

Up Accounts. May 23.—The executive committee of the Western Federation of Miners convened today and session until Saturday will audit the general accounts, check up the general arrangement of the program for the year which will meet next at Samuel Gompers, the executive board of the Federation of Labor in Denver next week, and endeavoring to understand with the organizations, but it is thought they will be glad to be at Dawson office.

STEAMER MONARCH

Judgment Rendered by Mr. Justice Craig

Case Which Has Long Been Pending in the Exchequer Court Finally Settled

The old, well-worn case of Dominick Burns vs. R. J. Eibeck, David Kennedy, Patrick Judge, John W. Johnston, John B. Brown and Peter W. Francis concerning the sale and disposition of the steamer Monarch, was finally disposed of this morning, Mr. Justice Craig giving judgment in the exchequer court as follows: This action and motion arises out of the sale of the steamship Monarch under the following circumstances: The defendants, excepting the defendant Eibeck, were seamen, it appears, employed on the ship during the summer of 1901, and became entitled to a maritime lien on the vessel for their wages. She was laid up at Whitehorse, and there these defendants brought an action under the Inland Seamen's Act, for their wages. The usual proceedings, which seem to be regular, were taken, judgment obtained, distress issued against the goods of the defendant, the master, return of 'Nulla Bona' made, and a levy directing a sale of the vessel was made at the instance of these same defendants, excepting the said Eibeck, in an action brought in this court for their wages as aforesaid, but for increased amounts. It appears that the action, as originally brought, in the magistrate's court, was for amounts within the jurisdiction of this court, and that larger amounts were. The plaintiff now brings an action for damages and seeks to enjoin the sale of the vessel under the admiralty procedure. If I were dealing simply with the present case and no other actions were pending, it would have very much simplified the matter; but other actions are now pending in the admiralty court in other instances, judgments have been obtained; writs have been served in the usual way upon the vessel, and these actions are now before this court. I think these particular defendants should be enjoined in the action excepting the marshal. They chose their forum in the police magistrate's court; obtained their judgment there, ordered the sale to proceed, and the title which they give is one created by themselves and by their own proceedings and the sale was by a competent court having jurisdiction in the matter. I do not see how they can now be heard to impeach their own proceedings and the title created under them; but the rem has been arrested under a writ of this court, and all other parties who have actions pending in the court are entitled to the benefit of that arrest and that the ship should be held for their benefit. They have simply to file a caveat against the release of the boat which will hold it. The unfortunate part of the whole thing appears to be that Burns has bought and paid his money. How to protect his interests is hard to settle. The nature was notice to the world, and he must be presumed to have had that notice. Whether he had it in fact or not does not appear and the sale by the magistrate after the arrest by the order of this court should not have been proceeded with. The order will be that the defendants, excepting the defendant Eibeck, be restrained from proceeding further in the admiralty court. The proceeds of the sale will be brought into court and the priorities of the parties settled there, the parties in the same rights being entitled to share pro rata according to their priorities. An order was made that Burns should be indemnified against monies advanced for salvage of the vessel. These monies might have been properly paid by the marshal of the court to preserve the vessel and would have been a first charge against the rem. There is no injustice in paying this money to Burns under the order of the court. He should rank for his \$1,000 according to his priority and in the same class. The defendants, other than the said Eibeck, should not be entitled to any further sum if their obtaining of the same will prejudice

the rights of Burns or lessen the amount which he would be entitled to. If Burns is paid in full, with his costs, then I think the parties defendants, the workmen, should be entitled to be paid their wages, as I see no authority for the proposition that their lien for wages is released except it be released by their own acts which they have committed to the prejudice of other parties. "As to the right of the court to consider all these questions and to bring the money into court, I have no doubt now that this court could have made an order removing the magistrate's proceedings into this court. Under the English practice in admiralty, where county courts have admiralty jurisdiction, this practice and procedure is provided for by the county court admiralty jurisdiction act, and under the old practice of admiralty the high court of admiralty had power to remove actions from other districts into its own, or vice versa, and generally to make such order as would best conserve the rem and the interests of the parties having liens against it, and while no specific rule gives this court, as constituted by the admiralty act of 1891, such authority, yet the practice of the English high court of admiralty is in force where our rules are silent and where no rule is in force applicable to a particular case; and other suits may file their caveats and the proceeds brought into this court when their priorities will be settled by the registrar. The case of the 'Africano,' cited in the reports of 1894, p. 767, is instructive authority on the question of the settlement of priorities and the distribution of the fund. The defendants, other than the marshal, the defendant Eibeck, should pay the costs of this motion."

RELEASED FROM JAIL

Woman of Many Aliases Departed Yesterday

Mrs. Amanda Manson, alias Mrs. Young, alias Mrs. King, who in September, 1900, was convicted of stealing a large amount of gold dust from Joe Contin at St. Mary's hospital, the dust being the property of Contin and his two partners, Marin and Maille, and taken by the woman from between the mattresses of Contin's bed while he was delirious from sickness, was yesterday released from the penitentiary and was a passenger for Whitehorse on the steamer Bailey that sailed at 4:20 in the afternoon. Although sentenced for a period of three years, the woman's health was rapidly failing, owing to her close confinement and on the recommendation of Police Surgeon Thompson and other physicians it was deemed best to let her go with the understanding that she was to leave the country immediately. The gold stolen by her from the sick man was nearly all recovered and returned. Shortly after her conviction and sentence Mrs. Manson, under which name she was convicted, attempted to commit suicide in her cell by hanging herself with a towel, but was discovered in time to thwart the attempt. Previous to her theft of the gold dust she was employed as cook at various roadhouses on the creeks but invariably lost her positions through her unquenchable thirst for whisky which she would steal from bars and conceal about the kitchen with the result that she was drunk practically all the time. It is not known to which point on the outside she is going but the chances for her ever again being seen in the Yukon are meagre. A Whopper The home of Mr. and Mrs. Ralph H. Torrey was gladdened last night by the arrival of a twelve-pound boy. The mother and son are recovering, the father is able to be out and all his friends are smoking. Kansas Candidate for Senate. Topeka, Kan., May 26.—Congressman Charles Curtis, of the First district, has formally announced his candidacy for the seat in the United States senate now held by W. A. Harris. The election will be held next winter, and Gov. Stanley and Congressman Chester I. Long, of the Seventh district, are already in the race.

SIXTYMILE DIGGINGS

Orcutt's Pack Train Off for Glacier Creek

Possibilities of Securing the Chicken Creek Trade Discussed by One Who Knows

The first freight to leave this season for the Sixtymile diggings over the new government trail put in last fall got away last night, crossing the Hubrick ferry about 9 o'clock in the evening. The outfit consisted of Orcutt's pack train of mules of 24 animals, each carrying about 175 pounds, almost entirely of eatables. There were some six or eight sacks of potatoes, several cases of eggs, canned goods and such, the entire lot with a slight exception being consigned to Kane, Hulk, King and other miners at work on Miller and Glacier creeks. There is a little of the freight, not over 200 pounds, that is for Chicken creek, but it will be taken only as far as Glacier, they for whom it is intended coming over for it from Chicken themselves. In speaking with Mr. Orcutt yesterday evening about the possibilities of Dawson securing the Chicken creek trade, he said: "I am sure if the merchants here would go about it in the right manner we could corral almost the entire trade of that country. All things being equal the miners would rather trade here than at Fortymile as they have a better market in which to make their purchases, but at present we can not compete with the Fortymile freighters for the simple reason we have no road or trail beyond Glacier creek. Freight from Fortymile to Chicken creek is now being packed out for 26 cents a pound which is cheaper than we can do it at present, though with conditions changed we could do even better than that figured. The Sixtymile diggings where this load is going to is about half way to Chicken. This is our first trip out there this season and all I know of the condition of the trail is what I have learned from miners who have recently come in. They inform me the snow is practically all gone, grass has begun making its appearance and we anticipated no trouble whatever in getting through. The trail will of course be more or less soft in places, but we have not loaded the mules heavy and they are old hands at the business. We have been told that a little later it will be possible to use wagons on the trail and we may attempt it, depending a great deal upon the report brought back when the team returns. I am allowing eight days for the round trip. Quite a crowd collected around the pack train at the ferry where the packs were examined by the police for gold dust that might be concealed in some of the cases and sacks. The train was in charge of 'Press' Daniels and 'Tex,' both of whom are veteran packers and experts with the diamond hitch. Deming to be Released Leavenworth, Kan., May 26.—It is reported papers are being prepared in Topeka for the civil prosecution of ex-Capt. Peter C. Deming, who was recently released from the federal penitentiary by a decision of the supreme court. Deming, a volunteer officer, was convicted of embezzlement by a court martial of regular army officers. The supreme court held a volunteer army officer could not be tried by regular army officers. John H. Atwood, Deming's attorney, says the habeas corpus proceedings were purposely delayed until the volunteer army disbanded so he could not be re-arrested and tried by them, and the embezzlement was committed in 1899, and prosecution in a civil court is barred by statute of limitations. "Anyway," Deming would have to be tried in California, where the offense was committed. He Refused to Plead Port Huron, Mich., May 26.—Chas. D. Thompson, ex-supreme finance keeper of the supreme tent, Knights of Maccabees, was arraigned in the circuit court here today and refused to plead to the charge of embezzling \$57,000 from the order. A plea of not guilty was entered by the court. Thompson is at liberty under \$5,000 bonds. His trial will take place in June. Worst in History Salida, Colo., May 26.—The worst

forest fires in the history of the mountains of the Continental divide are raging in the Collegiate range, and the Saugre de Cristo. More than a dozen fires can be seen from this city. The water supply and grazing grounds will be materially injured and the loss of timber will aggregate a vast sum. The origin of the fires is unknown, but it is suspected that some of them were started by men who wanted to avoid payment of stumpage to the government.

Found Body in River
New York, May 26.—After eight days of searching, the body of Kathleen Flanagan, four years old, has been found in the Hudson river. It was thought the child had been kidnapped and a large reward had been offered for her return. Public prayers also had been made in the parish where the child's parents reside. Search of the river was kept up, however, and her body was found by fishermen.

Wanted in Illinois
Springfield, Ill., May 26.—Governor Yates issued a requisition today on the governor of Washington for the extradition of Chas. White, colored, under indictment at Joliet on the charge of murdering Miss Georgio Morton. It is alleged that White assaulted the girl and threw her into the canal, where she was drowned. White is also wanted in Kittitas county, Washington.

A Good Opportunity.
Anyone contemplating the purchase of machinery would find it to their advantage to apply to The Canadian Bank of Commerce, Whitehorse. Besides saws, belting and engineer's supplies, they have for sale:
1. Walrath's 40 Horse-power Horizontal Engine.
1 Atlas 35 Horse-power Boiler.
1 Albion 20 Horse-power Tubular Boiler.
1 Albion 26 Horse-power Vertical Engine.
1 Mitchell 20 Horse-power Vertical Engine.
1 Complete Sawing Plant, including Saw Frame, Log Turner, Log Hoist, etc.
1 Pile Driver.
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Failed Thirteen Years
Kansas City, Mo., May 26.—The charge of forgery against James Rollins Bingham was dismissed by the state in the criminal court here today. Thirteen years ago Bingham, then a young attorney, was one of the best known men about town. He was charged with forging deeds to property owned by his stepmother and valued at close to \$20,000. He left the city and nothing was heard of him until last February when he wrote from Dallas, Texas, offering to surrender. He was ill and penniless, and in a physical wreck. Bingham is the son of the late Gen. George B. Bingham.

Tragedy of a College Feud
Plattsburg, N.Y., May 26.—The feeling which has existed between the freshmen and sophomore classes of the University of Vermont culminated here today in the drowning of Nelson Pease Bond, 19 years old, of Burlington, Vt.

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AUDITORIUM TO RE-OPEN

Manager Bittner Aceeds to Public Wish

'Ten Thousand Miles Away' Presented for the First Time Monday Night

After being dark one week the Auditorium will re-open Monday night next when the Bittner company will be seen in the sensational drama, "Ten Thousand Miles Away," an Australian play in which are three very strong comedy characters. Mr. Bittner has this week been assured by a large number of Dawson people, who appended their names to an obligation to patronize the theater weekly for a period of six weeks, that for he and his excellent company to leave Dawson at present would be nothing short of a public calamity and it is in compliance with the general public demand that he and his company remain that the Auditorium will be re-opened Monday night.

As before, there will be no smoking in any part of the theater Monday, Thursday and Friday nights and no smoking in the balcony any night of the week. For the play "Ten Thousand Miles Away," the following very strong cast has been selected: Ralph E. Cummings, Ray Southard, Alf Layne, Harry Sedley, A. R. Thorne, Fred C. Lewis, F. Breen, Harry Cummings, W. W. Bittner, Miss Lucy Lovell, Mrs. Bittner, Miss Leota Howard, Miss Madge Melville, Miss Carrie Winchell and Miss Daley D'Avara. In addition to the drama Mr. Southard and Miss Winchell will appear in double coon specialties, as will also Miss Melville. The performance next week is guaranteed to be fully up to the Bittner standard and nothing more is required.

NOTICE.
We have moved into our new location and are ready for business. Inspection of our new stock of imported goods invited. Everything first-class. Best of trimmings, workmanship and fit guaranteed.—GEO. BRITWITT, Second avenue, between Queen and King streets.

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| 5th Class | 5th Class |
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