

INDICTABLE OFFENSE

Jack Harvey Held for Trial

Charged With Forcibly Entering and Taking Possession of the Toll Bridge.

Jack Harvey was committed for trial at the next sitting of the criminal assizes of the territorial court upon the charge of unlawful and forcible entry and taking possession of the foot bridge across the Klondike, by Magistrate Wroughton in the police court this morning.

Information was laid against Jack Harvey, Joseph Evans, James Abbott, R. Lamphier and Edward Dorriam by Mr. Joseph Segbers, superintendent of the Klondike Mill Co., but as all the informations were the same it was agreed to take the evidence in one case only this morning and hold the other cases pending the result of the trial.

The section under which the information was laid makes the offense of forcible entry an indictable one and is usual in such cases only the preliminary examination was held before the magistrate. Attorney Tabor conducted the prosecution and Attorney Geo. Black acted for the defense.

BRIDGE PERMIT. Mr. John R. Howard, the original owner of the bridge, was the first witness called and testified that he and Milo Roberts had originally built and operated the bridge. He had secured a permit to build the bridge from Thos. Fawcett, who was then Dominion land agent. He operated it for two or three years and then had transferred his interest but had afterwards repurchased an interest and helped to rebuild. He had transferred his interest to Thos. O'Brien from whom he afterwards bought the interest.

PRESENT OWNERS. The present owners are myself, Mr. Segbers and Thos. O'Brien. In answer to questions by Attorney Tabor the witness continued: "The bridge is in the original location but has been widened and made so that teams can cross it now. The bridge was built under a permit granted by Thos. Fawcett.

ORIGINAL PERMIT MISSING. "Mr. Wade took the original permit to Ottawa but never returned it. He said it was in his office, but that has been searched several times and no trace of it can be found. I can recognize a copy of it if I see one," said the witness as Attorney Tabor produced a document.

"I object to a copy of the permit being put in," said Mr. Black. "There is no evidence to show that the original is lost, and no evidence to show that paper to be a copy." The witness looked the document over carefully and said it was a true copy of the original and continuing stated that he had been in uninterrupted possession of the bridge since '98 excepting during the time when he held no interest.

PRIVATE ENTERPRISE. "The construction of the bridge was a private enterprise and no assistance from the government had been received in its construction."

CAME IN BUNCHES. Speaking of the charge, the witness said: "On the date the information was laid the accused in company with a bunch of others came across the bridge and paid no attention to the toll man. The toll man put the bay down. The bunch came back and when toll was demanded they asked to see his authority and refused to pay. An effort was made to prevent their passing but they forced themselves through. They used no force except to push through. Harvey was the first to go through. The names of six were taken but there were about twenty altogether. An effort was made to stop them but it was unavailing."

A FREE GIFT. Upon cross-examination the witness was asked if any money had been paid for the permit, to which he replied no, that the only money paid was a \$25 fee charged by Wade who had acted as his attorney.

Continuing the cross-examination the witness stated that no account had ever been rendered to the government for anyone beside the owners as to the amount of toll collected. The charge at first was 50c, but in August that was reduced to 25c at which figure it had remained. Fifty cents for the return trip for a single horse team and 75c for a double horse team was the price now charged.

PAYS NO RENTAL. "Do you pay any rental to the government or city for the ground upon which the bridge rests?" "No." "Does this end of your bridge rest within the city limits?" "I do not know how far the city limit extends." "Does the other end?" "No, that is on private ground."

"What did Wade take the permit to Ottawa for?" "I do not remember." "You did know?" "Yes, but I have forgotten." "Who gave it to him?" "I did." "Who put up the money for building the bridge?" "I put up 50 per cent. and Milo Roberts put up the other 50 per cent."

PEOPLE WHO GO FREE. "Do you ever allow anyone to walk over the bridge without paying?" "Sometimes we allow people who have no money to go free." "Do you know whether or not Harvey or any of the others had any money?" "I do not. They did not say so." "How far was the bar from the ground?" "About 2 feet 3 inches." "Did Harvey take the bar away?" "No, he went under." "Did he hit you?" "No. To my best knowledge he pushed me away when I tried to stop him."

SEGBERS' EVIDENCE. Mr. Segbers, superintendent of the Klondike saw mill, was the next witness and he testified that he is owner of a one-third interest in the bridge and has charge of it. Laumeister is the day man in charge of the toll office and Roselle is the night man. Laumeister has instructions to allow any one to pass when he is not convinced that they have no money.

Witness stated that he had been interested in the bridge since last July and that he had furnished the money and superintended the remodeling of the bridge last year.

Under cross-examination the witness stated that no one to his knowledge had ever been paid for the right of operating the bridge. That no account of the receipts ever made to any one except the partner. Children are allowed to go free.

Major Wood, who was acting as commissioner last fall, sent a man over to the other side of the bridge and made some repairs on it.

THE LAST WITNESS. Mr. Laumeister, the day man, was the last witness called. He stated that on the date of the information he remembered Mr. Harvey attempting to pass over the bridge. Witness is in charge of the office and collects the toll. Howard was at the gate also. Harvey was in company with 7 or 8 other men. When they returned witness put the gate down and asked for the toll money. He was asked on what authority. They had refused to pay and forced their way through.

Witness did not resist as they looked red-eyed at him. They passed him and he finally coaxed them back by telling them that a man was never ashamed to give his name. They came back and gave him their names. Under cross-examination he stated that he wasn't knocked down and in fact that he had not been touched. They had refused to pay the toll and he had taken their names. They had gone through before without paying.

THE ARGUMENT. Mr. Tabor stated that a prima facie case had been made out. That possession and title had been proved and that the only thing left to prove was the forcible entry, the evidence of which had been more than sufficient to send the case for trial. Mr. Black contended that the essential point to prove forcible entry was to prove that force had been used and that in this case the evidence of the prosecution showed that no force had been used. He cited a long case of forcible entry and ended by saying that the case in question was not even one of trespass. The defendant had merely walked across the bridge and he might be responsible to the company for the toll money but forcible entry had not been proven.

BONDS REQUIRED. The magistrate stated that according to the section under which the case was brought that actual entry upon the bridge constituted forcible entry, and the taking possession of the bridge for the purpose of crossing over. He held the defendant over to the next sitting of the criminal court and fixed his bond at \$100 personal and 2 sureties of \$50 each. It was agreed that as the evidence was the same in the other cases they should be held in abeyance until this one was settled and they will be enlarged from week to week until after the next sitting of the criminal court.

Price Advances. Astoria, Or., April 4.—A telegram was received this evening by Secretary Lorenzen, of the Alaska Fishermen's Union, from the secretary of the union at San Francisco, stating that at a conference with representatives of the Alaska Packers' Association today the price for fish at Bristol Bay had been fixed at 24c each. This is an advance of one-half cent over last year's price. The association also agrees to employ only union men.

Schooner Run Down. Galveston, April 13.—The Southern Pacific steamer El Rio ran down and sank the schooner Margaret L. Ward, twenty-five miles east of Galveston bar, today. Two children of Capt. McKowan, of the schooner, and one man was lost. Others of the crew were saved.

SEVERELY INJURED

Archie F. Allen Falls 28 Feet From Ladder

Collar Bone and Rib Broken and His Hip Very Badly Bruised

Mr. Archie F. Allen is lying at his home on Fourth avenue near York street suffering from a broken collar bone, a broken rib and a badly bruised and lacerated hip.

This morning while at work putting spouting on the postoffice building Mr. Allen who is in the employ of Blair & Johnson, fell from a ladder, a distance of fully twenty-eight feet, sustaining the injuries above mentioned. The unfortunate man was on the top of a long ladder near the southeast corner of the building and was engaged in connecting the spout leading downward to the gutter beneath the eaves when in some way the ladder moved and, losing his balance, he fell head first toward the ground. His right shoulder struck on the top of a fence about four feet high which fortunately was covered by a board about two inches wide. Although by falling on the fence his collar bone and one rib were broken, it was fortunate that the fence was there otherwise his neck would certainly have been broken when he came in contact with the ground. As it was, the force of the fall was broken by the fence. Strange to say that notwithstanding the very severe shaking up Mr. Allen never lost consciousness. Dr. Alfred Thompson happened to pass just after Mr. Allen had been picked up. The doctor instructed that he be taken to his home, the doctor accompanying him and rendering the necessary medical aid.

At 3 o'clock this afternoon Mr. Allen was doing as well as could be expected under the circumstances although he was suffering considerable pain. The doctor does not think there is any serious internal injury and that in the course of six weeks or two months his patient will be wholly recovered.

Archie Allen is well known in Dawson, having been here every summer since the spring of '99. He is a member of the local union of sheet iron

MARCHBANK AT CHENOA

Writes Favorably of the Country's Prospects

Says Fairbanks Has Been Depopulated and That Chenoa Will be the Metropolis.

According to a letter received by Thos. Chisholm from Jack Marchbank by the mail which arrived from the lower river Sunday, Chenoa will be the metropolis of the Tanana district, the people nearly all having deserted Fairbanks, the erstwhile center of population, for the former place.

Marchbank's description of the country and its prospects for the future are not in harmony with the reports brought back to Dawson by a number of returned stampedees who Marchbank accuses of being attacked with the complaint known as "wood tick" before they were in the country 24 hours.

The writer says that new finds of gold are being daily made and that very few holes are put down in which pay is not found. He says the country is full of prospectors and that much new territory is being prospected. There are 500 people at Chenoa and buildings are springing up like mushrooms. He is engaged in the erection of a log building two stories high and 30 by 50 feet. When the letter was written the town was in the throes of a whisky famine but consignments were expected soon from Rampart.

A number of letters from Tanana reached Dawson by the late mail. Several of them contained orders for goods to be forwarded by the first boat and others are in condemnation of the country. Two Swedes who formerly worked on Honker sent for 20 tons of goods to be forwarded as soon as possible.

Tom Woodson who was sent in by Ronald Morrison, the Sulphur magnate, is now in Dawson but will leave on the first boat with ten tons of supplies.

Marchbank writes that Alex Coutts who was shot at Fairbanks by the former recorder, is in a fair way to recover.

Fresh Kodak Films, all sizes, at Goetzman's, 128 Second avenue.

FOR TANANA! Str. Seattle No. 3 Will sail from N. C. Co. dock direct to Fairbanks on or about May 25. For freight and passenger rates apply N. C. Co. freight office.

Headquarters for hay and oats Barré's, Third avenue. Phone No. 1.

BABY DAUGHTER

Mr. and Mrs. A. R. Boyes are the proud parents of a ten-pound daughter who arrived Saturday evening at 7:20. Mrs. Boyes is at the Good Samaritan hospital where both she and her daughter are doing very well. The smiling face of the pater is missing from his wicket in the gold commissioner's office today but it is seen on the streets, its owners exuberance being too great to permit of his buckling down to such prosaic work as recording claims, but the attending physician thinks he will be able to resume work by tomorrow. The arrival of Miss Boyes is being duly celebrated by the boys at the administration building all of whom had Mayanas protruding from their faces today.

PROMINENT MEN FIGHT

Little Rock, Ark., April 2.—A fight took place here today in front of the Capital hotel, on one of the most prominent streets of the city, between United States Senator James P. Clarke and Representative S. Brundige. The difficulty occurred over a statement given to a reporter by Mr. Brundige in an interview several weeks ago.

Senator Clarke struck Mr. Brundige several blows on the head which were promptly returned by Mr. Brundige. There were a great many members of the legislature and others in front of the hotel at the time and they interfered before any serious damage was done to either combatant.

Mr. Brundige went to his room, where his bloody clothing was changed. He said Senator Clarke had assaulted him and that he (Brundige) had been struck with a hard object in the altercation which ensued. No further trouble is expected.

From Manila. San Francisco, April 4.—The transport steamer Thomas steamed into the harbor this afternoon from Manila. Among the passengers on board were Brigadier-General M. C. Foote. She has 582 enlisted men of the Twenty-fifth Batteries of Coast Artillery, and the Fourteenth and Fifteenth Batteries of Field Artillery. There are also 183 discharged soldiers, 118 casuals and 36 sick soldiers.

For work in the scavenger line call on H. F. Abraham, successor to J. P. O'Connor, office 3rd ave., opp. postoffice. P. O. Box 108.

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FERRY BOAT AFLOAT

Thawed Loose From Ice at Foot of Queen Street

Case Was Dismissed

Vancouver, B. C., April 2.—The evidence has been adduced sufficient to warrant me in sending this case up for trial, was the way in which Magistrate Hall, of Victoria, dismissed the charge against George Estes of inciting to delay His Majesty's mail. This failure of the Canadian Pacific Railway to obtain a conviction against the president of the United Brotherhood of Railway Employees, as received with great joy by the strikers here. They had returned this morning. Estes will now vigorously prosecute the fight, and the brotherhood has obtained renewed courage by the verdict.

Resume Business. Denver, April 2.—The Cooks and Waiters' Union and the Restaurant Keepers' Association have agreed to settle their differences by arbitration and the restaurants, which have been boycotted and closed since Monday, resumed business today.

Job Printing at Nugget office.

BOYS' SUITS \$2.50 in two and three pieces from 4 to 12 years old. WM. D. GROSS, 209-211 FRONT ST.

THE CLEANUP Every person in Dawson is talking about the cleanup. The men and merchants have their eyes on the gold dumps while the police and scavengers have their eyes on the garbage dumps. RICHARD GUILDS Has a good force of men and will remove these garbage dumps cheap, quick and satisfactory. Office No. 111 Third Avenue. Telephone No. 2984.

WHY? Is our rent collection increasing every day? We will tell you. 1. If you have property to rent you place it where you can obtain the best results. This is as natural as that you take your watch to the jeweler instead of the blacksmith. 2. You are as CERTAIN of your money as if it were already in your own pocket. STAUF & PATTULLO, Real Estate, Mining and Financial Agents.

..Bittner's Finish.. TUESDAY, MAY 5TH The last Bittner performance given under the patronage of HON. FRED T. CONGDON, Commissioner of the Yukon Territory. PROGRAMME: 1. "A Tip on the Derby." Mr. and Mrs. Morris Little Pauline Lane Sidney Stewart 2. Mr. Chris Moran 3. The pretty little sketch entitled "She Wants to Act," by Mr. Harry Burrell and Miss Claire Lorentzen 4. OVERTURE 5. Dialect stories in verse. Mr. Frank N. Johnson 6. Ballads. Mrs. P. R. Ritchie 7. Euphonium solo. Constable Geo. Winters 8. Baritone solo. Mr. Chas. McPherson 9. OVERTURE 10. Songs. Mrs. P. Mullen 11. Irish song. Dan Gleason 12. Songs. Mr. O. S. Finney 13. "The Maid of Tipperary." Mr. C. S. W. Barwell 14. "The Happy Pair." Mr. and Mrs. Bittner GOD SAVE THE KING.

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The Nugget From Skagway Vol. 4—No. 107 FUTURE Hunker and Do to the Other vent Sluic eral—C To one who had not the city limits of Dawson... Painless Dent DR. A. VARICE... \$45.00 Ladies Tailor-Made... LUMBER ARCTIC SAWM... Do You THE YUKON... FIXED PAINTS, DRY PAINTS, WHITE LEAD, OILS, TURPENTINE...