

THURSDAY, MARCH 6, 1902.

SPECIAL MEETING

City Council Held Last Night

When Finance Was the Principal Topic for Consideration and Discussion.

The special meeting of the Dawson city council last night the members were confronted with the first scene in the drama of the closing of the State Bank of Elkhart was enacted this afternoon, when Frank W. Cotter, cashier, whose alleged shortage caused the closing of the bank, blew out his brains. He leaves a widow and five sons. He had been cashier of the bank a number of years.

His Finale

Special to the Daily Nugget.
Springfield, Ill., March 5.—Another scene in the drama of the closing of the State Bank of Elkhart was enacted this afternoon, when Frank W. Cotter, cashier, whose alleged shortage caused the closing of the bank, blew out his brains. He leaves a widow and five sons. He had been cashier of the bank a number of years.

Montreal Sued

Special to the Daily Nugget.
Montreal, March 5.—This city was sued today for \$10,000 damages. Madam P. P. Bourque brought the suit, claiming that her husband's death resulted from the unsanitary condition of the city hall, where he was employed.

ANOTHER PRODUCER

Conglomerate to Have a Cleanup

Twelve Claims Now Being Worked Four of Which Are Taking Out Dumps.

Miners on Conglomerate creek are feeling jubilant this year over the finds so far made, according to the reports brought in by several who have recently arrived in the city for additional supplies. A. F. Stowe, for whom the tributary known as Stowe creek was named, was in town yesterday and gave a Nugget representative some interesting information concerning the development now going on. Stowe creek, it will be remembered, was that portion of Conglomerate, or rather one of the forks, which has been declared in the gold commissioner's court to be the main stream rather than a tributary, the numerous contests having been brought about by a number staking on both streams upon the assumption that one was a tributary of the other.

According to Mr. Stowe, who, by the way, is a partner of Alex Brown, familiarly known in town as "Brownie," there are 12 claims on Conglomerate being worked this winter, on four of which—16, 20, 22 and 35—dumps are being taken out for spring sluicing. The best pay located so far is on 3, owned by Turner Bros. They have five feet of gravel that will pay to hoist and are very well satisfied with their outlook. There are at present two steam plants on the creek, a number, however, that will be increased to fully a half dozen before the end of the month, as several are now en route to the creek.

Messrs. Stowe and Brown are opening up No. 3. They are sinking on the side hill and are down 33 feet and though not yet to bedrock have already very good prospects. Alex Postages owns 31, which he expects to prospect this summer. One thing the miners of Conglomerate will never be bothered with and that is a conflict with the hillside men over boundary lines. The creek was staked under the new regulations which definitely fixes the size of the claims as extending 1000 feet on each side of the creek, each claim, if full, being 250 feet in length up and down the creek and 2000 feet wide. There is an abundance of water in Conglomerate and nearly all the claims now working will continue throughout the summer, hoisting and dumping direct into the sluice boxes.

Send a copy of Goetzman's Souvenir to outside friends. A complete historical history of Klondike. For sale at all news stands. Price \$3.50. Kelly & Co., Leading Druggists.

JUDGEMENTS ARE GIVEN

Litigation on Lower Dominion

Involves Creek, Hillside, and Benches in the Second and Third Tiers.

Gold Commissioner Senkler yesterday rendered three decisions in cases heard by him the previous week. Two were over ground located on lower Dominion, one being the case of Miles N. Miles vs. Louis King, Arthur James, Felix Boucher, George Laparrie, P. Sutherland and Edmund C. Tevet and concerned the upper and lower halves of creek claim No. 235 below lower, the hillside adjoining on the right limit and the benches owned by the several defendants. The gold commissioner's decision was as follows:

"The defendants' claims were first advertised under a survey of Mr. Rinfret, D. L. S., on July 13th, 1901, and protest was filed by the plaintiff on the 27th day of September.

"On the 25th of March, 1901, Edward Spencer transferred by bill of sale an undivided one-half interest in the Cuthbertson, Johnson, Thompson and Gould hillside claims opposite the right limit of 234 and 235 below lower discovery to the plaintiff Miles. This bill of sale was not filed in the mining recorder's office until January 11th, 1902.

"A grant of a placer mining claim is issued subject to the provisions laid down in the mining regulations. Section 35 of the placer mining regulations allows a free miner to dispose of his interest upon a certain condition being performed, that is, upon recording the transfer in the mining recorder's office. Until this transfer is recorded the transferee can not be recognized as having disposed of his interest. In this case Mr. Miles did not become an owner in this property under the regulations until January 11th, 1902, the date upon which he recorded the bill of sale from Edward Spencer to himself. He had no right or status upon which to bring this protest until January 11th, 1902. This was long after the twelfth successive issue of the Yukon Official Gazette containing the advertisement of the survey against which this protest was brought.

"The position of the location posts of the plaintiff's claims at the time were staked is difficult to determine. They were staked under the direction of Mr. Maddocks. Mr. Maddocks states that he commenced from a point marked 'A' on exhibit 'B,' (this point being beside the stream of Dominion about the middle of claim No. 233) and measured at right angles to the base line 1000 feet up hill; that he commenced to stake from that point, and his hill claim locators staked down stream parallel to the general direction of the stream. His evidence is corroborated by Andrew Lassen, Harry Gould and Hiram Hedger.

"For the defense, Cote, D. L. S., produces a plan showing where he found stakes admitted to be the original stakes of the hill locations under which the plaintiff claims the ground in dispute. These stakes were found by Mr. Cote close to the base of the hill, some distance from the ground in dispute, and the question is, were the posts moved to the base of the hill from a position closer to the creek, where they would cover the ground in dispute. Lassen, Cuthbertson and Johnson, all say, after examining the posts where Cote found them, that they were moved about 1000 feet from where they were originally placed. In answer to this the defendants bring George Barnes, Wm. Glazier, Duncan and Alexander McPherson and John Zimmerman, who state they saw the posts close to the base of the hill during the two days following the staking. Duncan McPherson was one of the stakers along with Maddocks, and states that they started locating down stream from an old survey post of Cautley, D. L. S., opposite creek claim No. 232. This post is shown upon Mr. Cote's plan, (exhibit 'L').

"I am of opinion from the evidence that the posts of the Cuthbertson, Johnson, Thompson and Gould claims were in the position shown upon Mr. Cote's plan. I must find that the locations in which the plaintiff claims interest do not cover the ground in dispute. The protest is dismissed with costs."

In the other Dominion contest referred to the parties to the action were Lars Netland, John Korbo and John Peterson vs. Mrs. Mary Morris.

son and Robert Durney, the ground involved being creek claims 232 and 232a below lower and the right limit hillside and second and third tier of benches adjoining. The following is the decision:

"Claim No. 232 below lower discovery on Dominion creek was located by one Tackaberry, and recorded on January 25th, 1896, and the ground was subsequently sold to F. A. Thordike. On Nov. 16th Thordike sold the whole claim to defendant Robert Durney, and Robert Durney sold an undivided one-half interest to the defendant Mary Morrison on Feb. 22nd, 1901. A plan of survey for publication was filed on June 20th, 1901, said plan being made by Mr. Barwell. The plaintiff John Korbo staked the upper 100 feet of the claim as shown in said survey by Mr. Barwell the 11th day of May, 1901. He obtained under section 35 of the placer mining regulations a grant for a fractional hillside claim 100 feet wide adjoining the 100 foot creek claim fraction staked by himself on May 14th, 1901. The plaintiff Lars Netland staked a bench claim adjoining said hillside claim in the second tier on May 15th, 1901, and obtained a grant therefor on May 20, and the plaintiff Peterson staked a bench claim adjoining the Netland bench claim in the third tier, and obtained a grant therefor on May 20, 1901. All these claims conflict with claim No. 232 as surveyed by Mr. Barwell. This protest was filed on the 20th of September last. It appears that not only the three plaintiffs, but Mr. Rinfret and Mr. Green have interests in the fractional claims referred to.

"Mr. Rinfret was employed by the defendant Mary Morrison to survey this property, and he went to Dominion creek for that purpose during the month of May last year, being assisted in the survey by Mr. Netland. Two location posts were found by them, both marked on the plan filed herein. One was an old location stump partly buried, and had evidently been on the ground some time; and although Mr. Rinfret states that there were some pencil marks on this post, there was no location notice whatever. A few feet away from this post, in an up hill direction and slightly down stream, was found a post with Mrs. Keiner and Mrs. Morrison's name marked on one side of it, and Mr. Thordike's on the other.

"It subsequently appears by the evidence of Mr. Short that these notices were placed there by himself and another who were doing representation work on behalf of Mrs. Keiner and Mrs. Morrison on No. 231. The post was made by Mr. Short and was placed there for the purpose of defining the line between claims Nos. 231 and 232, on measurements made by himself from a location post he considered was the lower post of No. 232; but he never saw any post that he could identify as the original location post dividing these two claims.

"The only other evidence the plaintiffs have as to the original position of the lower post of No. 231, is of a post a short distance down stream from the two posts referred to and marked No. 4 in the exhibit filed with the evidence of Mrs. Keiner. This post had certain relocation notices upon it, but there is no evidence to show that it was used by the original locators.

"If this were a contest between two original locators who had staked about the same time, some weight might be given to the evidence as to the two posts marked 3 and 4 respectively on Mrs. Keiner's plan; but in this case Mr. Rinfret was employed by Mrs. Morrison to make a survey something over three years after claim No. 233 had been staked, and I am of the decided opinion that he was not justified in coming to the conclusion that there was a fractional piece of ground lying between claims Nos. 231 and 232, as we have absolutely no evidence of the lower original locator of claim No. 232, and no evidence of the lower original post of No. 231. Plaintiff's case is dismissed with costs."

The third case in which judgment was rendered was that of Peter H. Golden vs. Dan W. Truitt, the protest being over No. 30 on Conglomerate creek. The gold commissioner says:

"According to the defendant Truitt's evidence he staked claim No. 30 on Conglomerate creek on September 19th, 1901, and obtained a record therefor on September 23rd. The plaintiff Golden brings this protest against the defendant claiming that the defendant did not actually stake the ground in question on the 19th of September. Mr. Golden states that he was on the ground in question on the 22nd of September, and that the posts used by one McKenzie, who staked the claim some time prior to September 19th, did not have Truitt's location notice on them; and he saw no other location notice of Truitt on the ground on that day, although he searched the ground thoroughly. In this he is corroborated by Mr. Elliott, Mr. Story and Mr. Mitchell.

"The defendant swears positively

that he went over on horseback to Conglomerate creek on the 19th of September; that he stayed at Hartley's roadhouse on the way, and that he met one T. B. Allen at No. 23 on Conglomerate, and went with Allen up to No. 30 when he staked. Mr. Stowe swears that he saw Truitt on the 19th of September on No. 22 Conglomerate. The defendant and his witnesses were not shaken materially on cross-examination, and I must believe their story. There is a possibility of the plaintiff and his witnesses having missed the location notices of the defendant when they examined the ground on the 22nd Sept.

The plaintiff's protest is dismissed with costs.

Bank Dyanited

Special to the Daily Nugget.
Montgomery, Ind., March 5.—The First National Bank of Montgomery was dynamited and ten thousand dollars in cash and bonds stolen last night. Citizens heard five explosions but feared to attack the robbers.

Street Car Combine

Special to the Daily Nugget.
San Francisco, March 5.—The street car services of San Francisco have amalgamated with \$10,000,000 capital. The incorporators are Geo. E. Starr, G. H. Whitefield, Wm. Abbott, George K. Ford, and Chas. P. Gale.

Strike Ended

Special to the Daily Nugget.
San Francisco, March 5.—After nine and a half months the strike of the iron workers of this city to enforce a nine-hour day came to an end today. Two-thirds of the members of the union voted to allow members to return to work.

NOT ON THE SCHEDULE

The Fall and Rise of the Youngsters

Two Curling Games and What Happened at the Rink of the Old Timers.

There were two curling games played last week on the N. C. rink that do not appear on the official score book of the bonspiel, the result of at least one of which was a complete surprise party to the contestants, the victors as well as they who went down in such ignominious defeat. Among the curlers this season are a number of gentlemen who are receiving their first lessons in the peculiarities of the "out" and "in turns," and these the older players have dubbed the "chechaos," "greenhorns," and other equally facetious sobriquets. Now, it so happened that last week several of the "chechaos" in a fit of madness issued a challenge to play any rink in the city, no matter who or where they hailed from or whether they possessed an international reputation.

The rink which was so bold consisted of Dr. Edwards (skip), Dr. Cassels, Mr. Thornburgh, and Mr. Rainbow, and the challenge was no sooner issued than as if to administer a stern rebuke to such presumptions youngsters it was accepted by a scratch rink consisting wholly of skips—W. D. Bruce, F. G. Crisp, Dr. Richardson and Mr. Hingston, four of the best curlers in the city. The game was played and the inevitable occurred, the "chechaos" being beaten by a score of 12 to 4. The sting of defeat, however, was considerably lessened by the result of another game played the following day. Not content with seeing the youngsters once badly beaten, the N. C. rink considered itself heaven sent to administer another drubbing and so issued a challenge to play for a pair of curling stones and a case of wine, the rink being composed of Mr. Anderson (skip), Wm. Fairbanks, C. J. Heron and Thos. A. McGowan. The challenge was accepted, the game was played, and—but why dwell longer upon a theme so painful. The youngsters beat the old-timers by one point and the "stuns" of the N. C. rink are now draped in the deepest mourning.

WINTER TIME TABLE—STAGE LINE.
THE ORR & TUKEY CO., Ltd.
Going East Nov. 11, 1901—Week Days Only.
FOR GOLD RIVER AND CARIBOU via Carmack and Dome 9 a. m.
FOR GRAND FORKS 9 a. m.
FOR 25 BELOW LOWER DOMINION via Hunker Creek 9:30 a. m.
FOR QUARTZ, MONTANA AND BUREK'S CREEKS 9 a. m. every other day, but days indicated.
Sunday Service—Leave for camp and Grand Forks at 9 a. m. and 3 p. m.
ALL STAGES LEAVE OFFICE N. C. CO. BUILDING. PHONE 8.
Watch set by departure and arrival of our stages

If your clothes need pressing, cleaning or repairing see R. I. Goldberg, The Tailor, at Hirschberg's.

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