

BONANZA BENCH LITIGATION

Affecting Claims on the Left Limit Opposite 7 Below

Injunction Prayed for by Plaintiffs is Granted and They Also Receive Costs.

From Friday's Daily. Gold Commissioner Senker recently rendered a decision in the case of Charles Lamb and H. I. Miller vs. A. Krober and S. T. Kincaid involving the bench and hillside claims, left limit, opposite 7 below on Bonanza. The judgment was for plaintiffs and is as follows:

"The defendant Krober staked a hill claim opposite the upper half, left limit, of No. 7 below discovery on Bonanza creek on the 22nd day of April, 1898. He prospected the ground until he moved his stakes about a 100 feet down stream, some time between the 25th of May and the 1st of June. He continued prospecting until the 20th of June, when he re-staked the same ground as that to which he changed his posts as above stated, and recorded on June 22nd.

"John A. Miller staked bench claim described as 250 feet square opposite No. 7 below on Bonanza creek, about 600 feet up hill, and bounded towards Bonanza by the Newman claim. "As to the location by Krober between May 25th and June 1st, I would not declare Miller's location invalid in so far as it conflicted with the Krober location, unless he showed clearly that he had staked the claim within 11 days before Miller staked. This he is unable to do, and he is uncertain as to the date on which he changed his posts, and from the dates he gives, it is likely that 11 days had elapsed before Miller staked, and there is nothing to show, either in the evidence or upon the records, that Krober applied for record before June 22nd. I think, therefore, the owners of the Miller claim are entitled to such ground as is included within his stakes as originally placed, provided it does not exceed that allowed by the regulations.

"The chief difficulty in this case is to come to a satisfactory conclusion as to the position in which Miller placed his location posts at the time he staked. Mr. Christie, a witness for the defendants, was the only person with him at the time he located, and these two gentlemen contradict one another both as to the position of Miller's up stream down hill post, and as to the post from which Miller commenced staking. Considering the evidence of the plaintiff Miller, and of Warren, Bowley, Newman and Barwell on the one hand, and of Krober, Sinclair, Christie, Ware, Kincaid and Jepson on the other hand, and taking into consideration the fact that the Newman claim had been staked, and it was the evident intention of both Christie and Miller to stake adjoining that claim on its up hill side (as appears by the description of the Miller claim), I have come to the conclusion that Miller used Newman's up hill posts for his down hill posts. As to which of these posts is Mr. Miller's initial post, we have only the evidence of Miller himself, and of Christie. They both decidedly differ on this point, Miller claiming that the up stream post was his initial post, and Christie on the other hand stating positively that the down stream was Miller's initial post. As both these witnesses contradict one another on this point, I must come to the conclusion that the post nearest discovery was his initial post.

"The gold commissioner then gave a description of the ground as it should properly be read and decreed that the survey made by Mr. Barwell should be changed in conformity therewith. The injunction is granted restraining defendants from encroaching on the plaintiffs' claim, and the plaintiffs are given their costs in the action.

Sunday Concert.

A feature will be introduced at the concert Sunday night which for novelty and uniqueness has not been equaled in Dawson. The Auditorium will be connected with the Hotel, and

aritan and St. Mary's hospitals and by means of a megaphone and an arrangement of transmitters the patients in both hospitals will be enabled to hear the music.

The program which has been arranged promises to afford an evening of splendid entertainment. The Sunday concerts are growing in popular favor.

QUIET IN POLICE COURT

Wage Cases Are Now Principal Matters at Issue.

There was not sufficient Christmas afternoon today to justify a session of the police court, consequently none was held.

At present the principal business in this court is of the wage class and in the majority of cases the directly conflicting evidence of but two men is all the magistrate, Judge Macaulay, has to guide him in arriving at a verdict. In many instances a man goes to work for another with no contract further than that he is to receive "going wages." He quits and asks for immediate settlement on a basis of \$5 per day and board. While the employer invariably contends that the rate was \$4 per day and board, payment to be made at clean-up. Not being able to arrange a settlement resort is made to the court, each man swears to his own story and they are usually as opposite as are black and white, and from the counter-evidence the magistrate is supposed to arrive at an equitable decision.

TO COMPEL TESTIMONY

New York Lawyers Fail to Bulldoze Secretary Hay.

Washington, Dec. 7.—There was an interesting and unusual proceeding today in the state department when attorneys representing parties to a New York lawsuit sought to compel the testimony of Secretary Hay. The case was an action for libel brought against a New York newspaper by Carl Fisher Hanson, a Danish banker, resident in New York, and it is involved Capt. Dirkefeldt Christmas. These persons were said to be interested as agents in the attempt to sell the Danish West Indian islands to the United States government and the publication, which forms the basis for the libel suit is said to have reflected upon their competency.

Some days ago Secretary Hay had notified that his testimony had been called for the defense before the United States court in New York, and today Clarence J. Hearn, counsel for the newspaper in question, appeared at the state department with United States Commissioner Frank I. Blackstone of this city, and a stenographer. Robert Honey of New York appeared as counsel for Hanson. The parties were received by Secretary Hay in the diplomatic room, the secretary being accompanied by Judge Penfield, solicitor for the state department, as his counsel.

The examination did not last long, in fact there was no examination in substance. The counsel for the newspaper attempted to propose some questions touching the negotiations that occurred between Secretary Hay and the Danish agents in 1899-1900. The secretary flatly refused to answer these and through Judge Penfield announced his reasons for doing so, that he had no personal knowledge of the matter at issue. Whatever knowledge he possessed had been acquired in his capacity of secretary of state and not as an individual. Moreover, the information sought to be elicited was a privileged communication to the government of the United States, and to make this public would be highly prejudicial to the interests of the country.

Having formally noted the secretary's refusal and the character of his answer the commissioner and counsel withdrew. It is their purpose to state the facts to the New York state court with a view to having the secretary of state brought before that court on a charge of contempt.

It appears that the same parties have examined, or sought to examine, Senator Lodge and Admiral Bradford, chief of the equipment bureau of the Navy Department, who has had much to do with the negotiations looking to the acquisition of coal stations by the United States government. It is gathered that neither of these witnesses gave any testimony material to the suit, Senator Lodge, it is said, never having heard of Hanson and Admiral Bradford being acquainted with none of the facts sought to be developed by the defense as bearing upon the alleged libel. Secretary Hay has had very little to do with the parties in this case. He saw Capt. Christmas for about five minutes on the occasion of that officer's visit to Washington, but Mr. Hanson he does not know. The officials of the state department feel secure in their position in resistance to the court's order, finding strong precedent for it in a controversy that arose between President Jefferson and Chief Justice Marshall over a similar application for a mandamus.

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NORTHERN COMMERCIAL COMPANY

We Have Everything You Need at the Right Prices.

HIGHEST PRICE PAID FOR RAW FURS

THE CONSIDINES AT IT AGAIN

Will Try to Resume Their Old Sway in Seattle

Slayers of Meredith Attempting to Get Into Politics Once More - Will Open Gambling House.

In the gambling and political circles of the "Fighting First" ward an upheaval is imminent which promises to shake to the very center the Honorable political faction and to end in a bright, red conflagration with gambling tools and accessories furnishing the food for the flames. John Considine, who killed Chief Meredith, but who was acquitted of the charge of murder, is planning to open a regulation gambling house over the Mug Saloon at the corner of Second avenue south and Washington street. Under the protecting wing of Mayor Humes, Considine proposes to again become a power in gambling circles in the First and has told his friends, it is stated, that he proposes to make a fight to get back all his old prestige.

It can be predicted with absolute certainty that Mayor Humes permits Considine to open immediately there will be the biggest gambling war in the history of this town. Considine's brothers are no longer regarded as members of the charmed circle that in times past has ruled the politics of the gambling business. Discontenanced by the boss gamblers and denied, it is said, even the poor privilege of being recognized as members of the green cloth fraternity, John Considine, it is stated, has determined to take the bit in his teeth and either compel the gamblers to permit him to run or else to resume his old tactics, organize a "Law and Order League," and generally conduct a campaign as he did when "outing" for the Post-Intelligencer in its last summer's crusade against the Humes regime.

The belief that the Considines will break into gambling again is general throughout the First ward. The story has been passed about from man to man for the past week and is given general credence. Moreover, it is known that H. Sutter, who now conducts a lodging house on the second floor of the building, in the basement of which is located the Considine theatre, has asked his landlords to allow him to lease the place for gambling. It was in this room that Considine conducted the "Owl" gambling house in 1898 and 1899. Before the organization of the group of gamblers who operate the Standard. Leading sporting men in the Fenwickton say that they are quite prepared for such a move on the part of John Considine, as is predicted in the foregoing. Said one of the best known gamblers today: "Considine cannot run gambling in Seattle without the consent of Mayor Humes. If he has that consent, I don't know what we are to do about it. But trouble will surely ensue. Considine has been a disturbing element ever since he first came to Seattle. His record is well known. He kept the gamblers in a continual turmoil as long as he was given power and influence. In his self defense the gamblers decided to cut him out and they do not want to see him back in the game again.

"The relations of the gambling interests to the administration and the city are now drawn to a delicate tension. Anything in the shape of Considine's tactics would cause an immediate war and a general closing of gambling. In fact, we have been looking for something of this kind ever since the Considine trial ended. I will not try to predict what will happen."

Mayor Humes refuses point blank to say whether or not he will permit the Considines to run. He said today: "I have never given any such permission to gamble in Seattle. I never cross a river until I come to it. I have instructed the chief of police to enforce the laws. I would not remove him if he absolutely annihilated gambling.

"The laws are being enforced. People who violate them are apprehended and punished as the law directs." The mayor would not answer point blank a question as to whether he would suffer the Considines to open gambling again. Chief Sullivan, however, has stated that he would not interfere to the harm of the Considine brothers if they complied with the "regulations." This means that the Considines will be given the same privileges and accorded the same favors as the police grant to other gamblers. It is a difficult matter to describe the feeling of apprehension that exists among the sporting fraternity of the First ward. They see trouble ahead at every turn. John Considine, they claim, is a menace to the peaceful relations that now exist among the legitimate gamblers. That these have banded together to get permanent rid of Considine as far as gambling is concerned is not denied by any one familiar with events of the last six months in the Tenderloin. Now, however, that Considine, claiming the protection of the mayor, threatens to declare himself in the boss gamblers' are at their wits' end.

THEY FLEECED TENDERFEET

How "Soapy" Smith's Men Worked the Shell Game.

A citizen of Seattle has furnished The Times a story of the early Klondike days, which goes to show, in one way at least, how the gambling fraternity lived, thrived and fleeced the public. The game worked in this particular case was an old one. It would hardly seem possible that men would bite upon such bait, and yet it was worked during the winter of '97 and the following one of '98. It was nothing more or less than the old time shell game. In spite of that fact two of the leaders, Al Whittier and Jimmie Dallas, left the Klondike in the spring of '98 with a cool \$80,000 each. They are now living in New York city on the fat of the land. Just what Jerry Daily, another partner, made off probably never will be known. These three men were all under the immediate supervision of the notorious "Soapy" Smith, who shot and killed Frank Reed in Skagway in a famous street fight. Reed also shot Soapy at the time, and the latter died from the effect of his wounds ten days later. But that is another story.

To get back at Whittier, Dallas and Daily, the men who worked the shell game, to say nothing of their bootleggers, are probably as well known in Western gambling circles as any men alive at the present time. They are good, hard-boiled, desperate. At all times are both ready and willing to lose their own skin. When the Klondike cash had run out they organized the police and backed by "Soapy" Smith put it into effect at once. The scheme was simply this: The bootleggers who followed the trail would go about the trail until they came to a rather rough place. They would then proceed to tell the trader the roadway. In case of this they would supply a liberal supply of sand along the roadway, thus making it impossible for a team to cross without assistance. If the trader crossed a trail they would raise a great hole in the ice and raise an alarm. They would then calmly back the appearance of the victim. In every instance all four doughs were secured. No sooner, however, than the trader was led to the "rough" place, the bootleggers and they always followed the trader would assist the trader and by the time over the sand the trader would be in the same place as the trader. With the trader's money in the same place as the trader, the man could offer no excuse for declining to pay. The bootleggers were grateful for the money and the trader would be on his way. After traveling a short distance to get to the trail, the trader was reached. As he was going to travel along the trail, the trader was by no means likely to get the stranger to stop long enough at the trail to see the bootleggers. The trader would be on his way again taken up. At call the trader would be in a good healthy condition of mind and it was certainly strange if the trader's money was not in the same place as the trader. The gamblers lived and slept along the trail. From time to time they would move from one section to another, wherever the field was the most fertile. They carried portable tents, stoves and provisions on their backs, and traveled for a period of two years. The bootleggers for the gang received the sum of \$15 a day and board for their trouble.

The Seattle man who furnished the story for The Times lived on the trail during those early troublous days. He says he has seen more than one man, fleeced out of every dollar he had on hand, and his life with a revolver on a table. He recalled to mind particularly one instance of an Illinois farmer, who worked by the traders had lost the savings of three years in Alaska at shell game No. 3.

WEATHER AND WIND

Considerable of Both Within the Past 24 Hours.

From five degrees below zero yesterday morning the mercury declined to 32 below last night, although it was colder at midnight by five degrees than at 7 o'clock this morning. A strong wind blew blowing from the north some time after midnight, which, with the sudden cold, made this morning a very disagreeable one. The wind continued to blow during the all day with a light moderate breeze in the afternoon.

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Read This

Get our competitors' prices. THEN SEE US! Money Talks, Bring It Along! Caledonian Scotch, 12 Years Old Old Hudson Bay Rum. Jamaica Rum. Holland Gin. Plymouth Gin. Old Tom Gin. WINES. Claret. Sauterne. Port. Old Sherry (Hudson Bay). All kinds of French Cordon Rouge CHAMPAGNES. Pomeroy's Mumm's. White Seal. IMPORTED CIGARS - can't be beat. Cigarettes - All brands.

THOS. CHISHOLM, AURORA.

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Business to Close

Watches left with me for repairs should be taken away before January 1st as I am closing the business.

ALBERT MAYER.

Holiday Discount Sale

This Sale Will Continue Until January 1, 1902.

Meyers' Special Stage For Whitehorse!

Regular Stage Every Thursday

FOR RATES AND INFORMATION APPLY TO

H. E. Meyers, - Frank X. Gowans, VICTORIA OFFICE: - FAIRVIEW HOTEL.

TELEPHONE No. 9.

The Silver Dollar Shovel

Will Wear Longer than any other shovel on the Dawson market. It has the proper crook in the handle to make shoveling easy. Once you use the Silver Dollar Shovel you will use no other.

Holme, Miller & Co.

With a trembling hand he played his last dollar and lost. His dog team and tent followed. Filled with the bad whiskey supplied by the gamblers, he was reckless to the point of desperation. When it was all over and the men behind the walnuts were calling for more victims, this man walked a few yards from the circle and pulled a 38 Smith & Wesson placed it at his temple and fired.

It was some little time before he breathed his last, and to the crowd of rough and ready miners who surrounded him he told his story. It was the same old story that no doubt has been told by many a man whose bones are the mile posts, as it were, that mark the road to Dawson. It was of a wife and two little ones, a boy and a girl born in the "Sunny fields of Illinois. It told of the hope that had first prompted him to brave the wilds of a foreign shore in search of that glittering rainbow which would bring prosperity and happiness to the ones he loved. For three years he had labored and lost. The refusal to divulge his name. As a stranger he came and as a stranger he died. He was buried where he fell by the Pioneer Saloon. No priest or minister was there to read the last solemn words over the dead, and a horrible sight, which the eyes of the world have never seen, was the scene which met the eyes of the men who followed.

Following this experience on the trail, "Soapy" Smith went to Skagway and there became mixed up in a gambling case which cost him and his companions the sum of \$2,500. During a heated quarrel the division of the war was called down to a chair where Frank Reed was on guard and he shot him. Reed was struck with a Winchester at the time and he died. The whole out short his career was over. The victim he fired the shot from which he was later buried in Seattle Times.

Don't fail to see the cartoons at the Pioneer Saloon.

Hot and cold lunch at the Bank Saloon.

A Christmas present will be given away to every child in the Klondike holiday week at Gandolfo's.

Joe Printing at Nugget office.

Of Interest to Miners!

Mr. G. P. Wells, who is in charge of the Machinery Department of the N. C. Co., leaves for the outside about January 8th for the purpose of ordering Boilers, Hoists, Engines, Pumps, and a full line of all necessary supplies for next season's shipment. We intend to bring in the largest and most complete stock ever carried in the Yukon district, our past experience making it possible for us to order just what is needed and what has proven most successful in working the mines of the Klondike.

Mr. Wells can be found at his office at our Hardware department, No. 245 Front st., and will be pleased to impart any information relative to the goods we expect to bring in for next season, or take any special orders to be executed while he is outside.

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OLD PAPERS

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25 Per Cent. Off!

On Gent's Furnishings, Dry Goods, Furniture.

N. A. T. & T. COMPANY.

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Holme, Miller & Co.

CHRISTMAS ON CREEK

From Every Hill and Dale Eldorado and Bonanza Creeks

COME REPORTS OF MERRY MAKING

and Celebrating in Honor of Christmas Time.

MANY FINE DINNERS SERVED

In Feasting, Dancing, Giving and Receiving Presents, the Day and Night Were

From Tuesday's Daily

one of the most successful seasons of the season was the Christmas given to Messrs. Humes and a number of their friends.

Evening the party was given by Mr. Humes and Mrs. Humes.

successfully passed the time in giving and receiving presents.

Miss Humes and Mrs. Humes were assisted by Mrs. Humes and Mrs. Humes.

Christmas on Lower Bonanza

Jack O'Connell and his friends were the guests of the evening.

Mrs. Humes and Mrs. Humes were the guests of the evening.

The Fall was a beautiful season for the recreation of the miners.

There were there. It was a grand both socially and financially.

On No. 245 Front Street, Dawson, Y. T.

Christmas Eve began with a fine dinner and exchange of gifts.

The guests were Mr. Humes and Mrs. Humes.

On the 25th of December the friends to spend the evening.

The Ladue Assay Office

Is prepared to assay all kinds of Rocks. We have the finest equipped assay plant in the Yukon Territory and guarantee all our work. Our Quartz Mill will be in operation and we make it possible to have the values of any free gold ore determined. Call and see our work.

HERE LOOK AT