

EIGHT DAYS SENTENCE

John Murray is Found Guilty of Theft.

Grabbed \$500 in Yellow Gold Dust Which Was Intended for Another.

At the opening of court this morning there was a jury in attendance having been summoned to hear the criminal trial of John Murray and also three civil cases now on the docket. The case against Murray was first taken up. He is the chap who it is alleged helped himself to a poke of \$500 in gold dust to be applied to his wages on the Bowhay claim on Gold Hill when the dust had been weighed out for another purpose. The charge was read to him and he pleaded not guilty. In empanelling the jury quite a number of challenges were exhausted both by the crown and the defense before the panel was finally complete, Crown Prosecutor Pattullo appearing for the crown and George Black for the accused.

The jury as completed consisted of A. J. Bannerman, H. G. Herbert, A. S. Levine, J. T. Bethune, Alfred Monk and Vincent Keenan. Before beginning his opening statement the crown prosecutor asked that he be permitted to amend the statement of claim by substituting the name of Amy E. Bowhay in lieu of that of Charles Bowhay, the claim from which the gold was taken being in her name instead of her husband's. It was granted by consent. Mr. Pattullo in outlining the case to the jury was brief and to the point. The claim from which the gold dust was taken was known as the Bowhay claim on Gold Hill, owned by Mrs. Bowhay and operated this past winter by her husband as her agent. There were two mortgages on the claim, one for the balance of the purchase money and the other in the sum of \$1000 borrowed from Charles N. Bell, to be used in the operation of the claim. The accused was a workman employed on the claim. On May 15 the first cleanup of the season was made which resulted in 118 ounces. The gold was cleaned up in Bowhay's cabin and weighed in the presence of the accused, Bell and other creditors. Bowhay explained that he was compelled to lay aside \$500 as a partial payment of the balance due on the purchase price of the claim and that of the balance he was willing to divide pro rata with all his creditors. Bell said that if he got \$500 the same as the first mortgagee he would be satisfied to wait until the next cleanup for the balance, and all the creditors expressed their satisfaction at the arrangement with the exception of a man named Levy who had been working but a short time and wanted all his money right on the spot. The arrangement proving satisfactory to all Bowhay weighed out \$500 and placed it by itself in a blower and laid in on the table, Murray the accused standing at his elbow while he was doing it. The latter said to Bowhay: "Weigh me out \$100 and I'll get out of this."

"All right, Jack," was the reply. The \$100 was weighed out and the gold scoop of the scales was handed to Murray with the dust in it. He took it, quickly poured the contents into the blower containing the \$500 and before anyone realized what had been done he walked out of the cabin. As Bowhay and Bell stepped out of the cabin they saw the defendant empty the blower into his poke and both protested about the unfair way in which he had acted. He refused to return the dust, saying that he had worked all winter and he wanted his wages at once. He had finally agreed to turn the dust over to the police but had failed to do so. Later

when arrested and searched no dust had been found on his person. Alexander A. Gunn was the first witness to be called. He is a teamster and his visit to the claim at that time was for the purpose of collecting some money due him. His evidence was practically a corroboration of the statements the crown prosecutor had outlined in his opening remarks, as was also the testimony of Charles N. Bell who is a merchant at the Forks and who is the second mortgagee. His mortgage amounts to \$1000. Shortly before 1 o'clock both the crown and the defense had rested and his lordship was addressing the jury. The latter retired and in a very few moments brought in a verdict of guilty, with a strong recommendation for mercy. His lordship immediately sentenced Murray to eight days at hard labor.

The best local talent will appear at the Operatic Parada, Wednesday evening. Tickets at Cribbs' First Avenue.

Cut flowers, cabbage plants, seeds, plants, candies and fruits. — Cook's Auditorium.

MR. CLAYTON HAS FAITH

In Future of the Lower Country

Many New and Valuable Strikes Made in Recent Past—Quartz on Tanana.

From Mr. Frank W. Clayton, an account of whose arrival in Dawson yesterday is given elsewhere in this paper, it is learned that the outlook for the upper portion of Yukon Alaska is brighter now than ever before in the history of the country. Mr. Clayton, deputy U. S. marshal and Judge Samuel Graef, U. S. commissioner and ex-officio mining and land recorder, are located at the mouth of Steele creek, their territory embracing everything from the boundary to near Eagle and as far as Mt. St. Elias to the westward which includes all that vast country contiguous to the head waters of the Tanana.

Mr. Clayton estimates that in the territory above described are 1500 people, nearly all of whom are engaged in mining and prospecting. He says that in the past few weeks the "high channel" has been found in no less than three different places, one on Forty-mile opposite Steele creek, another at the head of Franklin creek and the third further to the westward and wherever struck very rich pay is being taken out, the "high channel" being considered the mother lode of the Forty-mile country. Since the advent of spring Mr. Clayton says a number of men have come from the headwaters of the Tanana for the purpose of recording both placer and quartz locations, specimens from the latter being very rich in gold.

Mr. Clayton is firmly convinced that within a comparatively short time Eagle will be the Dawson of Yukon Alaska and especially will this be the case if a railroad is constructed to that place from Vadez and a wagon road from the Steele creek country. Awaiting the arrival of Collector Jarvis and Marshal Perry for Clayton may be in Dawson yet for two of three days.

To Visit His Family Mr. Joe Anstett, the well known printer and good fellow who for several months past has operated a Monoline in the office of the Sun, will leave this evening on a visit to his wife and child in Minneapolis. When he returns in the fall he will bring his family with him.

NO REPLY MADE

John Robert Forfeits His Bail of \$1,500.

At the convening of the territorial court this morning before Mr. Justice Dugas the appeal case of the King vs John Robert was called three times and there was no response. His lordship declared the bail of Robert amounting to \$1500 cash to be forfeited to the crown and thus ended one of the most unsavory criminal cases ever given a place on the calendar. Robert was convicted in the lower court of living off the avails of prostitution and by his attorney appealed to the higher court, being given his liberty upon depositing with the clerk \$1500 in cash. His friends had considerable difficulty in rustling up the needed and it is said the larger portion of it was realized from the sale of the furniture and personal effects of his paramour who is now doing six months in prison. The calling of the case today was a mere matter of form as it was known, or strongly suspected, several weeks ago, that he had skipped down the river in a small boat.

SAILS TONIGHT

Thistle Will Carry Many Passengers to Whitehorse

The steamer Thistle will sail for Whitehorse tonight at 8 o'clock with between 30 and 40 passengers. She guarantees to deliver her passengers at Whitehorse without extra charge in case of delay at Lower Lebarge. The Thistle returned yesterday morning at 9 o'clock from a successful voyage up the Stewart River. She brought down only a few passengers.

TOMORROW EVENING

Ladies of St. Mary's Will Entertain Their Friends

The ladies of St. Mary's congregation are preparing a very elaborate entertainment to be given tomorrow evening at the Y.M.I. hall. A program of ten numbers has been arranged, each number being one of special merit, and after their conclusion the ladies will serve light refreshments. The following is a list of those who will appear: 1. Piano selection, E. G. Pepin. 2. Duet, Mrs. L. L. James and Mrs. C. Parker. 3. Violin solo, V. Durand. 4. Song, selected, O. S. Finn. 5. Dance, tarantella, Miss Florence Levine. 6. Song, selected, Mrs. J. McDougal. 7. Reading, Miss J. Killen. 8. Song, selected, Chas. Macpherson. 9. Duet, Mrs. Mullen and H. Burrell. 10. Piano solo, "Angels' Serenade" E. G. Pepin.

The Weather

Yesterday was undoubtedly the finest day of the spring and early summer. The sun shone brightly all day and the temperature rose to 70 above zero. During the night a strong wind sprang up from the north and the temperature dropped to 52 above. Today has been decidedly disagreeable owing to the wind and dust.

NEW TIME TABLE

The Orr & Tukey Co., Ltd., stages beginning Monday, June 8th, will leave daily except Sundays for Gold Run, 244 below lower Dominion and Sulphur via Bonanza at 9 a.m., for Caribou and 33 below lower Dominion via Hunker daily at 9:30 a.m., for Gold Bottom 9:30 a.m. and 3 p.m., for Grand Forks daily 9 a.m., 12 noon and 3 p.m. Noon stages omitted on Sundays.

Sybil Coming Back

The steamer Sybil has reached Yukon Crossing where she is taking on a cargo of cattle. She will start for Dawson tomorrow morning at 6 o'clock and should be here some time Wednesday.

Job Printing at Nugget office.

JUDGMENT RENDERED

Case of Ackerman vs. Thomas Lamar

Opinion of the Court of Appeal Not Unanimous, Mr. Justice Dugas Dissenting.

Before the taking up of the regular calendar this morning the court of appeal convened long enough to deliver judgment in the case of Ackerman et al vs Lamar appealed from the decision of the gold commissioner and heard at the last session of the court sitting en banc. The judgment is the first rendered by the court recently in which the judges have not been unanimous in their opinion. The opinion handed down was by Mr. Justice Craig, Mr. Justice Macaulay dissenting, all three submitting judgments. That of Mr. Justice Craig was as follows: "The action is brought by the plaintiffs as owners of certain claims (creek and hillside claims) on Ora Grand, Bonanza division, by way of protest against a plan filed by the defendant under section 16 of the regulations. The defendant claims to be the owner of No. 3 Ora Grand, which is the claim surveyed and posted, together with the extensions of, the side boundaries of that claim. The plaintiffs are interested in various interests in No. 2 Ora Grand, a fraction between No. 3 and No. 2, or an alleged fraction, and in the hillside adjoining No. 3. The regulations provide for a survey under direction of the commissioner and an officer of the department which survey shall absolutely determine the boundaries of the claim surveyed and advertised unless protested within the period limited. The regulations do not provide anything more as to the proceedings and I see nothing in the regulations to prevent any number of owners who are affected by the publication of the plan from joining in one protest against that plan and their various interests and boundaries being determined in the one action. I rather think that the spirit of the regulations contemplates that all who are affected by the publication of the plan should join in the one action. The rules of procedure in this court provide that where our regulations are silent, the rules governing court shall govern, and under order 6, rule 26, all persons in whom the right to any relief claimed is alleged to exist may be joined as plaintiffs, whether jointly, severally or in the alternative, and rule 35 provides that no cause or matter shall be defeated by reason of the misjoinder or non-joinder of parties, and the judge in every cause or matter may deal with the matter in controversy so far as the rights or interests of the parties actually before him are concerned. This is clearly a case distinguished from the case of Smurthwaite vs Hannay, reported in appeal cases, A. C. 2894, p. 491, which case is an authority in favor of the contention that these parties may be joined as co-plaintiffs because their action affects one transaction. It is not a contract, as in the case referred to, but it is a public act authorized by statute which affects all parties having notice of it, and the allowing of the survey to be completed by effluxion of time would affect all the adjoining owners whose claims bordered upon the advertised property. Therefore, I think this is clearly a case coming within the rule where the plaintiffs have a joint interest in attacking this plan. More than that, the defendant has not objected to the misjoinder; in fact, defendant's counsel does not object to the joinder of the parties and thinks it rather aids his case. Therefore, if he does not object there is no question of misjoinder for the court to determine, and it must just deal with the facts before it now.

"The chief difficulty in the case and the one which impressed me most on the argument was the fact that Highest is joined as a party plaintiff, and if the contention of his co-plaintiffs succeed as to No. 3 creek claim, it has the effect of wiping out his fraction so far as this protest is concerned, because they claim to overlap his fraction. I was under the impression on the argument that Highest stated his fraction in a manner different from what he did, but I see upon reading the evidence that the fraction was created by a survey not made under the direction of the parties plaintiff or any one in their interest and that that survey in no way affected the title of the plaintiffs nor are they bound by it. I do not see now why the right of the other plaintiffs should be affected simply because Highest seeks to join in the action or why because he claims the fraction intervening that should shut out the plaintiffs from giving evidence that such a fraction did not exist and that they are entitled to overlap and that it is really a part of their claim. The difficulty which faced me at the argument has on na-

turer consideration of the whole case disappeared.

"As to the evidence itself I think the learned gold commissioner was fully justified in finding as he did. I have read every word of the evidence and while there are some slight discrepancies in the evidence of some of the witnesses, particularly in Crawford's as regards distance of cabin from stake, yet I do not think that that error in calculation should seriously impair the weight of his evidence. If one considers the nature of the evidence and the manner in which it was given and judge from reading the apparent intelligence of the witnesses, one must be convinced that the evidence strongly preponderates in favor of the plaintiffs. The plaintiffs' witnesses had exceptional advantages in knowing where that post was (the Crawford-McDonald post). In the first place Crawford swore to it positively; he was the staker. Then Craig and Wordley also identified it. These men worked lays at both ends of the claim immediately adjoining the posts, which were standing on the claim. They are not shown to have any interest in the result of the suit, and as I said before, had peculiar means of becoming familiar with the locality. The evidence of the defendant on the other hand, is uncertain and wavering; a great deal of it is hearsay; in fact, it is hard to determine when it is hearsay and when not hearsay from the nature of the answers. Then the evidence of Lamar himself as to the discrepancy between the date of staking, which he swears was the 8th, and his affidavit, in which he swears it was the 27th, is certainly hard to understand. His cross-examination by Mr. Pattullo, upon this matter certainly leaves one with the impression that there was some trickery going on. An explanation of the cause why he should have changed the date of his staking in his affidavit when he came to locate is given by the chief clerk who says that the ground would not be open for location on the 8th when he actually staked, and the supposition is (and I think it is a reasonable one) that upon ascertaining that fact he deliberately changed the date by his affidavit, that he afterwards went to the creek and made fresh markings on the post. All these facts throw great suspicion on his evidence, and upon the whole case I think the judgment of the gold commissioner is fully warranted by the evidence. The appeal should be dismissed with costs."

The opinion of Mr. Justice Macaulay was brief and concise yet expressed his reasons fully as to why the appeal should be dismissed. He concludes by saying that "he thinks that the judgment of the learned gold commissioner should stand, and that this appeal should be dismissed with costs."

CASE DISMISSED

John E. LeChance Not Assaulted by Archie Martin.

Archie Martin was dismissed by Magistrate Wroughton in police court this morning on the charge of assaulting John E. LeChance, a Last Chance miner. From the evidence it appeared that the men had some misunderstanding regarding a little business transaction and LeChance and his brother and son called on Martin and used insulting language that Martin ejected them from his office and in the mix-up LeChance received a blow in the mouth.

An amusing incident occurred just after the dismissal of the charge against Martin and when John Murray was called to answer to the charge of selling liquor on Sunday. LeChance struck the word "Murray" for "money" and in a loud voice said "No, your honor, there was no money changed hands."

Grand Operatic Parada, Auditorium, Wednesday night. Seats at Cribbs' First Avenue.

Job Printing at Nugget office.

NEWS FROM CHICKEN

Miner Van Hook Reached Here Sunday

Is on Hurried Business Trip to the Outside—Reports Death of William Voght.

Mr. Harvey Van Hook arrived in Dawson Sunday morning on the steamer Tyrrell. Mr. Van Hook has been mining on Chicken creek for the past year and the big poke which he deposited in the N. C. Co.'s safety deposit vault on his arrival in Dawson is evidence that his labors have not been in vain. Mr. Van Hook says that about 200 people wintered in the Chicken creek country but not over half that number worked. However, he says there will be considerable gold washed out in addition to what has been already taken out this spring. Considerable work will be done this summer. An old man named William Voght, known to all the miners on Chicken creek as "Ragged Bill," died there a week ago today as the result of a stroke of paralysis sustained by him the preceding Saturday. While Mr. Van Hook is very non-communicative about the country, it is evident that he has great faith in its future. He is on his way outside on business and will leave for Whitehorse this evening on the steamer Thistle.

Hotel Arrivals

Empire—C. M. Comstock, H. Kick, Annie Merrill, Frank Chabot, J. Durand, J. Anderson, J. Campbell, M. N. McKenzie. Klondike Souvenirs, Goetzman's, 200 photos, \$1.00. 128 Second Ave. Power of Attorney Blanks for the Tanana—Nugget Office.

A. B. HALL THREE NIGHTS June 11, 12, 13

Fernande de Journal presents MISS JESSIE JONES And the entire BITTNER COMPANY in the farcical comedy "DIBBS" Seats at Rudy's.

Always Increasing

Our RENT COLLECTION continues to increase every day. The reason is self evident. You obtain a maximum result with a minimum of trouble.

STAUF & PATTULLO, Real Estate, Mining and Financial Agents N. C. Co. Office Building, Dawson.

STR. PROSPECTOR

Will sail from Aurora Dock for Duncan's Landing and Stewart River Points Thursday, June 11, 8 p.m.

FRANK MORTIMER, Manager

Dr. Deimel (LINEN-MESH) Underwear.

Get acquainted with the most perfect Underwear for the year round. The Dr. Deimel Underwear of Linen-Mesh gives greater comfort and safety, better health and more satisfaction than any other garment. Give yourselves a treat by getting on the inside of it.

All Deimel garments bear the Deimel name on a woven trademark label. Booklet telling all about it, with samples of linen-mesh, free on request.

SARGENT & PINSKA, 116 Second Ave.

Lost His Money

The next time Tom McMullen of the Star roadhouse goes to a baseball game he will either leave his purse at home or sit in the opposite part of the grandstand from Andy McKenzie as he went behind So-Leavely at the game between the company teams Saturday evening that it will require considerable watering of roadhouse stock to enable him to recoup. However, it can be said for him that he is a very graceful loser. This evening a rehearsal for Mr. Searelle's concert will take place in St. Andrew's hall. All those who are to take part in the program are requested to be present.

Klondike Souvenirs, Goetzman's, 200 photos, \$1.00. 128 Second Ave. EMPIRE HOTEL Macdonald & Envidsen Proprietors European plan. Heated with hot air. Electric lights and call bells. Queen Street, DAWSON.

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FRANK MORTIMER, Manager

STEAMER "THISTLE"

Will positively sail for WHITEHORSE, Tonight, June 8, at 8 p.m.

Large boats are hung up on account of low water.

The Thistle Will Get There.

First class fare with meals and berth, \$50. No extra charge if delayed at Lalla Rookh. Reserve accommodations at.

Merchants Dock

Job Printing at Nugget office.

Advertisement for STR. TYRRELL, featuring the text: "For Whitehorse.. STR. TYRRELL WILL SAIL FOR WHITEHORSE Tuesday, June 9th, at 8 p.m. No Extra Charge Whatever if Boat is Delayed on Account of Ice at Lake Lebarge. For information, rates, etc., apply Frank Mortimer, Agent, Aurora Dock."

Vertical text on the right side of the Steamer Thistle advertisement: "The chief difficulty in the case and the one which impressed me most on the argument was the fact that Highest is joined as a party plaintiff, and if the contention of his co-plaintiffs succeed as to No. 3 creek claim, it has the effect of wiping out his fraction so far as this protest is concerned, because they claim to overlap his fraction. I was under the impression on the argument that Highest stated his fraction in a manner different from what he did, but I see upon reading the evidence that the fraction was created by a survey not made under the direction of the parties plaintiff or any one in their interest and that that survey in no way affected the title of the plaintiffs nor are they bound by it. I do not see now why the right of the other plaintiffs should be affected simply because Highest seeks to join in the action or why because he claims the fraction intervening that should shut out the plaintiffs from giving evidence that such a fraction did not exist and that they are entitled to overlap and that it is really a part of their claim. The difficulty which faced me at the argument has on na-

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Vertical advertisements on the right edge of the page, including: "The Nugget From Skagway Vol. 4—No. 137", "QUESTION OF INDE", "Being Decided by Rifle's N", "Fred Fields, the Body Was Found Sitting Up", "Inspector Jarvis", "mandant of the app", "tachment of the N", "again a visitor in the", "river in a canoe. Sim", "ter a wearisome two", "hundred miles. Bus", "ness has brought", "backquarters, but he", "be known to the pub", "conversation had with", "this morning he said", "doubt but that the", "hunter found frozen", "on a raft in the May", "of Fred Fields. The", "location is now in", "officer commanding", "such will be positive", "few days. It appea", "partner, a man nam", "when they were on", "can early in the win", "rifle might be sto", "number of each on the", "house on Hunker. The", "information to the", "now being ascertain", "marked on the wall of", "that on the rifle found", "session and if it is", "identity will be com", "Regarding the new", "Mud creek the captai", "rybody who has been", "satisfied with the out", "bar-tie stream been", "the tributaries as well", "ered with the local", "largest number being", "McLagan the total is", "recorded to date ex", "pector Jarvis brooug", "this trip a nugget of", "fifteen cents which", "creek and also several", "larger size washed up", "Duncan. The furnac", "NEW DENTAL DR. A. VA TWENTYFIVE YKA Filings, Gold Bridge W QUEEN STREET.", "Ladies and CH FURNISH First of Millinery & T At the Ballroom SUMMERS 4 12 SECOND S", "FOR S Strathcon 18 BELOW HO NINE ROOMS WELL GOOD BA Will sell at a bar prices.", "LUMBER ARCTIC SA All Kinds of Dressed L... Mining, Blasting and... Office at 211, Klondike... of Best Work. 10... First St., Dawson."