

APPEAL IS SUSTAINED

Supreme Court Decides Favor of Crown

Royalty Rebate Cases Disposed of, Court Divided, Two Judges Dissenting.

The news received yesterday by special wire from Ottawa, published in the Nugget of last night, concerning the decision of the supreme court of Canada in the Chappelle, Carmack and Tweed, royalty cases proved quite a surprise to the people of the city interested in the cases, particularly Mr. Falcon Joslin, who is representing the complainants. The cases arose, as will be remembered by those who were here at the time out of the alleged illegal collection of royalty during the summer of '98. The royalty regulation was not put into force and was not passed until late in the fall of '97 at which time the claims being operated were held under a grant issued by the government in which there was no reference to any royalty and which expressly stated that the owner of the ground which was covered by the grant was entitled to all the gold which he took from his claim. Notwithstanding such terms as were expressed in the grant during the summer of '98 royalty at the rate of ten per cent. was collected upon the gross output of every claim then being operated. As that was the time when Eldorado and Bonanza were in their prime, wages were \$1.50 an hour and the miners took but the cream of the paymaster the cleanups were something enormous, considering the number of men working. Wm. Chappelle paid royalty under protest to the amount of \$12,660; George Carmack paid \$15,000; Tweed, \$4000 and others in like amount.

In every instance the royalty was paid under protest and in certain cases was collected with a little difficulty, as the miners considered they had the law with them. After looking into all the legal phases of the situation, in '99 suits were filed against the crown demanding the return of the sums thus taken. In addition to the three suits in which a decision has just been rendered a great many others were begun but were never argued, as it was determined that as all were alike the precedents established in one would suffice for all.

The first trial was held and the suits were begun in the exchequer court at Ottawa, Messrs. Lewis & Smellie, well known barristers, appearing for the plaintiffs. In that court a favorable decision was received, Chappelle and the others recovering judgment for the full amount prayed for. Then the government appealed to the supreme court, the argument was heard two or three weeks ago and with the result as just stated. The case was presented before the full court, three of whose members found for the crown, sustaining the appeal, and two dissented. The contention of the attorney-general for the crown was briefly as follows:

"The crown contends that the monies were paid by the suppliants with pursuit of an obligation either existing or implied or admitted by the suppliants and the officers of the crown to whom the payments were made, and if there was a misapprehension it was a misapprehension of law and the suppliant was not entitled to recover the money."

Mr. Joslin when seen in regard to the decisions said: "Yes, I have heard of the judgment of the supreme court in those cases, having just had a wire from our solicitors located at Ottawa. From my wire, however, I can not tell exactly just how the matter stands, but apparently the appeal is sustained with a portion of the claims allowed, but in what amount I am unable to say. The matter is somewhat complicated and there are many questions involved and it may be impossible to understand the decision fully until we have received a copy of it. I am wiring now for fuller particulars and will probably know more about it later on."

The complainants still have the right of appeal to the privy council of England, but whether such steps will be taken or not Mr. Joslin is undecided.

Just received large stock of caribou, moose and other game at Bonanza Market.

REDUCTION OF FEES. I shall advocate the reduction of fees, which, I think, may now be safely done without impairing the revenues. — James Hamilton Ross.

PULLED A SLED.

Sidewalk Ordinance is Violated and Vengeance is Swift.

George Fedeloff has been out of town for several months and was not aware of the existence of the city bylaw prohibiting the hauling of sleds on the sidewalk. Yesterday he was observed on the walk on Third avenue struggling along with a hand sled on which was a small engine weighing about 500 pounds. He was notified to appear in court this morning and upon his lordship learning the facts in the case he was dismissed with a caution.

Fedeloff is a Russian who has been inside since '98, and is one of the most expert machinists and mechanical engineers that ever struck the Yukon. For many years he was a trusted employee of the Union Iron Works, of San Francisco, and assisted in the building of the United States cruisers Baltimore, Charleston, and many others.

STABBED HER RIVAL

Jealousy the Cause of a Terrible Murder

School Teacher Stabbed by Wife of Tobacconist—Victim Is Dead.

Rochester, N.Y., Nov. 18.—One of the most sensational murders in the history of Rochester was committed this morning at No. 543 Court street. The victim is Miss Florence McFarlin, a music teacher. Mrs. Lulu Young, wife of Frank Young, formerly a tobacconist, has been arrested, as it is believed she committed the deed. She attacked Miss McFarlin at the door of her house and pursued her through the hall into the kitchen, where the teacher stumbled and fell. Her pursuer then stabbed her with a knife. The number of wounds inflicted is five. The only words the woman who did the killing was heard to utter were:

"She came between myself and my husband, and I'm glad she is dead."

Receivers Assume Control

San Jose, Oct. 15.—Another attempt is to be made to wind up the affairs of the California Cured Fruit Association. Today circulars were issued and mailed to the 2,700 members requesting a vote in favor of dissolving the association by placing it in the hands of W. P. Lyon, E. T. Pettit and C. W. Childs, who are named as receivers.

The association was organized on the basis that eighty per cent. of the growers of the state would become members of the association, but only about two and one-half per cent. of the growers delivered their fruit to the association last year. The contract between the growers and the association expired in 1901.

By failure heretofore to obtain a meeting of the members the latter have lost control and supervision of the officers and of the business of the association, hence the move to place the association in the hands of receivers. Each member is asked to sign a card agreeing to the appointment of the gentlemen named as receivers. A two-thirds vote or the signatures of 2,500 members is necessary.

Coaling American Fleet

Kingston, Jamaica, Oct. 30.—The United States collier Leonidas, with 2,000 tons of coal on board, towed a barge to Port Antonio yesterday from Havana and is now transferring her coal to the barge, which will remain at Port Antonio for the purpose of coaling the American fleet of warships during its coming maneuvers.

Arrangements are making at Port Antonio for the reception of the fleet early in November. Much significance is attached locally to the selection of a British port as the headquarters of the operations of the fleet.

Ladies' skating skirts, underskirts, waists, etc., at Lueder's.

SUED FOR HIS WAGES

Alfred Swanson Yumped His Yob

When He Found He Could Only Make His Board at Cutting Wood at \$3 Per.

There was a wages case in court this morning in which a Swede sued a Finn for \$70 which he alleged to be due him for cutting wood. Alfred Swanson was the plaintiff's name. He came inside in June of this year and meeting Newhall, the defendant, whom he had known on Hunker with him, that being the residence of the defendant. That much and a few other facts came out in the preliminary sparring. Then his lordship decided to probe deeper into the case. Swanson took the stand and held the book tightly in both hands as though he feared it would get away from him. When he kissed it he did so with a smack that reminded one of the noise made by a fat steer putting its hoof out of the mud. And he proceeded with his tale. He had worked a little here and there and had carried wood and water for the wife of Newhall on the claim, receiving a meal now and then for his valued assistance. He and his partner had undertaken a contract to cut wood for Newhall at \$3 a cord, their board to be charged at the rate of \$2.50 a day. After laboring thirteen days and finding they were making only their board they threw up their 'yob.' It was for work done at that time that the present suit was brought.

Newhall took the stand and as an offset presented a bill that showed Swanson to be still in his debt instead of the reverse. He was charged with 26 days board, laundry \$2, and an axe \$2.50.

It came out, however, that the bulk of the board was for the time Swanson had spent while cutting the wood and he was informed by the court that he could not collect that until settlement had been made for the wood cut. Newhall could not realize any money on the wood until it had been delivered and he did not know what to do about it. He owed the bill he was willing to pay it but could not just as the present moment. He said he never beat a man out of his wages in his life and there was no doubt of the truth of his statement. Swanson was given judgment for \$68 and the defendant was told that when he made settlement he could deduct the amount that was owed him for board. The time of the payment of the judgment was left to be arranged between the parties and they left the court together as though nothing had happened to disturb the serenity of their friendship.

SUES FOR DIVORCE

Wife of Molineaux Will Take Action

Is Now in South Dakota Making the Necessary Arrangements.

Sioux Falls, S.D., Nov. 18.—Mrs. Roland B. Molineaux gave out in her own handwriting the following statement: "It is true I am here at Sioux Falls for the purpose of instituting divorce proceedings. I have no plans except I shall be a resident here for the next six months."

Senator Kittredge, her attorney, has enjoined her not to talk further to the newspapers. "Did you ever stop to think my love," said Mr. Micawber, gazing at his plate of lobster salad, "that the things we love most in this life are the very things that never agree with us?" "Will you be so kind, Micawber," said Mrs. Micawber, straightening up, "as to tell me whether you are speaking of the salad or of me, sir?"

OPENED NOV. 18th. I shall advocate an assay office operated in conjunction with the quartz mill where ore may be tested free of charge.—James Hamilton Ross.

WIRE IS DOWN

Terrific Snow Storm is Raging South of Hazelton.

The Dominion telegraph line went down this afternoon at some point south of Hazelton in British Columbia. The operator at the latter point wires the information that a terrific snow storm is raging to the south and is quite likely that communication will be interrupted for some time. Hazelton is about 500 miles south of Atlin.

Mistress (a widow): "Well, Johnson, I'm sorry you're going to leave me, but you're very fortunate in having this money left you. (Pleasantly.) I suppose you'll be looking for a wife now?" Johnson (the butler): "Well, really mam, I feel very much honored by what you propose, but the fact is, I'm engaged to a young woman already."

ARBITRATION COMMISSION

Brings Out a Large Crowd of Spectators

McVeagh and Mitchell Engage in a Heated Controversy—Will Last Weeks.

Scranton, Nov. 18.—Another large crowd was in attendance today at the arbitration commission. President Mitchell, who has been on the stand since Friday, resumed his cross-examination by Wayne McVeagh. At the present rate of progress it will take many weeks to hear both sides of the controversy.

McVeagh and Mitchell engaged in a warm colloquy regarding the personal freedom of the workmen. Mitchell said there are no anarchists in the union, and asserted that his union had never expelled a man because he belonged to the national guard, nor had any other national union. A little union had done so and the fact was heralded all over the country, but he was not responsible for other unions. With this McVeagh finished the examination. For the first time since the hearing began the members of the commission questioned President Mitchell at some length. Just as recess was announced W. Ross, counsel for the Lackawanna road, began his examination of Mitchell.

John T. Lenegan, counsel for the non-union men, handed the commission a list of 2000 non-union men as his authority for appearing. He did not wish the names to be made public at present, but Chairman Gray said that everything filed was a public matter.

Train Wreck Brings Death

Visalia, Oct. 30.—Two excursion trains en route to Visalia tonight from Dinuba and Porterville, collided on a "Y" at Exeter, twelve miles east of Visalia. The rear end of the Dinuba train crashed into the Porterville train, telescoping the caboose next to the engine, and killing instantly Hilton Graef of Porterville, aged fifty years.

A. O. Miller, Emmet Dunham, Miss Anna Thornton and Walter Billings of Dinuba and Frank Arnold of Tarusa, who were seated in the rear car of the Dinuba train, were seriously but not dangerously injured. The excursionists were on their way to Visalia to attend a Lane political meeting. The trains, however, returned to Dinuba and Porterville without coming into Visalia.

Physicians from Tulare, Visalia and Porterville went to the scene of the wreck to attend the injured. The Dinuba train was backing on the north track of the "Y" and crashed into the Porterville train, headed west on the south track of the "Y." Several cars were derailed and the caboose was smashed to pieces.

FOR SALE—Very cheap, interest in creek claim No. 143 below lower on Dominion. Inquire E. C. Stahl, this office. At Auditorium—"Men and Women"

ONE WAY OF COLLECTING

Wouldn't Pay and So He Smashed Him

Cost Adam Hicks \$15 and Costs for Poking a Customer in the Nose.

Daniel Delaney was in police court this morning with a face that looked like a pound and a half of hamburger steak. One of his lamps was beautifully tinted, both the upper and lower halves being badly swollen, while on the left limit was an abrasion as large as a four-bit piece. Adam Hicks, of the firm of Hicks & Thompson, he said, was the person guilty of prospecting his face and the incident occurred yesterday. On being called to the stand Delaney told how it happened. It was over a disputed bill which Hicks had endeavored to collect in a peaceable manner and afterward resorted to more forcible means. They had met on the old S. Y. T. dock and Hicks had asked the complainant if he intended to settle that bill. The latter had replied that he would as soon as it was made right, claiming that the amount with which he was charged was incorrect. What followed the witness did not exactly know, but when he picked himself up he knew he had had it handed to him. Hicks explained that Delaney had run a bit at the barn of which he is the part owner. He had taken his team out on the pretext that he was going to load up but had failed to return. He was again in town a few days later when he stopped at another barn and yesterday upon being asked for the amount of the bill he had walked off without giving the collector any satisfaction whatever, in consequence of which the witness had slapped his face.

"Yes, and judging from the look of his face you did a great deal more than 'slap it,'" said his lordship. "There are other ways of collecting a bill than by appealing to brute force. You should have come here and you would have received all the satisfaction you required." Mr. Hicks was assessed \$15 and costs or twenty days, and he walked up to the desk and settled with the cashier with a serene smile of satisfaction secured, though the bill remains unpaid.

Joe the Candidate

Father, who travels the road so late? 'Tis "Benefit Joe," the candidate. Fit example for human woes. Early he comes and early he goes. He greets the women with courtly grace. He kisses the baby's dirty face. He calls to the road the miners at work. He bores the merchant, he bores the clerk. The blacksmith, while his anvil rings. He greets, and this is the song he sings: "Howdy, howdy, howdy do? How is your wife, and how are you? Ah! It fits my fist as no other can! The grimy hand of the mining man!" JAS. MADDEN. Adams Hill, Nov. 18.

Makes His Report.

Washington, Oct. 20.—The report of General George B. Davis, Judge Advocate General of the Army, shows that during the year ended June 30th nineteen commissioned officers have been tried in court-martial trials. Of these six have been acquitted. Two cadets have been tried and convicted. The number of enlisted men convicted was 4,854, the sentences in 158 cases being disapproved and 430 cases resulted in acquittal.

The number of men sentenced to dishonorable discharge was 2,645. Death sentences were imposed by court-martial in eight cases at enlisted men.

Curlers to Meet.

There will be a general meeting of the Dawson Curling Club on Friday evening at 8.30, at the association rooms.

LOCAL ASSAY OFFICE. I shall advocate the establishment of an assay office in Dawson, where miners may obtain full value for their gold.—James Hamilton Ross.

ANOTHER VICTIM

Driven to Drink While Waiting for His Wages.

John Kearns is another of the famous wood contract victims who has been driven to drink while waiting for his wages. He was in the police court this morning charged with having been drunk and disorderly last night. An officer came across him on First avenue and warned him to go home, but home was the last place on earth he wanted to go to at that time. Twice again he was warned and when he became abusive to the police he was gathered into the fold. This morning he remembered nothing about it. The records showed that he had been up on October 29 for just a plain drunk and he pleaded in vain to be given just one more chance.

"You must learn that you can not make threats with impunity nor can you abuse the police," said his lordship. "I shall fine you \$5 and costs or ten days at hard labor and I hope you will not be back here again. It will cost you more next time."

Tarred and Feathered.

Topeka, Kan., Oct. 17.—Two hundred enraged residents of the little town of Longford and that vicinity made kindling wood of Bob Riseman's saloon there last night and tarred and feathered Kate Walker, a young woman who lived in the place. The raid was very similar to those which became popular two years ago when Carrie Nation was smashing the Kansas joints. However, Mrs. Nation and her followers never molested the women in any of the cities and towns in which she operated. The two hundred people closed on the place from all sides and there was no chance for the inmates to escape. Riseman made some resistance when the leaders of the mob attempted to go behind his bar, but he was overpowered and badly beaten. After the place had been thoroughly searched, the contents, amounting to twenty-five cases of beer and several gallons of whisky, were carried out and destroyed.

While the men were carrying the supply outside, the women in the mob busied themselves stripping the Walker woman preparatory to tarring and feathering her. She screamed and begged for mercy but her efforts were of no avail against the combined strength of the women. The tar which had been brought along by some of the crusaders was heated outside the building and notwithstanding the pleadings of the wretched woman it was applied while still too warm to be comfortable.

After a liberal coat of tar had been applied the women tore apart pillows and feather beds, which they had brought with them, and the Walker girl, who was now in a fainting condition, was smeared with feathers from head to foot. The men took very little part in this work and no tar was applied to Riseman. The clothes which the Walker woman had worn were replaced on her and she was assisted to return to her room.

The frame building in which the saloon had been was then overturned and literally smashed into kindling wood. Riseman was not tarred and feathered, as the members of the mob appeared to attach the responsibility of the lawless character of the place to the woman.

Longford is in the midst of a wealthy farming community on the Atchison, Topeka and Santa Fe railroad in Clay county.

St. Andrew's Meeting

A meeting of St. Andrew's Society will be held tonight at 8.30 in the board of trade rooms, N. C. office building. The date upon which the annual ball of the society will be given is to be decided and other important matters will come before the meeting. Every member of the society is urgently requested to be present.

LOST—Silver fox muff. Finder please return to Nugget office.

Get Ready for the Ball. We have a complete stock of FULL DRESS AND TUXEDO SUITS, DRESS SHIRTS, HALF HOSE, NECKWEAR, ETC. SEE WINDOW DISPLAY. Northern Commercial Company

Mark Your Ticket Thus: JOSEPH ANDREW CLARKE, 1 of the City of Dawson, Stenographer. JAMES HAMILTON ROSS, 2 of the City of Dawson, Gentleman.

TIME CHECKS WANTED. The men who worked upon the Henning wood contract on the Klondike river will please take their TIME CHECKS to Mr. H. W. Newlands at the Administration building at once. Settlement cannot be made by him until all the time checks shall have been handed in.

AMES MERCANTILE CO. O. V. H. Scotch Whiskey, \$20.00 Case. Walker's Imperial Rye, \$20.00 Case. Pabst Milwaukee Beer, \$37.50 Bbl. OUR O. V. H. SCOTCH IS TEN YEARS OLD. Our Bulk Liquors Are the Best. WE GIVE YOU STRAIGHT GOODS.

Vote for THE RIGHT MAN DAWSON HARDWARE CO., Ltd. And Buy Your HARDWARE AT THE SECOND AVENUE