

BATTLING FOR A FORTUNE.

Vigorous Contest Being Waged for Possession of a Claim.

No. 37 Gold Run the Bone of Contention Between the Rival Claimants—Sensation Looked For.

A battle royal for possession of a valuable claim—No. 37 above on Goldrun—was waged before Gold Commissioner Senkler on Tuesday and Wednesday. The plaintiffs in the action were Julius C. Smith and Thomas Dunlap, while Dr. H. T. Wills was the defendant, and the story which the former sought to tell through the medium of the evidence presented was in abbreviated form, as follows: No. 37 was recorded by A. D. Edgar, March 25, 1898; the gulch was then undeveloped and the gentleman went outside without paying any attention to its representation, remaining so long that it finally became subject to relocation. The two plaintiffs had watched the ground closely, and being told at the recorder's office the status of the claim, started out to capture the prize, having become convinced that it was gold bearing. This was in December, and before they could put their very laudable ambition into effect, they met two other men named F. Fraser and Leo Schiffert, who said they had been sent out to represent the claim. After these men had been on the ground a few days, however, and the hour when the claim was subject to relocation had, as they supposed, arrived, they quietly staked the ground for themselves, hied hurriedly to town and endeavored to record. The story about representing the claim was but a subterfuge and it worked like a charm, as shown. At the recorder's office, however, they met with certain obstructions that developed in a contest and at a trial which followed it was shown that, in their anxiety to secure their prize, the men had staked a few hours before the original grant had expired. They lost the case.

Smith and Dunlap had, of course, kept close tabs on the prize that had so unexpectedly slipped from their grasp; they had, also, kept on hand a choice assortment of stakes intended for use on that occasion. So, when the court dismissed the claim of Fraser and Schiffert, the others quickly slipped their stakes into the ground. That was on January 13, 1899, and the men had every reason to believe that the ground was practically assured to them. Upon endeavoring to record, however, they ran up against a snag quite as formidable as the one which had confronted and bested the other stakers. They were met by documentary evidence that the claim had been renewed to Edgar on March 1 and their applications were protested; they learned, too, that the claim had been transferred to Dr. Wills on February 17. The trend of the evidence will now be better appreciated by the reader.

The first witness called to the stand was Mr. Smith, who told of his residence on Goldrun last year; how he had watched No. 37 and knew it was not being represented; how they saw the hour approach when they expected to restake it; how they were hoodwinked by Fraser and Schiffert and how they had finally triumphed over the others. He firmly declared that not a stroke of work had been done upon the claim—no wood or brush had been cut, no cabin had been built and no hole sunk. He was able to watch the ground closely, as he was engaged in representing a claim close by. The claim was originally 500 feet long, but under the new regulations he had staked the upper 250 feet and Dunlap took the lower 250 feet. He admitted that he had made personal application for relocation, but had engaged one Hulme, who handed in the application and made the payment of the fees required.

Dunlap followed and told much the same story, except that he was on the gulch earlier than Smith and had watched No. 37 longer than the other. On December 25 he was told by the bureau of information that the claim was open for relocation. He lived on No. 35 and represented No. 39, so he was in a position to know that no representation work had been done on No. 37. The claim was full of stakes.

P. D. Terry testified that he knew Edgar and that he left Dawson in April or May, 1898, and remained away until February, 1899.

Albert Pierce, Peter M. Haertel and R. H. Ellis, residents of Goldrun, confirmed the testimony of Smith and Dunlap that no representation work whatever had been done on No. 37.

At this point the trial was adjourned to Monday. Mr. Adair is here, and it is understood, will testify on the question of representation.

Who's Mistaken?

Robert Winkley will have to explain to a jury in the territorial court what he knows of W. H. Kerwin's poke and the alleged disappearance of a portion of the contents. Kerwin, one day last week, came to town with a large quantity of dust, and desiring to put in a place of safety, he asked permission to have it placed in the wooden safe at the Monte Carlo. Mr. Winkley, the weigher, consented and gave Kerwin a receipt showing \$3832 to be in the poke. Two days later, when Mr. Kerwin returned for the poke, it weighed but \$3452 and, to Mr. Kerwin's eye, showed a most suspicious shrinkage. Mr. Winkley's explanation was that he had made a mistake in making out the receipt and that it had never held but the lesser amount named. This didn't satisfy Mr. Kerwin, and Mr. Winkley was arrested.

During the examination on Monday, Mrs. Kerwin and another witness testified that the poke was filled to the brim by Mr. Kerwin before he left for town, though neither of them knew exactly how much was in it. Mr. Woolrich, one of the proprietors of the place, testified that he was present at the time the poke was left at the house, that he handled it and it did not appear to be full. He saw the weighing, but did not notice the amount named in the receipt. Another man named Moore, who was asked by Mr. Holden to try and figure out the mistake, got Mr. Kerwin to tell him all the sums of money he had earned since coming to the Klondike over a year ago, which, less his expenses, left about the amount there was in the poke when it was returned to him by Mr. Winkley. It was also shown that when Mr. Winkley said there was 229½ ounces in the poke, Mr. Kerwin remarked that it was more than he thought was in it.

At the conclusion of the hearing, Attorney Pattullo, for the defense, and Attorney Aikman, for the prosecution, summed up the evidence and addressed the court for their respective clients, after which Colonel Steele said he would remand the case for trial at the territorial court. Bonds in the sum of \$500 for the defendant and \$250 each for two sureties were accepted.

A Suspicious Robbery.

The Red Front store was the scene, on Sunday night, of a robbery of gold dust that, to say the least, looks suspicious. The dust was contained in two pokes, one with about \$1,500 belonging to William Kleinberg, the other holding just \$865, belonging to M. Goldstein, and both were securely locked in a trunk Sunday evening. The store was securely locked during the early hours, and during the balance of the night three persons were sleeping there. A trunk also contained a poke with \$2,000 of gold dust belonging to Henry Isaacs. A considerable quantity of "cheesecake," which was left untouched.

Letters Received.

A number of letters were received by the Nugget Express from outside. Office, Aurora building.

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Our Visiting M. P. Gets a Touch of It.

Mr. Maxwell Agreeably Surprised at the Sumptuousness of the Spread—Banqueted by Old-Time Friends.

Rev. G. R. Maxwell, M. P., thinks that Dawson is a wonderful place and its citizens are a remarkable people. These sentiments were formed at the conclusion of a banquet given at the Fairview in his honor on Tuesday night, when he said that he had never sat down to a finer spread or had a more enjoyable time. The banquet was given by the gentlemen's Vancouver friends at Dawson, both as a compliment to his position in parliament and to their associations with the gentleman at home; it afforded an opportunity, also, to show what Dawson can do in the way of well entertainment, and in this respect the gentlemen did the town credit, for the spread was elaborate in quantity and quality, and was served in a manner that won Mine Host Cox, who personally managed it, a vote of thanks from the gentlemen. There was an entire absence of politics on the occasion, and Liberal and Conservative sat shoulder to shoulder. Covers were laid for 60, which was all the banquet hall would accommodate, but there were quite a few more present who could not find seats. Mr. D. G. Stewart was chosen chairman for the evening, and he presided in a manner that bespoke both experience and aptitude, and won him a vote of thanks from the guests as a token that to him was due, in a large measure, the unalloyed happiness and bon-hommie which prevailed throughout the night.

When the gastronomic exercises had been concluded, the chairman made a brief introductory speech and then fittingly proposed as the first toast, "Her Majesty the Queen;" this, drunk standing, was followed by the singing of "God Save the Queen" and "Rule Britannica." Corporal Cobb, of the N. W. M. P., then favored the company with a vocal solo, "Queen of the Earth," excellently rendered.

"Our Guest," most graciously presented by Chairman Stewart, brought Mr. Maxwell to his feet amid general applause. The gentleman first expressed his pleasure at being present and meeting so many of his old-time friends, and then expressed the surprise he experienced at the quality of the entertainment they had provided for him, which equalled anything in the nature of a banquet he had ever sat down to. He was in the Klondike, he said, to acquire a knowledge of its conditions and needs, and he purposed getting it through personal application to the subject. He intended going into the several gulches and seeing with his own eyes what there is to be seen. The gentleman made some personal allusions to several old friends about the table, some of which were quite witty and elicited much mirth and the gentlemen struck

up "He's a Jolly Good Fellow," "Daisy," etc.

"Parliament" was responded to by T. D. McFarland and ex-Mayor Davison of Nanaimo, and George Travis, of Vancouver, responded to a toast to "Vancouver, the home of the guest of the evening." "Our industries" elicited some good remarks from Dr. Simpson, Mr. Landriken and Inspector Cartwright, of the N. W. M. P. "The Ladies" was humorously responded to by Dr. Good, Commissioner Senkler and Mr. Foley, the last named also contributing a vocal solo.

A letter of regret was read from Corporal C. E. Rudd, who was unable to be present. It was 3 o'clock when the company finally rose, all voting the occasion one of exceptional pleasure and most handsomely managed.

Accompanying Mr. Maxwell from the outside are Dr. Roberts, of Ottawa; Hugh McLean, of the firm of McLean Bros., railroad contractors, of Vancouver, and James Webster, of Webster Bros., wholesale grocers, of Vancouver. All these, with Mr. Maxwell, left on Wednesday for a tour of inspection in the various gulches.

Have They Got It?

Messrs. John A. Clark and Jen Anderson believe they have discovered and located a quartz ledge that, besides netting them a fortune, will prove of inestimable value to Dawson. It is located four miles above Dawson on the right limit of the Yukon and adjoining Dion gulch. The ore is what is known as conglomerate, and an assay by Everett puts its value at \$18 per ton; Mr. Clark says it can be mined at a profit of \$11 per ton, which, if true, would indicate that he and his partner in the find have a good thing. Ron Crawford has taken an option on the property for \$100,000 and will exploit its merits to the outside world. Mr. Clark is the original locator of Lovett gulch, and Mr. Anderson is one of the men who sunk a shaft to a depth of 275 feet there; it will be seen, therefore, that the firm combines astuteness and perseverance. The Nugget hopes they will win out with their new property.

More Constables Arrive.

Twenty more members of the N. W. M. P. arrived from the outside on the Anglian Monday night, under command of Corporal Wright. They are principally from Macleod and Regina and are as follows: Corporal Duffus, Constables Larry, Rust, Ball, Bell, Bailey, Dyre, Daucy, Mills, Bull, Woods, Sargeant, Lowe, Purves, Townsend, Durwin, Arnoud, Jones and Lewis.

Telegraph Tolls.

The government telegraph is now a considerable distance this side of Selwyn river, and there appears no reason to doubt that it will reach Dawson by October 1. The rate from Dawson to Bennett will be \$3 for a message of ten words and 15 cents for each additional word. The rate from Bennett to Skagway over the railroad telegraph is now \$1.50 for a message of ten words, but it is believed this will be reduced for through messages from Dawson.

\$1.50. Turkey dinner at Cafe Royal Sunday, \$1.50.

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