

DOINGS AT THE YUKON ASSIZES.

Kentucky Creek Perjury Cases are Dismissed at Last.

And the Morrison-Rutledge Assault Case Comes up in Regular Order—Rutledge Provoked the Assault.

Wednesday was an important day in the Territorial court, and the crowds that filled the benches and standing room and looked in at the open windows were well rewarded for their interest. Many of the spectators were called there in anticipation of hearing the trial of the case between the Nugget and Consul McCook, but they were subjected to disappointment on that score, as the case was adjourned to Saturday at two o'clock.

At the opening of the court Judge Dugas announced that he had decided to ask for a discontinuance of the so called Kentucky creek perjury cases, which had been pending for several months. He then said in substance:

"The defendants acted, according to common report, as others had acted, and they had the sympathy of the public, though their act was not right. But the prosecutions have resulted in the attainment of the desired end, and the public has been apprised that if a man takes a false oath in recording a claim he commits perjury, for which he will be punished. I hope and believe this will see an end of all such doings. I think the public sense of justice has been satisfied, and I feel justified in recommending that the prosecutions be ended."

Crown Prosecutor Wade said he was greatly helped by the suggestion from the bench, as did he act without it, he would be assuming a great responsibility. He was satisfied to enter a noble acquittal in the cases, but he would suspend until the several defendants had returned to the crown the claims they had unlawfully obtained, which he understood they were ready to do.

The persons whose cases were thus disposed of were Dr. Brunner, Sam. Kirk, Edgar P. Brown, G. Seiffert, Thomas Boldman, Francis Downer and George Dague.

RODY CONNOR CONVICTED.

This matter being happily disposed of the case of Roderic ("Rody") Connor, charged with obtaining goods under false pretences, in that he had unlawfully sold a cabin belonging to George McCord, was taken up for a retrial before the grand jury. The evidence and argument were a repetition of that adduced at the first trial, and it was all over in two hours. After a careful deliberation, covering several hours, the jury returned a verdict of guilty, coupled with a recommendation that the court be as lenient as possible. In response to this Judge Dugas said that the principle having been established that wrong-doing of the kind involved in the case would not be condoned by the courts of justice, he would be happy to comply with the request of the jury, and would show, when he passed sentence, that he would be lenient. Connor's attorney then stated that it was the intention of his client to at once make full reparation to McCord, and asked that sentence be suspended for a few days to enable him to do so, which his lordship graciously acceded to. Rody has a host of warm friends here who, while regretting the unfortunate circumstances which resulted in his arrest and prosecution, will be much gratified to learn that he has invoked the leniency of a just judge, and that he will not suffer the consequences which would attend had it been shown that he had any intent to do a criminal act.

A MINER'S VENGEANCE.

The next case taken up was that of J. J. Rutledge vs. James Morrison, wherein the latter was charged with having committed an assault upon the other. Both men are widely known hereabouts and that fact alone was sufficient to arouse much interest in the trial; but the circumstances which led up to the assault are of a highly sensational nature and seem to largely justify Morrison's act in the estimation of the miners who are conversant with them. Indeed, were the scene of action transferred to American territory, where the miners are wont to enforce justice themselves without regard for the law, there is reason to believe that an indignant public would not only exonerate Mr. Morrison for the assault committed, but would in no uncertain manner demonstrate their disapprobation of the infringement of Morrison's rights by Rutledge and which provoked the assault.

The facts of the case appear to be that Morrison's Hunker creek side lines were marked by side stakes and the locations of the surrounding hill claims took cognizance of those side stakes by driving their own lower stakes on that line. Morrison found the hill men sinking holes some hundred or more feet below those stakes and consulted an attorney about it. He was advised that he might fill the holes up. The powers of the gold commissioner were also invoked and the men were ordered to quit work. However, the order was recalled pending a survey which has since established Morrison's right to the ground. During the controversy the complainant, Rutledge, used to call at the cabin of the unsuspecting Morrison and ask the usual questions about the surrounding country. Not knowing that Rutledge was the owner of the side hills, Morrison always made him welcome to the best he had and gave him all the information he was able. When he learned that it was Rutledge who was the prime mover in the depredation upon his claim he naturally became angered and when one day Rutledge appeared upon the scene in a dejected, accompanied by Dr. Simpson, and accosted Morrison with "How are you, Hi?" It does not appear at all unnatural that an assault was

committed then and there which resulted in a closed "peep" for Rutledge together with other contusions of the head. The assault was well established by witnesses who swore to Rutledge being knocked down several times and to his being kicked with knuckleds the third time he was down. Dr. Simpson was the only witness to interfere in the interest of peace and gave a very clear and concise account of the affair.

At least a dozen witnesses testified to the assault, but it conflicted materially as to the violence used by Mr. Morrison. Gold Commissioner Senkler was also called in to tell what he knew of Rutledge's attempt to get possession of Mr. Morrison's paystreak. Mr. Morrison was also put on the stand; he freely admitted the assault but told the story of Rutledge's doings in such choice Anglo Saxon as to prove a very entertaining witness. He contended that the offense was such as to create a sense of deep injury in his breast and to afford a sufficient provocation for the beating he had administered to Rutledge. The attorneys for the defense took the same position, and expressed the hope that his lordship would see his way clear to inflict a fine instead of imprisonment.

In summing up the case, Judge Dugas said that, while Mr. Rutledge's act, in putting men to work on Mr. Morrison's claim was unjustified and wrong and that such an offense is a serious one in this country, it did not create a provocation or justification for Mr. Morrison's action, though it served to explain it. He wanted the community to take notice that they have no right to take the law into their own hands, but that they must apply to the courts for justice and they will surely get it. Neither must they disturb a man in the possession of his legally-acquired property by other than lawful means, but must apply for what they consider theirs either to the gold commissioner, the minister of the interior or the courts of justice. In other words it was wrong for Mr. Morrison to take the law into his own hands and commit an assault and it was likewise wrong for Mr. Rutledge to attempt to take possession of Mr. Morrison's claim in the manner he did. He also held that the evidence did not show that Mr. Rutledge had sustained any grievous bodily harm, and that the example he desired to present to the public would be sufficient if the assault was punished by the infliction of a fine. He thereupon imposed a fine of \$500 and costs or two months in jail, and Mr. Morrison, of course, chose the former.

From Cook's Inlet to Dawson.

Six bronzed and hardy sons of Sweden, the vanguard of a party of eleven, arrived at Dawson Sunday, after a journey which appalled thousands of less intrepid spirits, and which, in fact, has been accomplished by few. Their achievement consisted in entering Alaska at Cook's Inlet and passing through the heart of the great unknown country in mid winter until they reached the Yukon, the entire trip consuming but a few days less than a year. The men are Ole N. Tranby, Hans Hees, O. H. Berg, B. M. Olson, Sam Johnson, Egan Anderson and Carl E. Meyer; the balance of the party were left at Forty Mile, but are due to arrive soon.

The eleven reached the Valdes glacier on April 26 of last year; its terrors were proving too much for hundreds of men, but it was as nothing to these men of Viking blood, and they pushed over without accident. They worked their way gradually up the Copper river for a distance of about three hundred miles, prospecting on the way, but nowhere did they find sufficient to reward them and encourage to continued effort. The best prospects found were on the Tashena, but it consisted of flake gold. Copper abounded, and the men expect to see it developed before long.

After working diligently until November, the men decided to give up the district and strike out for Dawson. They originally had 1,900 pounds of provisions and miners' tools, and those were greatly reduced; but they still had more than they could handle with any expedition, and many valuable articles were abandoned. Slowly the party worked their way up the Copper to the Shana, a tributary about 200 miles from the mouth, crossed through the mountains a distance of three miles by the Mentasta pass to the headwaters of the Tanana river, worked down that stream a short distance and then crossed over the country, a distance of seventy miles, to the South Fork of the Forty Mile river, which they followed to the Yukon, arriving there two weeks ago, after five months of continuous travelling.

Naturally the provisions which the men were able to draw on their sleds could not hold out forever, and they were not surprised when, during the latter part of the trip, they found themselves out of food. Starvation stared them in the face for several days when, by a lucky chance, they came across a band of Indians from whom they were able to buy some moose.

The men's outfits are now reduced to almost nothing, and they are out of both money and food; but the Nugget will go to one that they win out eventually—it's in them.

Dr. Rystrom, Dentist, Chisholm block.

Opening Ball at Gold Bottom.

Al. Bartlett gave a very successful opening at his new hotel at the mouth of Gold Bottom, on Hunker creek, last Saturday evening. The hotel is a very commodious tent, built near the trial, and fitted in truly metropolitan style. The opening was well attended by the ladies from the neighboring claims, and several of Mr. Bartlett's friends attended from Dawson. The floor was in excellent condition for dancing, and a thoroughly enjoyable time was spent. Moses Jerry, the chef, did himself proud and served a banquet that would be a credit to any hotel. During the evening Messrs. Mismor, Stevens, Dorman and Cashell entertained the gathering with songs and recitations. In a very well turned speech Willie Mismor thanked Mr. Bartlett and voiced the sentiments of those present by addressing him as "the prince of good fellows."

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