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ONE YEAR IN JAIL

Is the Sentence Imposed on
Alexander McKenzie by
Judge Ross

OF THE U. S. COURT OF APPEALS

For Crookedness While Receiver
of Nome Mining Claims.

JUDGE NOYES BADLY SCORED.

His Actions Characterized as With-
out Parallel in Jurisprudence
of the United States.

From Monday and Tuesday's Daily.
San Francisco, Feb. 11, via Skagway,
Feb. 18.—Alexander McKenzie, the
man who was appointed by U. S. Dis-
trict Judge Noyes to the receivership
of a number of mining claims at Cape
Nome, was today, in the United States
circuit court of appeals (Judge Ross),
found guilty of contempt on two counts
and was sentenced to serve one year in
the county jail.

In passing the sentence the court
took occasion to denounce what it char-
acterized as high-handed and grossly
illegal proceedings which were initi-
ated immediately upon the arrival of
Judge Noyes and McKenzie at Nome,
and which the court said has no
parallel in the jurisprudence of the
country. The judge congratulated the
people of Nome on not having taken
the law in their own hands.

The Nome receivership cases have
been before the courts for some time
and much testimony was sometime ago
submitted before the U. S. court at San
Francisco to prove that a conspiracy
to defraud the claim owners existed be-
tween Receiver McKenzie and Judge
Noyes who appointed him. The deci-
sion of the court was that McKenzie
be removed, but he refused to vacate,
with the result that he was adjudged
guilty of contempt of court by Judge
Morrow. McKenzie claimed that he
was not guilty of contempt, inasmuch
as the papers and orders issued from
the higher court had not been filed in
the district court at Nome at the time
he was adjudged guilty of disobeying
the writs of the court. In the opinion
read by Judge Ross today he holds that
the filing of the citation in the district
court at Nome gave the court of appeals
jurisdiction in the case. At this point
in the decision the court referred in
scathing terms to Judge Noyes and to
the manner in which he conducted
affairs at Nome. The judge said:

"The circumstances attending the
appointment of a receiver in these cases
and the actions of the receiver both be-
fore and after his appointment, as
shown by record and evidence, is far
from impressing me with his sincerity
of pretension. His refusal to obey the
writs issued from this court was based
upon the advice of counsel which was
void, and I am satisfied that the wrong
was intentional and deliberate and done
in furtherance of the high-handed and
grossly illegal proceedings which were
instituted almost as soon as Judge
Noyes and McKenzie set foot in Alas-
kan territory at Nome, and which, it
may be and fortunately said, have no
parallel in the jurisprudence of the
country. It speaks well for the good
sense of the people gathered on that re-
mote and barren shore that they de-
pended solely upon the courts for cor-
rection of the wrongs thus perpetrated
among and against them, and the courts

may be depended upon—sooner or later
to right the wrongs in every case pro-
perly brought before them."

The Fire Yesterday.

The fire alarm blown by the siren
last evening was for a fire in the resi-
dence of Harry Phillips on Sixth ave-
nue, between Fifth and Sixth streets.

Mr. and Mrs. Phillips were both
away, and had been for some hours
previous to the sounding of the alarm,
and, as they left a fire in the stove
upon going out, the origin of the fire
is thought to be due to that source,
and because the stove was tightly
closed, it is thought a spark from the
top in some manner got out and found
its way to the wood box behind the
stove where it did the most damage,
and evidently first caught.

About \$50 damage was done the
cabin, and a greater amount to the
wardrobe of Mrs. Phillips which was
greatly damaged by fire and smoke.

Travel Is Light.

Superintendent Pullham of the C. D.
Co., arrived Saturday from Whitehorse
which terminal he left with a special
team on Thursday the 7th inst. He re-
ports the trail slow owing to the cold
which has frozen the snow in sand-like
particles the same drifting with the
least wind and in places obliterating
the road. There is very little travel at
present and the roadhouses along the
trail are practically deserted.

The Date Is Fixed

Major Z. T. Wood, commander of the
N. W. M. P. in the Yukon, has pre-
pared an edict which will be faithfully
carried into effect by the officer com-
manding, Capt. Starnes.

The order is that all houses of prosti-
tution within the confines of the city
of Dawson, extending from the Klondike
river on the south to the bluff
north of the dumping ground on the
north and from the last cabin on the
A. C. trail on the east to the Yukon
river on the west, be vacated by the
first day of May. The Klondike river
"dead line" will extend up as far as
the new bridge, which will be by the
lower ferry. This decree will leave
the women, of whom it is estimated
there are 100 on one block on Fourth
and Fifth avenues between Second
and Third streets, the option of locating in
Klondike City, West Dawson or of
leaving the country entirely. It is re-
ported today that options have been
already taken on nearly every cabin in
Klondike City.

After May 1st any female found liv-
ing on the avails of prostitution within
the above proscribed limits will be
dealt with to the full extent of the law
which is a fine of \$50, six months a
hard labor or both the fine and im-
prisonment.

Pope on Socialism.

Rome, Jan. 26.—The pope's ency-
clical on socialism was issued today. It
is dated January 18, and says a distinc-
tion must be carefully drawn between
socialism and the movement among
Catholics reviewed in his previous en-
cyclicals on the socialistic subject, and
which was called Christian democracy.

The pope commences with recalling
his two previous encyclicals on social
questions, and says the sequel of these
encyclicals was that the Catholics de-
voted all their activity to social works
to help the working classes. The pon-
tiff here reviews all that has been done
in this direction—the foundation of
labor bureaus, funds established for the
benefit of the rural classes and work-
ingmen's associations of all kinds. He
considers the appellation, "Christian
socialism," incorrect, and says Catho-
lics who occupy themselves with social
questions are sometimes also called
"Christian democrats." But even this
title is attacked by some people as
being ill-sounding. Divergences have
arisen therefrom, and the pope ardently
desires to eliminate them.

Peremptory List.

The following is the peremptory list
of cases to be tried in the territorial
courts during the present week:

Mr. Justice Dugas—Belcher-McDon-
ald, Binet-O'Brien, Rourke-Clarke,
Milligan-McDowell, Peterson-McNa-
mee, Davies-Bourke, Criterion-Lynch.
Mr. Justice Craig—McKay-V. Y. T.
Co., Herbert-Dav, Day-Herbert, Mc-
Lean-Bonanza King, ex-court, French-
Eldorado, ex-court, Burns-Yukon Flyer
line, ex-court, Munro-Morrison, Peter-
son-Kalles, Griffith-Craig, Hunter-Har-
ney, LaPorte-Munroe, Stone-Sawyer,
Rumball-C. D. Co., Heron-Bartlett,
Vallery-Galvin Synd., Harriman-Gee,
Small-Carroll, Ames-Mercantile Co.,
Sinclair, Imperial Bank-McCandless.

BELCHER- McDONALD

Case Is Continued This Morning
With McDonald on the
Stand.

HIS TESTIMONY ABOUT SECURITIES

For Payment of a \$16,000 Balance
and Some Credits

CLAIMED BY THE DEFENSE

As Offsets Against the Indebtedness
to the Calder Estate—Some
Papers Identified.

The hearing of the case of Belcher
and McDonald was resumed in Justice
Dugas' court this morning with Dun-
can McDonald on the witness stand.

He testified at some length regarding
the occurrences of April 7th, on which
day the several conferences between
Alex McDonald, the defendant in the
present action, and the executors of the
Calder estate, have already been re-
ferred to.

The discussion on the date in ques-
tion, according to this witness, took
in pretty nearly the whole question in
hand. That \$50,000 note, three smaller
ones aggregating upwards of \$20,000,
the transfer of a half interest in No.
27 Eldorado, the dumps then waiting
for the washup, and sundry talks about
bonds as security for a balance of \$76,-
000 claimed by the plaintiffs. The
executors, he said, told Alex McDon-
ald that the deceased had told them
that he, the defendant, had, with the
exception of 100 ounces, received the
entire cleanup from No. 27 Eldorado,
for the year of '99, and that he (Cal-
der) was, according to their agreement,
to have the cleanup of 1900.

To this the defendant had made no
objection and had also at their request,
transferred to them the half interest of
27 Eldorado, as belonging to the Calder
estate; he had agreed to the estate's
receiving the cleanup of 1900 from the
claim, saying that it would net the
owners \$100,000, there being laymen
working the ground at the time.

This left a balance due the estate,
according to the calculations of the
witness amounting to \$76,000, for which
they (the executors) wanted a bond,
upon which they were willing to accept
as sureties the signatures of James Mc-
Namee and George Burns, whom de-
fendant said he could get, but which he
failed to do.

There were three of Calder's notes,
however, which he looked upon as
credits to himself, because they had
been given to other parties by Calder,
and had been endorsed by him. These
notes were for \$9000, \$8000 and \$6000.

Failing to get the necessary sureties
on his paper, the defendant had pro-
posed giving as security claim No. 22
Eldorado, but it was not considered
sufficient by the executors, who wanted
him to give them No. 34, but he had
said there was a cloud over it and he
couldn't do it.

He did not turn over to them the
other half of No. 27 as they requested,
because of the credits he thought to be
coming to him on the smaller notes.
He offered them Sulphur creek prop-
erties Nos. 7 and 8, but they were not
acceptable.

Under cross-examination by Mr. Wade,
the witness said that he knew Alex Mc-
Donald whom he believed came from
Nova Scotia.

"Is he a Scotchman?" asked Mr.
Wade.

"I don't know," replied the witness.
Mr. Wade wanted to know if he did
not have the characteristics and symp-
toms of being a Scotchman, and the
witness thought he did.

He had been a purchasing partner in
27 Eldorado with the defendant when
that ground was purchased, paying \$200
in cash as his first payment, the de-
fendant putting up \$1800 at the same
time.

So far as he knew no accurate ac-
counts of business transactions in which
either himself or Calder had been in-
terested with the defendants had ever
been kept. At the time of the death

of Calder at Selkirk he and Belcher
were passengers coming in with the
witness, who was not present at the
death scene.

He identified the instrument trans-
ferring a half interest in the claim 27,
known as exhibit H, and later when
Mr. Wade handed him another type-
written document, known as exhibit I,
asking him if it was the same docu-
ment he had seen shortly before.

After some hesitation the witness
said it was not the same although it
might be a copy.

The case will be continued this after-
noon.

A Runaway.

Late this afternoon a horse hitched
to a single sleigh became frightened on
First avenue and ran away. When
just in front of the A. C. store the ani-
mal barely missed running over a little
girl who chanced to be in the street.

The horse was stopped on Second
avenue, having made rather an ex-
tended and lively tour of several streets
without doing any damage.

Mrs. Wood Improving.

Mrs. Wood, wife of Major Z. T.
Wood, whose serious illness has been the
source of considerable uneasiness to
her many friends during the past sev-
eral days was very much improved in
her condition this morning and unless
complications arise her recovery from
now on will be rapid.

Manning's Fortune

John Manning is one of those men
whose good fortune it seems to be to
have good things thrust upon him.

When the Nome excitement first
strode rampant through the land John
Manning, who, by the way, has been a
frontiersman since before the time
many of the present generation can
conveniently recall, and a pioneer of
nearly all western mining camps,
gathered his energies for another stamp-
ede, and went down the Yukon to the
city built upon the ruby sands of
Bering sea.

Here he found all, and more that has
been formerly written and told of in
the way of a much over-populated place
of desolation, and the ground staked
everywhere.

Finally he bought a piece of ground
in the gulch known as Gold Run, in
partnership with a former friend, after
which, seeing nothing further to be
gained in staying there, he went to
Nome, leaving his partner on the
ground.

Before he left Nome for Seattle, his
partner struck it rich beyond his great-
est expectations, and sent a letter to
Manning informing him of their good
luck.

The letter did not reach him for
some unknown cause till a few days
since when it reached him at the Re-
gina.

Friendly Feeling Cemented.

New York, Jan. 26.—A dispatch to
the Tribune from London says:

One of the indirect effects of the
death of the lamented queen is the im-
proved state of feeling between England
and America. The tributes to her
memory have come from every quarter
of the globe. But those from America
have been unique in sympathetic appre-
ciation and have touched the hearts of
Englishmen. The honors paid in
Washington, New York, Chicago, Phil-
adelphia and many legislative capitals
have been rightly regarded as excep-
tional and unprecedented, and general
regret will be felt if the foreign office
finds it necessary to emphasize any
point of diplomatic difference with the
United States. There will be a feel-
ing of relief and pleasure if it takes
advantage of an early opportunity for
bringing to a close a controversy of
long standing like the canal question.

The prospect for the acceptance of
the amended treaty has cleared. There
has been no further exchange of views
between the embassy and the foreign
office, but public opinion has been pre-
pared for welcoming the adjustment of
the troublesome question. It is not
probable that the foreign office will act
upon the treaty for a fortnight. The
cabinet has not discussed it, and it will
be held in abeyance until the queen's
burial, and there has been an oppor-
tunity of ascertaining the king's own
wishes. This delay, if anything, will
be helpful in promoting a friendly ad-
justment.

Out-Bound Passengers.

L. Johnson, W. Clithero, Mrs. Bryan,
Mrs. Werner and a third man whose
name was not learned left this morning
at 9:30 o'clock on Robinson's stage for
Whitehorse.

A LONG DEBATE

Was Attended by Some Boquet
Throwing Between Counsel
This Morning

IN McDONALD-BELCHER LAW SUIT.

Nearly Whole Forenoon Session
Taken up by Argument

CONCERNING POINT OF LAW

Arising Out of the Re-Examination of
Duncan McDonald by Counsel
for the Plaintiff.

The Belcher-McDonald law suit still
continues to engross the attention of
Justice Dugas' court.

Duncan McDonald was the object of
Attorney Wade's searching cross-ex-
amination yesterday afternoon till the
time the court arose, and this morning
the matter was again taken up and con-
tinued till afternoon.

Mr. Wade finished his cross exami-
nation of the witness who was then taken
in hand by Attorney McCall, for the
plaintiff, in re-examination.

Coming to the point of whether or
not the plaintiff had ever paid any of
the expenses of claim 27 since receiv-
ing the transfer of the half interest
previously referred to, witness said that
last spring the fraction adjoining it
had been damaged and that a meeting
had been held by the executors and the
defendant in the McDonald hotel, where
the defendant with the other owners
had each paid a share of the damage
in proportion to his share of ownership.

Yesterday afternoon witness said that
Alex McDonald had said that he had
given Calder a note for \$100,000 to se-
cure him "good and plenty," and when
this statement was mentioned this
morning the trouble began.

Mr. Wade straightway objected vig-
orously on the ground that the ques-
tion of the consideration for which the
note was given was involved, and that be-
cause the plaintiff's counsel had not
raised the question in his examination
in chief he had not the right to raise
it in re-examination, thereby pre-
venting the defense from cross examining
afterwards. He contended that the
\$100,000 note was not a promissory
note, but one given in lieu of property.
Mr. McCall said that he had purposely
left the question of consideration out
of his examination in chief, believing
that the defense would bring out
that the plaintiff wanted, in his cross
examination.

Justice Dugas said that the objection
could be noted and the questions
their answers held in reserve.

Mr. Wade asked that before this
done the evidence of yesterday after-
noon be turned up and read. This
was done and Mr. Wade at the close
of the reading argued some more and cited
some authorities. He said that the
procedure of the opposing counsel was
bad law and that his learned friend
knew it was bad law.

"Speak for your self Mr. Wade, speak
for yourself," replied Attorney Mc-
Call, and the judge said that he ap-
peared to be the most ignorant of any
of the three if Mr. Wade and Mr. Mc-
Call, as stated, both knew that it was
bad law, because he did not.

Mr. Wade wanted to hear Mr. Mc-
Call's argument against his objection,
saying that he believed that it would
help out the defense, but Justice Dugas
said that the objection entered by the
defense would be noted and the re-ex-
amination might go on.

By the time this decision was finally
given the noon hour had been reached
and the case will be continued during
the afternoon.

More Lost People.

The N. W. M. police having
received letters inquiring for the whereabouts
of the following persons, re-
quests anyone having information
any of them to communicate same to
the town station, Third avenue:
George Forbes, Essex, England;
James Glass, New Brighton, Pa.;
Hilton, Havant, England; William
Luker, left Circle City, April, 1900.