

THE DAILY KLONDIKE NUGGET.

PRICE 25 CENTS

DAWSON, Y. T., TUESDAY, JANUARY 15, 1901

VOL. 2 No. 13

Cold Feet Cured

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Alfred Dolge Felt Shoes

FINEST QUALITY
Moccasins, Wool Socks, German Socks,
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On and after Monday, Oct. 22, 1900, will run a
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HIGHER COURT

Will Probably be Asked to Consider Affidavits in Slorah Case.

JUSTICE DUGAS OUTLINES TENOR

Of the Decision He Will Probably Reach Tomorrow.

LIKELY TO BE UNFAVORABLE

To Prisoner Who Still Has a Hope of Ultimate Success in Getting Another Trial.

Hearing of argument in the Slorah case was resumed at 2 p. m. yesterday, Attorney Bleeker citing a number of objections made by himself at the time of the trial.

Regarding the affidavits, Mr. Bleeker spoke of that of Jarvis.

Mr. Wade objected to the introduction of affidavits, and Mr. Bleeker said: "I hate to go into the argument of this again, as I understood your lordship to rule that the affidavits of jurymen dealing with matters outside the jury room was admissible.

Judge Dugas said that such evidence should be received.

Mr. Wade objected on the ground that the justice had no jurisdiction.

The objection was noted, and Mr. Bleeker continued by going into the gist of Jarvis' evidence, or at least such part of it as is allowable.

"Susie Vernon," said the attorney, "passed the door of the jury room and beckoned Jarvis to come out into the hall, which he did. She laid her hand upon his shoulder and said 'Don't don't! for God's sake, don't do it.'"

Then the attorney went on to show what she must have meant by that, and cited cases which he considered bore directly upon the law governing this one.

The next affidavit referred to was that of Fred J. Wilson, who testifies that he, together with Jurymen Wilkins on the Sunday evening previous to the discharge of the jury, were in the parlor of the lodginghouse above the Green Tree saloon, and that with them were Josie Gordon and Cecil Marion, who sang for them, after which they went down stairs into one of the boxes of the restaurant, where they had drinks and a lunch. The party was there during about a half an hour.

He made a second sworn statement later which denied the use of intoxicating drinks by himself or Wilkins.

The further evidence contained in the statement was to the effect that liquors were obtainable by the jury.

Coming at length to the portion of his motion on the ground of misdirection the attorney for the condemned man cited the judge's charge to the jury, and claimed that there had been grounds in the evidence sufficient to warrant the jury's finding a verdict of manslaughter contrary to direction.

In furtherance of his argument he cited the evidence of Susie Vernon concerning the number of shots fired which

she said in some place were a certain number, approximately, and in others that she was excited and could not tell the number.

Crown Prosecutor Wade then met the arguments of Attorney Bleeker by saying that Mr. Wilson's actions were rather extraordinary. He had made an affidavit which set forth as previously related, that he had had sundry drinks in a box of the Holborn, and that aforesaid drinks had been of an intoxicating nature.

He had later made a further statement under oath denying the statement of the first affidavit concerning the nature of the drinks, and also said they had not been allowed to get such drinks. He produced affidavits from Sergeant Marshal and Constable Borrows contra-icting Wilson's affidavit.

Sergeant Marshall also contradicts the evidence of Wilson concerning the statement that the waiters were allowed to visit the jury rooms in the service of meals or anything else.

An affidavit from Walter Babb states that F. J. Wilson, who was at the time of the killing, connected with the Yukon Sun, and that one Warrington also a reporter of the same paper, and that they frequently visited the Holborn and seemed anxious to obtain some evidence going to show that a theory advanced by the Yukon Sun at that time contrary to the guilt of the prisoner.

The deponent sets forth that he had told them their theory was crazy and he refused to have anything to say to them.

Proprietor Hall, of the Holborn, made affidavit to the effect that he had heard the said F. J. Wilson make remarks concerning Sergeant Marshall which he

construed as a threat to ruin the said Sergeant Marshall.

Concerning the affidavits of Smith and Nesbitt Mr. Wade said that thus far cases were not being tried by newspapers or their representatives and he considered them irrelevant.

Mr. Bleeker did not contest the point, but withdrew the affidavits. He cited a number of cases sustaining his point, and then referred to the point raised by the defense regarding the alleged misdirection of the court.

He maintained that his opponent could not bring this point except in pursuance of points upon which the defense had taken exceptions during the trial, and cited some more cases to this end.

In bringing the hearing of argument to a close Justice Dugas said:

"Knowing that time would be a great factor in this matter I have taken it upon myself to look into the matter, and post myself as thoroughly as possible on its issues before hand, and while I cannot, at this time render a decision, I am inclined to think that my decision will be against the defense."

There will be no court in Justice Dugas' room today, as he finds it necessary to devote the whole day to arriving at a decision in the matter argued yesterday.

Although Slorah's case, so far as a new trial here on the grounds set forth yesterday is concerned, is practically without hope, he still has the strong chance of securing further hearing through the submitting of the affidavits of Jarvis and Wilson to the minister of justice at Ottawa, which step will probably be taken forthwith.

Today's Weather Victims Identified

Last night was a weather record breaker such as caused every sour dough in the country to throw up his hands and admit that colder weather was never before known in this part of the country.

The official record this morning, as carefully kept by Sergeant-Major Tucker, as well as Commissioner Ogilvie's thoroughbred sweepstakes thermometer at the other end of the city, shows 64.5 degrees below zero, colder by 7.5 degrees than the weather of one year ago today which was the coldest of last winter. In the same place with the official instruments last night was a common thermometer which reached 75 below, but later froze and pushed up to 1 below where it now remains stationary.

The coldest weather yet reported is at the Forks where the thermometer at the Gold Hill hotel is stationary at 150 below zero. This is vouched for by reputable citizens of the Forks including Mayor Geisman and the police officers. Other and more conservative thermometers at the Forks have reached 58 below. From Gold Run this morning 68 was reported. On the Dome at 7 o'clock this morning it was 50 below, but had risen at noon to 32 below, at which time the sun was shining brightly. Two four-horse loads of freight were deserted on the Dome yesterday, the drivers taking the horses away to await moderation of the weather. On Dominion work has been suspended on account of the severe cold, 60 below being recorded. On Sulphur about the same temperature prevails, although considerable work is still being done.

Notwithstanding the severity of the weather, no casualties or even serious injury from the cold has as yet been authentically reported. Many rumors have been started, among them one to the effect that a driver for Orr & Tukey had frozen on his seat, but investigation has proven them to be without foundation.

There has been but little moderation in the weather since morning and at 3 o'clock today indications are that tonight will be fully as cold as last.

Notice.
Miss B. V. Robson can learn something to her advantage by calling at the Nugget office.

Flashlight powder at Goetzman's.

Films of all kinds at Goetzman's.
Denver market for fresh cabbage. 5 cto

WAS NOT LIBEL

Says the Jury, of Publication in the Sun Called Defamatory by Clarke

WHO THINKS DEFENSE WAS UNFAIR.

Attorney Walsh Reviews the Evidence of Prosecutor

TO THE LATTER'S UNDOING.

That \$450 Dog, and the Brockville Friends Go Down in History Together.

Hearing of the libel charge preferred by Joseph Clarke against Henry J. Woodside, editor of the Yukon Sun, was commenced in the territorial court before Justice Craig yesterday afternoon.

Attorney Walsh appeared for the defense, and began by making a few objections to the manner in which the indictment was drawn. In the first place he said it did not show definitely when the alleged defamatory publication was printed. The indictment said the paper was issued on the 9th or 10th, and his client was entitled to a specific date. He also objected to the indictment setting forth that more than one offense had been committed and that the paragraphs appeared at different times.

Justice Craig decided that a single charge must be adhered to by the prosecution, and Clarke who conducted his own case, chose the published paragraph which reads:

"If we had a record like Joseph A. Clarke we would want to keep very quiet indeed. With any faults that we may have we can say at least that we have never been dismissed for taking bribes and never swindled Brockville friends out of \$3000."

In answer to the plea of not guilty entered by the defense, Clarke objected on the ground that such a plea left him no opportunity of proving his own good character. However, he withdrew his objection so as to give the defense the chance to prove its justification for the publication.

Ronald Gillis, S. Tommarb, Thomas James, J. Elwood, J. H. Falconer and O. H. Van Milligan were selected jurors to hear the case which then proceeded by the evidence of Thomas O'Brien, Clarke stating that he had little to prove beyond the fact of the publication of the paragraph cited.

The witness was shown a copy of a newspaper alleged to be the Sun bearing upon its pages the matter objected to, and asked to identify it.

He said he did not know it to be a copy of the Sun. It might have been printed in New York for all he knew to the contrary. It looked like the paper which he acknowledged the ownership of, but beyond that he could not

Clarke testified in his own behalf that he was innocent of all the things imputed to him in the matter quoted. He said he had come to Dawson in 1897, and had received the appointment of

(Continued on Page 4.)

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The balance of our Fur, including Coats, Jackets, Wedges, Yukon Caps, Gloves and Mitts at 33 1/2 per cent. less than regular prices. EXTRA VALUES IN ALL DEPARTMENTS.

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