

SALARIES ARE FIXED

Mayor \$3,000 and the Aldermen \$1,500

Finance Committee Makes Estimates, Covering the Balance of Year to 1904.

About the most important thing that transpired at the council meeting last night was the report of the finance committee...

There were but two communications presented. One was the regular monthly report of the chief of police...

The second communication was in the nature of a letter from Hitt Bros., of Victoria, containing quotations on fireworks...

The finance committee was the only one of the standing committees to make a report...

Salaries ... \$20,750 Printing ... 3,500 License, police and health ... 3,500 Streets, works and property ... 30,000 Fire, water and light ... 55,000 Library ... 1,750 Interest ... 1,500 Rent ... 1,000 Contingencies ... 10,000

Upon the strength of the foregoing estimates the committee recommends that the following sums be set apart to the credit of the various committees and by such used:

Salaries of officials and members of the council ... \$10,000 Library grant ... 1,400

The report also contains the recommendation that the mayor of the city be paid a salary of \$3,000 for the current year...

Following the reading of the report Chairman Johnson, of the committee, said that he had been elected on a platform pledged for a reduction of salaries...

had done so because he believed the aldermen entitled to some compensation for the time they devoted to the benefit of the city...

Under the head of inquiries Ryan was asked as to the progress being made on the repairing of the embankment along the bluff road...

Macdonald, chairman of the committee on fire, water and light, stated that it had been the intention of his committee to file a report this evening...

The council went into committee of the whole on the amendment to the license bylaw and after considering it section by section passed it to its third reading...

EXHIBIT A SUCCESS

(Continued from page 1.)

side of which is the likeness in bas relief of King Edward and on the other the seal and name of the society.

"Among the visitors I had one day," continued Mr. Luker, "were the Hon. J. Israel Farte, lately minister of public works, and the Hon. John Carling, formerly minister of agriculture..."

Mr. Luker will remain in Dawson and it is not beyond the range of possibility that he will again this year take outside a much larger and more extensive exhibit of the resources of the territory...

Mr. Luker will remain in Dawson and it is not beyond the range of possibility that he will again this year take outside a much larger and more extensive exhibit of the resources of the territory...

NOTICE ON AND AFTER THIS DATE

Scotch Tweed Suits Made to Order

Reduced to \$50.

Sack and Cutaway Suits Pressed for \$1.50

Trousers Pressed .50

GEO. BREWITT,

THE TAILOR, Second Avenue.

FAILED TO PROVE WORK

Through Which Nearly Lost His Claim

Representation Had Been Done, But Owner Neglected to File His Certificate

In a decision rendered yesterday by Gold Commissioner Senkler the precedent already established respecting the forfeiture of claims by miners who have allowed their miner's certificate to expire was again set forth.

The case was that of Henry Corrigan and Thomas Dunigan against Alexander Kemning and the ground involved was No. 9 above discovery on Glacier creek. It was held by the plaintiffs that the defendant had not renewed his free miner's license for three years, in consequence of which all rights that he may have had in the ground were forfeited.

The plaintiffs, Corrigan and Dunigan, stated respectively the upper and lower halves of claim No. 2 above discovery on Glacier creek, on the 25th of July, 1902, and applied for record on the 29th of July. They were refused grants owing to the claim in question standing in the name of the defendant, Alexander Kemning, and they brought this proceeding on the 24th of September last, asking for the cancellation of the defendant's grant to the ground in question, on the ground that he had allowed his free miner's certificate to expire, they allege that the defendant had not obtained a free miner's certificate for three years prior to the 22nd of September, 1902.

On behalf of the plaintiff, Mr. Bolduc, who is the issuer of free miner's certificates in Dawson, gave evidence as to the defendant having failed to renew his free miner's certificate during the three years previous to September 22nd, 1902. From this evidence it appears that the department sends to the office at Dawson a list of the names of all persons to whom free miner's certificates are issued, by all the persons who are qualified, by the department, to issue such certificates. These lists were produced by Mr. Bolduc, and according to such lists no certificate had been issued to the defendant during the time above mentioned. These lists are simply copies made up by the department at Ottawa from the returns received there from the different people who are authorized to issue certificates. I consider that these lists cannot be accepted as prima facie evidence of the fact that no certificate was issued to the defendant during the time above mentioned, as they are mere copies of copies of the original lists. The plaintiff's contention is, however, that this evidence is sufficient to place the burden of proof on the defence to show that a certificate was issued to the defendant, on

the general rule of law that if a negative averment be made by one party which is peculiarly within the knowledge of the other, the party within whose knowledge it lies and who asserts the affirmative is to prove it and not he who avers in the negative.

"I have looked into the cases cited by the plaintiff and am of opinion that the exception to the above rule laid down in the case of Bridger vs. Whitehead, 8 A. & E., should be followed. That was a case of ejectment by a landlord against a tenant on an alleged forfeiture by breach of a covenant in his lease to insure against fire in some office or near London, in which it was contended that it lay on the defendant to show that he had insured, that being a fact within his peculiar knowledge. The argument being that the plaintiff could not bring persons from every insurance office in or near London, to show that no such insurance had been effected by the defendant. It was held in that case that where the landlord brings an action to defeat an estate granted to a lessee the onus of proof ought to lie on the plaintiff. This rule was followed in subsequent cases.

"In this case the above exception to the general rule should be followed, as, in my opinion, reasons for putting the onus on the plaintiff are much stronger. The plaintiffs in this case have, as a foundation for their action, the fact that they relocated these claims as free miners. The defendant is, at the present time, in possession of the property in question and I am of the decided opinion that the burden of proof should lie on the plaintiffs to show that the defendant has allowed his free miner's certificate to expire. I think the protest should be dismissed with costs."

Roads Are Perfect.

Mr. S. A. D. Bertrand, the head of the department of public works, returned Saturday from a five weeks' trip over the roads in the southern part of the territory. Regarding the roads Mr. Bertrand says that at present are like a macadamized boulevard and could not possibly be better. Early in the season the residents in the southern end of the Yukon suffered considerable inconvenience on account of the light snowfall there being scarcely sufficient for sleighing. Later, however, enough has fallen and now nothing is lacking to make the roads absolutely perfect. The ice in Lebarge has frozen very thick this winter and it is feared the lake will be late in opening in the spring. Mr. Bertrand was accompanied on his return from Whitehorse by Mr. George Wood.

Matters in Chambers

Yesterday in chambers before Mr. Justice Craig there was but little doing. In the case of Krober vs. Bense the report of the referee was confirmed with the exception of as to the costs, which was reserved. McLennan vs. Freeman stands a week. Judgment by consent was allowed in the case of McDonald vs. N. A. T. & T. Co. in the sum of \$175 and costs. The case of Lilly vs. Morrison was set down for trial on Tuesday, March 17.

Broke Both Bones

A painful accident befel Andy Gamble, a teamster employed by Angus McDonald who was engaged in hauling ice, this morning resulting in the breaking of both bones in his lower right leg. He was bringing a load to the city and when near South Dawson his sled in some manner slid around on the road causing one of the huge cakes of ice to fall from the load catching Gamble on the leg and throwing him violently to the ground with the result stated. Dr. Alfred Thompson was hastily summoned and after setting the injured leg soon had the unfortunate teamster resting easily.

Broke Both Bones

A painful accident befel Andy Gamble, a teamster employed by Angus McDonald who was engaged in hauling ice, this morning resulting in the breaking of both bones in his lower right leg. He was bringing a load to the city and when near South Dawson his sled in some manner slid around on the road causing one of the huge cakes of ice to fall from the load catching Gamble on the leg and throwing him violently to the ground with the result stated. Dr. Alfred Thompson was hastily summoned and after setting the injured leg soon had the unfortunate teamster resting easily.

Job Printing at Nugget office.

SERIOUS DISPUTE

Arises Over Possession of Cabin

In Klondike City—H. J. Foley, C. H. Davison and W. F. Kennedy.

Mr. Justice Macaulay's attention was entirely occupied this morning in hearing the case of H. J. Foley, C. H. Davison and W. F. Kennedy, who were charged with having forcibly entered a cabin situated on lots 11, 13, 15, block G, in Klondike City and having detained the informant, one John A. Bittancourt, in such a manner as to cause a breach of the peace contrary to the provisions of the criminal code of Canada.

When the case was called Attorney Schoff, who appeared for the plaintiff, stated that Bittancourt had bought the land in question from the government in the spring of 1901. The certificate of title had been issued in January, 1903, and Bittancourt had gone over to take possession of his property. He had found parties in the cabin and had notified them to leave. They had refused to do so. The prosecution did not wish to press the charge providing the defendants would give up their possession and he would withdraw the charge upon that condition.

Attorney Macfarlane, who was acting for the defence, held a consultation with his clients and it was decided to allow the case to proceed. The information contained only the names of H. J. Foley and C. H. Davison, but it being shown by the evidence of Bittancourt, who was the only witness examined, that Kennedy was implicated in the matter, the information was amended and Kennedy's name included. An enlargement of the case was granted until tomorrow morning.

Bittancourt's evidence was about the same as had been told the court by his attorney and was to the effect that he had purchased the property from the government on the 15th of March, 1901. He did not take possession of the property until February, 1902, as parties who were living there at the time continued to do so until that time.

When the parties left he had taken possession and locked the cabin up. About two weeks ago he went to the cabin and found it occupied by Davison, one of the accused, who said

ARE YOU GOING TO THE TANANA? If so see us before buying your outfit and save duty. Full line of American Goods to select from including Rubber Boots and Shoes, Leather Shoes, Sargent & Pinsky Wholesale and Retail.

AUDITORIUM THEATRE Monday and Tuesday, March 10-11. In aid of St. Mary's and the Samaritan Hospitals. Performances of Oliver Goldsmith's Immortal Five-Act Comedy.

SHE STOOPS TO CONQUER By the following cast: Mr. White-Fraser as Sir Charles Marlow, Mr. Carnegie as Young Marlow, Mr. F. S. Long as Hardcastle, Mr. D. M. Sanson as Hastings, Mr. R. P. Wilson as Tony Lomax, Mr. E. W. Ward as Landlord Sizer, Mr. F. N. Atwood as Jeremy, Mr. L. A. Westford as Roger, Mr. O. S. Finnie as Twist, Mr. G. Fitzmaurice as Ambrose, Mr. H. E. A. Robertson as Magpie, Mr. W. J. B. Pinder as Slang, Miss Miles as Mrs. Hardcastle, Miss Jessie Jones as Kate Lancaster, Mrs. Arthur G. Smith as Cousin Neville, Miss Shannon as Dolly.

PRICES.—Boxes, \$30, \$25, \$20, \$15, \$10; Balceny, first three rows \$2; Balceny, all others, \$1.50. Chesters, reserved, \$1.50. General admission 50c. Sale of seats now progressing.

N. C. Co. TEMPERATURE Why pay a high price for rolled Oats? We are selling OAT MEAL In 10-lb. tins. Superior to Rolled Oats. 10 lbs. for \$1.25 100 lbs. for \$10 Northern Commercial Company

Read the Daily Klondike Nugget Dawson's Leading and Most Influential Newspaper. The Nugget has the BEST Local News Facilities, Telegraphic Service and Mining Reviews, and is ALWAYS RELIABLE. The Family Paper of the Yukon Delivered to Any House in the City for \$2.00 Per Month. On and After February 1, 1903.

FOUR CELEBRATED PICKS Nothing Like It in This Market, Also Our Pick Handles, Shovels, Sluice Forks Cable, Points, B. S. Coal. DAWSON HARDWARE CO., Ltd. SECOND AVENUE. TELEPHONE 36.

The Nugget From Skagway Vol. 4—No. 55 BECOMING VERY Traffic to the Increase Indications That Ice This Year Previous The tide of travel in favor of Dawson is to the opening of the stage will be load capacity. For the past there has been considerable travel outward and less and less every day. Pass people report that are now no less than stages on route to Whitehorse and that in almost every day month or six weeks. The trail has never been so good as this morning, superior winter service who are than it is at the present time of last week of instead of injuring the make it better and highway between horse is now like boulevard. I do not particularly early but and thick the road is at least five or six on toward the last of. Since my last trip have been down in the more struck in the demand for passage than imperative that with more motive power with me 24 head have been distributed posts along the trail we should send on stages a day the day and fresh relays necessary. We are also getting break up and I have at all the principal points so that in a few some weeks from runners to when at any point that necessary. The mail contracts the best service this been afforded since ment of the country of it is largely due to provisions of the job. A stage arrived in charge of Hobo Bill who brought four stacks of following passengers: k, Mrs. Davison, Mr. C. Whalley, A. W. S. Taylor, Mrs. Brannon, Miss Sorenson, and one with two sacks of in tomorrow evening eengers, including Judge G. J. Jeffrey, Wm. H. Hall, H. Blackwell, H. S. Beach, W. D. Hart King. One will be morning with Mrs. Thompson, John Leas, Clarence McL, O. W. Dean, G. J. Nelson, T. O. Donald, Waldohaugh. Still Saturday morning will 400 and 450 pounds passengers are G. H. Collier, J. F. White, John Johnson, man, Andrew Martens and C. Schotzman. T. S. Merchants' list Crystal L UNDER NEW MAN HAYSON approved the in the immediate future, money and machine the the which are made with the most of the quality of the material used in the manufacture of the product will be improved. It will be made in the U. S. A. and will be made in the U. S. A. Web order for and will be made in the U. S. A. Telephone 254, 255, 256.