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THE DAILY KLONDIKE NUGGET.

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ORDER AT BRUESSELS

Restored Saturday by Use of Arms

Satisfaction is Widespread and Culmination of a Serious Character is Expected.

Special to the Daily Nugget.

Brussels, April 12.—Today a semblance of order was restored among the rioters. The police who had borne the brunt of the fighting were strongly reinforced by gendarms and civil guards, with loaded rifles.

Orders were issued to use all force necessary to drive the mob out of the Bois de Peuple. Just as the order was about to be executed the chief of the Socialists offered to evacuate the building quietly. Estimates as to the number wounded during the day vary from forty to one hundred and the Socialist's injured were carried off and hidden by friends. A large number of rioters were arrested and some were detained. Sharp fighting between strikers and gendarmes occurred this morning near Charleroi. Several thousand strikers stoned the gendarmes, who retaliated by firing revolvers. A sharp fusilade followed and the gendarmes were forced to retire. A squadron of lancers galloped up and charged and dispersed the mob. Telegrams from the country districts indicate the widespread character of the movement, which threatens to culminate in a grand coup next week during the reform debate in parliament.

Doctor of Laws

Special to the Daily Nugget.

Edinburg, April 14.—The Edinburg University bestowed the honorary degree of doctor of laws on Prof. William James, of Harvard, and President Jacob Gould Schurman of Cornell. The dean spoke of the foremost place that James occupied among psychologists and Schurman's reputation as a deep thinker and genius for organization.

RESPITE TOO LATE

Henry Flutcher Likely Innocent

But Governor's Respite Did Not Arrive Untill After He Was Hanged.

Special to the Daily Nugget.

St. Louis, April 12.—Henry Flutcher hanged here today for the murder of Louis Roth, August 27, 1900. A few minutes after the execution a telegram came granting a respite of 15 days on an allegation of fresh evidence showing that Flutcher acted altogether in self defense.

Mail Due Tonight.

A stage with about 375 pounds of mail left Ogilvie at 1:30 o'clock this afternoon and should arrive about 7 tonight.

The mail for down river points will close tonight, the carriers getting away early in the morning. Mail is due this evening from down the river.

VERY WEAK EVIDENCE

Is Dumbill's Unsupported Testimony

Against Beckwith and Borden Charged by Would-Be-Suicide With Theft.

In Judge Macaulay's court this morning the case of A. E. Borden, one of the men implicated by a story of would-be-suicide Joseph Dumbill in the theft of meat from the steamer Robt. E. Kerr, was called and continued for one week, the defendant being admitted to bail in the sum of $4000.

As was stated in Saturday evening's paper Borden arrived from Selwyn Friday night and was released on bail until this morning. As Dumbill's story is not believed, Borden had no trouble whatever in furnishing the required bond.

When the case of Watchman Beckwith, also implicated by Dumbill, was called, Attorney Pattullo, for the prosecution, stated that he had no additional evidence to that of Dumbill, which was taken before Judge Macaulay at the hospital last Thursday afternoon. Attorney Walsh for the defense then moved that the case be dismissed on the ground that the only evidence against him was the unsupported evidence of Dumbill, a self-confessed thief and proven unmitigated liar.

As the judge desired to hear rebutting evidence, the case was continued until tomorrow morning. Beckwith is also out on bail.

MIXTURE OF CASES

Heard by Judge Macaulay This Morning

Evidence of Hootch and Pugilism —A Rustic and His Dilapidated Mule.

It was a mixed crowd that had business in Magistrate Macaulay's court this morning, the grist of cases being somewhat larger than the ordinary Monday morning batch.

John McGovern met a friend Saturday evening and partook too freely of the brand that caused him to appropriate more than his share of the sidewalk. Being a guileless appearing youth who had never before offended in a similar respect, a fine of $1 and costs was imposed.

John Connolly and John Moore traded coats sometime last fall, Connolly promising to pay Moore $5 boot money. They had other transactions and on Saturday when Moore dunned Connolly for the $5 the latter claimed he owed but $2. A set-to resulted in which Connolly lost about 35 cents worth of hyde from his nose, (Dawson market price) likewise a small portion from his neck. Connolly was discharged and Moore, having clearly been the aggressor, was fined $10 and costs.

While the casual observer would never take Sidney Webb for an attorney, he conducted a case for himself this morning in a manner that would make many K. C.'s look to their laurels.

Sidney heeds not the admonition to "Use Pears' Soap," or any old soap, for that matter, but he handles the King's English without gloves, using words the meaning of which he wots not.

He was up on the charge of working a mule which was in an unfit condition, the animal being old and crippled and having ears that hang down like those of the Cuban bloodhounds of an Uncle Tom's Cabin company.

The mule was at the court house blushing for his ancestry and mourning for the future of his race, but did not speak for himself, in that he failed to bray or otherwise disturb the solemnity of the occasion. A fine of $5 and costs was imposed and, to the surprise of all, paid in currency of the realm.

Small Fire at the Forks.

Fire was discovered in Kinsey & Kinsey's photographic parlors at the Forks yesterday and a narrow escape from a serious conflagration resulted. The roof of the building occupied by the firm is of canvas which became ignited through a defective flue. The fire was noticed immediately, and a passer-by climbed onto the roof and by tearing the canvas away from the pipe succeeded in subduing the blaze before any serious damage had been done. Had the fire secured a few minutes start the building would have been in a blaze very quickly.

P. B. Butter at Barrett & Hull's.

HE MAY BE SHAMMING

Sir Hicks-Beach's Illness Not Genuine

Forth-Coming But Delayed Budged Must Provide for an Enormous Deficit.

Special to the Daily Nugget

London, April 14.—Londoners believe the indisposition of Sir Michael Hicks-Beach is more diplomatic than organic. There is a possibility that the budget will be laid over today. The government is still undecided how much will be represented by the enormous deficit. Taxes will be placed on flour and wheat. The oil trade anticipates a duty on petroleum. However this is all surmise as the budget proposals are guarded with the greatest secrecy.

Case Postponed.

The case of F. S. Dunham against the retailers of old and cheap quality of groceries has been postponed, Dunham deciding not to push the suit as all his customers uphold him in the stand he has taken, namely, not to handle any but fresh goods. THE FAMILY GROCERY, corner Second avenue and Albert street.

Hay, oats and provisions of all kinds at Barrett & Hull's. Rock bottom prices.

Handsome decorated tea sets. Cheap. Ames Mercantile Co.

DEATH CALLS MR. TALMAGE

America's Greatest Divine is no More

Died at His Home in Washington Saturday Night of Brain Disease.

Special to the Daily Nugget.

Washington, April 13.—Rev. Dr. T. De Witt Talmage died last night at 9 o'clock, aged 70 years and three months. For many years he has occupied the enviable reputation of being America's most popular minister of the gospel, his sermons having been published weekly over the entire civilized world. He was a lecturer of note and had traveled extensively. While a vein of religion was noticeable in all his public talk, he was both witty and humorous, and was one of the finest entertainers of the age. The immediate cause of his death was inflamation of the brain.

COURT OF APPEALS

Decisions of Importance Are Rendered

Judgment in All the Cases Heard Last Fall Are Given Out Today.

The court of appeals had a most busy session today, the day being spent entirely in delivering judgments in old cases which were heard last fall prior to the departure of Mr. Justice Craig for the outside. The decisions of Mr. Justice Craig were received several months ago by mail, but upon their arrival it was decided to defer giving them out until the court had again assembled in session. With the delivering of the judgments today, several of which were of great importance, all the old business is cleaned up. During the course of the proceedings Mr. Justice Craig remarked that some of the attorneys had been disposed to find fault with him on account of the delay in delivering judgment in cases heard so long ago, but he desired to say, in justice to himself, that all his decisions had been here months ago and the fault of the delay was not his. Probably the most important of the decisions were n the cases of Risser vs. Pinkiert and Hartley et al vs. Mason et al, the latter being known as the famous concession case.

The first case taken up was that of J. L. Davis et al vs. Hugh Adams the judgment being upon a motion made by plaintiff, after the case had been heard and argued, for leave to admit new evidence. The opinion was by Mr. Justice Craig and is as follows:

"The appeal in this action was argued before this court in August of last year and judgment reserved. Shortly after the hearing of the argument, the plaintiff applied to Mr. Justice Dugas for leave to admit new evidence under section 7 of the ordinance constituting this court. The application stood over until a meeting of the full court when the motion was renewed. The material upon which the motion is based is an affidavit of Davis that he made inquiries with reference to a witness called Andrack and was unable to learn where Andrack was and that he had left the country. Again after the hearing of the appeal he made fresh inquiries and found him. He does not say what steps he took prior to the trial so as to convince the court that all reasonable attempts were made to procure the witness. Andrack now comes forward with an affidavit stating that he is informed that certain posts planted by him and which he will recognize, are still standing on the front part of the claim, and that if afforded an opportunity he can go back and by measurement ascertain whether certain posts at the rear of the claim were the posts planted by one Sousa. The case revolves about these rear posts, the question being whether Sousa in staking did plant certain posts which the plaintiff now says should limit and bound the rear of his claim. It will be observed that the new witness does not depose that the posts which were contended to be the true posts are not the true posts. He simply says that he will be able to give evidence regarding them if he go on the ground and see them again. It may be that he will give evidence confirming the case of the plaintiff. The court so far is in absolute ignorance of the nature of his evidence—whether it will vary at all the facts now before the court. The question for us to consider, it seems to me, is whether we ought at all in any case to grant such an application and whether the material before us is sufficient. The rule under which the motion is made says that the territorial court may, upon special circumstances being shown, make an order for the taking of further evidence. This practically is the same rule as is in force in Ontario and England, special conditions and circumstances to be shown. Are special conditions shown in this case and if so, what are the special conditions? The only thing that is shewn is that a witness turned up who says that he can give some evidence. What the evidence is we do not know. I suppose it would be hard to imagine a case in this territory where, after the hearing, some witness might not turn up who would say that he could possibly give some evidence, and that is all this witness says. A great many cases have been heard upon this very matter, and it seems clear that, beyond any doubt, the application cannot be admitted as a matter of course; that there should be strong reason for admitting it. It cannot be said that there is strong reason in this case. It has been held that the discovery of new corroborative evidence is no ground for the granting of a new trial, which this would practically be. As I said before, in this case we could only grant a new trial; we cannot grant affidavit evidence for the reason that it would be wholly unfair to the plaintiff, who should have full opportunity to rebut and cross-examine. The judges over and over again have used almost identical words in saying that it is unfair to allow a person to bolster up a case after argument in appeal."

Here his lordship cited a number of cases showing where it would be a dangerous precedent to allow a person to argue a case and then apply to admit new evidence. Continuing, he said:

"I quite concur in that view of the law, and in this case if the witness had sworn that the posts, which the plaintiff contends are the true posts, were not the true posts, and that he could on the trial give evidence of that fact, I should be disposed to grant the motion, but as I said before, I cannot see the use of goind to the expense of a new trial when the matter is simply conjectural. It seems to me that this is simply an attempt to bolster up a case without even knowing whether the case will be bolstered on behalf of the applicant or not. For these reasons I think the motion should be dismissed."

Mr. Justice Dugas in concurring with the opinion of Mr. Justice Craig said:

"I have read as many of the authorities by both parties as I could lay my hands on, and I have not since changed the views which I held when the motion was made, that in order to authorize this court to accept further evidence, a very strong case should be made and show "special circumstances." Here this cannot be said for it is not even shewn that the witness in question will, in any way whatsoever change the evidence already taken as to the locality or existence of this post, and, therefore, the reopening of the evidence would only be admitted, on the part of the court, to find out whether the evidence submitted gives the real facts or not, or might not be strongly contradicted. This is not the intention of the law. There is besides the fact that the witness was within the jurisdiction of the court at the time of the trial. It was for the appellant to use proper diligence to find out whether he was within or without the jurisdiction of the court, then he would have been entitled to the protection which is given to suitors under such circumstances. Notwithstanding, therefore, that as a matter of principle this court should not reopen evidence except when it is made certain that the new evidence offered would give to the case another aspect, I believe that this witness, being at the time within the jurisdiction of the trial court and there being nothing special shewn to sufficiently excuse his absence, takes, in this instance, the case out of what the clause determines "special circumstances." Therefore I am of the opinion that the appellant should take nothing by his motion, which is dismissed with costs.

Mr. Senkler likewise concurred with the decision of Mr. Justice Craig.

In the case of John Erickson vs. M. H. Boulais et al, John Erickson vs. A. J. Gillis et al and M. H. Boulais et al vs. John Erickson, the decision is one of utmost importance, defining what may be considered as the base of the hill on claims which were staked under the base-to-base regulations. The decision was given by Mr. Justice Craig and was concurred in by both the other members of the court. The opinion of Mr. Justice Craig is as follows:

The dispute herein is about the

(Continued on page 6.)