

The Klondike Nugget

TELEPHONE NO. 12. (Dawson's Pioneer Paper) Issued Daily and Semi-Weekly. GEORGE M. ALLEN, Publisher

Subscription Rates table with columns for Yearly, Six months, Three months, Per month, and Single copies, with prices in dollars and cents.

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LETTERS. And Small Packages can be sent to the Creeks by our carriers on the following days: Every Tuesday and Friday to Eldorado, Bonanza, Hunker, Dominion, Gold Run.

TUESDAY, APRIL 15, 1902.

\$50 Reward.

We will pay a reward of \$50 for information that will lead to the arrest and conviction of any one stealing copies of the Daily or Semi-Weekly Nugget from business houses or private residences, where same have been left by our carriers.

KLONDIKE NUGGET.



AMUSEMENTS THIS WEEK.

Auditorium—"The Lamb of the Midnight Sun." Orpheum—Burlesque and Vaudeville.

TRANSIENT MERCHANTS.

The purpose of the city council to devise some method of taxing merchants and others who engage themselves in business during a short season of the year only will meet with general approval.

The assessment takes place in the fall when the values of stocks are at the highest, and when fewer people are engaged in business than at any other season of the year.

The effect of the system has been that those who are in the city to be taxed are rated on a basis of inflated valuations while others have escaped altogether.

The Nugget is prepared to submit that preference, if any is to be shown, should be given to those who have permanently established themselves in business in Dawson and who purpose remaining here.

Transient traders who rush this way with a stock of goods in the spring and leave again before the closing of navigation should by all means contribute a generous share to the public taxes. We do not by this mean to convey the impression that anything in the nature of a prohibitory tax should be assessed against that particular class of merchants or against any other class.

AN OPPORTUNITY.

With perhaps one exception, there have been no public institutions endowed in this city. Men who have been favored by good fortune to such an extent that they are now masters of independent wealth, have never given a dollar toward any local philanthropic purpose.

Badly as such an institution is needed, the man has not yet been found with sufficient public spirit to donate the money required.

owners have taken themselves hence in most cases and left as little behind as possible.

There is an opportunity for some of our mining kings to gain immortality and the Nugget takes the occasion for saying that it would like to see the opportunity improved.

At the present rate of thawing, it will be quite among the possibilities to hold an ice carnival on the recurrence of Queen Victoria's birthday.

A Financial Puzzle.

Here is a problem in finance which we submit to those of our readers who are always inclined for an argument on the money question:

A banker sauntering home saw a five pound note lying on the curbstone. Of course he picked it up and took the number in order to find the owner. While at home his wife remarked that the butcher had sent in a bill for meat amounting to £5. The only money he had with him was the money he had found, which he gave her, and she paid the butcher. The butcher paid it to a farmer for a calf, and the farmer paid it to a merchant, who in turn paid it to the washerwoman, and she, owing the banker a note of £5, went to the banker and paid her note.

Now, will some of our financial friends tell us what has been lost in this transaction and by whom, if anybody?—London Telegraph.

The Scorpion's Wonderful Ear

I have studied the habits of the scorpion for many years and have often noticed how very sensitive scorpions are to the most delicate sound, musical or otherwise. Under the thorax the scorpion has two comb-like appendages, which are the antennae (pectinatae). It is pretty well settled by physiologists and entomologists that in insects the antennae represent the organs of hearing.

The slightest vibration of the atmosphere from any cause whatever at once puts in motion the delicate structures which compose the antennae, to which organs insects owe the power of protecting themselves against danger as well as the means of recognizing the approach of one another.—London Spectator.

Railways in Argentina

"The railway system of Argentina," says a correspondent of the London Post, "is second to none in the world. Trains run at frequent intervals and punctually, especially the long distance trains. The rolling stock is excellent, and a long distance journey by rail is a luxury. The sleeping cars are sumptuously appointed, the permanent ways are well laid, and there is consequently very little jolting. It is possible to breakfast or dine in the trains as comfortably as in a hotel. The dining cars are well fitted up and beautifully decorated with flowers and pot plants. The food is properly cooked and tastefully served at any hour of the day or night, and, above all, the charges are extraordinarily low. Fares, too, are very low, so that traveling is an easy, and a cheap matter."

"Yes," said the aristocrat, "I was indignant, and I wrote him that the clandestine marriage of our son to his daughter was a blot on the family scutcheon, and his only reply was to send me an advertisement of a new brand of soap he is just putting on the market."—Chicago Post.

Bakery for Sale.

Half interest in the best paying bakery in the city. Inquire for particulars at this office.

FOR SALE.

A good dog team, harness and sled. A bargain. Apply Nugget office.

New Millinery

We Have All the Latest

Sailor Hats, Felt Hats, Children's Hats and Caps.

J. P. McLENNAN

233 FRONT STREET

NEW RULING ENACTED

Change in Law as to Re-Location

Gold Commissioner Must Investigate Alleged Abandonment of Claims.

One of the most important decisions yet rendered by the court of appeals since its formation as such court was that handed down yesterday in the case of Risser and Wall vs. Pinkert and Fulda. Important by reason of the fact that it establishes a new precedent in the matter of staking claims which are presumed to have been abandoned and reverted to the crown. Under the old regulations three months continuous labor was required on every claim as representation work each year in order to hold the same.

"This case was one in which a commissioner had to satisfy himself by investigation and make report. He gave the party affected no opportunity to answer, refused to show the evidence and affidavits of the party applying for cancellation. Commenting on the proceedings the court said: 'The commissioner is not bound by strict technical rules as to the admission of evidence, form of procedure, etc., provided the inquiry is conducted according to the requirements of substantial justice.'"

"Does this section 39 imply anything more than ability to forfeiture on breach of this condition, which forfeiture is only complete after the mining recorder investigates and makes a formal cancellation? We have no evidence of any investigation whatever, unless indeed the application of the plaintiff Risser be evidence, in which he swears that the claim was previously granted to some one unknown to him and has remained unworked for not less than nine months."

"This is not true, because he did not know the name of the owner, and it is admitted that nine months and three days non-working was required in this case."

"This can only be called a farce of an investigation, and if that is 'evidence satisfactory' to the mining recorder to justify him in depriving a man of his property, then I can only say that all the recognized principles of British justice are wholly disregarded."

"It is true that on the trial of this cause in July, 1901, evidence was given which would have justified the recorder in cancelling the lease, but that evidence and investigation should have been taken before the mining recorder when the plaintiff applied for the grant."

"The judgment was rendered by Mr. Justice Craig, the gist of which is as follows: 'The main question here is a very important one, that is: Was this claim absolutely forfeited and void and the ground open after the 6th or 7th of November, and were the plaintiffs entitled to the grant when they applied?'"

applied? "Was nothing more required to be done than for the plaintiffs to make an application after nine months and three days, although why nine months and three days should be the time I cannot from the regulations and evidence say? Was nothing else to be done?"

"The defendants' certificate is for a year. His grant is for a year subject to the regulations during that year. What are his rights? In this case it must be borne in mind that the application and staking were before the expiry of the year."

"Section 39 provides that a claim shall be deemed to be abandoned and open to occupation if it shall remain unworked for seventy-two hours. Some exceptions are given, such as sickness, other reasonable cause, or leave given, and the section goes on: 'The mining recorder upon obtaining evidence satisfactory to himself that this provision is not being complied with may cancel the entry given for a claim.'"

"First, this section provides for action by the mining recorder on evidence. He may cancel on evidence. What evidence? The statement or declaration of an adverse claimant without notice to the party affected by his act?"

"Which presumption may be rebutted and the penalty of cancellation remitted if sickness or other reasonable cause be shown to the satisfaction of the recorder."

"Now, as to the investigation by the mining recorder, for there must be an investigation. The section imposes on him the duty of 'obtaining satisfactory evidence' before he cancels."

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"It is true that on the trial of this cause in July, 1901, evidence was given which would have justified the recorder in cancelling the lease, but that evidence and investigation should have been taken before the mining recorder when the plaintiff applied for the grant."

"The plaintiffs can take no rights or benefits from the grant. They are no parties to it. The crown might justify its action under the grant, and the plaintiffs, if they were grantees from the crown, which they are not, might justify their title under it, but in the meantime they take their rights and benefits from the regulations only."

"Again, the grant is to be read with the regulations and to be interpreted through them. The words 'shall be forfeited' I take to imply a liability to forfeiture under section 39 and the proceedings to be taken thereunder. I think that is clear from the reading of section 39, and on careful consideration of the authorities I am strengthened in that opinion."

After the citation of cases regarding the forfeiture of leases and coal gales upon certain conditions, his lordship continued:

"I think that a free miner would be justified in locating lands which he knows to be not worked under section 39, but the recorder must give notice and hear evidence before he cancels the grant and he must cancel the grant before he re-grants to the new locatee. * * * It would be wrong for the crown to grant to a subject the right to dispose an intruder under the crown title where the questions which might influence the crown to consider the intruder's case could not be brought up."

"Query: Could one apply for property likely on which might be escheated before the escheat? No, the crown cannot entertain an application for property which it may hereafter get by escheat."

"The crown in the case before us should have fulfilled this condition by taking evidence properly and making an order of cancellation by the proper officer, the mining recorder."

"If the mining recorder had done that in accordance with the statute and justice this court could not review his order or decision."

"For the reason that I think this lease to the defendant not void but voidable for the cause mentioned by inquiry by the mining recorder as I have indicated, I think the appeal should be allowed. There is no question of right as by contract between the crown and free miners, and no such thing as equity. They take what they take by virtue of the statute and regulations and it seems to me that unless the statute works a forfeiture without doubt, we should be slow to add to the statute so as to deprive a person of his property against all the rules of the common law."

"The defendants were saved by grace or merit of their own, but by the neglect of the mining recorder, and the change of the regulations in December and there should be no costs."

The concluding portion of his lordship's decision is scarcely apropos of the case, but, instead, is a spicy reminder to attorneys to not be careless in preparing their papers. It says:

"This appeal book was the worst prepared and most careless I have ever seen. The printing was so bad that I could not read it. The book seems to be scraps from office drawers and copies. I cannot tell who the first witness was. His name does not appear, nor that he was sworn to by whom he was sworn."

"The variety of color in the printing may be attractive, but it is suggestive of scrap work. The entries are so badly written as to be illegible and are against the rule."

"One can only conclude that when an appeal book is prepared in this fashion the appellant does not care whether his case is considered or not. It is fortunate that justice does not care to punish suitors for the sins of their advocates."

Mr. Justice Dugas concurred in the decision, but, as stated, Mr. Senkler dissented. The opinion of the latter was extremely clear and well founded, so much so, that that such was made mention of in Mr. Justice Craig, who remarks that had he heard it previous to the rendering of his own decision, it might have had the effect of altering it.

Nobby line spring suits just opened Ames Mercantile Co.

Of Interest to Shippers. The Northern Commercial Co. is now prepared to make contracts for shipments from coast ports to Yukon and will be pleased to quote rates on large consignments to best advantage. For full particulars, rates, etc. see the Northern Commercial Co. shipping department.

ANGLO-AMERICAN COMMERCIAL COMPANY. Standard Cigars and Tobacco, Wholesale and Retail at Right Prices. Fire Proof Sales Sold on Easy Terms. BANK BUILDING, King Street.

AMUSEMENTS. The Auditorium. Land of the Midnight Sun. Orpheum Theatre. Watch for the Street Parade. Grand Opening Monday Night April 14. SPANISH-AMERICAN WAR. Grand Old, New Stars and Many of the Old-Time Favorites. Popular Prices.

WINTER MAIL SERVICE. On and After March 20 Dawson to Whitehorse, \$125.00 BY THE ROYAL MAIL STAGES. Making through trip in five and one-half days, stopping at first-class roadhouses each night. Travel only by established time and route, both delay and discomfort. Slaves Leave Dawson Every Tuesday, Thursday and Saturday, at 7 a. m. For reservation apply at the J. H. ROGERS, Agent. White Pass & Yukon Ticket Office.

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Death

The prisoners broke jail! The cry was picked up by the narrow main street and the gambling dropped their cards; to the day the streets were stopped with the noise of the Win traveling men sud in a lively yarn; who, where mere and tills and prep hunt. There deputy sheriffs in those days. It was a o'clock was sounded. It was truth and fact and the women the worst. Every man in the town sworn in either the sheriff's posse which guarded the on a cot in his county jailer. stern faced men taking his la for the la. Manual S. had choked making the Miguel county coroner's inq physician testified in ordinary with the desperate proved fatal, but "Jonger" who b for his health a hemorrhage. The fugitives for six months charges, and public spirit at the do. daredevil R had dropped into a store with a fondness for a fondness in store with arrival he had beautiful M. unity, and had somewhat bohemian pique cab. follows. All the months before We in Brown's starting a conflag in jail. And no the great wistful graceful figure, ha the cabin among t said that in her h had gone back to she lived across Two days, and and one posse nearly into town acquire and a te liberately on the. These, too, when it nearly dawn the day's trail to. circular pit w needed only by r contain goats could tread. On dropped sheerly fu one point a clear its way thro. Maguire had a mile bac and as the p pit he motion. Then, dropping. by crawled. and pen. we sent a thrill nerves. Near the three Mex ledge, slight could easily ide. own's uncertain. met Wolfe. The carefully, but shippings of ga require, recalling. hauler the. the ravine. the outlaws. Then, t. riging mout. two Net of. mailed grimly. that the smile. figure, the. rested restlessly. was loose. carved art. case of taven. Maguire d. down in co. he had dou. nothing but. of a race. had seen. about the cas. about the ca. crept back. a whispered.