

The Klondike Nugget

Telephone No. 12. (Dawson's Pioneer Paper) Issued Daily and Semi-Weekly. GEORGE M. ALLEN, Publisher

SUBSCRIPTION RATES. Daily. Yearly, in advance \$50.00 Per month, by carrier in city in advance 3.00 Single copies 25

NOTICE. When a newspaper offers its advertising space at a nominal figure, it is a practical admission of "no circulation."

LETTERS. And Small Packages can be sent to the Creeks by our carriers on the following days: Every Tuesday and Friday to Eldorado, Bonanza, Hunker, Dominion, Gold Run.

SATURDAY, MAY 10, 1902.

\$50 Reward.

We will pay a reward of \$50 for information that will lead to the arrest and conviction of any one stealing copies of the Daily or Semi-Weekly Nugget from business houses or private residences, where same have been left by our carriers.

KLONDIKE NUGGET.



AMUSEMENTS THIS WEEK.

Auditorium—"The Girl I Left Behind Me," Orpheum—Burlesque and Vaudeville.

RAILWAY CONSTRUCTION.

All doubts as to the construction of the Bonanza railway have been removed by the definite announcement of the officers of the road that actual construction work will begin within the next two weeks.

Had the same enterprise been undertaken and carried to a conclusion two years ago, the development of the country would have been greatly hastened.

With prospects 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 value.

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 operator.

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 attention of the Nugget has been directed to the fact that the sidewalks and crossings leading to the A. B. hall are in an extremely poor condition.

The attention of the Nugget has been directed to the fact that the sidewalks and crossings leading to the A. B. hall are in an extremely poor condition.

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.

Persistent rumors continue to appear on the surface connected with the construction of the proposed railway from Valdez to the Yukon river.

Now that the royalty has been removed, many a conscience that has heretofore borne a heavy load at clean-up time, will be relieved of its burden.

The Sun says that "Pompeii was something of a town, although there seems to be no record of the fact."

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.

"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.

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

Each person zealous and willing the country to expand, Oh, land of future greatness, peopled from far and near

Where fragrant flowers flood the hills crowned by the midnight sun, With beauty as he lingers o'er the golden horizon,

Hear Billie Ask's end song. A. B. Minstrels, tonight. General admission \$1.00.

Brewitt, the tailor, wants to see you. Large stock of new goods. Prices reasonable. Old stand, Second avenue.

WANTED—Position for man and wife. Enquire Chicago Hotel. p-4-8

BOYS' CLOTHING

Suits, Shirts, Shoes, Stockings, Caps, &c.

J. P. McLENNAN, 233 FRONT ST. Phone 104-B

CASES WERE DISMISSED

No Evidence to Sustain Gambling Charges

Police Magistrate Macaulay Gives Interesting Judgment This Morning.

In the cases of the Northwest Mounted Police vs. Ovid Colombe, Jack Smith, Archie Grant, Charles Abbott, Clem Labor, Al. Hyde, I. J. Deschamps, and Tom Lamar, charged with gambling; and in the case of the Northwest Mounted Police vs. O. J. Binet, charged with allowing gambling on licensed premises, Judge C. D. Macaulay handed down the following joint judgment this morning:

There are informations laid against Ovid Colombe, Jack Smith, Archie Grant, Charles Abbott, Clem Labor, Al. Hyde, I. J. Deschamps and Tom Lamar, charging them severally with playing or gambling in a common gaming house, to wit: the Madden house on First avenue at Dawson on the 2nd day of May instant, contrary 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 about quarter to nine or half past eight o'clock on the evening in question he went to the Madden house and saw gambling wide open, and remembered noticing the accused (Ovid Colombe) running the roulette wheel; and that he went out and laid the information to the town station 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 doing. 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."

The next witness called on behalf of the prosecution was Corporal John S. Piper, who swore that he went to the Madden house on 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 gambling 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 complaint made by Joseph A. Clarke, he went to the Madden house in company with Corporal Piper and four constables. As he entered the room he saw the accused (Ovid Colombe) behind the roulette wheel. "There was one man at the table playing some counters or checks. As soon as we 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 faro 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 room."

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 Colombe case.

It is quite evident, in my opinion, that cards and other games were being played. A common gaming house is— "(a) A house, room or place kept by any person for gain to which persons resort for the purpose of playing at any game of chance, or at any mixed game of chance and skill; (b) A house, room or place kept, or used, for playing therein at any game of chance, or any mixed game of chance and skill in which (1) a bank is kept by one or more of the players exclusive of the others, (2) in which any game is played the chances of which are not alike favorable to all the players; including among the players the banker or other person by whom the game is managed, or against whom the game is managed, or against whom the other players stake, play or bet."

learned judge in deciding this case held that, as the evidence was not sufficient to show that the defendant realized anything from the proceeds of the game other than the moneys supplied for refreshments, it was not a proper case in which a conviction should be made.

The evidence in the above case was much stronger than the evidence in the several cases before me. There is no evidence before me at all to show that any of the games were being played for money, and consequently I cannot find the house to be a common gaming house within the meaning of the act.

By section 575 of the Criminal Code of Canada it is provided that the chief constable or deputy chief constable of any city, town, etc., may report in writing to any of the commissioners of police, or to the mayor or chief magistrate, or to the police magistrate of any such city, town, etc., or, if there be no mayor, chief magistrate or police magistrate, to any justice of the peace having jurisdiction, that there are good grounds for believing, and he does believe, that any house, room or place within the said city or town, etc., is kept or used as a common gaming or betting house as defined in part 14, sections 196 and 197, etc., and the said mayor, chief magistrate, police magistrate or justice of the peace may, by order in writing, authorize such chief constable, etc., to enter any such house, room or place and, if necessary, to use force for the purpose of effecting such entry, and to take into custody all persons who are found therein, and to seize, as the case may be: (1) All tables or instruments of gaming or betting, and all moneys and securities for money, and all instru-

ments or devices for carrying on a lottery (which latter does not apply to this case), and to bring the same before the person issuing such order or some other justice, to be by him dealt with according to law."

In case such precaution is taken and such house entered under such warrant as aforesaid, then, under sections 702 and 703 of the Criminal Code of Canada, "if any cards, dice, balls, counters, tables or other instruments of gaming, used in playing any unlawful game, are found in any house, room or place suspected to be used as a common gaming house, and entered under a warrant or order issued under this act, as aforesaid, or under the person of any of those who are found therein, it shall be prima facie evidence on the trial of a prosecution under section 199, that such house, room, or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments of gaming are found, were unlawfully playing therein, although no play was actually going on in the presence of the officer entering the same under such warrant or order, or in the presence of those persons by whom he is accompanied, as aforesaid."

Had such precaution been taken in these cases it would have then been in the power of the police magistrate under sub-section 3 of section 575 of the Criminal Code, to have confiscated the said appliances; and, furthermore, it would have shifted the onus from the prosecution to the accused to show that they had not been engaged in unlawfully playing the game as charged. That precaution not having been taken, in my opinion, the officers exceeded their

power, and the officers exceeded their

(Continued on page 6.)

ESTABLISHED 1898. ANGLO-AMERICAN COMMERCIAL COMPANY Standard Cigars and Tobacco, Wholesale and Retail At Right Prices. Fire Proof Sales Sold on Easy Terms. BANK BUILDING, King Street.

\$80 M. CURRENCY.

\$80 M. CURRENCY.

DOME CIGARS

\$1,000.00 Standing Offer To the person that will prove that this is not a genuine Long Filler Habana Cigar.

Beginning Monday, May 12, we will offer to the trade only in case lots containing 2,500 each

FREE

1 Box Horseshoe Tobacco, 1 Box Seal N. C. Tobacco, 1 Box Bull Durham Tobacco, 500 Vanity Fair Cigarettes, 500 Turkish Cigarettes.

This Cigar has been duly registered and any person or persons imitating this brand or part thereof will be prosecuted.

Townsend & Rose, FIRST AVENUE.

DOLLARS!

\$15.00 SUITS, \$18.00 SUITS, \$22.00 SUITS, \$25.00 SUITS

On Display in Our Show Windows. Best Material, Style, Workmanship.

N. A. T. & T. CO.