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SATURDAY, MAY 10, 1902.

650 Reward.

on that will read to the artest myletion of any one stealing of the Daily or Semi-Weekly from business houses or pri-sidences, where same have been

KLONDIKE NUGGET.



AMUSEMENTS THIS WEEK.

Auditorium-"The Girl I Left Behind Me." Orpheum-Burlesque and Vaude-

RAILWAY CONSTRUCTION.

All doubts as to the construction

of the Bonanza railway have been re moved by the definite announcement of the officers of the road that actual construction work will begin completion of the line from Dawson step in the direction of establishing can scarcely be suggested. railway connection between Dawson and all the important mining centres of the district.

Had the same enterprise been undertaken and carried to a conclusion two years ago, the development of Casting her rays upon the land, the country would have been greatly hastened. The future of the district depends entirely upon the ability of the owner of comparatively low grade ground to operate at a profit. through a substantial decrease in the cost of operation.

With prospect's good for a continuance of the present low prices of commodities, and the cost of transportation to the creeks reduced to a minimum, all low grade properties will sustain a marked advance in

The railroad should, and undoubtedly will, prove an important factor in solving many of the most perplexing problems that have heretofore confronted the small mining op-

The terrible catastrophe that has befallen the little island of Martinique almost passes human comprehension. The Johnstown and Galveston floods were frightfully destructive with respect to loss both of property and life, but this new disaster surpasses anything of a like nature that modern history records. The entire population of the Yukon territory is not equal to the number of people who' without an instant's warning have been swept out of existence The loss will total twenty-five per cent. of the entire population of the island, though it is confined principally to the town of St. Pierre, the capital city. Civilization will , be shocked and saddened by the tragedy, but that feeling will immediately be eeded by a desire to contribute something toward ameliorating the condition of the surviving sufferers. A better opportunity for an exhibition of world-wide sympathy has

The attention of the Nugget has been directed to the fact that the walks and crossings leading to

avenue, there are no crossings, and with the streets in their present condition, a detour of several blocks is required in passing from one side of the street to the other. The A. B. hall has now become an important public institution, and as such, access to it should be provided from all directions. The Nugget is informed that the city council is dealing with all such matters as rapidly as pos sible, and therefore we refer to this particular case merely for the purpose of urging its importance upon the authorities.

Persistent rumors continue to appear on the surface connected with the construction of the proposed railway from Valdez to the Yukon river. There seems to be no doubt Mounted Police vs. Ovid Colombe, is only constituted a "common gam- mayor or chief magistrate, or to the common gaming house, and that the of the fact that the country which Jack Smith, Archie Grant, Charles would thus be opened to settlement Abbott, Clem Labord, Al. Hyde, I. would repay the amount of the required investment. It is merely a case of the Northwest Mounted Po- room resorted to for the purpose of having jurisdiction, that there are was actually going on in the presquestion of time when the proposed lice vs. O. J. Binet, charged with playing the game of poker is not good grounds for believing, and he ence of the officer entering the same road will become an absolute ne- allowing gambling on licensed prem- shown to be kept for gain (under the does believe, that any house, room

Now that the royalty has been re- this morning : moved, many a conscience that has clean-up time, will be relieved of Grant, Charles Abbott, Clem Laits burden. The royalty has always been a promoter of perjury and on that account if for no other it is mon gaming house, to wit : the Mad-

The Sun says that "Pompeii was something of a town, although there seems to be no record of the fact." If our contemporary would delve treaties, it would discover that Pompeii was considerable of a town and that a great deal was known about it. The Sun should brush up a little in its classics.

When Dawson becomes the centre of large quartz operations the high hill back of the present townsite will become the residence portion of the city. A more beautiful or cammandto the Forks will be only the first ing site for the purpose mentioned

"Yukon for Ever."

Ere dawned the latest century, a new country came to light, Star of the north, ever to shine like the aurora bright,

where in the earth's embrace. Lies hidden treasure, which to gain came men of every race.

Seeking gold in the north, comforts of life with which to buy, This can only be accomplished To share the new Eldorado's unlimited supply,

> the fertile land, country to expand.

Oh, land of future greatness, peopled from far and near By subjects loyal to our king,

our flag sincere Pride of the great Dominion, ruled England's gentle hand, Few know the great resources of thy

rich productive sand.

e fragrant flowers flood the hills owned by the midnight sun With beauty as he lingers o'er the

golden horizon. Reaping the golden harvest in sum mer's beautiful reign, Winter is thus forgotten until re-

appearing again. Hear Billie Ask's end song. A. B Minstrels, tonight. General admis-

Brewitt, the tailor, wants to see you. Large stock of new goods. plaint made by Joseph A. Clarke, he Prices reasonable. Old stand, Second

Suits,

Shirts, Shoes.

Stockings, Caps, &c.

CASES WERE DISMISSED

No Evidence to Sustain Gambling Charges

Police Magistrate Macaulay Gives Interesting Judgment This Morning.

charged with gambling; and in the Cases, page 495, it was held that a trate, to any justice of the peace playing therein, although no play ises, Judge C. D. Macaulay handed Criminal Code) by the mere proof or place within the said city or down the following joint judgment that the proprietor, who participat- town, etc., is kept or used as a com-

with playing or gambling in a comcontrary to section 199 of the Criminal Code of Canada.

The first witness called on behalf of the prosecution was one Joseph Andrew Clarke, who testified that defendant was given beyond the fact about quarter to nine or half past that the defendant, with the consent eight o'clock on the evening in quessomewhat into Pliny's historical tion he went to the Madden house of right nor as a condition of anyone and saw gambling wide open, and being admitted to the game, was alremembered noticing the accused lowed, from time to time, to take (Ovid Colombe) running the roulette small sums of money from the stakes wheel; and that he went out and on the table to pay the cost of what laid the information to the town sta- the players ate and drank. The tion that there was gambling wide open in the Madden house; that a faro bank was running and two small side games-he did not know whether blackjack or draw poker. The place was crowded

The next witness called for the prosecution was one Duncan C. McKenzie, who swore that he dropped into the Madden house about the hour of eight o'clock; went up stairs and saw a number of people there. "Could not tell what they were do-ing. Everybody seemed to be walking around up stairs. Saw people up stairs and what I would call a roulette wheel there, but did not see any money changing hands. There was other furniture in the room, but I would not give it a name. I went out; met Mr. Clarke at the Empire hotel and walked down to the police

barracks." of the prosecution was Corporal Mining for precious metal, or tilling John S. Piper, who swore that he went to the Madden house on the Each person zealous and willing the night of the 2nd instant. / "Went up stairs between a quarter and half past nine p.m. Saw about 100 persons there. Went inside and over to one of the tables that was there and caught hold of some men at the table who had some cards in front of them. They were engaged in a game of cards. There was every sign of gam-bling going on. I saw the accused (Ovid Colombe) behind one of the tables; what we call a roulette wheel. He seemed to be looking after the outfit for the game. I asked him for his name and he gave his name. Afterwards we seized the whole outfit that was there. I searched the room and the table and found chips there and everything showed that it was used for gambling."

The next witness was Sergeant Frank Smith, who testified that about quarter to nine on the night in question, in consequence of a comwent to the Madden house in company with Corporal Piper and four constables. As he entered the room WANTED-Position for man and he saw the accused (Ovid Colombe) wife. Enquire Chicago Hotel. p-4-8 behind the roulette wheel. "There was one man at the table playing some counters or checks. As soon as entered the crowd scattered and tried to get out of the various doors. I took the names of those who were playing and running the games and seized the gambling appliances which are in court, some of which we got at the farc table, some from the crap table and some from the blackjack or poker table. I could not say which they were playing as they scattered as soon as I entered the

The evidence adduced in the other cases was of a similar nature. In some cases the evidence was much slighter, and in none of the cases any stronger than the evidence in the

It is quite evident, in my opinion,

used, for playing therein at any game should be made. of chance, or any mixed game of chance and skill in which (1) a bank much stronger than the evidence in sections 702 and 703 of the Crimina s kept by one or more of the play- the several cases before me. There is Code of Canada, "if any cards, die ers exclusive of the others, (2) in no evidence before me at all to show balls, counters, tables or other which any game is played the chances that any of the games were being struments of gaming, used in played of which are not alike favorable to played for money, and consequently any unlawful game, are found in all the players, including among the I cannot find the house to be a com- house, room or place suspected to be players the banker or other person mon gaming house within the meanby whom the game is managed, or ing of the act. against whom the game is managed, By section 575 of the Criminal sued under this act, as aforesaid of or against whom the other players Code of Canada it is provided that stake, play or bet."

In the cases of the Northwest and, under the act, a house or room of the players and not as a matter

"(a) A house, room or place held that, as the evidence was not lottery (which latter does not app kept by any person for gain to which sufficient to show that the defendant to this case), and to bring the si persons resort for the purpose of realized anything from the proceeds before the person issuing such or playing at any game of chance, or at of the game other than the moneys or some other justice, to be by h any mixed game of chance and skill; supplied for refreshments, it was not dealt with according to law. (b) A house, room or place kept, or a proper case in which a conviction. In case such precaution is ta

The evidence in the above case was warrant as aforesaid, then,

the chief constable or deputy chief There is no evidence to show that constable of any city, town, etc. this game was being played for gain may report in writing to any of the commissioners of police, or to the ing house" where it is kept for gain. police magistrate of any such city, In the Queen vs. Saunders, report- town, etc., or, if there be no mayor, J. Deschants, and Tom Lamar, ed in Vol. 3, Canadian Criminal chief magistrate or police magised in the game on equal terms with mon gaming or betting house as de- said." There are informations faid against the others, was allowed by the con-fined in part 14, sections 196 and Ovid Colombe, Jack Smith, Archie sent of the players and not as a 197, etc., and the said mayor, chief matter of right, nor as a condition magistrate, police magistrate or jusbord, Al. Hyde, I. J. Deschamts and on which the playing took place, to tice of the peace may, by order in Tom Lamar, charging them severally take small sums from the stake on writing, authorize such chief conseveral occasions by way of reim- stable, etc., to enter any such house. bursement for refreshments provided room or place and, if necessary, to more, it would have shafted the cause for congratulation that the den house on First avenue at Daw- by him to the players, where such use force for the purpose of effecting method of taxing the gold product son on the 2nd day of May instant, sums are not shown to exceed the such entry, and to take into custody cost or value of the refreshments. In all persons who are found therein, this case the defense admitted the and to seize, as the case may be: card playing in the defendant's house (1) All tables or instruments of gam- tion not having been taken, but no evidence of any gain to the ing or betting, and all moneys and opinion, the officers exceeded their securities for money, and all instru-

ing played. A common gaming house learned judge in deciding this case ments or devices for carrying on

and such house entered under used as a common gaming house, an entered under a warrant or order is about the person of any of those who are found therein, it shall be prima secution under section 199, that such the presence of those persons whom he is accompanied, as afore-

Had such precaution been taken ed the said appliances; and, further cused to show that they had no been engaged in unlawfully playing the game as charged. That precan-

(Continued on page 6.)

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