

### ACOUSTIC PROPERTIES

Of Territorial Court Rooms in New Building Are Far From Good

WHEN THEY ARE BUT PARTIALLY FILLED

Many Motions Heard by Justice Dugas Today.

PELKY WANTS JURY TRIAL

On Charge of Larceny and Obtaining Money on False Pretenses - C. D. Case.

Court convened for the first time this morning in the new courthouse, the day being occupied in hearing motions and the arraignment and election of several criminals. Nearly all the members of the Dawson bar were present and it was seen at a glance that greater provision will have to be made for their accommodation. But one table is now provided for the use of the barristers, their briefs and books of reference, around which it is impossible for more than eight or ten persons to sit. At this morning's sittings a number were compelled to occupy seats in the jury box. There is ample room for another table which should be installed immediately. The acoustic properties of the new room appeared at a very great disadvantage, due, possibly, to the absence of a crowd in the rear of the room. Every particle of noise seemed magnified so greatly that there was a perfect babel of confusion, and his lordship from the bench was compelled to ask for less disturbance in order that arguments and ordinary conversation might be heard. The list was taken up and gone through from beginning to end. In the case of Jackson vs. Danjel, it was allowed to stand over until Monday by mutual consent of counsel.

were fixed peremptorily for Monday next.

A motion for an interpleader was granted in the Schraf case.

In Rankin vs. Baker a motion to dismiss the action was argued. Decision reserved.

In Wilson vs. C. D. Co. counsel for plaintiff asked that security be given by defendant to cover cost of appeal. At the trial of the case heard some time ago Wilson secured judgment in the sum of \$30,000, defendant has appealed and the appeal bond has now been fixed at \$1000.

A motion to dismiss the action was argued in the Mohr case. Judgment reserved.

In Clark vs. Nicholson, an action on a contract, defendant moved to set aside the judgment taken by default, characterizing it as a snap judgment, admitting, however, that he had been dilatory in filing his defense within the time allowed. The suit arose out of the staking and subsequent sale of a hillside claim on Bonanza in which plaintiff maintains he was by agreement to have had a half interest. Nicholson sold the claim for \$1000 and it is alleged it was worth \$5000. Counsel for plaintiff objects to setting aside the judgment unless security is given for the payment of such sum as the court may award due in any subsequent judgment which may be secured, it being alleged that defendant is now about to dispose of his property in order that future judgments may be valueless.

In Boyle vs. the V. Y. T. Co. a motion to amend the judgment was granted.

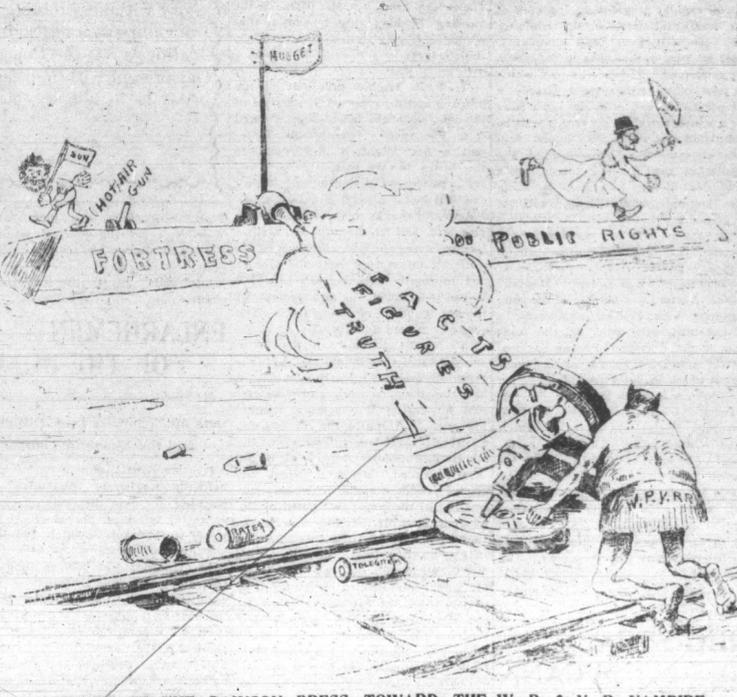
The court was asked for a decree of foreclosure in the case of Robert Hanson vs. George Ness upon the default of defendant, the property in question being a claim on Gold Run. Granted.

Counsel in the case of Willingstad vs. the Quartz Creek Concession had several rounds of argument upon the motion praying for the granting of an injunction restraining defendant from working a claim on Quartz creek which plaintiff alleges is his property. Fixed peremptorily for Monday next.

The defendant by his counsel in the case of John D. McGillivray vs. Consolidated Mines Selection Company and the Anglo-Klondike Company, a suit for 15 per cent in \$40,000 worth of mining property, asks for further time in which to plead. The first named defendant is resident in England. Time extended to January 1, 1902.

Martin vs. Allen stands over for a week.

Following the hearing of motions in civil cases, criminal matters were taken up. The first person to occupy the new prisoner's box was the defendant in the case of the King vs. Skein. The accused was charged with having stolen gold dust from the drift in a claim on Gold Run the property of



ATTITUDE OF THE DAWSON PRESS TOWARD THE W. P. & Y. R. VAMPIRE.

Chute & Mills, the value being \$10. Skein was employed on the claim as a miner. Upon being arraigned he pleaded guilty and was sentenced to one year at hard labor. In passing sentence Justice Dugas took occasion to remark that gold dust robberies were becoming of such frequent occurrence lately that he considered it his duty to protect miners to the fullest possible extent. The amount taken was small, it was true, and the prisoner could be imprisoned for seven years for the offense, but in view of the circumstances he would only receive one year.

In the case of King vs. Pelkey charged with obtaining \$900 from the Bank of Commerce under false pretenses and also with larceny of \$400 the defendant pleaded not guilty and elected to be tried by a jury. An arrangement will probably be made by which the Pelkey case as well as several others in view will be heard this month before the court finally adjourns on its vacation for the winter. Otherwise the case will have to stand over until March.

### STEAMBOAT NEWS.

The Eldorado arrived yesterday evening with 16 passengers and a cargo of 50 tons of Five Fingers coal.

The Lightning arrived last evening from Cliff creek with a barge containing 300 tons of coal for the N. A. T. & T. Co.

The Prospector leaves this evening for Stewart river points.

The Ora arrived last night with six passengers and two bays of hay and grain. The consignment amounted to 103 tons.

The last boat to make a round trip between here and St. Michael has left port. During the next three weeks there will be unusual activity on the N. N. Co. wharves. There are now no less than ten steamers on the river yet to arrive this season, nearly all of which have their cargoes and are headed this way. The T. C. Powers was the last to leave and expects to return again before the close of navigation. The boats and their tonnage include the Will H. Isom, 1800; Louise, 1200; Campbell, 400; Seattle, 400; Susie, 600; Sarah, 600; Leah, 300; Linda, 400; Leon, 400, and the Powers 300, a total of 6400 tons yet to arrive.

### Looks Like Living

A gentleman was heard to remark today that with every store and warehouse in the city full of goods, a steamer containing 300 tons of dressed meat lying on the water front, 1000 head of live cattle and several hundred sheep and hogs en route it looks very much as though Dawson is getting in excellent shape for the winter. He might also have included the several hundred tons of home grown vegetables that will be obtainable as food, likewise the blueberry and cranberry crops. It is also said that the rabbit yield is remarkably heavy. There are the ice worms.

For Sale. Lease and furniture of Hoffman house and cafe. Fur coats made to order. Mrs. E. R. Roberts, Second avenue.

### FINAL GAME OF SINGLES

In Tennis Tournament Was Played This Morning.

The final game in the gentlemen's singles in the tennis tournament was played this morning between Arthur P. Hughes and H. G. Herbert, the latter winning two consecutive sets by a score of 6-3 and 7-5. Both players were in excellent form and played a most brilliant game, the volleying of Mr. Herbert being worthy of particular commendation. Mr. Hughes' service was strong and accurate, but he proved unequal to the furious smashes of his opponent. Mr. Herbert is the winner of the silver cup presented by Major Wood, honorary president of the club, as a trophy to be contested for, but by the conditions imposed by the donor it must be won two consecutive years. In order to become his permanent property. The presentation of the cup will take place within a day or two.

### Arctic Brotherhood.

The Arctic Brotherhood held an interesting meeting last night at McDonald hall. R. B. Woodson, agent of the Dawson & Whitehorse Navigation Co. made the perilous journey over the icy trail to make the acquaintance of her iciness the Arctic Queen, and was received into full membership of the lodge. After the business of the meeting had been disposed of the lodge resolved itself into a social session and listened with interest to a very entertaining talk by the Rev. L. J. H. Wooden the first chaplain of the Arctic Brotherhood. Other interesting talks by members followed and the meeting altogether was one of the most pleasant held for some time.

### Men Getting Stronger.

The big fight is now on for Friday night of this week, as on that day Bates and Perkins meet in the roped arena. New developments have been brought out by the training of the men, both seeming to get stronger with each succeeding day and being at the present hour ready to fight for their lives according to the statements of their trainers. The match occurs at the Savoy theater commencing at 8 o'clock. Admission \$2; reserved, \$3 and \$5.

The regular vacation of the territorial court begins September 25 and will continue until February 1.

The steamer Emma Knott will be sold by the officer commanding at Whitehorse on September 9 in satisfaction of seaman's wages due.

The following are the cases to be heard before Justice Dugas tomorrow and Friday: Cooper vs. Charlton; Milne vs. Williston; Neider vs. Uran and Peterson vs. Loiden.

Five Tons of all kinds at Mrs. Roberts' new store on Second avenue.

Any kind of wine \$5 per bottle at the Regina Club hotel.

### COMING AND GOING.

Joseph Egler is in from Sulphur on a short business trip.

Joseph Noble, a Quartz creek miner, fits the city on business.

A number of Dawsonites expect to leave for the Koyukuk this week.

Mrs. F. N. Smith and child returned for the winter yesterday on the Columbian.

C. A. Dunn, of San Francisco, is a recent arrival in Dawson and is a guest at the Regina hotel.

Provo-Sergeant Tweedie is back at his post in the police jail after a week's recreation on the creeks.

Rev. L. J. H. Wooden, of Fort Yukon, is in the city on his way home from a brief visit to the outside.

Inspector Horrigan, accompanied by Sergeant Graham, in charge of the Tanlax detachment, are in the city.

R. K. Latimer returned Monday from a business trip of a week's duration on Hunke, and Dominion creeks.

Will Charles Dornow, of Chicago, formerly on Sulphur creek, or anyone knowing his whereabouts, call at N. A. T. & T. Co.

George McLean, stenographer in Comptroller Lithgow's office, returned to Dawson recently, bringing Mrs. McLean with him.

Mr. Harrison, private secretary to Gov. Ross, and Mr. Cory, inspector of offices, left yesterday for an extensive trip over the creeks.

Mr. and Mrs. Meyers, having sold their interests in the various grocery stores of Selman & Meyers, will leave in a few days for their old home in Oregon where they own a fine farm.

Mrs. Clem Coffin, wife of Mr. Coffin the jeweler, was a passenger for the outside on the steamer Yukoner Monday night. Mrs. Coffin expects to return over the ice this winter.

Holme, Miller & Co. moved another large boiler this morning from the dock to their warehouse on Third avenue. The boiler weighed 10,910 pounds and was hauled by a team of 12 horses.

Mr. B. Marshall, the well known groceryman who last winter owned a store on Second avenue and afterwards moved to the Forks, has sold his interests and leaves tonight on the steamer Columbian for Seattle.

As soon as some needed furniture is provided the old territorial court room will be occupied by the police court. Stenographer Bankman intimates that he may purchase a new office coat in honor of the new quarters.

Mrs. A. M. Rousseau, of Whitehorse, accompanied by her little daughter, arrived on the Ora last night on a visit to her sister, Mrs. E. J. White. It is Mrs. Rousseau's first visit to Dawson and will be extended until the latter part of the month.

### IMPORTANT DECISIONS

Gold Commissioner Senkler Renders Judgment in a Number of Cases.

ANOTHER PRECEDENT ESTABLISHED.

Hillside Claims Need Not be Located on Hill Ground.

FORFEITURE CASE SETTLED

Kern's Interest to be Sold and Royalty Due to be Paid From Amount Received.

Gold Commissioner Senkler this morning handed down an unusually large list of decisions upon cases heard some time previously, some of them being of great importance.

In the case of Thos. Charlton vs. R. S. Wood, a protest over a Gold Hill claim, the action was dismissed with costs.

Judgment was awarded plaintiff by default in the case of Charles Spain vs. John Peterson. The case involved the question of priority of staking and concerned the hillside adjoining the upper half, right limit of 240 below lower on Dominion.

Decision was given the defendant in Carl Maier vs. J. Hood, the ground involved being a bench on Gold Hill. Hood jumped the claim on account of insufficient work having been done on it to properly represent it and it is held the claim was open to relocation at the time.

In R. J. Hiltbeck and D. C. McKenzie vs. Stark et al., over No. 8 in the Potatoc patch group the ground was awarded the plaintiffs. The claim had been staked twice under different descriptions, No. 1 in the Townsite group being No. 8 in the Potatoc group and as the ground lies on the Acklin farm it was adjudged some time ago that the original owner was entitled to compensation. The defendants not having deposited sufficient security their grant was cancelled. Plaintiff's protest was for the purpose of getting free and undisputed possession.

Final judgment was rendered in re the Leonard claim on Monte Cristo Hill, formerly known as the Kern & Rynd claim. The property is the one in which Kern was declared to have forfeited his interest to the crown for non payment of royalty. The decision of the commissioner is that he will recommend to the department of the interior that the two-thirds interest formerly owned by Kern be sold at auction and from the proceeds derived the two mortgages now of record be paid and \$1000 refunded to Mrs. Pirloff, providing sufficient shall be realized from the sale after the unpaid royalty shall have been deducted.

In the cases of W. L. Grant vs. W. A. Reddoe and Sarah Groat vs. William Sorenson concerning claims on Lovett gulch the protest was dismissed with costs.

Probably the most important decision rendered was in the cases of Samuel

Freeman vs. Frank Wagner et al., Chas. Thompson vs. R. H. Cantley and Harold Lindstrom vs. R. H. Cantley. The question at issue in these cases was whether or not a hillside claim could be located adjoining a creek claim where the creek valley is so wide that after allowing the 1000 feet on each side of the creek claim, there is still 1000 feet or more between the side lines and the hill proper. It has long been held that a hillside claim must in fact be on a hillside, and the contention in this instance is that the stakers should have staked a bench 250 feet square instead of a hillside 250 by 1000. The ground involved is adjoining 230 below lower on Dominion where the creek valley is quite wide. The side lines of the creek claims are 1000 feet from the center of the creek. Adjoining them is additional ground of the same general character nowhere near a hill or elevation in the ground. It was insisted that a bench location in such case would have been the proper location, but the gold commissioner holds the reverse, deciding that there is nothing in the regulations to preclude a hillside claim being located adjoining a creek claim regardless of whether there is a hill there or not. The decision is important as it establishes a precedent.

### JUDGMENT RESERVED

In Injunction Case of Chas. Meadows vs. R. Cummings.

Ralph E. Cummings will appear as Padd'head Wilson tonight as usual. The injunction suit brought by Charles Meadows, the proprietor of the Savoy theater, to restrain him from appearing was heard before Justice Dugas this afternoon and proved a most interesting case.

The affidavit filed by Meadows in asking the injunction stated that Cummings had been hired by Meadows in Frisco for an engagement as leading man in the company for eight weeks, giving him the option of working two weeks longer at a salary of \$125 per week. Cummings was authorized to select his company and sign contracts with them for their engagement in Dawson.

In reply to the affidavit of Mr. Meadows, Mr. Cummings put in an affidavit denying ever having made any agreement with Meadows as to salary or length of engagement. Meadows had agreed to pay his traveling expenses to Dawson and give him \$125 per week to defray his personal expenses. They had left the agreement open to be arranged upon looking the situation over in Dawson with an understanding that Cummings was to obtain a lease of the theater providing the business justified it. During a conversation previous to his resignation from the Savoy Co., Cummings stated in his affidavit that Meadows had stated that he was not making any money and by mutual consent it had been agreed that Cummings should quit the company.

The attorney for the plaintiff wished to call Mr. Meadows to the box to dispute the affidavit of Cummings, but this was simply a motion and not a trial that was not allowed. A long and interesting argument ensued at the end of which the justice stated that he was disposed to favor the case of the defendant, but would reserve his judgment until tomorrow morning.

Strayed Cattle.

Lost, 11 head of cattle and one calf, brand below hip, letter X. \$75 reward for location of same. Bay City Market.

Sold a copy of Gutzman's Souvenir to your outside friends. A complete pictorial history of the Klondike. For sale at all news stands. Price \$2.50.

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