

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 \$3.00. Per month by carrier in city in advance 25. Single copies 25. Semi-Weekly. Yearly in advance \$2.00. Per month by carrier in city in advance 6.00. Single copies 25.

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TUESDAY, JUNE 3, 1902.

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KLONDIKE NUGGET.



AMUSEMENTS THIS WEEK.

Orpheum—Burlesque and Vaudeville.

PEACE AT LAST.

The final conclusion of peace in South Africa will be hailed with universal delight and satisfaction. The Boers have waged a prolonged and valiant struggle for what they have regarded as their rights, and as the under dog in the fight they have had the good wishes and moral support of a large portion of civilization. As warriors the Boers have shown themselves in every way worthy the steel of their opponents. They have fought like men to the last, and yield because they have come at last to a realization of the utter hopelessness of their cause.

There has been, however, much more involved than the question of the survival or absorption of a couple of small republics. The future of a large part of a continent has been hanging in the balance, it having been left to this war to determine whether Boer or Briton should be dominant in moulding the destinies of South Africa. The matter is now definitely settled, it being, as almost invariably occurs under such circumstances, a case of the survival of the fittest.

British energy, enterprise and progressiveness will take the place of Dutch sluggishness and conservatism and the work of redeeming Africa from the rule of savage beasts and equally savage men will soon be under way.

The terms under which peace has been brought about must be regarded as extremely liberal and well calculated to effect immediate restoration of tranquillity and ultimate harmony and contentment. The fact has been foremost in the minds of those who have been charged with the duty of conducting the peace negotiations that a moral victory must follow conquest in the field in order to realize the full fruits of the success that has been achieved. In other words, the task now confronts Great Britain of transforming the recently beligerent Boers into peaceable, law-abiding British subjects and that task involves difficulties which are at once obvious.

The favorable terms of peace offered will prove a long step in that direction. It will not be long before the Boers will realize that they have a better opportunity to prosper under representative British institutions than under the patriarchal system to which Oom Paul had accustomed them. Their language is to be preserved both in the schools and in the courts and they will be given a voice in the government as rapidly as they qualify themselves therefor. When time has removed the edge from the bitterness that must of necessity be the immediate result of the war, it may be anticipated that Great Britain will have in her new South African colonies a most valuable and prosperous possession.

Commissioner Ross is returning to Dawson at a time when his services are particularly needed. There are numerous improvements contemplated or in progress under government direction, and the guiding hand of the commissioner is necessary to their successful completion. In a general way the people of the territory have already been informed as to what has been accomplished for the territory since Governor Ross' departure, but they will be eager to hear all details at first hand. The general conviction that Mr. Ross has devoted his time and energies very largely to the promotion of the interests of the territory will accentuate the heartiness of the welcome which will be tendered him.

There is no occasion for any public alarm on account of the supposed case of smallpox discovered on the steamer Whitehorse. In sending the boat into quarantine the authorities have merely taken ordinary precautionary measures. It is not unlikely that the case will prove something other than the dread smallpox. Uncle Sam has a surplus of one hundred millions of dollars, and congress is devoting itself to the herculean task of disposing of it. When the session is ended that surplus will look very much like thirty cents. It is difficult to realize that Dawson has only recently emerged from a long and hard winter, but such is, nevertheless, the case.

Dance at Caribou

At last the Dominion ladies have an opportunity to dance in a hall where dances are given for a purely social purpose and where no liquor is on the premises. There are dances and dances on Dominion creek, but then—

Mr. John Sinclair has erected a large tent with a 30x40 floor and a hall is thrown open for social occasions that will be largely sought by the public who have long waited for such a function. The Caribou Social Club gave the first dance last week and a very enjoyable evening was spent. The music furnished by Max Lang's orchestra was excellent, the floor good and the crowd a jolly one. Among those present were: Mr. and Mrs. C. A. Morrison, Mr. and Mrs. E. A. Hering, Mr. and Mrs. Wm. Randall, Mr. and Mrs. Ed Van Wart, Mr. and Mrs. Chas. Murphy, Mr. and Mrs. H. Cotwell, Mr. and Mrs. Pritchard, Mrs. J. T. Yeager, Mrs. Ella Good, Miss Torkelson, Miss Crane, Miss Jervis, Miss Wilson, Miss Holmes, Messrs. Halliday, McGonigle, Crabb, Nicholson, Sinclair, Stone, Gordon, Stine, Gardner, Lewis, Walton, Bennett, Boston, Smith, Velburn, Kelly, Callaghan.

Protest Begun

In the gold commissioner's court this morning was begun the hearing of the protest of Henry Baatz and Arthur Lewin versus George C. Vickery and C. J. Gove, which is a contention as to the boundary line of creek claim No. 5 above lower on Dominion. Plaintiffs purchased this creek claim from Charles Lincoln, who had obtained a grant for it June 24, 1897. On Jan. 31, 1901, defendants recorded the hill claim adjoining the lower half of the right limit of said creek claim and plaintiffs contend that the survey of this hill claim overlaps their creek claim. Ice cream and cake served at Gandolfo's. 174

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CLARKE CASE YESTERDAY

Progress of Trial in the Afternoon

Chief McKinnon and Judge Macaulay Give Evidence at Length.

In the Clarke trial yesterday Hugh McKinnon was the last witness examined by the crown before adjourning for lunch. He testified to having been a resident of Dawson for the past fifteen months and that he was a preventive officer connected with the liquor service. He had seen various copies of the Klondike Miner and identified copies shown him by counsel. Witness' testimony was confined principally to the interpretation he himself in reading them had placed upon the various alleged libelous articles. That referring to the Woodside case and then to the Clarke case wherein the Miner had stated in the former it had required four weeks to render the judgment and in the latter the defendant had been railroaded through in five hours, the witness gave it as his opinion that the impression that the article in question intended to convey was that in the Woodside case the judgment was the result of calm and mature deliberation while the reverse was true in the Clarke case. The words "Oh, upright judge, but you have your limits," that is, the sarcasm and meant the opposite from what they implied; the latter part of the sentence he would not attempt to interpret. The "7-come-11 judgment rendered by Judge Macaulay and from the manner in which the expression was used he inferred that the writer of the article had meant to convey the idea that the judgment had been improperly secured through the influence of gamblers. The other expressions which were contained in the information and held to be libelous were also gone into exhaustively, the witness averring that the whole intent of them all was to cast discredit and reflect upon Magistrate Macaulay and hold him up to ridicule and contempt as having been purchased by the gamblers of the city.

In his cross-examination Clarke consumed about an hour and a half, both the court and counsel for the prosecution allowing him the most extraordinary latitude. Every effort was made to shake the evidence of Mr. McKinnon and cause him to place a different interpretation upon the objectionable sentences than that which he had already given. The word "bull-con" was dissected and shown to be a term used in derision and contempt. An effort was made to get the witness' opinion on the gamblers' judgment, but his lordship quietly said: "Mr. Clarke, we will not go into the merits of the judgment." During one rather warm passage at arms a man in the audience inadvertently allowed his enthusiasm to bubble over. His lordship heard the quiet remark made and quickly caught him that the court room was not a political meeting. "I see the man who just now has said 'hear, hear!' and I order him to leave this court at once. Mr. Sheriff see that that man does not return to this court room." And he went without a second invitation. A point that Clarke kept insisting upon was that his criticism was just, to which his lordship replied that he would like to see him make any such criticisms in Toronto or Montreal or any of the eastern cities as he had made here in the Klondike Miner.

"The whole tone of the paper," said the witness McKinnon upon the conclusion of his cross-examination, "is that money had been subscribed for the purpose of debauching the judiciary."

Clarke attempted to introduce the evidence taken in the gamblers' case in the police court, but it was not allowed. "I intend to show," said he with some warmth, "that money has been subscribed and partly paid over to others beside Macaulay." Mr. Congdon resented such statement and replied that while the defendant under the record as it now stood was not entitled to enter any plea of the truth or justification of the article in question, yet would he waive all objections in that line. Constable Lutes was called and proved the service of the summons in the Monroe case. Judge Macaulay, the complainant, was the last witness introduced by the crown. Is the police magistrate in Dawson for the Yukon territory and has been such since last September. Has received the intimation from several sources that he has been recently elevated to the territorial bench, his new appointment taking effect July 1. Had heard of the Woodside case and was the presiding magistrate in the Monroe libel case. Witness identified the information in the latter and made a brief resume of what had taken place in the gamblers' cases; the enlargements granted, the trial, argument and the judgment he had rendered. "Were you approached in any way by anyone or was any influence brought to bear upon you by any one which would affect that judgment?" "I was not and there was not," was the decisive reply. His lordship here interposed by stating such proof devolved upon the defense if it wished to verify the truth of the allegations made. "When did you last see Mr. Lewin?" "I saw him for the last time on either the 1st or 2nd of May, prior to the delivery of this judgment."

"Did you submit this judgment to Mr. Lewin or anyone else before it was delivered?" "I did not submit it to Mr. Lewin. I spoke of the matter to Mr. Justice Craig with whom I discussed several points of law. The day before the judgment was dictated I was in the library in this building where I met Mr. Congdon, Mr. Staepole and I think Mr. O. H. Clark, but nothing was said concerning the decision and no intimation was given as to what it would be. After I had dictated the judgment I met Major Wood that evening and told him I would show it to him as soon as it was completed. I also showed it to you (Mr. Congdon) and Mr. White, K. C., saw it on Saturday morning a few moments before it was delivered."

In his cross-examination Clarke sought to show that his criticism had been of the judgment rather than the man who had rendered it. "Had I thought for a moment," replied the witness, "that you reflected only upon my inability and incapacity I would not have laid this information and should now be on my way outside, but you have attacked my honor and integrity and I felt impelled to take the stand I have."

Clarke continually wandered away from the question at issue and though allowed the greatest latitude had to be called down every few moments by his lordship. He again attempted to produce the evidence taken at the gamblers' trial, tried to discuss the judgment rendered but in each instance the court refused to allow it. After one particularly exasperating round his lordship finally said: "Mr. Clarke, I am trying to treat you well and listen to you attentively and will do so to the end, but you must be respectful. I hold that you can not go into that evidence and that is decisive." Crown rested.

The first witness called for the defense was James Farewell a miner employed on I above, Bonanza. He has seen several copies of the Miner and has read the issue of the 17th. "What do you understand to be the meaning of the article criticising the '7-come-11' judgment? Does that convey to your mind any idea of dishonesty?" asked Clarke. After reading the article over carefully witness declared that the police magistrate's name does not appear in it at all and he saw no reason for thinking the article impugned Judge Macaulay's honesty. Clarke read further, that portion referring to the criminal kodak and asked the witness if he thought that referred to the judge or the method of procuring a warrant. "I can make no meaning out of it as there is no such a thing as a criminal kodak."

The remainder of the objectionable articles were also gone into, but the witness could not discover anything in them to take offense at or ruffle the dignity of anyone. He had picked up most of the information he possessed since coming to town and was positive he had seen nothing in reading the paper under discussion which reflected upon any particular judge.

Witness on cross-examination proved a run one and it required considerable diplomatic skill to secure his interpretation of "Oh, upright judge," etc. He thought the expression might be used in two different ways, in which event it meant that the judge was very proper in every way, or it might be sarcasm when the reverse might be true. Witness illustrated his views by indulging in several similes, using his lordship for the purpose. "Would it occur to you that some irony might be concealed in the words 'oh, upright judge?'" asked Mr. Congdon.

"What is irony?" Counsel explained the etymological significance of the word and brought the cross-examination to a close by asking: "Is there any danger of sarcasm or irony being lost upon you?" to which the witness refused to commit himself. Clarke announced that he had another line of defense to enter, into which might be quite lengthy and suggested an adjournment until the following morning, which was granted.

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The trainmen called the L. & N. "It was running north, and coming with the train were four men, down in the afternoon, in the afternoon at six. One train crew and the crew "Jotham" was seven, and had crossings on the days of the wood-burners. Son, was freeman Ira, was standing where all the H. Asa was seven, was the family his ingenuity, a great deal in the time when about he had the station could get from "So it came at "spell" any me which was conveyed for the father-eral-rather engterests, such a and positions in apartment. "Old Man" H ally, the chief er. Seth was 2, and the stat chairman of the whose duty it verty removed t are. We are now q what happened. "He broke out. The noon train station ten mi had backed to down opposite station. He o half a mile dow farm was clos morning noon a rangement exa time. Half an hour the morning he loading his pa cab and runni to the barn. the same. T smile and say Man" Hale wo gine to pull hi his harrow. Now on this just hoisting powder into came a clamor The village T Methodus bell followed, cling bell on the Co "Fire, boys engineer, runni rubber coat. cried to "Old Hoss!" "Old name for the Behind his fr ing his fire co et-box, As "Then Ira, o bolted out of running down "Tend the Ave!" he gas "Keep your a Asa was qu ing sole rui a look at the sprinkled fres beds of coals, till it breathe as slowly as when he vent "That fire he thought. A gone straight balloon-shaped knob. The kn som" into r convulsions in the upper Ten minute man came sh of the station He sprang o fairly stoppe under the wi "Here, Asa "Holler is sp As Asa cli ome call, he "Chief Fin flatter burr help on spec man." "That's ri selectman. As the me the selectm in the sawm tory, and th stern. The board plac and oil. A this side ar