

THROUGH AN OVERSIGHT

Again the Commissioner Rules Against Jumper

But Original Owner is Called to Pay Buyer of the Claim for His Interest.

Gold Commissioner Senkler this morning handed down his judgment in the case of A. H. Day et al against Joseph Blanchel et al, a controversy over the ownership of hillside claim adjoining the upper half of the left limit of No. 73 below lower on Dominion. The plaintiffs had done their representation work but had failed to record it, and the defendants relocated the claim. The commissioner again made no order as to costs, but while ruling for the plaintiffs he said that plaintiffs ought to pay one of the defendants for the money he had paid for an interest in the claim, and he so ordered. The judgment reads as follows:

The defendant Arndt located the above claim on October 14th, 1902. The grant under which the plaintiff formerly held the ground having expired on September 7, 1902, through some oversight the plaintiffs did not file their affidavits of representation, but I think there is no doubt that the representation work was done and the grant to the defendants should be cancelled.

The chief difficulty I find is the question of costs. No settled rule can be laid down in cases of this kind; each must be considered by itself on the evidence advanced. At the time the defendant Arndt staked there was a cabin on the ground and large quantities of wood, for more wood was on the claim than was necessary to represent it. He saw the wood when he staked. Under these circumstances I have come to the conclusion that I will make no order as to costs.

Before the grant to the defendants is cancelled and a renewal grant is issued to the plaintiffs, the plaintiffs must pay the defendant, Joseph Blanchel, \$60 as the amount he paid for his interest in the claim.

ATTENDANCE AT SCHOOL

Parents to Have Monthly Reports in Future

Pupils Now Divided Into Five Grades With a High-School Department.

Superintendent of Schools Ross has just completed his report of the attendance at the public schools of the territory for the past year. This shows that in all the schools the average attendance is 466, of which 5 are in the high-school department. The sexes are remarkably evenly divided, there being 235 boys and 231 girls.

The public schools are now divided into six standards or grades, and the average attendance in these grades is as follows:

Table with 2 columns: Grade and Attendance. Kindergarten: 89; Standard No. 1: 152; Standard No. 2: 178; Standard No. 3: 103; Standard No. 4: 80; Standard No. 5: 80; High school No. 6: 5.

The attendance at the Dawson public school for the past term was 261; at St. Mary's 58, and at Whitehorse public school 55.

PUBLIC SCHOOL.

Simple Plan Adopted to Prevent Bullying From Settling.

Superintendent Ross was pointing out this morning how the public school building had settled, the flooring in one place being on a slant like the deck of a ship. It has all been repaired now, however, the same plan being followed as in the past office and administration buildings. The settling came from the shrinkage being placed on the ground, and the heat from it thawing out the foundations. Now it is raised above the ground, with a current of cold air going underneath it and freezing instead of thawing its foundations.

Send a copy of the Nugget's Christmas edition to your out-of-town friends.

WATER PROTEST

Gold Bottom Creek Water May be Diverted From Claims.

James Messenger et al, brought a protest in the gold commissioner's court against Peter Godfrey, et al, diverting water from No. 3 Gold Bottom to an adjoining bench claim, on the ground that there was not enough water for the creek claim owners. The commissioner handed down his judgment in the case this morning, in which he holds that where there is only sufficient water for the creek claim owners, the holder of the water grant must not divert the water. This is important. The judgment is as follows:

The plaintiffs object to the defendants obtaining a water grant to divert water from claim No. 3 west Gold Bottom to be used on bench claims on the left limit of Gold Bottom, comprising Nos. 3 and 4 above the mouth, complaining that during the months of June, July and August there is not sufficient water in the creek to sluice.

BY FRAUD

Forgers Are Giving Aid to the Chinese.

Portland, Dec. 27.—An officer of the United States secret service department is in Portland obtaining evidence against parties who are under suspicion of having conspired to issue fraudulent Chinese certificates by wholesale. Unless present plans miscarry warrants will soon be issued and arrests made in Portland and San Francisco. It is intimated that prominent men will be involved in both cities.

While federal officials here refuse absolutely to give out definite information regarding the case, it is known that a document may come at any moment. In addition to the arrest made recently in San Francisco of Jen Chen, on the charge of having in his possession a forged or fraudulent certificate, several other similar arrests have been made in different parts of the northwest. The officers say that the certificates all bear marks of having been forged by the same process.

The federal officers admit knowledge of the matter, but declare premature publication of the fact will defeat their plans. It is believed that the headquarters for the present gang of operators is in San Francisco, with an active agency in Portland. Just how many Chinese have entered the United States lately upon fraudulent certificates is a point the officers will not discuss, but the number is large.

THE PEOPLE'S FORUM

Communications for publication in this column are invited upon all questions of public interest. Correspondents are requested to be as brief as possible and to sign their names, which will be withheld if desired.

Liberty Meeting Tonight

Editor Nugget: Sir,—Permit me to call attention to the public meeting to be held this evening in rooms over the Bank of Commerce, for the selection of a board of control for the Dawson free library. The prospects of the institution are extremely bright in consequence of the gift by Mr. Carnegie of \$25,000 towards a suitable building, on condition that aid be furnished by the city council in the way of a site and a small grant. Money will be required for the purchase of books and furniture. It is essential that an energetic board shall be selected and that the business of proceeding with the collection of money and taking advantage of the very favorable offers that have been made, shall proceed as vigorously as possible. All persons who are interested in the object will be welcome. Any one may become a member of the association on paying the small sum of \$1, and this will give subscribers the right to vote at this evening's meeting. Let us have as large a gathering as possible.

R. W. S. Dawson, Y.T., Jan. 15th, 1903.

About the Election

Editor Klondike Nugget: Dear Sir,—About two days before the late election the enquiry began to be pushed, is not the whole ordinance providing for this election ultra vires? This question should have been settled months ago and should not be raised now if it is possible to avoid it. The pertinent question therefore is: If the ordinances by which the Yukon territory was divided into districts and the late election provided for were ultra vires, would not any ordinance passed by any council elected under said ordinances also be ultra vires?

The readiest answer to this would be that if the persons just elected are allowed to take their seats they will be councillors de facto but not councillors de jure, and ordinances passed by councillors de facto would be valid. I do not think this argument good. It ignores the distinction between a legislative and ministerial officer and between a mere wrong appointment and wholesale creation of legislators by an ultra vires ordinance.

This is a serious question, far if all the good legislation proposed by the elected councillors will be ultra vires when passed by them the matter should be sifted now.

HINTON APPOINTED.

Will Go to Duncan Creek as Recorder of New District.

Two proclamations were issued by the acting-commissioner this morning, dividing the mining district into two districts. "Weirdy" Young retains the Clear creek district as the mining recorder, and Tom Hinton has been appointed the recorder for the Duncan creek district. The proclamations dividing these two districts give the boundaries as follows: "All that portion of the Yukon territory being within the watershed of the Stewart river above and including Mayo creek, a tributary of said Stewart river from its right limit and also all that portion of the Yukon territory being within the watershed of the McQuesten river above the forks of said creek."

CHATS WITH WINNERS

All Hand Bouquets to Their Supporters

The candidates-elect to the Yukon council were busy yesterday receiving congratulations and hearing how it all happened. All three of them who are now in the city are suffering from "that tired feeling" in the right arm, the result of too much handshaking. They are all brimful of thanks to those who supported them. Joseph Andrew Clarke expressed his thanks Tuesday night to a great crowd that gathered for the purpose of listening to him in front of Tom Chisholm's saloon. He particularly thanked the over three hundred who had plumped for him, and he asked for three cheers for George Black, who had stuck to him through thick and thin, and for Moses McGregor, the father of union organization in this city.

POPULARITY

Spite of Withdrawal.

Some of the voters in No. 2 district at the election on Tuesday refused to renounce their fealty to James McNamee, the popular candidate from Eldorado, notwithstanding his announced withdrawal from the race and refusal to stand. Mr. McNamee did not conclude to pull out of the contest until after the election tickets had been printed, consequently his name appeared on the ballots as one of the candidates. A number of votes were cast for him on Bonanza and Eldorado, and also on lower Hunker and as they were legal they were counted and such appears on the returns of the deputy returning officers. What the influence was that caused Mr. McNamee to withdraw is not known, but it is a certainty that had he not taken such step but had gone into the fight with a determination to win, possessing as many friends and admirers as he does, he would have had an even break with the others in carrying off the first prize.

On Verge of Poverty

Paris, Dec. 27.—Parisians are learning regretfully that the widows of several eminent Frenchmen are living on the verge of poverty. Zola's widow, it appears, possesses scarcely more than a living income. The Dreyfus case indirectly cost the noble a fortune. Madame Charcot, the widow of France's greatest physician, is compelled to rent rooms in her house in order to make both ends meet. Madame Benjamin Constant, the widow of the eminent artist who painted the portraits of Queen Victoria, the Pope and of many wealthy New Yorkers, is compelled to struggle to keep the wolf from the door. She is a distinguished-looking Parisienne with a wealth of snowy hair, worn pompadour. Necessity is compelling her to part with some of the art treasures of her husband.

Whi-horse Copper

On Tuesday last Mr. W. P. Grainger, of the Copper King, made a shipment of about thirty tons of copper ore to the Crofton smelter. This shipment consisted of the ordinary run of the mine and was not picked samples. Mr. Grainger intends making another shipment in a very short time. He expects to receive the returns from the smelter in the course of a month. Mr. Brewer recently made an assay of the ore intended for shipment and found it ran 14 per cent. copper, 9 ounces silver and \$2.80 in gold.

Violent Storm

Halifax, N.S., Dec. 6.—The violent storm which swept over the Nova Scotia coast last night caused many marine disasters and some loss of life. The wind blew nearly fifty miles an hour and was accompanied by sleet and snow, and the temperature was below the freezing point. Nine schooners broke their anchoring chains in Sydney harbor and were dashed ashore. Most of them were Newfoundland fishermen and some will be a total loss.

Suing for a Divorce

San Francisco, Jan. 3.—Mrs. Clara E. Brien, formerly Miss Clara Rice of this city, has brought suit for divorce from William Brien, a Klondike miner who is alleged to have wealth that mounts high in the thousands.

THIEVES GALORE

Petty Larcenists Continue Their Work at the Rink.

The pernicious petty thieving that has taken place this winter so extensively at the Athletic rink still continues to be the bane of the existence of the directors and they are in a desperate quandary how to prevent it and protect their patrons from the ravages of the light fingered persons. From the number of victims who have suffered the loss of shoes and skates it would seem that there is more than one engaged in the nefarious traffic with every probability of a woman or woman being mixed up in the bunch. The thefts have always occurred during the skating hours when the losers are on the ice and skaters are coming and going to and from the dressing rooms at all times. During such hours no gentleman is allowed in the ladies' dressing room and as many articles have been stolen from there it can only be assumed that the thief is a woman. The last to suffer a loss is Mrs. Henry C. Macaulay who is mourning the departure in a mysterious manner of a pair of shoes to which her skates were attached. The lockers appear to be unsafe as they have been picked time and again. Ladies have become so alarmed that they now skate in their furs rather than chance their furs by leaving them in the dressing room.

ON GRAND TRUNK ROAD

Most Frightful Disaster in the Dominion

List of the Twenty Eight Killed in the Collision and the Injured.

Two or three days ago the Nugget received a long-delayed telegram from Hamilton, Ont., of one of the most frightful disasters on the Grand Trunk that had ever occurred in the history of Canadian railroads. For the next few days there were many callers at this office to enquire if any further particulars had been received, and it was apparent that there were many from Ontario in this city who were anxious to know if any of their home friends had suffered in the collision. But the wire went down again and the Nugget correspondent undoubtedly thought it too old, when the wire did operate for a few minutes, to make any further mention of it. The following account is taken from the San Francisco Examiner, and is dated London, Ont., Dec. 27:

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Votes Are Cast for Jas. McNamee.

Some of the voters in No. 2 district at the election on Tuesday refused to renounce their fealty to James McNamee, the popular candidate from Eldorado, notwithstanding his announced withdrawal from the race and refusal to stand. Mr. McNamee did not conclude to pull out of the contest until after the election tickets had been printed, consequently his name appeared on the ballots as one of the candidates. A number of votes were cast for him on Bonanza and Eldorado, and also on lower Hunker and as they were legal they were counted and such appears on the returns of the deputy returning officers.

PERIL OF PASSENGERS

Added to the awful horror of the collision itself was the terror of flames until the cars caught fire. But for the heroic work of the trainmen and a few uninjured passengers—the death list would have been frightful. What made the disaster all the worse was the fact that a blizzard was raging at the time, and the temperature was at zero.

Freimuth Has Gone

Among the passengers on the White Pass stage which left at one o'clock today was A. P. Freimuth, the celebrated violinist, who is going to Vancouver to visit his family and to return in March. James Marboeuf, G. J. Hancock, John Omaha and A. O. Cable.

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SECOND AVENUE

the history of railroading has there been a week with more heartrending scenes.

The future is surcharged with grief. And hope has high forsook it. For if you pay the price for beef, you can't buy coal to cook it.

FREMONT'S WIDOW.

Wife of Famous Soldier Passes Away.

Los Angeles, Dec. 27.—Jessie Benton Fremont, widow of "The Pathfinder," General John C. Fremont, died at her home, 1107 West Twenty-eighth street, in this city at 7:15 to-night. Mrs. Fremont had been in poor health for a long time, but she was not considered more feeble than usual and her cheery manner was the life of the Christmas celebration, which she would should take place the day before Christmas because certain persons of the household wished to be away Thursday. There was a Christmas dinner and a general exchange of presents, and it seems that the excitement was too much for Mrs. Fremont, for while she enjoyed the occasion she became quite ill Christmas day, and grew rapidly worse, finally lapsing into unconsciousness, from which she never recovered.

The end came quietly and peacefully. The physician, Dr. Dickson, had held out a hope of recovery almost to the last.

Mrs. Fremont was seventy-eight years of age, and her constitution, naturally strong, was broken some what by a severe accident that befell her about three years ago. She slipped and fell, dislocating her hip bone and never since has been able to walk alone.

Mrs. Fremont was the daughter of Senator Thomas H. Benton. She was born in Virginia, at fourteen she plunged into the brilliant society which gathered about her father in Washington, and at sixteen she accompanied her father to California.

The young wife returned almost immediately to her father's home and was forgiven, but she aided and abetted the schemes of the dashing young officer, and joined later the expeditions which gave him his renown as "The Pathfinder." She shared his conquest of California, and spurred him on to seek political honors later.

When California sent Fremont to Washington as her first senator, Mrs. Fremont went again to the capital and joined in the gay life there. Her disappointment at her husband's defeat for the presidency by

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