

BROTHER VS. BROTHER

Suit Over a Co-Partnership of Years

One Struck it Rich on Chechaco Hill and the Other Wants to Be Declared in.

Today before Mr. Justice Craig is being heard a suit entitled Day vs. Day, an action of brother against brother, the culmination of a rupture after the existence of a copartnership that had lasted nearly 20 years. The Days were both born in Canada, the elder, the plaintiff in the present action, settling in the state of Washington some 16 or 18 years ago, where he engaged in the logging business. In his new home he prospered and was soon joined by his brother, the defendant, to whom he first gave employment, later taking him into full partnership. There were no written agreements entered into at the time and no accounts were kept, each brother, as was testified to on the witness stand, "using the same pocketbook." The firm continued in business until the panic of '92 when they failed and lost everything in the crash. Both started for the Klondike in '97, though not in company with each other, the plaintiff arriving over the ice that year shortly before Christmas, the brother not getting in until the following spring. At the time of his arrival plaintiff was sinking a hole on Monte Cristo island, the result of one of the many wild stampedes of that memorable winter. He first saw him in June, '98, when having returned to town for more provisions, he found him in the cabin plaintiff had been occupying. The situation was talked over and according to plaintiff they agreed to go in together in the business of mining and staking claims. Plaintiff had already located a claim on Burnham creek, a tributary of Dominion. He had taken part in the stampede to Gold Run, but by mistake had gotten on the wrong creek and staked on Burnham instead of Gold Run. During the summer of '98 both located claims, the plaintiff planting his stakes on American gulch and the defendant doing likewise on Chechaco hill, each giving up a half interest for the tip received. The Chechaco hill claim has since proven very valuable. The winter of '98 the brother took a lay on 7 below on Bonanza but did not do very well. Early in the summer of '99 representation work was begun on the Chechaco hill claim, plaintiff sinking a hole 8 feet deep and cutting a lot of wood. It was his desire to work the claim, an arrangement that was objected to by the brother upon the ground that they had not enough money to do so. A lay was finally let to Knox and Hamilton who ultimately struck it very rich. The first hole the laymen sunk was completed about Christmas, '99, and it was then plaintiff first observed a coolness on the part of his brother. Upon being asked how the claim was turning out the latter had replied that there was but six or seven cents on bedrock and nothing in the gravel, adding that "you keep your claim on American gulch and I'll keep mine; yours is the best, anyhow." The coolness later developed into an open rupture, defendant, so it is claimed by plaintiff, repudiating all partnership agreements. Hence the suit for an order declaring plaintiff an owner of an undivided half in all the property owned by his brother Jack Day, the defendant, the estimated value of which is \$100,000.

On the witness stand plaintiff declared his belief that had his brother not struck it rich he never would have repudiated the partnership. "I have always had the worst of it," said he, "for I generally did the work and he spent the money."

Try the "Old Crow" at Sideboard.

Says She is Persecuted.

Miss Claudie E. May of 28 below on Bonanza made a call on the Nugget today. She deposeseth and saith that she is the woman referred to in the Nugget of Tuesday as being of the "cigar store" type and a menace to the morals of 28 below on Bonanza.

Miss May depies the allegations as set forth in the complaint of her neighbors on 28 below on Bonanza, and in her defence sets forth that she is a lady of purest ray serene; that she is not of the "cigar store" type, but is a music teacher.

She further submits that the cause of the persecution directed towards her is that she will not give her neighbors' children music lessons at fifty cents per and take her pay in cordwood.

Miss May makes other allegations too pointed for publication.

The above, Miss May affirms, is the true version of the status of things on 28 below on Bonanza.

Encyclical of Pope.

Rome, March 29.—The Pope today published a long encyclical letter, the tone of which suggests testamentary recommendations. After thanking God for prolonging life, he reiterates once more the teachings he has already promulgated to the Catholic world.

He deplores the attacks on the church and recent errors of humanity instancing divorce, and pictures the present condition of society as having drifted into a state of anarchy. He entreats the people to return to Christ and the Roman pontiff as the only sources whence the world can hope to obtain peace and salvation.

Disappointment in Jamaica.

Kingston, Jamaica, March 29.—The colonial secretary, Joseph Chamberlain, replying to a memorial from the elected members of the legislature, says that, with all good will toward the people of Jamaica and their representatives, he cannot consent to the new constitution until the existing conditions have been given a fair and adequate trial and, by common consent, have been found wanting. General disappointment is expressed over Chamberlain's reply.

HOTEL ARRIVALS.

Regina Hotel.—Chas. Lamb and wife, San Francisco; Chas. Sallar and wife, San Francisco; Mrs. Etta L. Endl, Los Angeles; Jas. H. Hamil, Eldorado; A. E. Todd, Stewart river.

PROBABLE HIGH WATER

Will the Flood of '98 Be Duplicated?

Fears Expressed That Should the Cold Weather Continue it May Bring Serious Results.

For the past few days old timers have been freely speculating upon what the effect will be a few weeks later should the present cold weather continue the balance of the month and have not hesitated to predict high water and a repetition of the flood of June, 1898. Ordinarily at this season of the year the snow has begun disappearing, each day marking a decrease in the depth so that with the arrival of summer much of the winter's precipitation will have melted gradually and what is left in the hills and mountains can be easily carried off by the creeks and rivers without any serious damage. So far this spring there have been practically no melting days and should the present weather hold on for several weeks yet when the warm weather finally does arrive the accumulation of the winter's snow fall will go off with a rush and the inevitable flood will occur. In the mountains the fall of snow this winter has been unusually heavy which means that a vast volume of water must be cared for with the arrival of the warm days in May and June. The same kind of weather being experienced now occurred in the early spring of '98, with the result that in June of that year the Klondike and Yukon were swollen to a size never seen before nor since. First avenue was under water for quite a distance, the use of canoes being employed as far up as where McLennan & McFeely's hardware store now stands. To reach the barracks it was necessary to ferry across the low ground north of the Fairview and also over the slough near No. 2 fire hall. Should a flood occur this year similar to that of '98 the damage and loss that would be sustained by many individuals would aggregate an enormous amount.

Chechaco grub for Sour Doughs—Northern Cafe.

"Yes," said the man who had been sent to break the news to the widow, "he died without a struggle."

"Then," she replied, "somebody must have been kind enough to keep the bottle full and within easy reach."—Chicago Record-Herald.

DUE TO ONE YOUNG MAN

Fuss Over English and German Attitude

Toward America at Breaking Out of the Late Trouble With Spain.

London, March 29.—All the fuss over the attitude of England and Germany toward the United States during the Spanish war was due principally to one young and new member of parliament, who, looking about for a chance to get forward, struck on a lucky question which drew from Viscount Cranborne, under secretary for foreign affairs, an official statement to the effect that England had headed off a plan for intervention on the part of the other powers. The name of Henry Norman was in the papers of five nations the next morning. The bearer of the name has been attracting some attention in the house of commons ever since, and it is expected that he will cut out an important place for himself in British politics.

Henry Norman has the right to be called a cosmopolitan if anybody has, for in the course of his life he has done an uncommon lot of traveling. He was educated in four different countries, for he was born and first went to school in England, then studied under a tutor in France, went through Harvard and took a A. B., and afterward spent two years on a post-graduate course at Leipzig University.

Things American have always interested the present "honorable member for South Wolverhampton." He had just finished his course at Harvard when he initiated and personally directed the agitation which resulted in the State of New York's buying up the property around Niagara Falls and turning it into a public park. Several years afterward, when he was on the staff of the London Chronicle, he went to Washington to study the Monroe doctrine and the Venezuelan question and handled both subjects in his dispatches in a manner that attracted no little attention throughout England.

His ambition always has been to travel and to write, and in college he devoted a large part of his time to studying languages, with the result that he now speaks and writes six. He started on the Pall Mall Gazette and remained on its staff for four years, when he became possessed of means of transportation to any part of the world in the shape of a snug little fortune to which he fell heir. He first went to Egypt, whence he sent back many an entertaining magazine article, and then hied him to Japan—his experiences in the Orient resulting in two books, "The Real Japan" and "People and Politics of the Far East."

Then he returned to England to join the staff of the Daily Chronicle and soon after fell in love with and married a bright English girl named Menie Muriel Dowie. She is as fond of wandering and writing as her husband is, and won her first celebrity by touring the most dangerous part of Europe dressed in male garb, and writing a lively account of it, which she called "A Girl in the Carpathians." One of the most successful novels of last winter was hers. It was called "Love and His Mask."

Mr. Norman has toured Russia, Korea, Siam and the Malay peninsula, and been in every state of the Union except six. He succeeded Harold Frederic as London correspondent of the New York Times in 1899 and was elected to parliament as a Liberal in 1900. Since then he has almost forsaken London as a place of residence, having set up an attractive country home, where he and his versatile wife may turn out their "copy" in peace and comfort.

WANTED.—Woman to do family washing. Apply this office.

The Northwest.

Fergus Laidlaw, a canneryman at New Westminster, B. C., dropped dead in the Hotel Byron, at Whatcom.

James B. McTimmons, an Oregon pioneer of 1845, died at the home of his mother, in McTimmons valley. He was born in Missouri in 1840, and crossed the plains with his father and mother in 1845. He lived in Oregon until 1880, when he went to California. He returned to the old home place one year ago. He had been ill ever since.

Job Printing at Nugget office.

Watch Our Regular Guessing Contest. Will Announce Particulars in a Few Days.

DEBATING SOCIETY Tomorrow Evening the Last Meeting

Special Features Provided for the Debaters and All Their Friends.

The Dawson Debating Society will close its winter season of intellectual feasts tomorrow evening at St. Andrew's hall amidst a perfect blaze of glory, the piece de resistance of the final meet being Professor A. F. George, the prestidigitateur, in mystifying acts of legerdemain and magic, juggling with the occult, and in his unparalleled and inexplicable phenological feats, during which disertation the professor will feel the upper stories of several prominent citizens who are expected to take part in the proceedings. As a reader of bumps Mr. George stands today without an equal in the Klondike, pre-eminent and alone upon the sharp end of the tallest pinnacle of fame, and as the gentleman combines with his knowledge of the hillsides and creeks usually found upon the thimble-piece of the genus homo an easy and fluent flow of pure English, his effort will doubtless prove the most interesting event pulled off so far this season. But there will be other features as well, though of a necessity there can be but one star of magnitude. Another edition of the society's paper, "The Critic," from the facile pen of Mr. George Edwards, D.L.S., will be read and its columns will teem with double-leaded small pica editorials, scintillating bits of repartee, original poems on spring, clever bon mots, and a hilariously funny page presided over by the veteran Weston Coyney, of whom James Gordon Bennett was at one time his protegee. And there will be others. Mr. Oswald Finney will warble sweetly, there will be additional vocal numbers and the last session of the society of thinkers it is proposed shall be the best one. A cordial invitation is extended to all.

Kelly & Co., Leading Druggists. P. B. Butter, have no other.

Not Made by Rhodes.

London, March 29.—Amid the mass of biographies, character sketches, criticisms and eulogies of the late Cecil Rhodes which continue here, there was a letter published today which throws new light on the historic Lobengula treaty by which Mr. Rhodes made Rhodesia. It is signed "One Who Knows," and points out that neither Mr. Rhodes, Mr. Maguire nor Mr. Budd deserves credit for the famous concession, but that it belongs to F. R. Thompson, member of parliament for Wyndberry, Cape Colony, known as "Matabele Thompson." As proof of the writer's assertion, this characteristic letter of Mr. Rhodes to Mr.

We Begin the New Season With the End of the Old. As has been our custom for years we will open the season with BRIGHT, SMART and STRIKING NOVELTIES in Men's Suits, Overcoats, Trousers, Boys' Jackets, Fancy Vests, Hats, Shoes and Furnishings. Every item advertised represents all the Late Novelties for this season specially selected by Mr. Hershberg who knows well the requirements of the people here. We invite inspection. HERSHBERG, The Reliable Clothier, 1st Ave., OPPOSITE WHITE PASS DOCK.

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