

PICOTTE MUST PAY

Money Borrowed to Pay Gambling Losses is Not Gambling Debt—Verdict by Justice Dugas.

Judgment was rendered this morning by Justice Dugas in a suit which has become somewhat famous inasmuch as the action was one instituted to recover money advanced for the purpose of settling a gambling debt. Some months ago N. E. Picotte, a half owner in 17 Eldorado, lost \$5000 at faro to Tom Sparks, who was conducting the gambling room in the Dominion saloon. When he came to settle for his losses he borrowed the money from John Moe, one of the proprietors of the Dominion. He later returned to Moe \$2500 of the amount but refused to settle the balance of \$2500. Suit was begun to recover the amount and while the action was pending Picotte attempted to leave for the outside but was detained upon a capias until he had put up sufficient security with his attorneys to liquidate the amount in case judgment was secured against him. It has long been considered that a gambling debt which is contracted as the result of an illegal game was not collectable, but the court holds that in this case the tab given by Picotte to Moe for the amount was for a good and legal consideration. The opinion of his lordship upon the question is as follows:

The proof established that the plaintiff is proprietor of a licensed saloon called the "Dominion saloon," and that the back part of it is occupied, with the consent of the plaintiff, by one Sparks, or was at all events on the 24th day of May last, as a gambling room. The defendant on that date lost \$5000 at gaming, which he owed to Sparks. After the game was over both the defendant and Sparks came into the barroom where the plaintiff was, and the plaintiff was addressed by the defendant who asked him whether his name was good for \$5000 and upon the

plaintiff affirming that he was good for even more than that the defendant asked him to pay Sparks that amount of \$5000 to which the plaintiff assented by giving his check, a part of which was afterwards paid two days after, and the balance about nine or ten days after by the plaintiff. The defendant gave the plaintiff then and there his I. O. U. in the following form:

"I. O. U., payable to John Moe, six thousand dollars (\$6000).
N. E. Picotte."

This was on a Saturday. On the Tuesday next the defendant delivered to the plaintiff at his demand, but with some hesitation, gold dust valued at \$2500, on account for which the plaintiff credited him; hence the present action for \$3200 and interest. The plea is a denial on the part of the defendant that the plaintiff ever paid \$5000 to Sparks at his request, and that the I. O. U., or memorandum alleged, was given by him in payment of a gambling debt, and that the amount sued for is for a gambling debt; and in further answer he alleges that the said sum was borrowed by him and was knowingly lent by the plaintiff to him, the defendant, in a certain gambling room on the premises of the Dominion saloon, for the purpose of the defendant illegally playing and gambling therewith in the said gambling room, at a certain illegal game, to wit, "faro," and that the I. O. U. was given for the said sum.

The plaintiff swears that he did not know whether the defendant owed that sum to Sparks for gambling; that he never went into the room where they were during that time, and he even alleges that afterwards, when the defendant hesitated to pay the account, and refused afterwards to pay the balance he never was told that the debt had been so incurred. I think I can safely say that although there is no direct proof of plaintiff's knowledge, there is a strong presumption that he must have known for what it was due; but even accepting as proven that he knew it, I believe that under the circumstances the I. O. U. given by the defendant was given for good and legal consideration. A reference to the authorities on that point leave in my mind no doubt on this subject. It is the contract which takes place between the players that is illegal, and which a court of justice cannot enforce. Here the undertaking by the plaintiff to pay that amount to Sparks after the game was over was not an illegal undertaking, and that I. O. U. therefore is given for good consideration.

Good Tennis Last Night.

Last evening one of the best matches of the season was played between Duffin Patallo (owe 15) and O. S. Pinnle (owe 30). Patallo opened the first set in splendid style winning easily the first five games by excellent drives and volleys at the net. The pace was, however, too fast to last long and Pinnle's steady play availed him in good stead by placing the next six games and the first set to his credit. In the second set there was splendid play on both sides, but Pinnle who was in the better condition won by 6 to 3. Score 6-3, 6-3.

Valuable Diamond Lost.

Mrs. Eddie O'Brien had the misfortune to lose a very valuable diamond Wednesday evening at the Standard theater while at work. Just prior to the O'Brien sketch going on, the jewel in company with a number of others was left on a shelf in the dressing room. Upon returning a few moments later one of them was missing. Elsewhere in this issue will be seen a notice of reward for the return of the stone.

Perinet R. Pills Extra Sec Champagne, \$3. Regina Club hotel.

Hotel McDonald
THE ONLY FIRST-CLASS HOTEL
IN DAWSON.
C. W. HINES, Manager

A Choice
And Well Selected
List of
GROCERIES.
Just received from the outside
with orders to close them out
IMMEDIATELY
JAS. E. BOOGE, Mgr.
YUKON HOTEL

Just Received
MIRRORS, Several Sizes
CANDY SCALES, Three Styles
MILK SHAKE GLASSES
ILLUMINUM SHAKERS
ICE SHAPE PLANES
SHINDLER,
THE HARDWARE MAN

Thomas McMullen
FINANCIAL AGENT
Money to Loan
OFFICES
Canadian Bank of Commerce Bldg.
UP STAIRS.

HARNESS
A Complete Line of Harness, Saddlery, Hardware
and Crockery.
Bar Glassware a Specialty.
McL., McF. & Co.,
LIMITED

RECEIVED BY WIRE. LUNATIC'S VICTIM

Prominent Idaho Citizen at Point of Death.

Spokane, July 15, via Skagway, July 19.—Probate Judge James C. Brady of Rathdrum, Idaho, will die this afternoon, his physicians having given up all hope. Judge Brady was shot by an escaped lunatic named Henry Wilmburse on July 5th. The bullet entered below the right eye and severed the nerves and veins leading to the throat and neck. Gangrene set in and paralysis ensued.

Judge Brady is one of the leading Democrats in Idaho. He is editor and owner of the Rathdrum Silver Blade and chairman of the Kootenai county central committee. He is serving his second term as probate judge. It is believed that Wilmburse who is in jail at Rathdrum, will be lynched when Brady dies.

REGARDING "DOGGIES"

They Must be Muzzled or Impounded and Killed.

From the number of "dear doggies" which are seen roaming the street unmuzzled and untagged it would appear that the idea has become indelibly impressed in the minds of the owners that the recent order allowing the dogs their freedom also relieved the owners from any further responsibility concerning them. This is altogether a delusive one as the remaining part of the ordinance which provides for the muzzling and tagging of dogs is still in active effect and the penalty to the owner for not providing a muzzle and tag for his dog and the liability of the dog to being impounded and even shot is also in active operation, so that dogs found upon the street or upon both a muzzle and tag and the owners of the animals thus found unprotected according to provisions of the ordinance are equally liable to the punishment provided.

James Adair was called before Magistrate McDonnell this morning charged with allowing his dog to run at large without a muzzle. The information was laid against the wrong person, but the proper owner of the dog appeared instead of Adair and notwithstanding the elaborate explanation he made of how his dog had stolen away while eating his supper and how he was "innocent and harmless" mastiff dog that ever lived the magistrate found him guilty of the charge and fined him \$5 and costs. The dog catcher and assistants have been very busy during the past several days, and in two days this week have impounded upwards of 30 dogs found roaming the streets unmuzzled. It is the intention to strictly enforce the provisions of the ordinance and the dog catchers are now hot on the trail of all canines found running at large.

Boiled the Body.

San Jose, Cal., July 12.—The body of Lee Wing, a Chinese, who was murdered last March by highlanders, was hauled in an iron cauldron last night by order of the county authorities. This process was considered necessary in order to obtain the 16 bullets which they fired into the man. They will be used as evidence in the trial of Look Lee, alleged to be one of the assassins.

Will Donate \$100,000.

Leadville, Colo., July 12.—At a meeting of the City Library Association a letter was read from the private secretary of Andrew Carnegie, dated from Sikko Castle, Scotland, stating that he would donate \$100,000 for a public library for this city, providing that the city would furnish \$5000 a year to maintain it. The offer of Mr. Carnegie was in response to an appeal for aid from the association.

Forest Fires Are Raging.

Denver, July 12.—Forest fires are raging in two sections of the state and it is feared that they before they can be controlled or extinguished. One of the fires is on the banks of Chalk creek, in Chaffee county and the other in Larimer county. Both are said to be in timber on school lands.

Kodak tripods: \$3.50 Goetzman's.
We fit glasses. Pioneer drug store.

HUNKER SPEEDWAY

Superintendent of Public Works Tache Will Construct Bois de Klondike

THAT WILL BE MODERN BICYCLE ROAD

And Extend From Ogilvie Bridge to Mouth of Hunker.

ALONG WORLD-FAMED RIVER

Mr. Tache Will Take This Fine Driveway in Territory as Monument to Himself as an Officer

Dawson is to have a speedway, one that perhaps is not as long, not as elaborately constructed, nor as fast a track as its namesake along the shores of the Hudson, but one which when completed will prove a revelation to those who traverse it for the first time and a joy forever to such as can afford the luxury of a horse and carriage. Superintendent of Public Works J. C. Tache is determined to leave a lasting monument to himself in the Yukon and to that end he is devoting extra care and attention to the building of the road from the Ogilvie bridge to the mouth of Hunker with the expectation that it will become not only a highway of commerce but a place of recreation for light equipages and bicyclists, a sort of fashionable promenade. It might well be called the Champs Elysees or the Bois de Klondike, or both, for the route it will follow will pass through sylvan glades and alongside the purring stream which has made the country of gold a household word from one end of the world to the other. Heretofore it is a question whether or not the pleasures of carriage riding have not been more than offset by the character of roads the city afforded. First avenue is but little over half mile long and is as full of ruts and rills as the rocky road to Dublin. Everything from muck to slabs and sawdust was used in its construction and there are culverts and car tracks intersecting the road in every block. There has been no place where a drive could be had with any degree of comfort and the new driveway will thus fill the proverbial long-felt want. In the course followed by the new road there will not be even the smallest hill to climb between the bridge and the mouth of the creek, a distance of eight miles, the grade being confined to the natural fall of the river.

It was first proposed the road should closely follow the foot hills, that location being considered the better one, but Mr. Tache has later decided upon the old foot trail which the entire distance lies along the river bank. The soil along the water's edge is admirably adapted to making a good road, one which will be lasting and never be muddy. It is a solid sandy loam covering a thick strata of boulders and wash gravel. Several miles of the road will pass through a forest, thus adding additional charm to the drive. At no point along the route will the river be obstructed from view. Some heavy blasting will be necessary just below the mouth of Bear creek where the entire force of the river rushes sheer into the bluff. Every year and almost every month of the year except when the ground is frozen the trail just above the Cliff house is obstructed by masses of earth, stumps and roots sliding down the mountain side, and which has to be shoveled out by the first luckless individual who happens along. In order to prevent any future trouble it is the intention of Mr. Tache to blast away an immense portion of the bluff.

The road when completed will be the prettiest drive in the territory. It's extension up Hunker and down Dominion via Lombard gulch to No. 72 below lower will also make it the longest, approximately 42 miles.

Send a copy of Goetzman's Souvenirs to your outside friends. A complete pictorial history of the Klondike. For sale at all news stands.

Outside draught beer at Standard theatre bar 25 cents.
Best mixed drinks in town—Slideboard.

RECEIVED BY WIRE. CAPTURED A WOMAN

Situation in South Africa Continues Gloomy.

London, July 15, via Skagway, July 19.—Lord Kitchener in a dispatch to the war department confirms the report of the capture of the wife of Acting President Schalkberger and says the prisoner has been brought to Pretoria.

Returning British officers do not speak hopefully of the situation in South Africa. They report that the railways and small zones are securely held by the British around Bloemfontein, Pretoria and Johannesburg, and that in those localities the natives are settled down and have resumed their usual occupations. But outside of immediate British influence, but little progress towards pacification is being made. The railway from Johannesburg to Laingsnek is still menaced and the Dutch section along the South Orange river is still being ravished by guerrillas while the broad districts of the Transvaal and Orange river colony are only kept quiet by being emptied of population through repeated marches of strong columns of British troops.

JUDGMENT RESERVED

In Case of McLaughlin Charged With Forcible Entry.

In the police court yesterday afternoon J. McLaughlin was on trial before Magistrate Scarth charged with forcibly entering and taking possession of the Yukon stables on Third avenue, the same being at the time owned and controlled by Jonas Bergman and Frank Wishard.

Bergman was first called to the stand and testified that on the date on which the complaint was entered he had been called from the stables to the Dominion saloon and the message said to come immediately on important business. Leaving a man named Alexander in charge of the place he went to the saloon but found that no message had been sent from there for him. He then returned to the stables where he found the door locked and Alexander on the outside while McLaughlin was inside and refused to let him in.

All of his coaking was of no avail, the door remaining securely locked and it was only through the efforts of the police that he could get possession of his place of business.

Alexander was also put on the stand and testified that Bergman had left him in charge of the business while he had gone to see what was wanted at the Dominion saloon and that while Bergman was away he (Alexander) had stepped into Hadley's stables which are located in close proximity and had been gone about two minutes; when he returned he found the doors securely fastened and saw McLaughlin inside the building. He had asked McLaughlin to open the door but he had refused. The door had been fastened with a chain drawn across from one side of the sill to the other. McLaughlin in defense of his action said that the ground on which the building was situated belonged to his wife and that he had recently purchased the building and had been trying to get a settlement with the occupants who had been standing him off from time to time. He had no idea of doing anything unlawful and had only taken that course of action to force a settlement.

Attorney Clarke appeared for the defendant and asked for a dismissal of the case on the ground that it was a civil dispute and not a criminal case.

Attorney Hagle for the prosecution argued that the prosecution had established a clear case of forcible entrance to another party's property contrary to certain sections of the criminal code and asked that McLaughlin be sent to the superior court for trial. The magistrate reserved his judgment.

Outside draught beer at Standard theatre bar 25 cents.

Fresh Lowney's candies. Kelly & Co., druggists.

The Flannery, first class family hotel.

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

Special Power of Attorney forms for sale at the Nugget office.

Fruit juices at Selman & Myers.

RECEIVED BY WIRE. SKAGWAY SNUBBED

After Chamber of Commerce Arranges to Entertain River and Harbor Committee, the "Marble" is Extended

Skagway, July 19.—Skagway people are feeling very sore over the treatment accorded the city by the congressional river and harbor committee which arrived by steamer from the Sound yesterday morning. When they left the steamer they boarded a trap at the wharf and were rushed over to Whitehorse where they were banqueted. On their return yesterday evening the

train was again run down to the wharf and the party at once boarded the steamer which immediately pulled out, not one of the visitors coming up town.

Members of the Chamber of Commerce were on hand to receive the party, all arrangements for a swell reception last having been completed. The people feel that they have been clearly snubbed and great indignation is expressed.

RECEIVED BY WIRE. NEW PARTY FORMED

Ohio Bryan Democrats Have Bolted Old Party.

Cleveland, O., July 15, via Skagway, July 19.—Ten Bryan men who bolted the late Democratic state convention at Columbus today organized a new party and called a state convention for July 31st.

COMING AND GOING.

Mrs. H. C. Macaulay and two children arrived on the Whitehorse.

Stenographer Blankman is back at his old desk in the police court.

F. B. Jayne was among the passengers that came in on the Whitehorse.

Mrs. Harry Edwards was among the incoming passengers on the Whitehorse this morning.

Mrs. Frank P. Slavin and two children arrived on the Whitehorse and Frank is the proudest man today in Dawson.

J. L. Timmins is erecting a galvannezed iron warehouse on Third avenue between Second and Third streets for cold storage purposes.

Work is progressing rapidly on the new brick warehouse on Third avenue. Three arched front entrances are now in place and the sidewalks are increasing in height every day. When completed the building will have a very metropolitan appearance and will be a credit to the town.

Going to Whitehorse.

Superintendent of Public Works J. C. Tache will return to Whitehorse tomorrow evening, accompanied by Justice Dugas who goes for the purpose of establishing a court at that thriving village and to hear several cases said to have been pending for some time.

Mr. Tache will begin the construction of a new postoffice and courthouse at Whitehorse and will return again to Dawson within a week or ten days accompanied by his wife and daughter.

A Tip For Married Men

Mrs. Henpeck—I have no control over my husband at all any more.

Mrs. Wunder—What's wrong?

Mrs. Henpeck—He secured a certified copy of the census enumerator's record, showing that I had given his name as the head of the family.—Baltimore American.

Pine candies, delicious ice cream at Mrs. West's new store, Second ave.

Latest Kodak finishing at Goetzman's.

Photo supplies reduced at Goetzman's.

RECEIVED BY WIRE. STRIKE STILL ON

Metal Workers Did Not Return to Work Monday.

New York, July 15, via Skagway, July 19.—The metal workers did not return to work today as had been arranged and the fight is on more bitter than ever and with no signs of compromise. A general order for a strike everywhere was issued last night and it is believed it will be obeyed.

STEAMBOAT NEWS.

The Ora with an immense boom of logs in tow for the Yukon Mill Co. passed Stewart this morning at 8 o'clock. The logs are from Patterson's camp near the mouth of the Pelly. The Ora will leave for Whitehorse tomorrow evening at 7 o'clock.

The Eldorado will leave in a few days for St. Michael for a cargo of freight.

President S. H. Graves, General Manager E. C. Hawkins and Traffic Manager J. Francis Lee of the White Pass & Yukon Route, arrived this morning by the steamer Whitehorse.

The Victorian left at 8:15 last night on Whitehorse. She carried 15 passengers.

A consignment of freight arrived on the Whitehorse for the U. S. soldiers at Fort Rgbert.

The Whitehorse brought 36 passengers to Dawson.

Italian Consul Alarmed.

Vicksburg, Miss., July 11.—National Italian vice consul here, received word today of the lynching of two or more Italians at Avon, a small station in Washington county. As yet he has been unable to secure the names or any particulars, but he is informed that a mob of 50 or more men are hunting the Italians through the swamps. Mr. Piazza has wired the governor urging him to afford his countrymen all protection in his power.

Number your houses and get your mail. Standard letters approved by Commissioner Ross are now being placed on all stores and residences. 47

Castwell, photographer, has moved down town. Third street, opposite A. C. Co. 625

Shoff, the Dawson Dog Doctor Pioneer Drug Store.

Ames Mercantile Co.
800 Kits of
Plain and Mixed PICKLES
\$4.50 Per Kit
They Are Hard, Crisp and Delicious
....ONLY....
New Goods, Fresh Goods, Perfect Goods
DO WE OFFER.