

PROTEST DECIDED

Arthur Lewin Loses on Dominion

The Ground Involved Was a Creek Claim on a Tributary at 3 Above Lower.

Arthur Lewin a day or two ago lost a case in the gold commissioner's court, the ground involved being creek claim No. 1 on a tributary entering the right limit of Dominion at 3 above lower discovery. Lewin had staked the claim in question, had it surveyed and had advertised the survey as required by the regulations. The protest over the survey was brought by Louis Lind and L. L. Arden who alleged that the creek claim as surveyed conflicted with their hillside claims. The decision of the gold commissioner is as follows: "This is a case where the plaintiff staked all claims on the right limit of Nos. 3 and 4 above lower discovery, on Dominion creek, the plaintiff Arden staking opposite the lower half of No. 4 on January 23rd, 1901, and the plaintiff Lind staking opposite the upper half of No. 3 on January 3rd, 1902. The Arden claim was renewed in 1902. The defendant staked creek claim the lower half of No. 1 on a tributary entering Dominion at No. 3 above lower discovery, and upon obtaining record, he had the claim surveyed and advertised in the Yukon Gazette. The plaintiffs bring this protest on the ground that said survey conflicted with their hillside claims as mentioned.

"It appears by the records of the office that this tributary claim was first recorded on February 9th, 1898, and was renewed for one year. On February 28th, 1901, it was relocated by one Stansfield, but was not renewed. The defendant then relocated in March of this year.

"The plaintiff Arden's location of the hill claim opposite No. 4 above discovery was an original location. The hill claim opposite the upper half of No. 3 was first recorded August 25th, 1898, but was not renewed. It was relocated on January 26th, 1901, and recorded January 30th. On January 31st, 1902, the plaintiff Lind staked.

"From the general appearance of the ground it is apparent that locators would have considerable difficulty in deciding whether they should stake a creek or hill claim, and the fact of the creek having been staked several times both as creek and hill claims shows this to be the case. When the plaintiff Arden staked, the ground was not held either as a creek or as a hill claim. The Lind location was staked a year later, but as it was held by a hill locator from January 30th, 1901, for one year, it was occupied ground when staked as a tributary claim by Stansfield. The ground was vacant ground, therefore, when Lind staked on January 31st, 1902.

"I am of the decided opinion that this is a case where the onus is on the subsequent locator to show that the ground could not be staked as a hill claim, or in other words that the ground should be considered a gulch within the meaning of the regulations, having a distinct rim rock of its own on each side of the stream for the length of the claim. The evidence does not show this. In fact, Mr. Barwell admits that the hill taker took up the Dominion valley on the left limit of the so-called gulch a considerable distance up the stream from the defendant's location. I am of opinion that the defendant's survey should be set aside.

"Owing to the way this ground was staked several times both as a creek and gulch claims, and the difficulty one would have in determining how it should be staked, each party shall pay their own costs."

LOCAL BREVITIES.

Mrs. E. J. Donovan of No. 16 on 60th, Henderson, has been spending a few days in Dawson. She returns this evening on the Prospector.

Mr. Wm. Ogilvie, ex-commissioner of the Yukon territory, who is interested in a dredger near the mouth of Lake Creek on the Stewart, will leave for Duncan Landing on the Prospector this evening.

Mr. R. Auzias Turcotte, manager of the Klondike Consolidated Gold Fields Co., will be a passenger on the Prospector this evening. Mr. Turcotte is going to put a dredger on the Stewart at the mouth of Clear creek.

Mr. Breiner, owner of the roadhouse at the mouth of Stewart river, has been in Dawson for several days past. He has purchased a large winter's supply of goods and intends giving the best service on the road. He has changed his quarters to Stewart Crossing, where he will be in close proximity to the winter trail.

Lost During a Gale

Kalamazoo, Mich., Sept. 6.—In a gale on Gull lake a rowboat containing A. C. Miller, of Battle Creek, and Herman Buer and Henry Buer, of Yorkville, Mich., was capsized and all three were drowned.

Buys Copper Property.

Reading, Cal., Sept. 6.—Senator W. A. Clark, of Montana, is said to be at the head of a syndicate that has purchased the McVey copper property, situated on Joe creek, in the Siskiyou mountains. The price is given out as \$300,000. The claims are declared to have shown up remarkably rich in sulphide ore. While the property is in Siskiyou county, the outlet, owing to the configuration of the mountains, is by way of Jackson and Josephine counties in Oregon. The opening and development of the property will mean much for Southern Oregon.

Thousands of Ballots

Fort Worth, Tex., Sept. 6.—The deadline in the Twelfth Democratic congressional convention at Cleburn, was broken at noon today by the nomination of O. W. Gillespie on ballot No. 7,281. R. W. Riddle, one of the candidates, withdrew.

HAPPILY MARRIED

At the Home of Mrs. H. C. Davis

Miss Belle Faulkner and Mr. Max Peabody Were United for Life.

A happy union of two hearts took place in Dawson on Monday evening, the occasion being the wedding of Miss Belle Martha Faulkner to Mr. Max Oliver Peabody.

The marriage ceremony was performed by the Rev. Warren of the Church of England, the scene of the happy event being the home of Mr. H. C. Davis on Second avenue.

The bride is a charming young lady who arrived in Dawson on the last trip of the steamer Canadian. The groom is well-known to the mining community, being located on Lovett gulch. At the conclusion of the ceremony an elegant collation was served. Many beautiful presents were received from friends of the contracting parties. Those present were: Mr. E. H. Faulkner (father of the bride), Mr. H. J. Faulkner, Mr. Herbert Faulkner, Mr. Charles Faulkner, Mr. Theo Tiedemann, Mr. Harry O. Tiedemann, Mrs. J. A. Farr, Mr. and Mrs. Davis, Master Joe A. Farr, Master Edward W. Davis.

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WATER FRONT NOTES.

The steamer Wilbur Crimmin leaves for Whitehorse tonight at 8 o'clock. The Prospector will leave at 8 o'clock tonight with a full passenger list and cargo for Duncan Landing.

The La France arrived from Whitehorse this afternoon and will leave this evening for Duncan Landing with a full cargo and passenger list.

The Victorian left this afternoon with a large passenger list. She arrived last evening with the following passengers: Mrs. Kate Payne, Edie Payne, J. Peterson, Nels Boyd, W. N. Warren, Mrs. J. B. Lee, G. Henderson, D. M. Henderson, L. E. O'Fallon, Mrs. D. Smith, Miss Lamereaux, Mrs. J. T. Rasmussen, Mrs. C. J. Kearney, Mr. and Mrs. H. Brewitt, Mrs. E. A. Harriman, Mrs. Edwards, E. Ganvin, F. McLennan, R. Lowe, Otto Carlson, O. Lund, Frank White, H. J. Goetzman, E. B. Hanley, M. Hanley, J. T. Kelly, Constables Atkinson and McDonald, Capt. Pelletier.

The Zealandian arrived from Fortymile last evening with the following passengers: L. G. Bennett, J. D. McMurray, A. Swanson, Mrs. Swanson, Esther Swanson, E. D. Pratt, E. J. Lesley, Mrs. Randle, H. Brodie, M. Resola, J. C. Pounder, F. Murray, R. Holland, O. A. Benson, S. M. Graff, E. Wood, J. Wales, J. J. Cotter, C. Hauge, A. Burglin, George Edwards, Mr. and Mrs. T. Robin, M. R. McKenzie, A. Chisholm, D. Taylor, J. H. Hicks, J. Welsh, C. H. Hook, A. Robinson, J. McNeil, T. G. Wilson, J. J. Rutledge, A. McLeod, F. C. Hasler and E. M. Bruce.

The Prospector arrived from Stewart river last evening with passengers as follows: M. L. Foley, O. Leterneau, T. Beaudet, A. Bellevue, E. Desolette, E. J. Joyal, R. N. Young, L. Perriestick and A. W. Branner.

The steamer Canada passed Lower Lebarge this morning at 10 o'clock en route to Dawson.

The Bonanza King was at Big Salmon at 8:30 a.m.

The Selkirk is distributing supplies along the river at the various winter stations of the company. After completing that work she will return to Whitehorse before coming to Dawson.

Funeral of Prof Vichow.

Berlin, Sept. 6.—The magistrates decided today to accord the remains of Prof. Vichow, the famous scientist, who died yesterday, a public funeral. The professor was an honored citizen of Berlin. The funeral procession will start from the town hall at 11 a.m., September 9. The expenses of the funeral will be borne by the municipality.

ELECTION WRIT.

Sheriff Eilbeck today received the following writ for the coming election:

"Notice of time and place being duly given you do call for election to be made according to law of a member to serve in the house of commons of Canada for the electoral district of the Yukon Territory and that you do call for the nomination of candidates for such election to be held on the 4th day of November next at the town of Dawson, and do cause the name of member when so elected, whether he be present or absent, to be certified to our clerk and the crown in chancery as by law directed.

NEW COURT IN SESSION

First Sitting Was Held Yesterday

Messrs Justice Dugas, Craig and Macaulay Constitute the Bench.

The appellate court of the Yukon territory, consisting of Mr. Justice Dugas, Mr. Justice Craig and Mr. Justice Macaulay, held its first sitting yesterday since its formation by the Dominion act recently passed by parliament. The court is somewhat different from the court of appeal that formerly heard decisions appealed from the gold commissioner's court and of which Mr. Senkler was a member. It is now constituted of three judges, the British Columbia court of appeals as far as cases from this territory are concerned. Actions heard by either of the judges of the territorial court may be appealed to the appellate court sitting here from which a still further appeal is taken direct to the supreme court of Canada sitting at Ottawa. The former court of appeal was constituted by an order in council whereas the present order was created by a Dominion act. The appellate court has the same jurisdiction as was formerly enjoyed by the British Columbia court of appeals in cases taken up from this territory. Appeals from the decisions of the gold commissioner still follow their usual course and will be taken up following the disposition of cases appealed from the territorial court.

Among the cases heard yesterday's sitting was that of Gordon vs. Cribbs in which a consent was filed for a dismissal of the appeal with an offer to pay the costs. So ordered. In Turene vs. Faulkner a motion was made by the defendant asking that the appeal be dismissed on the ground that the same had not been perfected.

Calligan vs. Calligan was dismissed the costs being fixed at \$100. Barry vs. Lewis was heard, the opinion of the court being reserved. Judgment was also reserved in the case of Palmer Bros. vs. Estby. Other cases to come up are De Lion vs. Cole, Boyle vs. Sparks et al, and Campbell vs. Berry, the last two named being appeals from the gold commissioner's court. After the adjournment of the present session the court will convene but three times a year, sitting in April, June and September.

Appellate Court Today

In the appellate court this morning the case of Boyle vs. Sparks et al came up on an application previously made up by the appellant for the appointment of a receiver pending the disposition of the appeal now before the court. In support of his motion Counsel Pattullo stated that he had made a similar application to the gold commissioner and had been refused, that the ground involved was at present yielding from \$500 to \$1,000 a day and he thought that a receiver should be named to take charge of the claim and the cleanup until the question at issue was settled. Mr. Justice Dugas stated that the case could not be heard the present sittings as it would not be reached before the adjournment of the court, there being three long cases ahead of it. Mr. McDougall for the respondents opposed the motion, but was not prepared nor did he wish to argue it until it was definitely ascertained that the case would not be reached and then he was willing to take it up. The receiver was not appointed.

W. D. Lord Is Arrested

Everett, Sept. 6.—The city marshal had a message last night from Sheriff L. O. of Minneapolis, stating that W. D. Lord, a late resident of Everett, and wanted on the charge of grand larceny in Minneapolis, had been captured in Independence, Kan., and is now in jail in Minneapolis. Lord was arrested here some time ago on a message from Sheriff L. O., but escaped from the police. He was formerly the confidential man of S. H. Hale & Co., Minneapolis, and it is alleged that he got away with a large sum of money.

The first bunch of homeseekers of the season arrived last night over the Great Northern. The westbound overland carried six coaches and 150 of the excursionists stopped off in this city.

The claims of Mrs. Joseph Lamar to a \$35,000,000 estate in Devonshire, England, and her relationship to Lord Salisbury, ex-premier of Great Britain, have led to some investigation here, discrediting her statement. According to Mrs. Lamar's statements, Lord Salisbury married her mother, Mrs. Arnold, as his second wife, but according to Walford's Peerage for 1898, published in London, Lord Salisbury married in 1857 Georgiana Caroline, daughter of Sir E. H. Anderson, and was never married a second time. Mrs. Lamar and her husband left for Seattle a few days ago and have not yet returned.

"Wigby says he has an issue all ready in case he is nominated for that legislative vacancy." "What is it?" "The empty coal pail." —Cleveland Plain-Dealer.

THE ISSUE DEFINED

Senator Lodge Deals With Trusts

Thinks Remedy May Be Found Without Resorting to Extreme Measures.

Portland, Me., Sept. 6.—At the close of the state and congressional campaign tonight the Republican leaders assert that they will re-elect John F. Hill on Monday by about 16,000 plurality. Two years ago Gov. Hill's plurality was 33,000, but at that time there was much more interest in the contest than now, and it was the year of the presidential election.

It is generally conceded that all four of the Republican congressmen will be re-elected. The legislature, as usual, will be easily Republican, although the Democrats expect to make gains in both branches.

The principal interest centers in the four counties where the issue is not at liberty, as he was, to discuss it from a party standpoint. He described the trust in a technical way, and said that to 95 per cent. of them there was not the least objection. To undertake to destroy them by rash legislation, he said, would bring on at the present time the most disastrous business panic that could be imagined. He said that undoubtedly the great combinations present certain dangers and certain evils, and that at present the difficulty was in distinguishing among the corporations.

There have been many schemes proposed to solve the trust question, the senator said, and chief of these was prosperity. Another solution proposed is that of sweeping away the tariff duties on articles that a trust makes. He said that would be sound, simple, and no doubt effective. Some trusts would suffer, and Senator Lodge said he would like to see the most trust punished in that way. The steel trust, he said, is organized to compete in every market in the world, while many other companies, having been built up under the protective tariff, would be dealt a severe blow should the tariff be removed. You may reduce the profits of the steel trust, but you leave it master of the field. If you took off the duty on woollens, the woolen trust probably would close every one of its mills in the country.

Senator Lodge thought that the method of regulating trusts by putting them through the government is the silliest remedy ever suggested. He thought the first remedy is supervision and publicity, and the latter is the first thing to secure. In this connection, Senator Lodge referred to the case of the beef trust. In conclusion he said that this country wants to retain prosperity, and at the same time meet the question of trusts. He said that some means must be found to bring them within the law, not to ruin them, but to regulate them; to make the public understand them; to remove the mystery and the discontent.

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Job Printing at Nugget office.



A STRANGE CASE OF ART AND CRAFT.

By GEO. MANVILLE FENN.

Mrs. Dunby said "Thank goodness!" when the carriage rolled away from the great house at the corner of Quarrill Square, to be followed by two luggage-laden cabs in the charge of Thompson and Mrs. Repton, valet and maid to the Ehrenbergs, bound for Vienna, via Charing Cross.

The exclamation was on account of Ehrenberg being "a bit of a trial," and his lady's health in that period of his estimation terrible, while the departure for the Continent meant six weeks' perfect peace, inasmuch as the house was to be shut up, the servants placed upon board wages, no tradesmen to invade the place for painting or other repairs, no cleaning to be undertaken. In short, there was nothing to be done but cover the pictures, statues, furniture and bric-a-brac in the big saloon and long gallery.

There were periodical "cleanings," but when they did take place it was under Ehrenberg's own superintendence, for the old mansion was a perfect store of what the French call objets de vertu, "picked up" by the owner during his travels, sent home to be stored up, hung, or enclosed in cases, where they became, like the rest of the collection, "of fabulous value," and stayed there till they were in the course of time "placed"—or other words, sold at two, three, four, or five hundred per cent. profit. But let it not be supposed that Ehrenberg was a shopkeeper or tradesman. Nothing of the kind; he only used his own expression, "made a deal" sometimes, and said, "Thank goodness!" in anticipation of a quiet rest, which was not likely to be disturbed unless she was called upon to receive an odd package or two, containing something that her employer had "picked up" on his way, and she calmly and deliberately during the first week superintended the draping of statues, the covering of the gallery pictures, and the guarding of the treasure chambers generally against the insidious attacks of their great enemy in London, a combination of soot and dust.

Eight days had passed, the work was done, and Berry, the butler, informed Mr. Dunby that as it was so fine he should take a run down to Brighton; and he went.

The door had hardly closed upon his exit when Rimmer, the under-butler, and Small, the footman, appeared out of uniform, as they termed it, and most respectfully asked leave to go up to Lord's for an hour or two to have a look at the great cricket match.

Mrs. Dunby expressed her surprise at such an application being made to her the moment Mr. Berry's back was turned; but the housekeeper was old—the Mrs. did not mean matrimonial rank, being only used as a title which carried weight—and the under-butler and footman were both very fine men, a carefully selected pair. Moreover, Mrs. D. was in a perfectly good humor that morning, and she gave her consent.

Then it happened that the favored menials had gone no farther towards Lord's cricket ground than the Running Linkman, which old-world holetery, as everyone knows, is in the narrow street at the back of Quarrill Square, when a very new-looking pantheonic van, painted bronze-green and drawn by a pair of sturdy-looking horses, drew up in front of the entrance steps.

It was a particularly good-looking pair, very light in girth letters of running hand the proper names, "Hoffmann Freres," and beneath, in smaller letters, "Berlin, Paris, London."

As the great van stopped, a heavy, quietly dressed, black-bearded man got down from beside the driver, and four others of the regular porter or furniture-remover type descended from their tail-board seat, upon which they had been swinging their legs, two of them casting loose a couple of well-filled nose-bags which they carried to the front and adjusted over the muzzles of the sniffling horses. Meanwhile, the short, square, heavy-looking man went up to the door, rang, and stood extricating a thick, bronze-green, oblong book from his pocket, lettered like the van, "Hoffmann Freres," but with, in addition to the above-named cities, the words, "Continental carriers."

Mrs. Dunby opened the front door herself and let the sunshine into the gloomy, holland-draped hall, just as the visitor slowly drew a short, stubby pencil from the loops of leather which kept the book closed, holding it so that the inscription on the book could easily be read.

"Good morning, mattam," he said, in a guttural German voice. "Mister Ehrenberg's?"

"Yes; what is it?" said she, housekeeper, taking in book, man, follow-

ers, van, and horses in one quick, suspicious glance, which suggested her thoughts: "If you have come to fetch something, you'll go back without it."

"Ach! Id is right," replied the man, adjusting the spectacles he wore before opening the book and making a dash at a much-used slip of blotting-paper which flew out. Then, reading slowly: "For delivery: von longue gase and two dall ubright gase. Vragile; mit great gare. Gonsign vom Vienna."

"Oh!" said the housekeeper, shortly, and then in a sharper tone, which sounded as if garnished with suspicion, "and how much to pay?"

"Do bay?" said the man, looking over his glasses and wrinkling his forehead. "Noding. Garriage, Gondimental steamer, and vom Volkes one to London, all bald."

"Ho! I have had no orders about receiving any packages. What have you brought?"

"Der free gase, mattam."

"Yes; yes; but what is in them?"

"Ach! In de longue gase a bian-overy, very old. Id is in von of gase. Der von id gase in was broke all do bids in de steamer."

"Then it is damaged," said the housekeeper, shortly. "I shall not receive it."

"Nein, nein, mattam. Der biano is nod damage. Id is da gase vos b-o-ke. I shall unback id vor you do right. You look here; id is insure, mattam."

He pointed to a printed note at the bottom of the consignment leaf, which the housekeeper read, and then seemed satisfied.

"Well, I suppose you had better leave them," she said.

The man gave his head a clumsy bow, intended, no doubt, for a polite bow, before tearing off from the counterfoil a duly filled-up delivery-note, which he handed to the housekeeper, with the pencil.

"B'raps mattam will sign," he said, and he stepped inside the hall to lay the open book ready for the receiver's signature. "Thank you, mattam. Now where will you have de packages?"

"Bring them in here," was the reply.

"Ach! Zo? Bud dey dake up all de room."

"Never mind. Let me see."

The man nodded, buttoned up his boot, and took out a key, which he shook significantly.

"We dake gare of de goods in our sharge," he said, and going out he gave some orders to the waiting men, who let down a couple of bars which crossed the back of the van, after which the foreman or whatever he was, unlocked the doors, which were thrown open, and his people, with all the dexterity of those accustomed to handle chests and pieces of furniture, drew out a long deal case, getting it well between them, and bore it directly into the hall, to place it where directed at the foot of a wide flight of stairs.

"As if he hadn't got enough pianos in the place!" muttered the housekeeper as the men tramped out again followed by their foreman, who gave his orders in a short, stern voice to the pair, who entered the van, and between them turned down a tall, heavy case till the top could be taken by the two waiting by the tail-board, who supported it till the pair got out of the wagon and lent their help, with the result that the four skillfully bore what was evidently a very heavy load into the hall, and then, in obedience to their orders, stood the case on end.

The third case was brought in after the same fashion, and stood on the other side of the piano.

"Is that all?" asked the housekeeper.

"Yes, mattam, dat is everydings; but I mus' dake de instrument out of our gase."

He turned sharply to one of his followers, and said, in German, "Where are the tools?" and she man went out to the van.

The housekeeper looked at the three cases pretty well blocking up the end of the hall, and then, as if making up her mind quickly and masterfully, she said, imperiously: "I shall not have the case opened."

The foreman looked perplexed, and began to pass one hand through his beard.

"I am sorry, mattam, but my orders were to open dot gase and see dat der biano was in good order and none of der bolish gone off. Ach! Besides, I must dake back de andy gase."

"Very well," said the housekeeper; "but the things can't stand there."

"Very well," said the housekeeper; "but the things can't stand there. Your men must carry them up into one of the rooms."

"Zo?" exclaimed the man, and, getting the porters together, he turned an inquiring look upon the housekeeper.

"Through that door at the head of that staircase."

"Ach! Dot is gogt," said the man, with a little chuckle. "Bleny of room; all strade oop, and no gorners to go round. Dese gase are very heavy, mattam. Now, my boys," he added, in German, "be quick."

It was an ascent of some eight or nine low, wide stairs to a big landing, where an arched doorway was

partly hidden by heavy curtains, which in their turn were covered with holland. These were thrown back on either side with a loud jangling noise of brass rings gliding over a pole, showing a long gallery lit from the roof, and looking like a kind of avenue of awkward objects draped in holland, while as much of the walls as could be seen was evidently hung with pictures similarly treated.

"You shoost dell me where you like de gase to stand, and my poys shall roll oop enough gaped, don't you dink?"

"Yes, it will be as well," said the housekeeper, leading the way, followed by the men, who directly after folded back four-fold a portion of the magnificent Aubusson carpet.

"Dot will do," said the foreman, in a deep growl. "Dere is blenty of room, mattam," and then in German he pointed out where each case was to be placed.

Everything was done in so quick and business-like a way that the housekeeper almost smiled as she stood looking on from the landing, and saw the men in the hall take hold of one of the tall cases, tilting it towards her, and handing it easily in spite of its weight. One minute she noted the inscription "Top," in three languages, the next she saw three of the men lower the case down to the fourth, who had gone upon all fours at the foot of the stairs ready to receive the weight upon his broad back, and while his companions guided, eased, and steadied the burden, he crawled slowly up the stairs to the landing, where the case was upended, seized, and borne to its appointed place.

"Dot is de best way to garry hefly gase, mattam," said the foreman, with a grim smile.

The fellow-package was treated in the same way and stood up facing the first, so that they looked like two square deal towers right and left of the holland avenue, and then the men went down to attack the piano-case.

"Some stadies, mattam, I dink," said the foreman.

"Are they quite safe like that?"

"Zo? Ach, you dink dey dumbl over. Nein, nein. Doo hefly. You look dere."

As he spoke the man seized one of the tall cases and gave it a heavy thrust, but it did not stir.

"You see," he said, "I could not move them. My poys are fery strong. Look now."

He pointed to the piano-case coming up on four legs, as it were, balanced carefully on the back of another of the men; and a minute later it was placed between the others.

"Dools," said the foreman, and a couple of screw-drivers were produced from a carpet-bag, the lid of the case taken off, the front unscrewed in turn, and then the men drew out a beautifully inlaid early representation of a square piano, harpsichord, or clavichord, probably a couple of hundred years old. Its legs lay at one end of the case, and these were easily unscrewed, and the instrument, screwed in their places, and the case, the foreman carefully examined the foreman carefully examined it all round, while three of the men re-placed front and lid of the case, and bore it back to the van.