

ORPHEUM RE-OPENS

Has Been Refurnished and Refitted

Exceptionally Strong Program is Presented This Week by the Manager.

The Orpheum, rejuvenated, refurnished and refitted, will again make its bow to the public this evening under the management of Alec Pantages, who has been the most successful of all the amusement directors to have so far catered to the exacting tastes of a fickle community. Mr. Pantages has been at a heavy expense in fitting up his house, the result being that it is now one of the prettiest theaters north of Victoria. New scenery has been painted by the artist Davenport, new seats provided and new draperies for the boxes. An exceptionally strong program has been arranged for the opening week, the principal feature of which is Nick Burley, the heavyweight who is matched for a go with Frank Slavin, in an exhibition of bag punching. Burley is one of the cleverest in his line, as agile as a cat, and can make a bag beat a tattoo for keeps. The opening act is a burlesque on the Spanish-American war in which Kate Rockwell will introduce her company of Zouaves, fully equipped, in military evolutions. Mason and Evans will introduce their thrilling trapeze act which made such a hit at the A. B. circus, John Mulligan and Katherine Krieg will be seen in an operatic sketch, Vivian will make her first appearance after a rest of nearly a year and will prove as great a favorite as ever. Helen Jewell will be heard in classical selections and there will be a host of pretty girls in the choruses including Dolly Mitchell, Blanche Cammetta, Paula Cordero, Mamie Hightower, Dorothy Campbell, Ollie Delmar and others. A number of new people are daily expected over the ice and others will follow immediately upon the opening of navigation.

Wall paper, latest patterns. Ames Mercantile Co.

COURT OF APPEALS.

(Continued from page 1.)

boundaries between the creek claim No. 10 Eldorado, belonging to John Erickson, and the owners of two bench claims or hillside claims, the lower one belonging to Gillis et al, and the upper one to Lashier et al. The creek claim was staked in 1896, and falls under the base-to-base system. The bench or hillside claims were bought at auction at the government sale last year. There is this peculiarity in this case: The four corners of the creek claim have been settled by posts upon the survey of Mr. Ogilvie, at the time acting as government surveyor. These posts are accepted by all the parties, and more particularly the two on the left limit, which is the boundary contested. Plans have been made by three different surveyors, employed by the three different parties, and there is no need to say that every one of them has given to the party by whom he was employed as much ground as possible, so that Mr. Barwell, employed by Mr. Erickson, goes a great deal farther on the hill than Mr. Cautley, employed by Gillis et al, while Mr. Dumais, who made a later survey for Lashier and Boulais, gives less to the creek claim than either of the other two. They have all given their evidence, as well as several other witnesses, miners, and people who knew the ground at the time it was staked, and even with this there is still a difficulty to well define the base of the hill between these two posts. I will not commit myself to the theory that when the base of a hill is well defined, even by a slide, at the time of the staking, that such a slide should not be taken into consideration to fix the base of a hill or bench. I do not see any reason to interpret the language of the framers of the regulation otherwise than having had the idea, which everybody else has, as to what constitutes the base of a hill or bench, and that they considered a hill or a bench to be absolutely formed of earth, gravel or rock. I don't believe that they ever intended to consider as not existing a surface formed by muck or a slide, and that in order to find such a base it should

be necessary to dig until a surface composed of anything else than a slide or muck was found. At all events there is nothing in the regulations to this effect, and, as I view it, the base of a hill or bench, when sufficiently defined, is just as well formed by slides or muck as by any other surface, though I am quite ready to admit that after the staking the owner would be entitled to the ground covered by a slide having happened since. I would not, therefore, in this case consider that question at all, as having any bearing in favor of Erickson.

By what I can gather from the evidence, the elevation above the creek is such as to make it really difficult to determine the boundaries between these claims. The two Ogilvie posts having been accepted, under the circumstances I would favor the straight line, suggested by Mr. Cautley, between the two posts as being, perhaps, the one which would do better justice to the parties concerned, as meeting the views of the stakers of the creek at the time, though that of Dumais is the more scientific. I do not admit that a line should be drawn in the way that Mr. Barwell has suggested it, which, if must be said, seems to be rather founded more on discretionary consideration than upon real principle. However, the gold commissioner, who has viewed the ground, has thought fit to determine a line which is neither one of the three, and as my learned brother, Mr. Justice Craig, has come to the conclusion that this line should be the one accepted by this court, I will not enter any dissent.

In the case of Risser vs. Rinkert each of the three judges filed separate opinions and all were masterpieces of erudition. The judgment was rendered by Mr. Justice Dugas, was partially concurred in by Mr. Justice Craig but was dissented from by Mr. Senkler. The question involved was whether or not under the old regulations a claim after the expiration of nine months and three days upon which no work had been done was open to relocation without first having been declared forfeited to the crown by the department. The opinions were of the utmost importance and will be published verbatim in tomorrow's Nugget. The appeal was sustained by a majority of the court.

Mr. Justice Dugas rendered the judgment in the suit of Hartley et al vs. Watson et al, the famous concession case, in which the appeal was dismissed with costs. Mr. Senkler concurred, but Mr. Justice Craig dissented. The effect of the decision is to render the application to record of some 80 to 100 stakers on the Watson concession null and void.

Is All Talk

Special to the Daily Nugget. London, April 14.—The Prince of Wales says he knows nothing of the intention of the New York Chamber of Commerce to invite him to the opening of the building. The London chamber will send a delegate.

Friends to the Rescue

Sometime ago a young man of Dawson got drunk and essayed to end his earthly career by butting his head through looking glasses. This morning he was again making a great and mighty effort to cultivate another skate but his friends corraled him before he reached the glass-butting stage.

Huge Boiler for Hunker

One of the largest boilers ever shipped up the creeks left this morning for 51 below on Hunker behind one of Orr & Tukey's big teams. By actual weight the boiler weighed over 8000 pounds. The claim is owned by an English syndicate of which Mr. George Clazy is general manager.

Seriously Ill

Theodore P. W. Smith is seriously ill, confined to his room in the Aurora with an attack of pneumonia. His friends are giving him every care and hope a change for the better will occur in a few days.

Work Has Begun

Mike Conley has received the contract for the construction of the McArthur block on Third avenue, beginning work on the excavations for the foundation this morning.

Harriman Re-Elected

Special to the Daily Nugget. New York, April 14.—E. H. Harriman was on Saturday re-elected president of the Southern Pacific Railway Co.

Grand fancy dress ball at the Exchange Concert and Dance Hall, Monday night, April 14th. Elegant costumes, good floor, good music. Everybody cordially invited.

P. B. Butler, have no other.

Kelly & Co., Leading Druggists.

STREET TO BE WIDENED

Improvement Will be Made at Forks

The Good Sleighting Took Many People up the Creeks Yesterday.

During the present summer the townsite at the Forks will be greatly improved in a variety of ways. At the present time the main street of the town is exceedingly narrow and, having been laid out without any particular survey line being followed, it is naturally crooked.

It is proposed now to widen the street materially by moving all buildings on the right hand side of the street back from the present line a distance of 15 feet. On the other side a number of buildings which are not now on the line will be moved back three or four feet, and thereafter the street will present a greatly improved appearance.

A side street leading eastward from the main street near the junction of the Bonanza and Eldorado trails will be graded down, to give the fire department ready access to the upper end of the town.

The road to the Forks was in splendid condition yesterday and as a result numerous sleighting parties from Dawson were noticed in the town. All the restaurants did a thriving business and the cigar and confectionery stores also felt the results.

Business generally is picking up at that busy little mining centre and particularly has this been noticed since the return of the big Eldorado operators, many of whom are now on their claims preparatory to the clean-up season.

On No. 3a Eldorado the deepest shaft ever sunk on a creek claim in the district is being put down for the purpose of ascertaining whether another pay streak does not exist below the first bed rock. The shaft is now down something over 100 feet, and as yet no indications of a solid formation have been struck. After passing through the regular Eldorado pay streak and below what is generally considered bed rock, a bed of muck was encountered for a depth of about 20 feet, thereafter the formation hardened but thus far no difficulties have been encountered which have not yielded to steam and pick.

The progress of the work is being followed with the utmost interest by claim owners in the district generally.

Every advantage has been taken of the good condition of the roads by claim owners who intend working this summer, and hundreds of tons of freight have been hauled during the past ten days. Everything now points to a summer of unusual activity.

Grand fancy dress ball at the Exchange Concert and Dance Hall, Monday night, April 14th. Elegant costumes, good floor, good music. Everybody cordially invited.

Grand Scenic Production

The play this week at the Auditorium promises to be one of the best and most elaborate productions yet put on by the Bittner Company. "The Land of the Midnight Sun" is a free adaptation of Hall Caine's great novel, "The Bondman," and is full of the most thrilling incidents from start to finish. With one exception the play will be produced in its entirety the same as when it set New York wild with excitement. In the original production the crucifixion in the fourth act was so realistic that women in the audience fainted at the sight and it became necessary to modify to a certain extent a portion of the scene. The cast is a large one, embracing 21 persons.

Extensive Repairs

Tom Chisholm's "Aurora" is in the hands of carpenters and decorators receiving a thorough refurbishing. The partitions have all been removed, a new floor laid and the walls will be re-papered and re-decorated. Foundations for the floor were sunk seven feet in the ground to the solid frost and it is thought no further trouble will be experienced by reason of settling.

Another Wire Break

At 10:30 this morning a break occurred in the telegraph line some place in the mountains south of Telegraph creek and late this afternoon there was no word as to when repairs would probably be made.

HERSHBERG advertisement with contest details: 'This Contest is FREE TO ALL!', 'Last Year the Ice Moved in Front of Dawson May 14th, 4:14 p. m.', 'GUESS WHEN IT WILL GO THIS YEAR', 'The one coming nearest to the time we will give the following goods to be selected by the winner from the very best goods in our store: 1 Fine Suit; 1 Fine Hat; 1 Fine Dress Shirt; 1 Fine Suit of Underwear; 1 Fine Dress Scarf; 1 Fine Collar and Cuffs; 1 Pair Fine Dress Shoes.' Location: FIRST AVENUE, Opposite White Pass Dock.

HOTEL ARRIVALS. Regina Hotel—C. Geo. Johanson, San Francisco; David Ross, East Zorra, Ont.; W. H. Morrow, Cascade City; Geo. W. Schneider, city. Nobby line spring suits just opened. Ames Mercantile Co. Grand fancy dress ball at the Exchange Concert and Dance Hall, Monday night, April 14th. Elegant costumes; good floor, good music. Everybody cordially invited.

CIGARS advertisement: 'We want your Cigar business and are prepared to make quotations F. O. B. Victoria, B. C., or Dawson at lower rates than quoted by outside drummers, and deliver same in large or small quantities. Give us a call and we will convince you. We handle all the leading brands, imported and domestic.' Macaulay Bros. TOWNSEND & ROSE, Importers.

Bank Market advertisement: 'Fresh Over the Ice', 'PULL LINE OF... Beef, Mutton, Veal, Pork, and Poultry.' Bank Market, KING STREET, Opposite N. C. Company. H. Gustavson, Proprietor.

CORRECT CUTS advertisement: 'Of Some of the Many Styles We Are Now Selling. The Very Latest From Adler Bros., New York.' Images of two men in suits. NORTHERN COMMERCIAL CO.

6 PAGE, Vol. 3—No. 90, COUNCIL, Session Last, a Bus, Conditions, Memo, munications, Crowd, The regular m, celled last night, from several s, reserved fo, oved with peo, ally expecting, It was k, tion regarding, to be prese, the same, to its third r, to learn v, the matter. T, appointment, numerous oth, importance, all the council, the reading of, first to come, sion of the Yu, Railway Company, being the cons, away in the, now asked of the, corporation. The, T. W. O'Brien, W. D.