

AUCTIONEERS MUST PAY LICENSE.

Half-Way Houses and Hotels to Pay Licenses.

Hospital Matters Taken Up by the Yukon Council and the Money Subscribed to Be Paid Out as Needed by Indigent Patients.

The Yukon council met again on Saturday evening and there were present Commissioner Ogilvie, Registrar Grouard, Judge Dugas and Colonel Steele.

The council voted \$100 to pay for a box at the fire department benefit on Sunday evening. Regarding the matter of the Forks hospital it was decided to ask Mr. Dickey for separate accounts for each patient exclusive of the medical attendance.

It was decided to pay out the money voted to the hospitals for indigent patients as required. It was further decided to inquire into the actual cost of caring for indigent patients as it appeared that that amount could be reduced below \$5 per day.

An application had been filed from Rufus Buck and John Howard for a charter permitting the building of a tramway up the Klondike river, up Hunker and over the summit and down Sulphur. The council decided favorably on the matter and the Yukon commissioner was empowered to grant the charter. The rates are to be the same as those charged by Messrs. Henning and O'Brien on the Bonanza tramway.

The registrar was directed to draw up an ordinance licensing saloons, and it was recommended that hotel licenses be fixed at \$200 per annum. The ordinance has not yet been agreed upon and some of the saloon men are advocating a high license for themselves that the business may be confined to responsible houses. It was decided to make the ordinance apply to the entire territory so that "half-way" houses and outlying saloons would be subject to the same act.

An ordinance licensing auctioneers was passed and the annual license fixed at \$100.

A Trotter from Trot Town.

The postponement of the hanging of the four condemned men in the Dawson jail resulted in some tall scrambling amongst newspaper people representing outside papers. Sandison was booked to leave the morning of the execution at 6 o'clock with mail. Letters to various papers were written announcing the carrying out of the sentence of death, and an effort was made to detain the mail carrier until after the 8 o'clock hanging. He would not wait longer than 7 o'clock and the letters were given him, it being taken for granted that nothing could occur in one hour to stop the execution. However the 24-hour reprieve was already in the hands of the sheriff and the execution did not materialize. Next morning there was a further reprieve of four months. Then it was resolved to stop some of those letters, and the very best available man to overhaul Sandison was thought to be Ned Melbeth, an attaché of the N. W. M. P., whose powers afoot and behind a dog team would put to shame the man who invented walking. Ned struck a trot and overhauled Sandison at Indian river, though the latter had something like a 50-hour start.

On the way back with the recovered manuscript Ned overtook some wretched Dawsonites coming down over the ice. Inviting them to load their stuff upon his sled he again struck a trot, and the poor fellows were just about wishing him to the land where snow abideth not long before Dawson was reached. Ned is the man who used last winter to be sent on expeditions carrying expeditions from and to Tagish post. On one occasion he had trotted with his dogs until they gave up and could go no farther. Sizing his mail bags he completed the 125 miles yet to go in 24 hours of continuous traveling.

The Ashby-Keays Case.

EDITOR NUGGET,
Dear Sir— I was much surprised to notice in your issue of November 5th, a ruling of the gold commissioner in the Ashby-Keays case. In his decision the gold commissioner has seriously misrepresented me and has made statements utterly at variance with my evidence. In my evidence I did not say that the boundary of the creek claims was a straight line from post to post. Quite the contrary. I explained in my evidence that the line I drew from post to post was simply a base line to intelligently show where my points of level were taken with reference to each other and I demonstrated from evidence taken on the ground that I found the original ground 9 feet below the foot of Mr. Ogilvie's post, and that the level of the ground at the foot of the said post struck the center of both suits. Further, let me say that such "straight line theory" never was my theory. On the contrary it was the brilliant conception of the gold commissioner. He will no doubt remember asking me to go with him and Mr. Gibbon, D. L. S., some weeks previous to the Ashby-Keays case to see Mr. Ogilvie on this and other points of survey. The gold commissioner on that occasion propounded this brilliant theory to Mr. Ogilvie when Mr. Ogilvie objected and suggested the base to base of hill according to the regulations. I went further and suggested that the difference in rise and fall of the two posts ought to be found and each 25 or 100 feet between the posts should be given the proper ration of that rise or fall and follow the sinuosities of the hillside. More, Mr. Fawcett told me that he decided a case below discovery on Bonanza road creek claim 8, and ran a straight line from post to post, gave as his reason for doing so that he believed the old

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channel ran beneath the ground in question, whereas the land in question has an abrupt rock side and is 16 or 20 feet higher than the creek claim.

Again Mr. Fawcett has misrepresented my evidence as to my methods of finding the inclination. I distinctly stated that the elevation of the ground at the foot of the post was at one and the same elevation as the centre of the shafts, and I concluded my evidence by quoting the Dominion Lands Act, wherein it states "that all posts planted at the corners of any lots, blocks, etc., of land by a Dominion Land surveyor are the true and unalterable boundaries of that limit." This was pointed out to Mr. Fawcett by Mr. Gwilliam, but the gold commissioner totally ignored it. Here, then, is the case in point. The gold commissioner holds that the creek claim owner can take up fourteen feet up the hill beyond and above the post in question. Following the Dominion Lands Act I emphatically say that such claim owner cannot go further than the original survey post in question.

It is not this ruling of the gold commissioner at variance with the "base to base" theory as expressed by the regulations under which these posts were planted.

I can quote five cases printed in a well known text book on surveying, where law courts have decided that the "line of level" of land shall not go beyond the post planted by the original surveyor. This law is the same in Canada as in the United States. Can any one imagine a more mischievous or disastrous ruling than to say that a surveyor's post can be moved "up" or "down" on a creek claim by the "base to base" theory. This is in essence the gold commissioner's ruling.

Again, Mr. Fawcett accepted the levels taken by Mr. Gibbon and allowed them to influence his decision. Mr. Gibbon was not even called to give evidence. What kind of a court is it where such evidence is admissible? Mr. Ogilvie suggested at our interview that the base of the hill should be "the edge of vegetation"—where the hillside ran down to the water's edge. This we all concurred in.

Finally, I would refer to an act of parliament bearing on the point at issue. At this distance I cannot quote the exact text of the act, but the gist of it is that no one acquiring land under certain regulations shall have his rights forfeited or even interfered with by subsequent orders in council. This act applies very pertinently to the case in question—for this land was acquired under the regulations of 1897 and therefore the 1898 regulations could not possibly govern it as to the rim rock theory.

Even supposing the land was staked under the 1898 regulations, even then the post of the original surveyor (Mr. Ogilvie) would govern the boundary of said creek claim.

I have trespassed much on your valuable space, Mr. Editor, but I feel that this is a matter of grave public interest, and for this reason I have ventured on so long an explanation. Thanking you in anticipation for your kindness in inserting this letter, I am dear sir, yours truly,
R. J. JEPHSON, D. L. S.

On Camp and Trail.

Captain Jack Crawford, the well known poet scout, is giving one of his popular entertainments on Sunday night at the Pioneer hall. His poetical genius is already too well known in Dawson to need comment, but his genuine standing as a scout and plainsman is even better established on the prairies of the Great West.

Benefit of Miners' Institute.

The Miners' Association will, on Monday night, give a performance at the Monte Carlo theatre, the funds to be devoted to payment of the small indebtedness yet existing against the Institute building on Church street. Some rattling good talent has been secured, both amateur and professional, and a thoroughly enjoyable program arranged.

NEWS DIRECT FROM THE OUTSIDE.

(Continued from first page)
mission had adjourned to meet again in Washington on November 10th.

"Was it agreed upon that the Dominion should get the port of Dyea or Skaguay?"

"Not when I left. I believe Canada had offered some concessions to the United States in return for a strip of their Alaskan coast, but the West Coast of America entered such a vigorous protest that the matter was dropped. It would appear that unless the Dominion should be able to prove ownership she will be unable to secure the port."

"Was there much talk of the Klondike outside?"

"Not not now. There have been so many herd luck stories told by returning Klondikers that interest in the country has been reduced to a minimum. You may say to your readers that business in the East, both in Canada and the United States, is looking most promising."

Mr. McMullen is looking exceedingly well in spite of the hardships of his trip and his friends are much pleased at his return.

Are you buying your drugs at the Pioneer Drug Store?

LOST AND FOUND

FOUND—An overcoat at the great fire; owner can get the same from the police by proving property and paying charges; coat was handed police by unknown man.

FOUND—If person who handed his overcoat to a stranger during the fire on Oct. 13, will call at this office he can secure the coat by paying for this ad.

LOST—On Monday morning, a lady's gold watch and chain. Letters "F. C." engraved on face of watch. Finder please leave at the NUGGET office.
Mrs. Flora CLINE.

FOUND—Yellow St. Bernard bitch with litter of pups. Owner can have same by proving ownership and paying charges. Apply at the NUGGET office.

LOST—Brown puppy, two months old. Cross between Malamute and St. Bernard. Leave at NUGGET office and receive reward.

FOUND—I have in my possession a medium-sized, dark-colored, malamute dog, four white feet, carries tail well over the back; dark stripe down the forehead; black eye-brows, with scar across the nose. I have information relative to the dog that will make difficult for any other than the bone-fide owner to claim the animal. Prove ownership, pay for feed and cost of this ad, and take the property.
Jas. W. Morrison, 39 Hunker, below.

FOUND—Black Scotch Collie shepherd dog, weighing about 50 pounds. Slept around neck. Found about a half-mile above upper ferry. Apply at NUGGET office and pay charges.

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The sensational border drama "DAVY CROCKETT" with a strong cast of characters. Mr. Harry Deurett as Davy Crockett. Miss Corrine H. Mayer as Elinor Vaughan.

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Jas. W. Morrison.

A Good Flap for 50 Cents. The Mine Exchange Map of the Klondike Gold Fields, should be in the hands of every miner. For sale at the NUGGET office. Price 50 cents.

Don't fail to attend the grand opening of the new skating rink Thursday night. An orchestra will be there and a good time is guaranteed to everyone. Doors will be open at 7:30 p. m. Tickets, including use of skates, \$1.

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VOL. L No. 42

GLOVE CONTEST

Agnew and the Two Rounds

It was a Clever Crowd—Both Weight and Skill

Wednesday night at the Monte Carlo theatre at the conclusion of a twenty-five round boxing contest, the body of the boxes, reserved for the full of interest was enjoyed by all weights and were the 10-round go.

The main event was a hubbub by about four rather thin in flesh chest, and arms went considerably.

The referee, in which a new satisfaction later in the more in the O'Donnell timekeeper with W and Tipple for Agnew.

Donaldson would not post him upon what with the chief of police.

This elicited the be no police interference springing contest for audience against ordered the men up.

In the first round the colored man Agnew's strong leg taking his arm of flesh on flesh alternates throughout.

straight, but seem to fight swings with an apparent injury.

In the second round Prince's left arm again. Prince turned straight arm punch.

The third round followed Prince up covered by some clapping. No harm.

The fourth round frequently reached played for the conclusion of this honors even so far.

Quick exchanges and once Prince is flash Agnew gave him right on the jaw.

Nothing done twice in the sixth and right but the and forcefully thus was glad enough to last of the ten rounds.

The idea that he crushed him like a was backing Prince went down, Agnew finished the round.

The seventh round full of giving an opportunity to be taken up.

At the last Agnew was opened up by the left. The referee.

The eighth round wind.

The ninth round new's left and right over reached, failed his knees. The rating turned up in the.

Have to call the attention to the fact that both strong and necklessly exposed announced it a draw.

There was a hubbub return match was willing to go right but the referee's attention, probably by.

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