

BONANZA BENCH LITIGATION

Affecting Claim of the Left Limit Opposite 7 Below

Injunction Prayed for by Plaintiffs is Granted and They Also Receive Costs.

Gold Commissioner Senkler recently rendered a decision in the case of Charles Lamb and H. I. Miller vs. A. Krober and S. T. Kincaid involving the bench and hillside claims, left limit, opposite 7 below on Bonanza. The judgment was for plaintiffs and is as follows:

"The defendant Krober staked a hill claim opposite the upper half, left limit, of No. 7 below discovery on Bonanza creek on the 23rd day of April, 1898. He prospectured the ground until he moved his stakes about a 100 feet down stream some time between the 25th of May and the 1st of June. He continued prospecting until the 20th of June, when he re-staked the same ground as that to which he changed his posts as above stated, and recorded on June 22nd.

"John A. Miller staked bench claim described as 250 feet square opposite No. 7 below on Bonanza creek, about 500 feet up hill, and bounded towards Bonanza by the Newman claim.

"As to the location by Krober between May 25th and June 1st, I would not declare Miller's location invalid in so far as it conflicted with the Krober location, unless he showed clearly that he had staked the claim within 11 days before Miller staked. This is unable to do, and he is uncertain as to the date on which he changed his posts, and from the dates he gives, it is likely that 11 days had elapsed before Miller staked, and there is nothing to show, either in the evidence or upon the records, that Krober applied for record before June 22nd. I think, therefore, the owners of the Miller claim are entitled to such ground as is included within his stakes as originally placed, provided it does not exceed that allowed by the regulations.

"The chief difficulty in this case is to come to a satisfactory conclusion as to the position in which Miller placed his location posts at the time he staked. Mr. Christie, a witness for the defendants, was the only person with him at the time he located, and these two gentlemen contradicted one another both as to the position of Miller's up stream down hill post, and as to the post from which Miller commenced staking. Considering the evidence of the plaintiff Miller, and of Warren, Bowhay, Newman and Barwell on the one hand, and of Krober, Sinclair, Christie, Ware, Kincaid and Jepson on the other hand, and taking into consideration the fact that the Newman claim had been staked, and it was the evident intention of both Christie and Miller to stake adjoining claims on its up hill side (as appears by the description of the Miller claim) I have come to the conclusion that Miller used Newman's up hill post for his down hill post. As to which of these posts is Mr. Miller's initial post, we have only the evidence of Miller himself, and of Christie. They both decidedly differ on this point, Miller claiming that the up stream post was his initial post, and Christie on the other hand stating positively that the down stream was Miller's initial post. As both these witnesses contradicted one another on this point, I must come to the conclusion that the post nearest discovery was his initial post."

"The gold commissioner then gave a description of the ground as it should properly be read and decreed that the survey made by Mr. Barwell should be changed in conformity therewith. The injunction is granted restraining defendants from encroaching on the plaintiffs' claim, and the plaintiffs are given their costs in the action.

Sunday Concert. A feature will be introduced at the concert Sunday night which for novelty and uniqueness has not been equaled in Dawson. The Auditorium will be connected with the Good Samaritan and St. Mary's hospitals and by means of a megaphone and an arrangement of transmitters the patients in both hospitals will be enabled to hear the music.

The program which has been arranged promises to afford an evening of splendid entertainment. The Sunday concerts are growing in popular favor.

QUIET IN POLICE COURT

Wage Cases Are Now Principal Matters at Issue.

There was not sufficient Christmas aftermath today to justify a session of the police court, consequently none was held.

At present the principal business in this court is of the wage class and in the majority of cases the directly conflicting evidence of but two men is all the magistrate, Judge Macaulay, has to guide him in arriving at a verdict. In many instances a man goes to work for another with no contract further than that he is to receive "going wages."

He quits and asks for immediate settlement on a basis of \$5 per day and board, while the employer invariably contends that the rate was \$4 per day and board, payment to be made at clean-up. Not being able to arrange a settlement resort is made to the court, each man swears to his own story and they are usually as opposite as are black and white, and from the counter-evidence the magistrate is supposed to arrive at an equitable decision.

TO COMPEL TESTIMONY

New York Lawyers Fail to Bulldoze Secretary Hay.

Washington, Dec. 20.—There was an interesting legal business proceeding today in the state department when attorneys representing parties to a New York lawsuit sought to compel the testimony of Secretary Hay. The case was an action for libel brought against a New York newspaper by Carl Fisher Hanson, a Danish banker, resident in New York, and in it is involved Capt. Dirckfeldt Christmas. These persons were said to be interested as agents in the attempt to sell the Danish West Indian islands to the United States government and the publication which forms the basis for the libel suit is said to have reflected upon their competency.

Some days ago Secretary Hay had noticed that his testimony had been called for the defense before the United States court in New York, and today Clarence J. Hearn, counsel for the newspaper in question, appeared at the state department with United States Commissioner Frank J. Blackstone, of this city, and a stenographer. Robert Honey of New York appeared as counsel for Hanson. The parties were received by Secretary Hay in the diplomatic room, the secretary being accompanied by Judge Penfield, solicitor for the state department, as his counsel.

The examination did not last long. In fact, there was no examination in substance. The counsel for the newspaper attempted to propound some questions touching the negotiations that occurred between Secretary Hay and the Danish agents in 1899-1900.

The secretary flatly refused to answer these and through Judge Penfield announced his reasons for doing so; that he had no personal knowledge of the matter at issue. Whatever knowledge he possessed had been acquired in his capacity of secretary of state and not as an individual. Moreover, the information sought to be elicited was a privileged communication to the government of the United States and to make this public would be highly prejudicial to the interests of the country.

Having formally noted the secretary's refusal and the character of his answer the commissioner and counsel withdrew. It is their purpose to state the facts to the New York state court with a view to having the secretary of state brought before that court on a charge of contempt.

It appears that the same parties have examined, or sought to examine, Senator Lodge and Admiral Bradford, chief of the equipment bureau of the Navy Department, who has had much to do with the negotiations looking to the acquisition of coal stations by the United States government.

It is gathered that neither of these witnesses gave any testimony material to the suit, Senator Lodge, it is said, never having heard of Hanson and Admiral Bradford being acquainted with none of the facts sought to be developed by the defense as bearing upon the alleged libel. Secretary Hay has had very little to do with the parties in this case. He saw Capt. Christmas for about five minutes on the occasion of that officer's visit to Washington, but Mr. Hanson he does not know.

The officials of the state department feel secure in their position in resistance to the court's order, finding strong precedent for it in a controversy that arose between President Jefferson and Chief Justice Marshall over a similar application for a mandamus.

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THE CONSIDINES AT IT AGAIN

Will Try to Resume Their Old Sway in Seattle

Slayers of Meredith Attempting to Get Into Politics Once More Will Open Gambling House.

In the gambling and political circles of the "Fighting First" Ward an upheaval is imminent which promises to shake to the very center the Humes political faction, and to end in a bright, red conflagration with gambling tools and accessories furnishing the food for the flames.

John Considine, who killed Chief Meredith, but who was acquitted of the charge of murder, is planning to open a regulation gambling house over the Mug saloon at the corner of Second avenue south and Washington street. Under the protecting wing of Mayor Humes, Considine proposes to again become a power in gambling circles in the First and has told his friends, it is stated, that he proposes to make a fight to get back all his old prestige.

It can be predicted with absolute certainty that if Mayor Humes permits Considine to open, immediately there will be the biggest gamblers' war in the history of this town. The Considine brothers are no longer regarded as members of the charmed circle that in times past has ruled the politics of the First and has had control of the gaming business. Discouraged by the boss gamblers and denied, it is said, even the poor privileges of being recognized as members of the green cloth fraternity, John Considine, it is stated, has determined to take the bit in his teeth and either compel the gamblers to permit him to run or else to resume his old tactics, organize a "Law and Order League," and generally conduct a campaign as he did when "outing" for the Post-Intelligencer in its last summer's crusade against the Humes regime.

The belief that the Considines will break into gambling again is general throughout the First ward. The story has been passed about from man to man for the past week and is given general credence. Moreover, it is known that H. Suttler, who now conducts a lodging house on the second floor of the building, in the basement of which is located the Considine theatre, has asked his landlords to allow him to lease the place for gambling. It was in this room that Considine conducted the "Owl" gambling house in 1888 and 1899, before the organization of the group of gamblers who operate the Standard.

Leading sporting men in the Tenderloin say that they are quite prepared for such a move on the part of John Considine, as is predicted in the foregoing. Said one of the best known gamblers today: "Considine cannot run gambling in Seattle without the consent of Mayor Humes. If he has that consent, I don't know what we are to do about it. But trouble will surely ensue. Considine has been a disturbing element ever since he first came to Seattle. His record is well known. He kept the gamblers in a continual turmoil as long as he was given power and influence. In self defense the gamblers decided to cut him out, and they do not want to see him back in the game again.

"The relations of the gambling interests to the administration and the city are now drawn to a delicate tension. Anything in the shape of Considine's tactics would cause an immediate war and a general closing of gambling. In fact, we have been looking for something of the kind ever since the Considine trial ended. I will not try to predict what will happen."

Mayor Humes refuses point blank to say whether or not he will permit the Considines to run. He said today: "I have never given any man permission to gamble in Seattle. I never cross a river until I come to it. I have instructed the chief of police to enforce the laws. I would not recognize him, if he absolutely annihilated gambling.

"The laws are being enforced. People who violate them are apprehended and punished as the law directs."

The mayor would not answer point blank a question as to whether he would suffer the Considines to open gambling again.

Chief Sullivan, however, has stated that he would not interfere to the harm of the Considine brothers if they complied with the regulations. This means that the Considines will be given the same privileges and accorded the same favors as the police grant to other gamblers.

It is a difficult matter to describe the feeling of apprehension that exists among the sporting fraternity of the First ward. They see trouble ahead at every turn. John Considine, they claim, is a menace to the peaceful relations that now exist among the legitimate gamblers. That these have handed together to get permanently rid of Considine as far as gambling is concerned is not denied by any one familiar with events of the last six months in the Tenderloin. Now, however, that Considine, claiming the protection of the mayor, threatens to declare himself in the boss gamblers are at their wits' end.

Some of Considine's friends have advised him to lay quiet until after the election, claiming that then he will be given the same "shake" as is accorded other green cloth men. But Considine, it is said, has replied that he has been vindicated in the courts of the charge of murder and now proposes to make his influence felt in his old haunts and to compel recognition from those who turned their backs on him in his hour of trouble.

THEY FLEECE TENDERFEET

Now "Soapy" Smith's Men Worked the Shell Game.

A citizen of Seattle has furnished The Times a story of the early Klondike days, which goes to show, in one way at least, how the gambling fraternity lived, thrived and fleeced the public. The game worked in this particular case was an old one. It would hardly seem possible that men would bite upon such bait, and yet it was worked during the winter of '97 and the following one of '98. It was nothing more or less than the old time shell game. In spite of that fact two of the leaders, Al. Whitney and Jimmie Dallas, left the Klondike in the spring of '98 with a cool \$40,000 cash. They are now living in New York city on the fat of the land. Just what Jerry Daily, another partner, made will probably never be known.

These three men were all under the immediate supervision of the notorious "Soapy" Smith, who shot and killed Frank Reid in Skagway in a famous street duel. Reid also shot "Soapy" at the time, and the latter died from the effect of his wounds ten days later. But that is another story.

To go back a bit, Whitney, Dallas and Daily, the men who worked the shell games, to say nothing of their boosters, are probably as well known in Western gambling circles as any men alive at the present time. They are cool, daring, desperate. At all times are they ready and willing to take chances to gain gold. When the Klondike rush first opened they conceived this idea, and backed by "Soapy" Smith, put it into effect at once. The scheme was simply this: The boosters who followed the gang, would go along the trail until they came to a rather rough place. They would then proceed to fell a tree across the roadway. In case a tree was not handy they would sprinkle a liberal supply of sand along the snow, thus making it an impossibility for a team to cross without assistance. If the trail crossed a river, they would cut a great hole in the ice and cause an overflow. They would then calmly await the appearance of the victim.

In every instance all our doughs were ignored. No sooner, however, did a tenderfoot put in an appearance than the lamb was led to the slaughter. With every show of friendliness, the two boosters (and they always traveled in pairs) would assist the unfortunate and his dog team over the tree, across the sand, or through the water to the opposite bank. With some remark about going in the same direction, and as the man could offer no reasonable excuse for declining, and no doubt feeling grateful for the help rendered, this step in the proceedings was comparatively easy.

After traveling a short distance together shell game No. 1 was reached. As it was lonesome traveling along the Dyea trail, it was by no means difficult to get the stranger to stop long enough at least to see one booster win say \$75 or \$100. The journey was then again taken up. At game No. 2 booster No. 2 would win a good, healthy roll of money, and it was certainly strange if the Easterner failed to bite when the third game was reached.

The gamblers lived, ate and slept along the trail. From time to time they would move from one section to another, wherever the field was the most fertile. They carried portable tents, stoves and provisions on their backs, and roughed it for a period of two years. The boosters for the gang received the sum of \$15 a day and board for their trouble.

The Seattle man who furnished the story for The Times lived on the trail during those early troublous days. He says he has seen more than one man fleeced out of every dollar he had on earth, and his life with a revolver or a knife. He recalled to mind particularly one instance of an Illinois farmer, who, worked by the gamblers, had lost the savings of three years in Alaska at shell game No. 3.

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WEATHER AND WIND

Considerable of Both Within the Past 24 Hours.

From five degrees below zero yesterday morning the mercury declined to 32 below last night, although it was colder at midnight by five degrees than at 7 o'clock this morning. A strong wind began blowing from the north some time after midnight, which, with the sudden cold, made this morning a very disagreeable one. The wind continued to blow nearly all day with a slight moderation in the afternoon.

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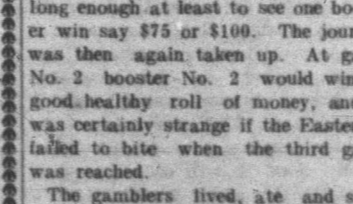
Holiday Discount Sale This Sale Will Continue Until January 1, 1901.

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THE MINERS-SILVER DOLLAR SHOVEL



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Don't fail to see the cartoons at the Pioneer saloon.

Hot and cold lunch at the Bank Saloon.

A Christmas present will be given away to every child in the Klondike holiday week at Gandolfo's.

Job Printing at Nugget office.

Arizona Delights New York 35 Consecutive Weeks Local Company.

The return of the conquest the very proper phrase in announced the return to the Theatre for a month, beginning Dec. 2, of Augustus The silent American drama. "Arizona" has surely done not only in Boston, but in crowded houses in weeks season before last, but in New York, in which it has achieved separate "runs" aggregating almost within the year. "Arizona" is joyantly and justly American, wonderful in its motive, tone and character. Its scenes are laid in the remote Southwest, and the story is the hearty, healthy, wholesome of that breezy section of our domain—Boston Dec. 21.

The people of Dawson will be permitted to enjoy the entertainment that will delight them at the same time, as Mr. Wells will present the drama at the Auditorium each week for sixteen people in the city so far as presentation of the drama is concerned it will equal the best in the world. For one week, at least, Dawson will be the equal of the best in the world.

They RUSHED AND DANCED

Members of the N. W. M. Who Worship Old Terpsichore

Yesterday morning Sergeant and Constable Graham were on duty on the Klondike river, distant from Dawson 23 miles. They attended the ball last night, at which time they were very much surprised to find this morning could step on double-back-action breeches, such gaiters and vigor as to be behind a dog team and the state of it an some men would not make a journey. And this is a record of which the majority of boys are made.

The Ladue Assay Office prepared to Assay all kinds of Rock. We have the most equipped assaying plant in the Yukon Territory and guarantee all work. Quartz Mill will soon be in operation and we will be able to develop values of any free mill. Call and talk it over with us.

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THE NUGGET OFFICE FIVE CENTS A POUND.

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THE NUGGET Dawson

Vol. 2 No. 309

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