

ACCUSED DISCHARGED

Action is Proven to be Civil Not Criminal

Was Charged With Stealing Dog From Messenger in the Gold Commissioner's Office.

The largest portion of this morning's session of the police court was consumed in hearing the evidence in the case of Le Clare vs. Waubenhorst in which the latter was charged with stealing one black dog with white feet, white spot on breast and tip of tail. The evidence of several witnesses for both sides was taken in which both claimed the dog, identifying it by the pronounced markings. In the mind of the magistrate it was simply a case of mistaken identity and a matter for civil action, not a criminal one, and the case was dismissed.

Le Clare, the complainant, was the first witness called and testified to having received the dog from Thos. Hinton last March when it was a pup. He had never sold it nor had he given it away. As soon as it was big enough it had followed him around town. He kept the dog until about four weeks ago when it strayed off and he found it in the alley back of the Bank restaurant in possession of defendant who is a cook at the restaurant. He had claimed the dog and had been told by defendant that it was his. He called the dog who followed him but after a few days it strayed again and on the 30th of last month he had gone to get it again when defendant said it was his dog and refused to give it up. The dog was in court and witness stated positively to its identity as his own property.

David LeVigne, a miner, also identified the dog as belonging to Le Clare, as did also John McLagan and Norman Watt, clerks in the gold commissioner's office, Isaac Lusk, miner and trader who lives near Le Clare, and M. J. Carron, one of the clerks in the post office who had seen the dog following Le Clare.

For the defense Frank Dahlman had seen the dog in possession of the defendant from January to March. Chester Cheung had also seen the dog or one very similar in the possession of defendant in January. Chas. A. Switzer, who claimed to be a dog fancier, had seen the dog in possession of defendant in December, and had fed him often; he positively identified the dog as belonging to the defendant. He had raised dogs and has a natural instinct by which he can pick out certain dogs as belonging to their rightful owner. Theodore Grapp testified to being the original owner of the dog having raised it from a puppy. Its mother was a Newfoundland. It was born in November and he had given it to defendant in January. He had seen it occasionally for about five months and could swear positively that the dog in court was the same.

Waubenhorst stated that he had received the dog from Grapp in January and had kept it until March, when it disappeared and he had not seen it again until about four weeks ago when it returned to the restaurant.

The prosecution claimed strong evidence in its favor but stated the case was one of mistaken identity and could not say that the witnesses for the defense had committed perjury. The magistrate took that view of the matter and said that the case was a civil and not a criminal one and therefore the action would be dismissed. He could not decide the ownership of the dog as that was not in his jurisdiction and must come before another court. In the meantime the dog is in possession of Waubenhorst.

Numerous Explosions.

Special to the Daily Nugget. Colfax, Sept. 11.—No fewer than eight threshing machines exploded during the past week in this vicinity.

Forest Fires

Special to the Daily Nugget. Oregon City, Sept. 11.—Extensive forest fires are working great loss in the vicinity of this city.

BOLD DAYLIGHT ROBBERY

One of the boldest daylight robberies that ever occurred in the Klondike happened in Dawson today. It is true some money was paid for the articles, but taking into consideration the quality of the goods and amount paid it was simply robbery. It occurred at Danham's, the Family Grocer, who always carries the best

Tyrrell's Unique Feature.

The steamer Tyrrell will leave Dawson on the 15th for Whitehorse with the most unique feature aboard ever attempted by any local transportation company. It is nothing more nor less than a theatrical troupe under the direction of "Vivian," and including a number of stars, who will give nightly entertainments during the entire trip. As the nights are now getting dark and long this feature will be one which will greatly relieve the monotony of the trip.

The boat is under the management of Mr. Ben Venuti and there is little doubt but what it will be a most successful one from a financial as well as a pleasure standpoint.

AGAINST THE HOSTILES

General Chaffee Takes Prompt Action

Strong Force Sent to Reduce Offending Moros to Submission.

Special to the Daily Nugget. Manila, Sept. 11.—Gen. Chaffee has ordered Gen. Sumner, commanding the department of Mindanao, to lead a column against the Macasin Moros. Chaffee suggests that eight companies of infantry, two troops of cavalry, and one battery of artillery form at Camp Vicars, Mindanao. The column will move within a week. The movement is directed against hostiles, several of whom are enumerated in Chaffee's order. Sumner is directed to require the hostiles to give satisfactory pledges to refrain from aggression in the future. There are several Moro strongholds in the Macasin country. Sumner is directed to protect the friendly natives.

JUDGMENT IS GIVEN

In Full Amounts of Claims

Against Jarvis and the Le Mard Brothers of 48 Below Bonanza.

Peter Jarvis, Theophilus Le Mard and Joseph Le Mard, owners of 48 below on Bonanza, against whom the workmen brought suit to recover wages, this morning admitted the indebtedness as claimed in ever case. The suits filed together with the amounts were published in a recent issue of the Nugget. Besides these there are about 26 more to be filed. The probabilities are that these claims will likewise be admitted.

No evidence was taken in the case but a further statement as to the condition of their affairs was obtained from the defendants. They each admitted upon examination of having transferred what property they possessed before the assignment of the claim they were working, that is 48 below Bonanza, was made. Jarvis owned a 1-6th interest in 240 below lower on Dominion. This interest he transferred to his friend Mr. De Nois in payment of an account of \$140. He had other property but had let it lapse.

T. Semard also admitted owning several interests in the country, namely: A 1-8th interest on 14 above on Bonanza, a 1-3rd interest in 246 below lower Dominion, and a 1-3rd interest in 50 below lower Dominion. These he had transferred to his brother to protect a debt of \$565, which he had owed him since last fall.

The attorney for the plaintiffs made a strong talk against the defendants stating that in knowing they were insolvent and intending to make an assignment and giving some of their creditors preference by transferring their property to them, he was of the opinion that they had come under the statute of frauds and in default of payment of the claims should be given a sentence of imprisonment.

The magistrate was of the opinion however that fraud had not been clearly shown, and as a doubt existed they would be given the benefit. He gave judgment for the plaintiffs in the amounts stated, and in default of payment ordered a distress warrant to be issued.

FREE TESTS OF QUARTZ

Government Will Pay for Mill Runs

On All Quartz Offered Not Exceeding Two Tons to Each Sample.

Quartz miners will rejoice in the news that during the first two months after the establishment of the quartz mill which is to be operated under government supervision, mill tests of not more than two tons of each sample will be made from every ledge in the territory absolutely free. There will be no charge whatsoever and the only thing that will be required of the miner is that he deliver his ore at the mill ready to be run through the stamps. Whatever results from the run is his and he is compelled to pay no percentage or anything else. The foregoing determination on the part of the government it was intended to convey in the report that the committee on miscellaneous matters presented to the Yukon council Tuesday afternoon re the application of the Dawson City Quartz Mining Company for assistance, but it was not clearly set out; in fact, from the reading of the report it is easy to infer that such assistance was to be rendered only to the company which had made application and so it was understood by all the members of the press. This morning Acting Commissioner Major Wood called the attention of a representative of the Nugget to the erroneous idea that all the papers had taken and stated that it was the intention of the government as soon as the mill was completed to set apart the first two months of its operation for the sole benefit of the miners who were not in a position to bear the expense of a mill test. As stated, there will be no charge whatever and all a miner has to do is to bring his ore in and he will be told in short order just what its milling value is. The mill will be entirely under government supervision which will be a sufficient guarantee of the correctness of all tests. No more valuable assistance could be rendered the quartz miners of the territory than that which it is now proposed to bestow upon them. The mill will be up and in readiness for operation within the next thirty days or six weeks. It will be located on the property of the Dawson City Water and Power Company in close proximity to the court house.

Miners Rescued

Special to the Daily Nugget. Liverpool, Sept. 11.—Three miners were rescued this morning after 120 hours imprisonment in the Union colliery at Forest of Dean, Gloucestershire. Four other imprisoned at the same time by an in-rush of water are dead.

Bees hinder Business

Special to the Daily Nugget. St. Louis, Sept. 11.—As the result of bees swarming in a cable box the wires connecting St. Louis and Chicago have been stuck together. The bees have not yet been dislodged. Communication is seriously hindered.

Aged Murderer

Special to the Daily Nugget. Genoa, W. Va., Sept. 11.—Rev. Maurice Wilson, an aged clergyman, murdered his wife while temporarily insane. He was found in the woods today, having tasted no food since committing the crime last Saturday.

Average Age

Special to the Daily Nugget. Washington, Sept. 11.—The average age of American citizens is now 23 years. This shows an improvement, as the median age of population in 1900 was 22.8, and in 1890, 21.09.

Wife Murderer

Special to the Daily Nugget. Farmington, Me., Sept. 11.—Herbert E. Holbrook shot and killed his wife. He has surrendered to justice.

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FEW SLIGHT ALTERATIONS

Make Big Difference in the Ordinance

Number of Slaughter Houses to be Permitted Rests With the Council.

The slaughter house ordinance which provoked so much discussion when it came up for its second reading, has at last run the gauntlet and become a law, receiving its third reading and passing at the session last night. The amendments made to the clauses which were objectionable are very slight, consisting only of the addition of two words in four places, but from expressions made while the bill was under consideration it is considered that the amendments small though they were are fatal to the monopoly idea. Previous to the amendments the question of one or more slaughter houses was vested solely in the commissioner, also the naming of the person who was to be so favored in the event of the commissioner arriving at that decision. Now the matter is left to the commissioner in council and as three of the six members are against the monopoly scheme the best applicant could hope for would be a division. The clauses to which an exception was taken are as follows, the amendments made consisting in the addition of the words "in council" following the word "commissioner" whenever it appears.

Clause 5.—If in the opinion of the commissioner in council of the Yukon territory it is desirable for the sake of the public health, or in the interest of the public, to limit the number of slaughter houses to be established in the Yukon territory, he may limit the number of such slaughter houses to one in any one or more of the districts within said territory which he may establish, and may designate such slaughter house. If in any district the commissioner in council limits the number of slaughter houses to one he may make such provisions with the person to be entrusted with such slaughter house as in his opinion may seem just and proper for the compensation of any person who has already established and has in operation a slaughter house complying with the provisions of the said ordinance.

Clause 6.—If such slaughter house is established under the next preceding section in any district, the commissioner in council may fix a tariff of charges for slaughtering the different kinds of animals.

Clause 7.—If the commissioner in council under this ordinance limits the number of slaughter houses in the district to one as aforesaid, and designates such one, it shall be unlawful for any animal to be slaughtered at any other house than at the one so designated. Any person violating the provisions of this section shall be liable on summary conviction to a fine not exceeding \$100 and costs, and in default of payment forthwith to imprisonment for a period not exceeding two months.

The foregoing is a copy of a por-

tion of the law as it now stands and it will be seen the question rests with the commissioner in council. Dugas, Girouard, and Prudhomme have gone on record as against the one slaughter house idea and unless one of them can be convinced that his opinion is erroneous there will be no change in the present number of such establishments.

Strange Adventure

Special to the Daily Nugget. Rochelle, La., Sept. 11.—Henry W. Hollenberg, a piano salesman who disappeared from Rochelle a few weeks ago and who was mourned as dead, his clothing being found on the shore, has returned in the flesh. He had been carried out to sea and was picked up exhausted by an outboard craft. His strange adventure caused great grief to his family. A life insurance policy carried by the lost man had been paid.

Solomon's Mines

Special to the Daily Nugget. Cape Town, Sept. 11.—Further discoveries in the ruins of Zimbabwe, Mashonaland, disclose an old citadel which is now being cleared. It was from this region that King Solomon's mines sent their many millions for the adornment of the temple.

The Senator—at Auditorium.

Confesses Murder

Special to the Daily Nugget. Chicago, Sept. 11.—Mrs. Kate Deveau has confessed to the murder of Earl C. Lukens at Chicago. She was of a party on the yacht Indiana which returned with the report that Lukens was accidentally drowned. Mrs. Jarreau has now reported to the coroner that it was not an accident. She says that Lukens leaned over and she pushed him over the rail.

No Tariff.

Special to the Daily Nugget. Montreal, Sept. 11.—At a banquet given to Prime Minister Barton at Montreal, Governor-General Minto referred to the work of the Imperial conference touching upon tariff defence. He said there is small hope of England giving her colonies a preferential trade tariff.

Fatal Avalanche

Special to the Daily Nugget. Paris, Sept. 11.—Belated news has been received of an avalanche destroying twenty villages in Roussillon-Caucasia, near Tiflis. The disaster resulted from a glacier lodging and caused upwards of 100 deaths and \$2,000,000 property loss.

Just in—a complete line of infants' wear Little Shoes, Sunnings, Vests, etc.—at Mrs. Anderson's, Second avenue.

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