

BEFORE THE COURT

Trial of C. M. Woodworth Now in Progress Before Judge Craig.

A FORFEITURE CLAUSE IN A LEASE

Causes the Trouble Between the Defendant and His Accuser.

MR. BANKS ON THE STAND.

Testifies That Woodworth Had Free Office Rent and Janitor's Service—The Doig Mortgage.

From Tuesday's Daily.

The Woodworth case was called in the territorial court this morning, and was opened by Crown Prosecutor Wade who went back over the case, briefly giving its history.

Chas. M. Banks was the first witness called and testified that he had leased a portion of block 10 in block A, of Mr. Wright, and had taken almost immediate possession after the signing of the lease. Mr. Woodworth as Wright's attorney, had drawn the lease under which he was to pay \$700 ground rent. Mr. Wright had gone out about six weeks after the signing. "The troubles commenced after Mr. Wright went out, and owing to the forfeiture clause in the lease. This began with the beginning of the second month, when I was in arrears, with the exception of \$150 credit due to me for work done. I settled all arrears on the 5th of October."

The witness then identified a letter which was entered as exhibit A. The letter was from Woodworth to Banks, referring to the unsatisfactory condition of the building, and warning Banks to collect no rents before the building was entirely finished, and threatening to seize the building within five days if the building was not immediately finished.

Woodworth had moved into the building about the first of September. The witness then identified the lease of two rooms to Woodworth. It appeared in the lease that Banks was to furnish the offices to Woodworth free of rent, he was also to get stoves, wood and janitor service, and if any trouble was found in collecting rents, he was to get costs and retaining fees. He was to collect the rents and pay them over to Banks less \$700 per month, which was to be retained for Wright. At this time the building was bringing in about \$1300 per month.

There had also been a verbal understanding by which, in view of free rent, fires, stoves, etc., Banks was to be carried through arrears without forfeiture. Another instrument executed Sept. 28th by Banks was identified by the witness. By this instrument is a forfeiture of all rights in the premises, by reason of three months' arrears of rent. He signed this document in order to gain time as he expected his partner from the East with money to satisfy the claims. According to the terms of this instrument he could regain possession by paying arrears. Conversations he had held with the defendant had tended to show that Woodworth had held a power of attorney from Wright. The defendant had told him that he had such a power of attorney and would produce it at the proper time.

"On the 5th of October I regained possession of the building, but was not in possession between the 28th of September and the 5th of October. I gave Mr. Woodworth \$1850 on the 5th of October, which paid the ground rent till the 20th of October."

Still there was difficulty. Mr. Woodworth refused to accept the check for the sum referred to, which was drawn on the bank of British North America, but finally agreed through Attorney Gwillim, who represented Banks, to accept it and restore Banks to possession, which he did by serving notices on the tenants to pay the rent to Banks.

Further documentary evidence was introduced here in the form of a letter from Woodworth to Banks, reciting further matter concerning the non-com-

pletion of the building within the time specified in the agreement. The witness had failed to get the necessary funds to complete the building within the time specified and Mr. Woodworth had advertised for bids and completed the building.

Witness had then placed his business in the hands of Attorney McCaff, who had written to Woodworth naming a proposition whereby his client's lease was to be revived and the forfeiture clause waived.

Woodworth had replied that Banks had forfeited all right, and sets forth that his advice to his client will be to treat the matter in that light.

The next evidence offered was a notice served by Woodworth upon the tenants of the Victoria building, October 27, setting forth that they were to pay no rents to Banks after October 20, and stating that there had been a distinct agreement between himself and Banks to the effect that Banks was to collect no further rents. The truth of this latter statement was flatly denied by the witness.

Further letters were offered by the prosecution as evidence and taken by the clerk to be marked as exhibits. One of these letters, under date of November 4th, written by Mr. Woodworth, calls attention among other things, to the Doig mortgage, and suggests most seriously that Mr. Banks take steps to satisfy it. The witness here, under Mr. Wade's questioning, testified that at that time, as he had since learned, Mr. Woodworth owned that mortgage.

Another letter of Nov. 6th, also written by Woodworth, sets forth that the money received from Mr. Doig was obtained under false pretenses.

Attorney Smith here objected on behalf of the accused, to the introduction of any further evidence of the nature of the latter part of the documentary evidence submitted, on the ground of its being irrelevant, and was sustained by the court.

The attorney for the defense then took witness Banks in hand, questioning him as to his partnership relations with Tomlinson as regarded the building.

The New P. O. Building.

The new postoffice building is nearly all enclosed and will be completed, so far as the outside is concerned, by the latter end of next week. Notwithstanding a contract has not been awarded for the construction of the building, the government is not wasting a day in waiting on any red tape proposition. In case no contract is let, the building will be pushed to completion just the same. By the first of September it is proposed that the building will be occupied by the postoffice and probably by the government telegraph. Such a move on the part of two such important and well-patronized offices will be greatly appreciated on the part of the public.

Some Live Horses.

A small but fleet-footed team has been secured by the council for the hook and ladder wagon of the fire department. Chief Stewart has had the team out for a few runs and there is no doubt but that the nags are all right. Chief Stewart intends to get everything in first-class shape, and his men in fine training before the advent of winter, which is bound to be accompanied by many fires, as have always characterized Klondike winters.

If the department would provide a heavy team for the chemical engines instead of the present team, which is wholly unfit for aught else than a canning factory, the fire laddies would be in position to do something when needed, instead of being forced to do business with a team of worthless, wind-broken horses that makes them a laughing stock to the sidewalk spectators every time an effort is made to reach the scene of a fire.

The fire boys should be decently equipped it expected to perform the duties which they are fully capable of performing if furnished with the proper equipments and appurtenances.

A Visiting "Examiner" Man.

Frank B. Millard, editor of the San Francisco Sunday Examiner, arrived on one of the steamers getting in last evening, and was busy seeing the town and getting snap shots of scenes which appear strangely new to his chechako eyes.

Mr. Millard is enjoying his annual vacation, and is visiting this country purely as a matter of recreation. However, it may be safely stated that the readers of his paper will later enjoy the fruits of his visit as he is a writer of force, integrity and discernment. The ranks of newspaper men throughout the length and breadth of the land have been recruited to some extent from the employees of San Francisco newspapers, and those who have been there and do not remember the genial smile and general good-fellowship of Frank Millard, are few. Mr. Millard will return to San Francisco by way of St. Michael.

YUKON COUNCIL

Transacted Large Amount of Business at Special Meeting Saturday.

SOME IMPORTANT COMMUNICATIONS

From Many Sources Were Read and Referred.

ASSESSORS DRAW GOOD PAY.

Finance Committee's Full Report of Business for the Past Year—Tax Collector Appointed.

A special meeting of the Yukon council was held at 2:30 p. m. Saturday in the commissioner's office, the commissioner presiding.

Present: Messrs. Ogilvie, Girouard, Clement and Senkler.

The minutes of the last meeting were read and approved.

A communication was presented from F. C. Wade containing some suggestions with reference to the establishment of a school. Referred to the municipal committee with power to act.

A communication was presented from F. C. Wade alleging that the garbage at the dumping place was not carried down stream by the water, and was a menace to the residents near the shore at the north end of the city. Referred to municipal committee.

A communication was received from the comptroller calling attention to the necessity of appointing a clerk of the court of revision and of a tax collector. It was decided to make the necessary appointment.

A communication was received from the manager of the Dawson City Water & Power Company, stating that the company were putting in a larger and stronger water system than the present one, and stating that they would be able to supply 1000 gallons per minute for fire purposes. Action was postponed pending the establishment of the said system.

A communication was presented from the officer commanding the N. W. M. P. in the Yukon territory suggesting that no slaughter houses be permitted to be erected on this side of the Yukon river. The clerk was instructed to acknowledge receipt of this communication and to state that the council would give the matter further consideration.

A communication was received from the officer commanding the N. W. M. P. in the Yukon territory calling attention to the necessity of some legislation to protect workmen in mines. Referred to the legal adviser and committee on miscellaneous matters.

A petition was presented from the miners on Gold Run creek, asking for an extension of the ridge wagon road to that creek. The council decided to grant the petition.

A petition was presented from Norman Macaulay making application to operate a ferry at Whitehorse. The clerk was instructed to inform the applicant that the committee on private bills had commended to council the prior application of George Armstrong. The clerk was instructed to inform Mr. H. Grah, who had also made application for permission to operate a ferry at Whitehorse, that Mr. Armstrong's application being first would be granted.

A communication was presented from the comptroller calling attention to the necessity of appointing an issuer of licenses to second-hand dealers. The council decided that this appointment should be made at once.

The application of Dr. George Washburn for permission to construct a tramway round the falls on Stewart river was again submitted and referred to the committee on public works.

A communication was presented from the Board of Trade at Whitehorse, asking for letters of incorporation and calling attention to the necessity of street repairing, sanitation, fire protection, water supply, preservation of shade trees and establishment of hospitals at Whitehorse. Referred to the commissioner for inquiry and report.

A communication was presented from the board of assessors reporting that

they had completed their work and requesting that their pay be increased to \$20 per day. Agreed to.

An account was submitted from W. F. Povah, amounting to \$30, for clerical work for the assessors. Ordered paid.

A communication was presented from the chairman of the board of assessors, stating that his attention had been called by the registrar to the payment of office fees in connection with the searches in respect to about 1000 lots. The council decided that this payment should be made.

The finance committee then presented the following report:

Your committee recommend that the supplementary estimates for the year ending June 30th, 1900 be passed as follows:

Salaries (fire department)	\$2,041 58
Horses and feed	3,399 08
Streets	1,267 91
Drains and ditches	94 69
Salary, medical health inspector	21 29
Salary, engineer	180 00
Aid to hospitals	1,225 46
Census appropriation	382 80
	\$8,614 41

Your committee further recommend to council the following appropriations for the year ending June 30, 1901:

Lighting streets	\$12,000 00
Drains and ditches	7,500 00
Streets (Dawson)	15,000 00

*FIRE DEPARTMENT.	
Salaries	\$40,000 00
New engine	6,000 00
Hose	3,300 00
Horses	1,000 00
Feed	7,700 00
Lighting fire hall	1,000 00
Fuel	2,000 00
Contingencies	5,000 00
	\$75,000 00

Medical Board of Health	\$5,000 00
Dawson reading and recreation room	\$375 for June, 1900, and \$300 per month to June, 1901
Liquor permits	145 00 00
Medical health inspector	360 00
Collector of taxes	4,200 00
Assessment	5,000 00
Bridges in Dawson	1,000 00
Transient traders' licenses	5,000 00
Medical health officer	2,166 66
	\$134,221 66

Your committee estimates the probable revenue as follows:

Fines	\$40,000 00
Liquor permits	145 00 00
Contingencies	60 00 00
Barristers' registration fees	600 00
P-dellers' licenses	1,000 00
Auctioneers' licenses	400 00
Billiard tables	300 00
Slaughter houses	150 00
Incorporation fees	1,000 00
Ferry license	300 00
Marriage licenses	250 00
Transient traders' licenses	450 00
Second-hand dealers' licenses	350 00
	\$250,000 00

Amount to be raised by local taxation 98,466 66
Less allowance for short collections 23,466 66
\$75,000 00

Your committee having considered the question of taxation of Dawson recommend to the council that the following rates be adopted:

Twenty (20) mills on real estate; ten (10) mills on value of improvements, five (5) mills on the cash value of personal property and ten (10) mills on taxable income.

The above report of the finance committee was adopted.

Mr. E. Ward Smith was appointed clerk of the court of revision and also collector of taxes for the town of Dawson at the rate of \$350 per month.

Resolved, That in the opinion of council the wagon road to Grand Forks should be at once proceeded with, and that the petition for the extension of the ridge road on Gold Run be also proceeded with as speedily as circumstances will permit, and that the necessary improvements in the valley of the Klondike river, between Dawson and the commencement of the ridge road be also proceeded with forthwith, so as to ensure a safe passage to horses and vehicles.

Mr. Clement gave the following notice of motion, viz: That at the first meeting of the council in the month of February, 1901, he will move that after the 30th day of June, 1901, no further appropriations be made by the Yukon council to meet municipal expenditures of the unincorporated town of Dawson.

Mr. Clement begged leave to introduce an ordinance for granting to the commissioner certain sums of money to defray the further expenses of the public service of the Yukon territory for the 12 months from June 30th, 1899, to June 30th, 1900, and for the purposes relating thereto; and for granting to the commissioner certain sums of money to defray the expenses of the public service of the Yukon territory for the 12 months from June 30th, 1900, to June 30th, 1901, and for the purposes relating thereto. It being a matter of urgency the ordinance was read a second and third time and passed.

Death of Mrs. Isom.

Mrs. W. H. Isom, wife of the general manager of the N. A. T. & T. Co., died last night at 9 o'clock from an aggravated form of typhoid fever. The lady, accompanied by her little daughter, arrived in Dawson only three weeks ago yesterday. Both were taken sick shortly after their arrival, the mother never recovering. The child is still sick, but is thought to be improving. Arrangements for the funeral have not as yet been made.

Nome Greatly Overdone.

J. L. Sale has just received a letter from his brother, William W., who left here over the ice for Nome early in the spring. Since his arrival in Nome the young man has been regularly employed at good wages in the Alaska abstract office, and has nothing of which to personally complain regarding the country. He says it would be a good mining field for 1500 or 2000 people, but for aside from the Topkuk country nothing new has been discovered in the district for a year, and the present rush to the country is wholly unwarranted and unjustified.

RECEIVED BY WIRE. AT IT AGAIN.

Roberts Reports a Disastrous Defeat Near Pretoria on the 12th.

SCOT GREYS AND 90 OTHERS MISSING

London Newspapers Score Gen. Roberts for No Progress.

CHINESE CONDITIONS MIXED.

Contradictory Reports—Men and Mules Going From Seattle—Germany Aroused—Japan Tardy.

London, July 13, via Skagway, July 17.—Roberts yesterday reported another most disastrous defeat at the hands of the Boers. He says a Boer garrison overpowered and captured Scot's Greys, also 90 men of the Lincolnshire regiment. He fears the casualties will turn out to be very heavy.

It is thought here in London that Roberts' dispatch does not tell the worst, as it is known that, aside from the losses reported by Roberts, two guns and 200 men were captured by the Boers.

The London newspapers are severely commenting on the utter absence of progress being made by Roberts, and say it is hard to believe that a few scattered Boers could inflict such disastrous defeat so near Pretoria.

Conflicting China News.

London, July 13, via Skagway, July 17.—The news agency here reports having received a message from Peking to the effect that all the foreigners there were reported and found to be still alive on the 6th; but the news is not officially confirmed.

Admiral Seymour Active.

Paris, July 13, via Skagway, July 17.—Le Temps, a leading newspaper, affirms that no telegram has been received in Europe from Peking since the one sent by Sir Robert Hart, inspector-general of Chinese customs, on June 24th. The paper adds that the subsequent silence is sinister for the reason that if the legations are still safe they would certainly communicate news of their condition. Le Temps is sure the wholesale massacre previously reported took place in Peking on June 30th.

Vice-Admiral Seymour telegraphs from Tientsin on the 7th as follows:

"The Chinese continue fighting, frequently shelling my settlement. They are extending their lines along the Luta canal to the northeast while new forces of Boxers are daily arriving from the west."

"Yesterday we bombarded the city and suburbs. I am steadily getting up more guns; 10,000 troops are now here, but many more are needed. Both the Russian and Japanese troops are momentarily expected."

Foreigners Killed.

Shanghai, July 12, via Skagway, July 17.—A Chinese merchant here received a letter from Peking of the 30th which positively says that the legations were demolished and all the foreigners killed on that date.

It is announced on good authority that 20,000 Russians are marching on Peking from the north.

Troops From India.

London, July 13, via Skagway, July 17.—Instructions have been sent to Simla to prepare another division from

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