THE KLONDIKE NUGGET.

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SUED FOR $10,000

Beaten by a Nurse and Dragged Across the Floor.

COMPLAINANT BIRT TELLS OF BRUTAL TREATMENT.

The Nurse Washed First and Then the Patient Used the Same Water.

Complains That By Reason of This Harsh Treatment He is Injured for Life—One Leg Left Shorter Than the Other—The Bridge Owner's Doctor Could Find Nothing Serious—A Private Physician Uncovers Fractures and Other Serious Injuries.

The suit of Isaac R. Birt for $10,000 damages against John R. Howard and Milo Roberts, is turning out to be quite sensational in its character. Howard and Roberts are the two owners of the Klondike river bridge, and Birt is one of the victims of the accident last fall, when one of the anchor rods of the bridge broke one frosty morning, precipitating Birt and two other people onto the ice below. The three were accompanying a horse and loaded sled and were bound for Irish gulch at the time.

The first witness called was Dr. Brown, private secretary of Commissioner Ogilvie. He testified that the office of the commissioner contained no records of the grant or permit to construct a bridge to Messrs. Howard and Roberts, so far as he had been able to find after a diligent search. Attorneys Tabor and Hulme, for Birt, introduced a series of papers now in the doctor's possession as evidence to show the ownership of the bridge.

The testimony of the plaintiff, Mr. Birt, was listened to with breathless interest by all, and with many objections by Burritt & McKay, for the defendants. Birt first related the incidents of the accident; how together with Mrs. Baring he had hired Quinn and his horse to convey their outfits to Irish Gulch; how the bridge suddenly collapsed, and when he came to his senses one arm was pinioned under the load and he had to be assisted to extricate himself; how when he attempted to walk his left foot turned involuntarily and pointed behind him so that he fell; how he was carried over to Howard's store and given whiskey; how Dr. Burke was called in and gave morphine; how Howard agreed to pay all doctor's bills; how he was carted over to an empty cabin, and he heard a man named McNeal hired to nurse him; how nurse McNeal abused and threatened him, saying to him shortly after his arrival in the cabin, "If you don't keep quiet I'll tramp your g—d d—d chest." It was of the doctor's treatment and his maltreatment at the hands of this nurse that the witness most spoke. He testified to being dragged over the floor by Mr. McNeal, suffering excrutiating agony all the time; to his doubly broken hip being prevented from knitting by his being compelled to use a low box for an invalid's stool each day; to being knocked on the jaw three times on one occasion by this big nurse, who stood up over him on the floor with "I'll wait until you get up and then I'll beat the g—d d—d head off you." The witness further testified to having to be dragged each day to the table for his meals; to the nurse first washing his own face in a pan of water each morning and spitting in it, and then making the patient wash in the same water; to his refusal, after a few days, to submit to such treatment. The witness then went on to tell that Howard had eventually approached him and offered to pay all expenses and give him $300 if he would call it square. He said he was told that if he refused to settle on this basis he would be subjected to "unusual punishment." He did not settle and was carted to the hospital towards the end of November. Howard told the hospital people that he would stand good for two week's board and no more. He did not get any medical treatment until December 12th, when his leg was put in an extension, and after a few days of great pain he found himself getting better.

While at the cabin, under nurse McNeal, he had insisted upon a doctor being called in other than Dr. Burke, and Dr. Catto was called. "In three hours he lessened my pain five hundred per cent." Witness went on to say that Catto was discharged by Howard, and he was left at the mercy of Dr. Burke again, who worked his leg up and down like a pump handle, giving it a side twitch once in a while.

The lawyers disputed considerably about what the witness could testify about the doctors, McKay maintaining that the doctors themselves would prove the best witnesses, but on the whole the court allowed Birt to tell his story as he knew it. He told how, as he got no better in the hospital, on December 10, he was put under the influence of anaesthetics and an examination was made by Doctors Fulton and Edwards, and two days later he was put in the extension.

In his testimony as to his former conditions and his present state the witness was most interesting. His leg was swollen and his hip stiff. The knee was still stiff and the leg unable to support his weight. He had been able to get out with crutches for the past few days but had to crawl up and down any grades in his path. He had also received private injuries which he described. At the time of the accident his business had been worth $15 per day to him. Since the accident he did not know what had become of the business and he did not even know where his books were. Was slowly getting better but could not vouch for a complete cure. Was a healthy, strong man before the accident. Had heard his driver, Quinn, ask the bridgeman if the bridge was safe and the bridgeman replied that it was, and that a great many horses had crossed only the day previous. The party had only proceeded about 40 feet from where they had paid their toll when down they went.

The witness was loth to admit that Dr. Burke had treated him for his ailments at all—had just simply attended him.

Mrs. Matigue testified to overhearing a conversation between Howard and a bridgeman to the effect that he must not allow the use of the bridge for horses.

Mr. Quinn next deposed that he was engaged on October 27th to freight some goods for Mr. Birt and Mrs. Baring to Irish gulch. Two days before that, not thinking the bridge was designed for horses, he asked Betsch, the toll collector, if he allowed horses to go over it. Betsch replied that he did and that horses were going over every day; that it was perfectly safe. We had about 1200 pounds on the sled and when about 40 feet on the bridge the sled slewed to one side and caught in the railing. Mr. Birt was prying it loose when the crash came and they fell to the ice below, a distance of about 20 feet. He afterwards learned that one of the fastenings of one of the cables had broken loose, allowing the bridge to tip over. He went down headforemost and lay unconscious for a time in the water beneath the first layer of ice. When he recovered the first thing he heard was Birt calling to him. Birt was soon taken to Howard's store where Dr. Bourke visited him; later he was taken to a cabin with Mrs. Baring and seemed to be in a critical condition. Witness got Birt a bottle of whiskey at the other's request. They had also taken a drink just before the accident. The next time he saw his sled it was standing empty beside Howard's store.

After the foregoing the evidence was generally of an expert nature, Dr. Edwards being the first witness called. He was called to examine Birt on Dec. 9 at the Good Samaritan hospital. The patient complained so of pain that he made but a partial examination. He found the injured leg turned out but could do nothing with it without causing the man great pain. The next day the doctor put Birt under the influence of ether and completed the examination. He found a fracture of the femer and a shortening of the leg by about an inch. Witness consulted with Dr. Fulton and asked him what he would recommend, and witness advised the extortion process, which was adopted. Six or seven weeks later, witness saw the patient again. The extension was successful and the patient was more comfortable. A pump handle movement of the injured limb would prevent a union of the fractured bones. The patient is now in such a condition that he is obliged to use crutches and may have to forever; in fact that he will never recover the use of his joint. The doctor further testified that he is from Boston and that he has been in practice for two years.

Dr. Fulton next took the stand and deposed that he is a nurse at the Good Samaritan hospital. That he examined Birt some days after his arrival there. He found considerable swelling at the thigh; Birt was suffering great pain; all the signs of true pain were noticeable. The foot was turned outward and the leg was drawn up until the knee was six inches from the bed. Upon moving the limb sounds were created which evidenced a fracture of the femer. The knee was also swollen and the leg appeared to be about an inch short. Witness put the injured limb into extension appliances and so kept it for seven weeks. This should have been done at the time of the injury. Unnecessary movements of the limb would tend to irritation and to displace the bones. The bones have knit with a fibrous union, and the limb will never be as strong as if the union had been of a bone nature. A bone union would more likely have resulted if the fracture had been set early after the accident. He will probably never get as good use of it as before. It will be three or four months before he will be able to throw away his crutches and take a cane; even then he will not be able to cut wood without pain, and will be lame for the balance of his life. Cross examined witness said that Birt gave evidence of feeling true pain and was not shamming.

Thomas Fawcett, late gold commissioner, was the next witness. He testified to giving Mr. Howard and others a grant for the construction of the bridge. It was for foot passengers and not for animals, he thought. He had seen the bridge and, as an engineer, did not think it suitable for animals. The cables might have been strong enough, but other portions of the structure did not appear to be. Cross examined he said he would not swear positively that the bridge was for foot passengers alone; he also believed that the fastenings of the bridge were strong enough in themselves for ordinary weights. But, as an engineer, he did not think it safe for use by animals.

Dr. Grant, the superintendent of the Good Samaritan hospital, followed. He said Birt was taken there by Mr. Howard and that the latter made himself responsible for Birt's care. After making two payments according to arrangement, Howard gave him to understand that he wished his agreement to cease. On that day he was served with a discharge of Birt by the physician in charge, Dr. Bourke. But Birt is still there at a rate of $5 per day. Mr. Howard, however, has continued to pay Birt's bill at the hospital. He has already paid about $25 in that way.

Mr. Gibson, a civil engineer, testified to the condition of the bridge as he had noticed it in walking on it; he also described the strength of iron under varying degrees of temperature. To avoid accidents the carrying capacity of a suspension bridge is only subjected to one-fifth the carrying capacity of its iron cables. Much of this evidence related to the action of cold upon iron, it appearing to be the purpose of the defense to show that on the day of the accident the irons entering into the construction of the bridge had been impaired by a temperature of 41 degrees below zero, a circumstance over which they had no control.

After this evidence, further hearing of the case was adjourned to March 1st.

An Unsatisfactory Contest.

The sparring contest on Friday night between Harry Lamont and Billy Cooper proved to be a most unequal contest, Lamont getting knocked out early in the third round, notwithstanding that he appeared to be the popular favorite. Sam Moore and Pat Rooney were behind Cooper, and Kid Williams and Charley Gleason behind Lamont. James Donaldson, as usual, acted as referee with the promptness and fair decisiveness which has made him the most popular referee in the territory.

The house was packed to the doors. When the two men stripped, it was seen at once that Lamont had the advantage of at least 20 pounds in weight. Cooper sized him up carefully from his corner and remarked on his size.

When time was called both men stepped to center and sparred carefully. Lamont took a solid stand in the center of the ring, while Cooper side-stepped carefully around sizing his man up. Only three times was a blow struck in this round, Lamont catching Cooper ducking with an ineffective upper cut.

In the second round Cooper began to think his opponent's dignified pose forbeded him no ill, and in an exchange landed a right over the heart and left on the jaw, which put Lamont to the floor until the count of eight. The round was slow with Lamont showing up badly, and at its conclusion both combatants were cautioned against wrestling, which they seemed partial to.

The Third round commenced with the dignified Lamont posing in the center as usual, Cooper rushed him, several times during which Lamont struck out helplessly and blindly and went down several times. After the expiration of about a minute and a half, Cooper backed him to the ropes and commenced an onslaught right and left. Lamont was simply a punching bag for his smaller antagonist and at last went to the ground partly from stumbling and partly from a blow he received while standing stupidly with his back to his opponent. The referee decided it to be too unequal a contest with Lamont already a badly whipped man, so he awarded the fight to Cooper.

ARCTIC SAW MILL

UPPER KLONDIKE FERRY.

Sluice and Flume Lumber a Specially.

ALL KINDS OF DIMENSION LUMBER.
LOWEST PRICES IN THE KLONDIKE.

City Agents: Stauf & Zilly.

Office at Mill. BOYLE & SLAVIN, Props.

SUNDAY GAMBLING IS TABOOED.

Police Raid Several of the Green Cloth Resorts.

Nineteen Players Taken in the Net—Sunday Liquor Selling Incorporated in the Interdict—A Goodly Sum Mulcted.

Dawson's devotees to the popular and seductive game of poker were sharply reminded on Sunday that they must not allow their fondness for the diversion to lead them into forbidden paths. Poker playing for money is gambling in the eyes of the law and is, of course, prohibited by the territorial laws; but, like other popular appurtenances of a mining camp "the tiger" is tolerated by the representatives of the crown, under certain limitations, the chief one being that no games shall be played on Sunday. In a like manner, dispensers of liquid comfort are also forbidden to minister to the thirsty one on the Lord's day. These facts are known to all and it is due to the enforcement of this law that Dawson has acquired a world-wide reputation for the quietness of its Sundays.

Of late, however, a tendency had been shown to encroach a little on the good nature of the guardians of the peace. Clubrooms were fitted up over certain prominent saloons where such as wished might indulge their fondness for gambling in a quiet way, and where "a smile" could be secured in a cautious and dignified manner. Poker was the game generally indulged in because it requires no cumbrous "lay-out" and is of a social nature that seems, better than others, suited to quiet times. It is likewise a widely popular game, with no terrors and only allurements hidden in its mysteries. So, the forbidden pleasure prospered and grew in volume, until at last the crash came and now there is mourning where supreme content had reigned.

It was about four o'clock Sunday afternoon when several detachments of police were seen moving about in a manner so out of the ordinary as to create a curiosity in the reportorial mind. The scribe therefore fell into the wake of one of the detachments and followed them into the Dominion saloon. The lower rooms where the business proper of the establishment was carried on, was found to be vacant except for a few loungers; up-stairs, however, was found a scene of life and brilliancy. There the officers went and, in a systematic manner, immediately located and seized upon a game of poker that was in full blast. The drawerful of checks and the "pokes" of the players were first taken, then the players and proprietors of the place were notified to appear before the police court on Monday morning at ten o'clock. A sortie was then made to the rear of the place, where a small but well stocked bar was found to be in operation.

While this was going on, other officers had visited the clubrooms at the Bonnifield and Northern establishments; at the first named place a game was found in progress and all the players were treated as were those at the Dominion, except that their gold dust was not taken. At the Northern, however, no game was found, though there was evidence of liquor selling having been going on. Some other places suspected by the police were also visited but no further games were found.

On Monday at two o'clock the defendants were lined up before Justice Harper and the personnel consisted of the following: John E. Bonnifield, Cooper & Lewin, Alex. Coleman, Ash & Manning, Peter Weiss, E. A. Whitmore, James Macon, S. L. Heasley, V. Moore, Adilbert Pixley, Thomas Turner, Thomas Grange, Henry Graeter, W. T. Skiler, Benj. Evans, Henry Freeman, A. M. Sternes, O. Williams, T. Kline, Ame Buschand, James LeGrand, Charles Surey and Paul Felman.

At the head of these was Attorney Ackman who, by previous arrangement, entered a plea of guilty for all but four when the charge of engaging in gambling in a public place was read. The four exceptions were Messrs Buschand, LeGrand, Surey, and Felman, who showed that they were not engaged in playing and were discharged.

All the others were fined $50 and costs or thirty days in at hard labor. Messrs Bonnifield, Ash & Manning and Cooper & Lewin then entered a plea of guilty to a charge of selling liquor during prohibited hours, and were fined another $50 and costs. A bit of figuring in multiplication and addition shows the amount mulcted from the players and proprietors to be something over $1200.

Perfectly Satisfactory.

The following letter from Dr. Yemans of the "Empire Line," who left Dawson Jan. 1, was brought in by Dick Butler recently:

SKAGUAY, Alaska, Jan. 27, 1899.

MR. E. C. ALLEN, Manager Nugget Express, Dawson, Y. T.

Dear Sir: It is with much pleasure that I express my entire satisfaction with the service of the Nugget Express by which I have just reached the coast as a passenger. Very truly yours,

H. M. YEMANS.

Claims Bought and Sold

By Louis Couture, North West House, two miles above mouth of Hunker.

The Regina Club Hotel Bar is the standard of Dawson in quality.

Do you know Albert W. Williams, the wood hauler, at 17 above, on Bonanza?