

THE CASE OF HEALY VS. HEBB.

Mr. Hebb Had an Option on 20 Below on Dominion.

But by a Technicality of Law He Loses the Claim Although He Tendered the Purchase Price—Healy's Fine Italian Hand Shows.

A recently decided civil case before Judge McGuire, entitled Healy vs. Hebb, makes one wish for the return of the days when the police dealt out justice off-hand and such a thing as tossing your property on a technicality was unknown. It is not necessary for us to go into long explanations, for it is safe to say that there are probably not a dozen men in Dawson who will read the following documents and not say that the claim was Hebb's. But the court gave it to Healy. A year ago Ed. Monahan, owner of No. 29 below, on Bonanza. The claim was unknown and Monahan tried to get Hebb to buy it for \$8,000. Wanting the claim opened up very much Monahan finally made an offer which was afterward put in writing by M. S. O. Morford for them. Following is the agreement:

DAWSON CITY, N. W. T., July 31, '97.
I hereby appoint T. H. Hebb my agent to look after and manage my placer mining location, being the lower, on half interest of No. 29 below discovery on Bonanza.
Said T. H. Hebb agrees to give his personal attention to getting the claim to four or six men to work at 30 per cent, so much and no more than they can carry during the season of 1897 and 1898, ending about July 1, 1898. Said claims are to be given on the lower side of said claim and in such a manner as all the claims will be worked out and connected. All dirt is to be taken out into bedrock that will yield five cents and up to the pan. Said T. H. Hebb and his partner are to have a lay and out of the proceeds their labor said P. H. Hebb shall have for his services in superintending said claim all the stakes out of the ground, his partner to yield and pay 50 per cent of all gold taken out of said claim as rented to said Monahan—that is 50 per cent of the said partners interest—all other days to be 30 per cent. Said T. H. Hebb agrees to give good and careful attention to the management of said claim, and yield a true and accurate accounting to said Monahan at the end of the term.
The said Ed. Monahan further gives an option to said P. H. Hebb to purchase said claim at and for the consideration of eight thousand dollars. This option to continue until June 1, 1898.

[Witnesses.]
M. S. O. MORFORD,
J. J. CHAMBERS,
EDWARD MONAHAN,
T. H. HEBB.

To the average mind nothing could be plainer than the foregoing. Monahan, Hebb and Morford all understood that Hebb was to do certain things for Monahan and was to get in return: 1st. All the gold he took out of his own lay, and 2d. held an option to purchase at a stipulated price until June 1, 1898.
Hebb went out with men to work claim 29 and Monahan went to work for Capt. Healy. After a number of holes had been sunk Hebb uncovered the pay streak. With the gold in his pocket, to show for it, he immediately proceeds to Healy's store and reports the find to Monahan, and Monahan told Healy. It was then that the fine hand of Healy first appeared in the case and the following document was drawn up:

SUIT OF HEALY AND HEBB.

COPY OF ASSIGNMENT MONAHAN TO HEALY, MADE BY JOSEPH A. CLARKE, STENOGRAPHER IN THE OFFICE OF THE GOLD COMMISSIONER.

Know all men by these presents, that I, Edward Monahan, of Dawson City, N. W. T., do hereby, by these presents convey and assign unto John J. Healy, also of Dawson City, N. W. T., one certain instrument or agreement made and drawn on July 31st, A. D. 1897, with one certain T. H. Hebb, and I also grant, bargain, sell and convey unto the said J. J. Healy, with said instrument or agreement; provided, however, that the said T. H. Hebb does not pay \$8,000 by the first of June, A. D. 1898, all my one-half interest in and to that certain piece of parcel of ground known and described as placer mining claim, No. 29, below discovery, on Bonanza creek, in the Klondike mining district of the Yukon division of the Dominion of Canada, together with my one-half interest in and to all improvements and appurtenances situated thereon, including cabin, for and in consideration of the sum of \$8,000, to be paid, provided, as hereinbefore stated, the said T. H. Hebb does not fulfil the above said instrument or agreement.

Signed, sealed and delivered by me in the presence of witnesses the 15th day of November, 1897, at Dawson City, N. W. T.

[Witnesses.]
MYRON A. DAK,
J. A. CHILLER,
EDWARD MONAHAN.

It will be observed that Monahan was still honest and was very particular not to compromise Hebb's claim to No. 29. Now observe the fine work of Mr. Healy: On December 17th Healy sent two men out to claim 29 to get Hebb from the claim.

Mr. Hebb went to the gold commissioner and Mr. Fawcett, after hearing the story and looking over the documents, told him to pay no attention to Healy, to "go ahead and carry out the conditions of the contract and pay up before June 1st, and the property would belong to Hebb."

Hebb went back to work and in April Judge McGuire and Attorney Wade made their appearance upon the scene. Healy secured the services of Mr. Wade and in May an injunction was served upon Hebb which could only be settled by having a receiver appointed upon the claim. Hebb tendered the \$8,000 in dust to Healy and to Wade and they refused to take it, so it was deposited with the clerk of the court. Every effort was made by Hebb to get the case into court, but failed until July 19th when Judge McGuire gave the claim to Healy. The judge gives his reasons for so doing, but the lay mind fails to grasp the fine point by which the plain justice of the case is passed over and a construction given whereby a poor man loses what is now a \$100,000 claim and a rich man gets it. A reference to the document transferring Monahan's title to Healy will show very

clearly that Monahan thoroughly understood that the claim was Hebb's if he paid the required amount of money before the stipulated time. Referring to the first document, it will be found that the contract between Monahan and Hebb is paraphrased. Notwithstanding the word "further" in the last paragraph the court held it was a complete contract of itself and was tied on to what went before. Looking at it from that standpoint, he decided it to be an option without a consideration, terminated by Monahan's transfer of his right and title to Healy.

We would like our readers to read the documents carefully and our columns will always be open to them to express their opinions on what appears to us to be a miscarriage of justice.

The Price of "Wild-Cats."

There has undoubtedly been considerable of a slump in the prices of claims—that is to say, a certain kind of claims, called in the vernacular of the gold "wild cats."

Recognized gold producing claims are sold daily at prices quite satisfactory to the seller, many of them well up into six figures. Without giving the matter much thought, there are people who depreciate the bed-rock prices for which "wild-cat" claims can be bought. A few moments consideration will convince one that it is to the best interests of the community at large that this should be so.

There are thousands of acres of creek and hillside, all under stake and yet which is a stranger to the pick of the prospector or the shovel of the miner. By a succession of stampedes, the face of the earth has literally been plastered with stakes. This would be a very desirable condition of affairs if the owners of the stakes would one and all go to work and dig their ground—something they will not do and never intended to do. The first result of the bed-rock prices at which these claims can be bought is that thousands of men who otherwise would have gone on down to St. Michaels, have invested from \$50 to \$200, and next day started for their new property with picks and shovels and a supply of food. Bed-rock has been reached on shimmering creeks which was before a perfect stranger to the pick and the shovel, and what is more to the point, in at least twenty instances, the diggers believe they have pay. The second good effect of the cheapening of "wild cats" is that it acts as a discouragement to that large class in our midst consisting of individuals who have no intention of benefiting the district by going down into the ground with fire and pick.

Correct Output of the Nunook Creek District.

A letter received in this city from Mr. W. B. Hall, formerly of Seattle, says the total output of the six claims that paid was \$150,000. These claims were on Little Nunook and were owned by Ex-Gov. McGraw, Gen. E. M. Carr, Pete Jackson, Barkman brothers and James Willson of Seattle.

Messrs. McGraw, Carr and an old timer named Bill Joice bought No. 6 on Little Nunook for \$11,000 and took \$14,000 out of 70 feet of ground.

There were good prospects found on Hanter, Hoosier, Russian and Quail creeks but nothing in the way of thorough work was done.

Only a few hundred people spent the winter in the camp and those few have all departed. There is a big rush for the Koyukuk river and old timers who have been on the creek say that some of the tributaries are very rich.

In conclusion Mr. Hall says that Nunook may prove to be a good camp, but a good deal more work will have to be done to prove it so.

The Klondike City Trail.

The trail around the Klondike river from Klondike city was an expensive piece of work for it cost \$102,775. There was \$383 subscribed in various amounts by persons in the trail and turned over to Frank Bateau. The foreman of the work checked against the fund and it was exhausted, giving receipts for the same, and there is still \$24,775 owing for which the workmen are looking to Frank. Frank doesn't feel as if he ought to pay that out of his own pocket.

Doings at the Fairview.

There were two private dinner parties Wednesday night at the Fairview, the larger party being a sort of reunion of old acquaintances, several of the party having just arrived down the river. The occasion was a jovial one and the company congenial, so that it is not to be wondered at that it was somewhere about 3 o'clock in the morning before the friends could tear themselves apart. Among those present were Messrs. Lelius, Jensen, Fulda, Carzenoye, Moore, Carboinan, Pelkey, Braid, McFarlane, Russell, Major Morgan, Mr. and Mrs. Kirk, Col. Donville and Dr. Richardson.
Alex McDonald gave a dinner to a party of three friends.

MINING NOTES.

C. Shoblad reports from 40c to \$1 to the pan on a bench opposite No. 6 Bonanza.

Geo. Brewit, of Tacoma, was one of the gentlemen who got in last fall. In November he staked a bench claim opposite 14 Bonanza. He has lately put two men to work and is feeling pretty good over the report they have just made. In making a hole 10 feet deep they found three feet of pay and they took out 33 pans of dirt which averaged when washed 2 1/2 cents to the pan. A single nugget, if all gold, would have weighed \$32. Mr. Brewit is also interested with his brother-in-law in a bench opposite 2 below on Bonanza, which has also turned out good. This claim was staked as late as last April.

Extension of the Hotel a Necessity.

The Fairview hotel is evidently filling a long felt want for it has been found necessary to at once extend the building to the full length of the lot, 400 feet. The plans for the addition are under way and the new building will be built on the same lines as the present one. It will be two stories high and the rooms will be furnished in the same luxurious style as those in use now.

MR. CHEE RELATES AN EXPERIENCE.

He Had the Permit But Didn't Get the Claim.

An Interesting Little Episode Which Opens Up a Wide Field for Speculation.—Mr. Sour Dough Didn't Seem Surprised.

Some weeks after the last meeting between Sour Dough and Chee Chako the friends met unexpectedly upon one of Dawson's busy street corners.

"Say," said Chee, who by this time was acquiring the use of the miners vocabulary, "I'm what you call a good thing."

"How's that?" asked Sour.

"Well, I'm very easy, you know; in fact, the nicest kind of a graft."

"I see," said Sour, "you've been out and staked a good claim, came in to record, told the man at the window how many dollars your prospect would run to the pan, and then he suddenly discovers that the claim had just been recorded. Yes, you're easy, there's no doubt of that. You must remember, my boy, it is not he who hesitates that's lost, but he who talks." Whereupon Sour Dough knowingly winked his other eye and relaxed into silence.

"Well, Sour," said Chee, in an injured tone, "there's no use rubbing the thing in anyway. But the fact of the matter is you're off for once and I guess I'll have to tell you just how the affair came about."

"You see I got a tip on an unrecorded claim and went out to look over the ground. I found the outlook fine but thought I wouldn't record until I had prospected a little. So I came back to Dawson and went to the Gold Commissioner and secured a permit to prospect the claim for three weeks at the end of which time I was to come in and record."

"You'll learn in time, my boy," said Sour with a grin.

Without noticing the interruption Chee continued, "I went back to the claim and prospected it and found that it would pan out an average of 50 cents and the pay streak was good and wide too. I thought I had my fortune made then and came down to Dawson to record."

"But you didn't," murmured Sour.

"I got to the office and finally managed to get in. I told the commissioner that I had come to record the claim which he had allowed me to prospect. He looked over the books and told me—"

"Of course he did," said Sour.

"Well, Sour, if you know all about the thing, there's no use telling you any more. But I don't see how you know, for I've told no one but yourself."

"Go on, my boy; go on," said Sour.

"He told me that some one else had already recorded the claim. I showed him the permit, then and he said, 'Well, you'd better contest the claim. I think it must have been recorded fraudulently. If you'll secure the proper evidence and bring a contest, the chances are you'll get the claim yet.' Well, I spent two weeks and about \$300—hunting up the evidence and finally the case came up. The crown attorney represented the other man and on his suggestion a large part of the evidence I had worked so hard to secure was stricken out. However, we finished the case. I succeeded in proving my point, and, to shorten the story, the commissioner gave a decision in my favor. It was all type-written and signed, and stated that I should be allowed to record the claim."

"Well," said Sour, "let me see your recording papers."

"I haven't got them yet," answered Chee.

"You see, after I got the paper with the decision on it, I thought I was all right and so didn't hurry any to record the claim. But I happened to get a tip from a friend a few days later that I'd better hurry up and get my papers. So I went up to the office and what do you suppose I learned? Why, they told me that if I wanted that claim I'd have to take the case to Ottawa."

"Oh!" said Sour, "that isn't hard to do. It won't take you more than a year and you can get off with \$1,000," and he chuckled to himself, as though the whole affair was an immense joke. Chee looked at his friend doubtfully for a moment, and then turned on his heel and left him.

To be continued in our next.

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