE INDIANS ARE STARVING

Have Been Violating State Law in Killing Wild Game—Said to Have Stolen Cattle to Fill Hungry Stomachs.

CHEYENNE, Wyo., Nov. 1.—Governor Chatterton has been advised of a fierce battle that was fought late yesterday afternoon on Little Lightning Creek, 50 miles north of Luck, in Eastern Wyoming, between Sheriff W. H. Miller, with a posse of six men from Weston County and a band of Crow Indians on the way to the Sioux Agency at Rosebud.

Sheriff Miller is reported to have been killed, one of his deputies fatally wounded, two others slightly wounded, while three Indians are reported killed and several wounded. Only the most meager details of the affair have been received, but posses are hurrying to the scene from Lusk, Douglas and Newcastle.

The Indians who have been slaughtering antelope, deer and other wild game in violation of state laws and in some instances have killed cattle, are hurrying toward the Rosebud Agency, and an effort will be made to head them off.

It is feared that they have sent couriers on ahead and may arouse the Indians at the agency to action in case an attempt is made to arrest the murderers.

Governor Chatterton has instructed the troops at Douglas, Buffalo and Newcastle to be in readiness to be moved on short notice and further details of the affair are anxiously awaited.

Owing to the fact that the Indians' rations have been cut off and they are said to be in a starving condition, consequence, a serious outbreak is feared.

Paymaster Stewart Rhodes Dead.

HONOLULU, Nov. 1.—Lieutenant Stewart Rhodes, Paymaster, United States Navy, stationed at the Hawaii naval station, is dead. Lieutenant Rhodes was recently operated on for appendicitis. His body was brought here today on the Iris under military escort.

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ON EVEN TERMS IN CONTEST FOR SAN FRANCISCO MAYORALTY

Eugene E. Schmitz, Union Labor.

H. J. Crocker, Republican.

Franklin K. Lane, Democrat.