

OLD CEMETERY PROBLEM AGAIN

The Burial Place of Pioneers,
Swept by Fire, is Now a
Desolate Waste.

**DOTTED WITH BLACKENED
AND BURNED MONUMENTS.**

**Question of Title to the Ground Has
Become a Live and Insistent Issue
and Must Be Settled in the Not
Distant Future—Trustees of the Old
Cemetery Board Hold a Warranty
Deed for the Property as a Ceme-
tery, While There is One Vacancy
on the Board—H. F. Johnson Claims
Ownership by Virtue of a Quit-
Claim Deed.**

Since the old cemetery across the river was burned off a few weeks ago by a fire started by H. F. Johnson, a murmur of indignation has been heard from those who have looked upon the burned village of the dead. The spectacle of a graveyard with tombstones blackened by fire, the wooden headboards of others lying in ashes, and the entire block resembling a piece of burned timber, has not been a pleasing one to those who pass along Jackson street, and especially is this true of those who have friends and relatives buried there.

While the old cemetery has been an eyesore for a long time, owing to the dilapidated condition it was allowed to fall into, there are certainly few who would not prefer it as it was, to its present condition. From end to end and corner to corner the tract is now a burned ruin. All the grass was burned, dozens of head-boards destroyed, making the graves impossible of identification, and many of the fine tombstones have been blackened by the fire. The whole is a scene of devastation and one which doubtless makes strangers who pass wonder what ghastly purpose prompted the deed.

The fire which burned the old cemetery was started a few weeks ago by H. F. Johnson, who owns a lot 50x 150 feet, adjoining the tract, and is said to claim the entire cemetery. The fire was started presumably to clear the lot owned by Mr. Johnson, but as there was nothing to prevent it spreading to the cemetery, it soon overran the entire tract, and laid it waste. Evidently no effort was made to prevent the fire from extending over the entire area or the same could certainly have been done.

Wherein Does Ownership Lie.
It is said that Mr. Johnson has laid claim to the cemetery site for several years past, and he is known to have desired the removal of the bodies, presumably so that he could have use of the land. However, others who are interested in the matter affirm that Mr. Johnson's claim is absolutely worthless, and that he has no rights in the matter whatever.

An examination of the records made this morning showed that on August 15, 1874, a warranty deed was given by A. M. Raley and her husband, H. J. Raley, for the property, the same being given to W. H. Marshall, Lot Livermore and H. Stewart, trustees of the Pendleton cemetery, the same to be held in trust for the purpose of a public cemetery to them and their successors in office or trust forever. Also, the deed further states that the givers, their executors and administrators shall forever warrant and defend the same to the said trustees and their successors from all lawful claims whatsoever.

As will be noted, the deed states that the land shall be used for the purpose of a public cemetery, and does not provide that the title shall revert to the original owner, should it be used for other purposes.

The claim of Mr. Johnson to the land is based upon a quit-claim deed which was given by Mrs. A. M. Raley on May 15, 1892. This quit-claim deed was given by her to the firm of Tenery, Howard & Lathrop for the consideration of \$1. Later, the various members of this firm disposed of their rights arising out of their interest in this quit-claim deed, and these have since been acquired by H. F. Johnson, through several deeds given him in 1901. However, as Mr. Johnson's claim is based all upon the

quit-claim deed given by Mrs. Raley, and as the same is evidently worthless in view of the original warranty deed given to the trustees, it is held that Johnson's claim is of no value.

In the original deed which was given by Mrs. Raley and husband, the three trustees then appointed were given power to elect others to fill vacancies caused by the death of any member. Since the death of Mr. Marshall some years ago, no successor has been selected, and Messrs. Livermore and Stewart have been the only members.

When seen this morning Mr. Livermore stated that it was the intention of Mr. Stewart and himself to meet shortly and select a third member of the board. They will then take up the matter of the disposition of the cemetery. According to Mr. Livermore it is desired that the tract be retained as public property and that it be kept from falling into private hands. He does not regard the Johnson claim as of any value.

As to what disposition should be made of the cemetery, there is a difference of opinion, though all are agreed that some steps should be taken to overcome the present disgraceful condition. There has been some talk of criminal action being instituted against Mr. Johnson for his act of desecration, but so far no complaint has been made.

It is said that the bodies that are buried in the cemetery cannot be removed except by act of the legislature. Some would like to see this done, while others maintain that it is no disgrace to allow the pioneers who founded the town and defended the same in the early days to sleep under the sod where they were first interred, and which they themselves reclaimed. Others would like to see the bodies removed to the new cemetery at the city's expense, and the old tract made into a public park to be known as "Pioneer Park," and that at some spot upon the tract a monument be erected to the memory of those who fell in the Indian wars and the other stalwart pioneers who were formerly buried there. By such action it is said atonement would be made for the desecration to which the graves have been subjected, and at the same time a beautiful public place could be made close to the heart of the city.

BREAKING UP A BUTTE LOTTERY

**DEFENDANTS ARE OUT
UNDEER HEAVY BONDS.**

President of the Company a Spokane Man, Has Been Indicted by a Federal Grand Jury—The Company Has Done a Heavy Business—Drayload of Lottery Tickets Has Been Seized—Company Alleged to Have Used Government Mails for Illegal Purposes.

Seattle, Mont., Aug. 23.—Daniel E. Jacobs, secretary of the Montana Lottery company, arrested here charged with sending by express lottery tickets from the state has been released under \$2000 bonds.

Jacobs was recently arrested charged with using the mails for lottery purposes, but the prosecution was for some purpose dropped.

Henry Haupt, president of the company, lives in Spokane and has been indicted by the federal grand jury. He also is out on bonds.

The Montana Lottery company's offices were recently raided and a drayload of lottery tickets seized.

Jacobs is charged with sending lottery paraphernalia to Kansas City and St. Louis. The company's operations are very extensive throughout Illinois and Missouri.

Today's Yellow Fever Record.

Jackson, Miss., Aug. 23.—
Three new cases at Mississippi City are reported this afternoon. The governor telephoned the Porter Creek Lumber company of Amite county, that unless the state health officers are allowed to examine suspicious cases, troops will be sent to make examinations by force. From New Orleans 30 new cases and three deaths are reported today.

GRAFT DISCLOSURES AT BREMERTON.

Seattle, Aug. 23.—Sensational graft disclosures are anticipated as a result of the three months' investigation of affairs at the Bremerton navy yard by the government's special agent, B. F. Pickereil. Affidavits have been forwarded to Assistant Secretary of the Navy Darling. A wholesale cleaning out of employees is likely. Charges of graft have been made practically in every department in the yards. Also, charges of smuggling government supplies out of the yard and selling them to private parties; forcing men to live in certain lodging houses; holding them up to exorbitant prices; employing alien labor; and that immoral practices exist in the yard.

COMMISSIONERS SIGN THE PROTOCOLS AND ADJOURN

Work is Progressing Without Interruption, Though Slowly,
and Will Be Resumed Next Saturday.

President Sent a Message to Ambassador Meyer, Who Immediately Secured a Private Audience With the Czar—Russian Securities Advanced Immediately Upon Receipt of Advices Indicating Peace Prospects—Professor Martens Recalled to St. Petersburg—More Cordiality Toward Bystanders Shown by the Japanese Envoys—Revision of the Proceedings to Date Has Been Agreed Upon and Signed Up.

Portsmouth, Aug. 23.—Kerostovits telephoned from the navy yard that the conference had signed the protocols and adjourned until Saturday.

Sessions Resumed.
Portsmouth, Aug. 23.—The meetings of the peace envoys were resumed this morning after an interval of four days, or since they adjourned Friday apparently almost helplessly divided.

Many things have happened and much has been accomplished, which leads to the belief today's sessions may result in something definite. Special arrangements have been made to keep the president informed of developments. A telegraph wire has been placed directly in connection with the navy yard and Oyster Bay, and Secretary Pierce has been provided with a cipher which he and the president only understand.

Denison, the legal adviser of the Japanese, and Pokotloff of the Russian suite, remained at the hotel watching for news from the conference room, ready to convey to the envoys any developments that might arise. The Russians left the hotel first, bowing and smiling to salutations. The Japanese for the first time since their arrival acknowledged the greetings of the crowd. While waiting for the automobile, Komura and Takahira bowed and smiled. They had before looked neither to the right nor left, leaving to Sato the duty of returning salutations. The session began at 9:40.

Adjourned Till Saturday.
Unofficial reports from the navy yard say the conference has adjourned until Saturday.

Message to Meyer.
Oyster Bay, Aug. 23.—The president sent a long message to Ambassador Meyer at 7 p. m. Monday.

The fact that Meyer saw the czar today and that the advices from Oyster Bay say the president says he sent a long message to Meyer, it is

doubt that he and Blackburn were one and the same. The warden at Boise was at once wired to by Marshal Coffman, and the latter was told that a deputy would be sent down for the prisoner on the next train.

Lawrence escaped from the Boise penitentiary on August 16. At that time he was working with a gang under guard Perkins. While the guard was away a few feet distant getting some water, Lawrence jumped into a ditch and after crawling for some distance made his getaway. His convict clothes were found nearby, and this led to the belief that he had been given outside assistance. He was serving a term for burglary, and Warden Whitney of the penitentiary, states that the remainder of his sentence will be doubled as punishment for his escape. This can be done by the warden under a law in that state.

Lawrence, alias Blackburn, was captured a few evenings ago by Officer Stevens, assisted by E. B. Jameson and Frank Day. It is said that the reward of \$50 will be given to Officer Stevens.

ANOTHER O. R. & N. MAIN LINE TRAIN

Commencing tonight, Nos. 5 and 6 the west and eastbound main line passenger trains on the O. R. & N. will run in two sections between Portland and Huntington, making practically another regular main line train between those points.

Agent E. C. Smith of the O. R. & N., today received a bulletin to this effect and official notice is given the public. The first section of the trains in question will carry mail, tourist Pullman and dining cars, the second

believed certain the president made a personal appeal to the czar in the interests of peace.

Russian Credits Advance.
Paris, Aug. 23.—Upon the favorable construction of news from Portsmouth today, Russian securities rose 40 centimes.

Meyer Calls on Czar.
St. Petersburg, Aug. 23.—American Ambassador Meyer was received today by the emperor. It is believed Meyer's visit concerns the pending peace negotiations.

Martens Recalled.
St. Petersburg, Aug. 23.—Professor Martens, who accompanied Witte to Portsmouth as adviser, has been recalled and ordered to return to this city August 31.

Working on Many Clues.
Chicago, Aug. 23.—Although the police are inclined to believe Mrs. Effie H. Exe, the wealthy New York widow who was shot and killed last night to be the victim of a robber, search is also being made on the clues that revenge or jealousy may be the cause. Several arrests were made today but the police think none will result in securing good evidence.

Warrants for Bank Officials.
Denver, Colo. Aug. 23.—As a result of the failure of the Denver Savings bank, warrants are out for J. Hill, president; Franklin P. Jones, vice-president; R. A. Brown and Joseph David, tellers charging them with larceny.

Fire in the Steerage.
Liverpool, Aug. 23.—Fire broke out in the steerage of the Star Line Oceanic, Captain Cameron, which is scheduled to sail for New York today. The fire was extinguished with but slight damage and the sailing will not be delayed.

Murder and Suicide.
Kansas City, Aug. 23.—William May, aged 29, shot and killed his bride of 18 months and attempted suicide.

RACE WAR RAGES AMONG FISHERS

**CHINESE BATTLE WITH
AMERICANS AND DAGOES.**

Chinamen the Aggressors; and Victorious in the First Fight With the Americans—The Latter Were Reinforced by Italians, But Made an Unsuccessful Attack on the Chinamen, Who Were in the Ascendancy at Last Reports—Dead and Wounded on Both Sides.

San Francisco, Aug. 23.—Reports of a fierce race war between Chinese, Italian and American fishermen at Nushagak, Alaska, were brought to this city this morning by the small salmon schooner *Salvator*.

July 20, the white fishermen were driven from their bunkhouses by an armed body of Chinamen. The Americans joined hands with the white settlers across the hills and in return gave battle.

In the barricaded bunkhouses the Chinamen offered fierce resistance and after a two hours' battle still held the post. Reinforced, the whites resumed the battle the following day with prospects of success, when a body of Italians appeared and assisted the Chinese to drive the whites beyond the hills. It is reported a considerable number were dead, and the injured whites left the field. The day of the *Salvator's* departure the battle was resumed, the fighting being the result of an old feud.

Chapman is President.

San Francisco, Aug. 23.—The International Missionary convention of the Christian church will assemble at Buffalo next year, probably in October. Today the principal session of the conference concluded with a meeting of the American Missionary society. C. C. Chapman of Fullerton, Cal., was elected president. A great many delegates will return home by way of Portland.

India rubber trees which are tapped every other day continue to yield sap for more than 20 years.

REBUTTAL FOR TAGGART CASE

Gen. Miner Denies in Toto All
Charges of a Conspiracy
Against Capt. Taggart.

**TAGGART CONFESSED HE
HAD BEATEN HIS WIFE.**

**Claimed He Must Have Been Crazy
When He Did It—Taggart Was a
Good Soldier and Was Imprisoned
Only to Give an Opportunity to Ex-
amine His Mental Condition—Mind
Supposed to Have Been Affected by
Campaign in the Philippines—Re-
port Was That His Mind Was Sound
and He Was Released—Charges
Filed Against Miner.**

Woonster, O., Aug. 23.—General Miner testified there is no truth in the charges that conspiracy existed when he caused the arrest of Taggart. He said Captain Poore reported that Taggart was charged by his wife with having beaten her.

"I sent for Taggart, who said he must have been crazy and spoke of his wife as a woman of perfect virtue. He called upon God to witness that he had never struck her before. With two officers I called upon Mrs. Taggart. She said she was afraid for her life. Her eye was blackened, and she said one shoulder was bruised. I ordered Captain Taggart confined in the hospital for her protection. I made no suggestion, directly or indirectly, that he write an apology to his wife. At the request of Taggart I refrained from preferring charges for courtmartial. I had always found Taggart a good officer and never had cause to complain before, and could only explain his actions on the ground he had been drinking too much, which was not customary for him."

Mrs. Taggart's attorneys asked the court to throw out of evidence Miner's report to the war department, which he admitted were demerits against Taggart which should not have appeared. The court refused the motion.

Miner said in correction of his testimony that the first order given after the Taggart arrest was to Lieutenant Fortesque, ordering him to stay away from Taggart's house.

The general said he was not drunk at the dinner party. While cocktails were served at the start, and wine was on the table, he drank very little.

Why Taggart Was Locked Up.
The official record of Taggart's confinement in the hospital was introduced. It showed "sick in line of duty, July 2-8; under arrest, July 2; commanded to join company after July 8."

Miner thought Taggart was mentally unbalanced, as many officers were, from campaigning in the Philippines, and had him locked up for observation. Colonel Hoff reported he found no signs of mental disturbance, and ordered him released several days later.

A copy of the report Miner made of the quarrel between Taggart and his wife was introduced, Taggart's attorneys endeavoring to show that only a part of the incident was reported, and that that was prejudiced.

Miner admitted his report to the war department based upon a single incident as reported by Captain Poor, and admitted the occurrence was not in the year for which the report was made.

Taggart's charges against Miner, on file in the war department, were read in court. Miner is accused of conduct unbecoming an officer and a gentleman, and it is alleged he took improper liberties with Mrs. Taggart at a dinner party, and declares he asked Mrs. Taggart to allow him to see her in the absence of her husband, and says he went to Taggart's home in the absence of Taggart and spent some time alone in the parlor with Mrs. Taggart and says he acted imprudently while walking with Mrs. Taggart, and says he asked Mrs. Taggart to call him up by a telephone not at the house and he would go by a way not to be seen.

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