

MINERS' LIEN LAW PASSED

Gist of the Bill for Protection of Laborer's Wages—Powers of Council Defined by Legal Adviser Newlands, Mortgages Take Precedence.

When the ordinance for the protection of miners and others came up for its third reading and final passage at the meeting of the council last Friday evening, Legal Adviser Newlands in a very clear and concise manner set out the powers and limitations of the council in enacting measures such as were originally proposed for the protection of miners and others who furnish the materials and supplies for the working of many of the claims in this section. He stated that he had long feared a clash between the legislative body at Ottawa and that of the Yukon territory. The construction of the latter is derived from the Dominion parliament of which it is a creature. It is within the province of the former to legislate upon anything that the latter can, but the reverse is not true. Bills that might be passed by the Yukon council which conflicted with those of the Dominion parliament would be ultra vires of this council and would amount to naught. If the courts of this territory had not held that dumps on mining claims were personal property and that mortgages covering the same must be registered under the chattel mortgage act, the council could not have gone as far as it has in the bill about to be passed.

"We have no power to pass an ordinance affecting the land," he continued. "Working men, though of extreme importance in the development of the country, are not the only class to be considered in the total exclusion of all others. If we undertook to protect the laborer by giving him a lien upon the entire claim it would have the effect of closing down work on practically every claim in the territory and his ability to procure employment would be out of the question. With such a law on our statutes not a dollar could be secured on any claim by pledging the same as security, nor could a pound of provisions be had on credit. The working men knowingly take long chances in the fall when accepting engagements by going to work for laymen and others when they do not know what is in the gravel beneath upon which is their sole dependence for their wages in the spring. It is not right for them to come to any legislative body and ask that they be given the sole and only consideration. If we had attempted to have made a laborer's lien take priority over everything else that would have been ultra vires and of no effect whatever. If the people here are not satisfied with this ordinance they will have to go higher where a greater lien can be given the miner."

Wilson in reply and speaking for the miners said he was sure they were reasonable enough to be satisfied when they know that the council has gone as far as it can in the matter, and he was equally positive that it would be time wasted to pass ordinances that would be ultra vires. He did not know until that moment just what the powers of the council were in the matter. The previous attempts in the same line had been unsatisfactory because the bills as enacted were not workable. A satisfaction of the present bill was expressed and he trusted no further difficulty would be had in protecting the miner and enabling him to secure the wages which he had worked hard for and was justly entitled to receive.

The following is a gist of the bill as passed and which is now a law. Unless he signs an express agreement to the contrary, any person who performed any work or service upon or in respect to, or places or furnishes any material to be used in the work of any placer or quartz mine for any owner or layman shall by virtue thereof have a lien for the price of such work, service or material upon the said mine, the minerals or ore produced therefrom, or the material supplied for the working thereof, the lien, however, to be in amount to the sum justly due to the person entitled to the lien.

The lien shall attach and take effect upon registration of the same as against any subsequent purchasers, mortgages or other encumbrances. The lien shall attach to the estate or interest of the owner and all persons having any interest in the mine and the minerals or ore produced therefrom, appurtenant thereto and lands occupied thereby or enjoyed therewith. Any lien created by this ordinance has priority over all claims against said mine and minerals or ore excepting conveyances and mortgages registered prior to the registration of said lien. Liens shall be deposited in the office of the registration clerk for the district in which the mine to be attached is located. It shall state the name and residence of the claimant and the owner and the property to be charged and the person for whose credit the work is done or materials furnished. It must state the work done or materials furnished. The sum claimed to be due or to become due. Description of the property to be charged. Date of the expiration

of the period of credit agreed to by the claimant. The claim must be verified by the affidavit of the claimant or his agent having a personal knowledge of the facts sworn to. The claim for wages may include the claims of any number of mechanics, laborers or other persons aforesaid who may choose to unite them. Where the lien is for wages the claim may be registered any time within thirty days after the last day of the claim.

In other cases the claim of lien must be deposited before or during the progress of the work or within thirty days from the completion thereof or from the supplying or placing of materials. Provided, that the lien for materials shall apply only for such supplies as have been supplied thirty days prior to the last day in which any material was delivered.

Any lien not deposited shall cease to exist on the expiration of the time hereinbefore limited for registration. Suit to realize on any lien must be begun within sixty days after the registration of said lien for any work that has been completed. Materials furnished or wages earned. Such liens are enforced by the issuance of a summons and following the usual procedure. The liability of the claim owner or layman is fixed by the court. The court may appoint a receiver should he become satisfied in his own mind that the lienholder is in danger of losing his claim. Any number of lienholders may join in one action.

In the case of the death of any one of the plaintiffs or his refusal to proceed, the others may do so upon such terms as are considered just and reasonable by the court or judge. If the minerals or ore produced are not sufficient to satisfy the liens registered against it the court may direct a sale of the estate and interest charged with the lien to take place any time after one month from the receipt of the judgment. The court may also direct the sale of any machinery or materials. Costs of registering the lien and the action which follows for the purpose of realizing on the same will be added to the judgment when in favor of the lienholder.

When there are several lienholders they shall rank pari passu for their several amounts, the proceeds to be distributed pro rata. The court may vacate any lien on receipt of payment or security deposited in court. The court may also annul any lien upon any other grounds. If liens filed should be proven untrue or for an amount greater than is rightfully due, the judge may order such lienholder to pay the costs of the other party.

In the event of the death of a lienholder his right of lien passes to his personal representative; the right of a lienholder may be assigned by any instrument in writing. Liens may be discharged by the receipt signed by a claimant or his agent, verified by an affidavit and filed at the office of the registration clerk. The fee for the registration of a lien is \$2. Ordinance No. 30 of 1901 entitled an ordinance for the protection of miners' wages is repealed.

Engine Demolished. Haine, Wash., Aug. 28.—By the breaking of the crankpin the engine at the Erie Mill Co.'s shingle mill at this place yesterday the engine was completely demolished. Parts were thrown all around the engine room and that no one was injured by the accident was a miracle. The damage to the mill company will not be less than \$2,000. Old soldiers and sailors of Whatcom county are gathering here in full force for the annual reunion on Aug. 27, 28 and 29. Congressmen Jones and Cushman will be in attendance and are expected to make speeches today. United States Immigration Inspector C. W. Snyder, while riding past a dray on the city dock accidentally fell from his bicycle. One wheel of the dray passed over his left leg and broke it.

An Anti-Vice Campaign. Elma, Wash., Aug. 28.—Elma is about to have an anti-vice campaign. Notice has been served upon the gamblers to pack up and move. Sheriff Hill was notified of the repeated violation at this place of the anti-gambling law. The people of the town are alarmed somewhat over the fact that these gentry driven from other towns are beginning to take refuge here.

Just in—a complete line of ladies' wear Little Shoes, Stockings, Vests, etc. at Mrs. Anderson's, Second Avenue.

The Plumber at Auditorium.

Tyrell Flakes a Hit. The steamer Tyrell, which leaves this evening for Whitehorse, will carry one of the largest passenger lists ever taken on a Yukon boat. Upper deck, lower deck and in fact nearly all available accommodations were sold out this afternoon and still others clamored for tickets. The trip is certain to be a lively one for Manager Venuti is taking with him a company of entertainers who will give a nightly performance for the benefit of the passengers. Mr. Venuti's plan has taken well with the travelling public and the demand for accommodations has far exceeded his most sanguine expectations. She will sail again in about one week and bookings for the second trip are already being made.

To Impeach Palma. Havana, Aug. 29.—President Palma today finds himself without the support of a single newspaper controlled by Cubans. The editorials published in the Cuban press are considered collectively remarkable for their bitterness and outspoken opposition to the chief executive. The only paper which supports the president is the Diario de la Marina, formerly the organ of the Spanish government and at present representing the Spanish colony in Cuba. One of the principal causes for the opposition to President Palma seems to arise from the fact that he granted the Castañeda concession for the establishment of an electric light plant at Havana. This concession has been a subject of bitter discussion in the house of representatives and some members are demanding Senator Palma's impeachment unless the concession is rescinded. The impeachment matter has been upon the table for the past week. Both houses of congress have become badly disorganized over this question and the result has been a strong anti-Palma feeling.

Custom Treaty. Washington, Aug. 30.—The customs treaty to be signed today at Pekin between British and Chinese governments will serve as a pattern of one to be concluded by Mr. Conger with the latter government. The foreign representatives at Pekin having regard for the fact that the British trade interests with China were perhaps more extensive and complicated than those of any other country, decided to allow the British minister to prepare the first of a series of customs treaties and, although these will be signed by the powers separately and not collectively, it is the understanding among the foreign representatives that there shall be no special advantages granted by China to any one of them. Therefore, Mr. Conger, who it is understood has already made some headway toward the framing of a customs treaty, will secure any trade advantages which have been given to the British. There will be no conflict between Mr. Conger's treaty and that recently signed by the United States by Mr. Sharratt.

Loses Her Heart. San Francisco, Aug. 30.—Carefully guarded in a flat at 1315 Stockton street, is pretty Senorita Jesus Rea, daughter of a rich Senor of Mazatlan, Mexico. She was brought from the Mexican coast city in the charge of her grandmother and her trip here is in the hope of putting to an end a pretty romance. She had lost her heart to a dashing-torador, Manuel Calteja, who is famous in the arena in Old Spain and in Central and South American republics. The father of the maid to wealthy and famous in his locality as a sculptor. He, like most of his countrymen, is an admirer of bull fighting, and in the interests of national sport he constructed an elaborate arena for the game and it is known all up and down the Mexican coast as the Plaza Rea and the headquarters of the most daring matadors.

Stage Coach Overturned. Livingston, Mont., Aug. 30.—Miss May Leonard of Chicago sustained a broken collar bone and Joseph Baird of St. Louis and eleven other passengers received a severe shaking up as the result of the overturning of a stage coach between Mammoth Hot Springs and Gardner this evening. The driver lost control of his team, which plunged over the embankment, pulling the coach over, which, after making two complete revolutions, fortunately landed right side up. It is claimed to be almost miraculous that the entire party was not killed. The only fatality was among the horses, one of which was killed.

Situation Alarming. Nanaimo, B.C., Aug. 29.—Superintendent Robins of the New Vancouver Coal Company is back from a visit to San Francisco. After looking into the coal situation there he cannot regard it as other than most alarming. This is due to the fact of competition, which he believes is destined to exert a great influence for some time.

American Railroads. A rich agricultural region in South Korea is about being opened up by a 287-mile railroad, to be built at a cost of \$12,500,000. American railway material is to be used, and American implements will probably be employed to increase the agricultural product of that land. Japanese dietition is paramount in that country.

\$50 Reward. Stolen Sunday, June 8th, one malamute dog, very dark grey, white breast, light chops, light grey stripe running from point of nose up between eyes, front legs white, hind feet white, extreme tip of tail white, belly light color, always carries tail curled over back or left side, nose very small like a fox or coon. I will pay the above reward for any information that will lead to the arrest and conviction of the thief and recovery of dog. Answers to name of Prince. F. J. HEMEN. Klondike Nugget.

CONCESSION OPENED

Philp Application Has Been Turned Down

Tract Extends From the Mouth of Bonanza Two and One Half Miles up Stream.

The Philp concession which lies at the mouth of Bonanza will be thrown open for location at noon on Monday, October 6, according to the following notice which was posted in the office of the gold commissioner this morning: "In the matter of the application of A. E. Philp for a hydraulic concession described as commencing at the mouth of Bonanza creek and extending up stream a distance of two and one-half miles and in width to the limits of the valley, notice is hereby given that on and after 12 o'clock noon, October 6, next, the ground in question will be open for location under the regulations governing placer mining in the Yukon territory."

The upper boundary of the concession takes in a part of Lovett gulch and 84 below Bonanza, and extends from summit to summit on each side of the creek but does not include any of the creek claims. The ground has long been closed to entry though Philp has never had a lease. He usually made application, the ground was closed since, which time the application has been pending. It has now been turned down and the tract declared open to entry. With the exception of the ground about Lovett gulch there has never been anything open on the concession and it is doubtful if it is worth much, either for hydraulic or placer purposes.

RELATIVE OF LABELLE Will Defend the Accused Man

Now En Route to Dawson From Quebec—Prisoner Remanded This Morning.

Edward La Belle, the prisoner charged with the murder of Leon Boulfille, was arraigned in police court this morning. La Belle is a heavy set, swarthy complexioned man, but does not impress the casual observer as being the perpetrator of a foul crime. He was represented in court this morning by J. Langlois Bell, who stated that friends of the prisoner had wired from Ottawa asking that the interests of the prisoner be cared for temporarily by himself and attorney Noid. La Belle has good connections in the east, a brother-in-law being a prominent barrister and member of parliament from Quebec. The latter expects to come to Dawson to defend the prisoner and pending his arrival requests that La Belle be subjected to no interviews. The prisoner was remanded for one week. It is understood that La Belle's brother-in-law is now en route to Dawson. The crown was represented by Crown Prosecutor Congdon.

COMMITTED FOR TRIAL

Charged With Crime of Theft

Case Similar to the Helen Moulton Affair—The Old Wine and Woman Story.

Jennie Mack, sometimes known as Mrs. Warnock, was committed for trial by Magistrate Wroughton in the police court this morning on a charge of theft. The information upon which the committal was made, was laid by George Blondo of 43 below Hunker, and declared that Jennie Mack on the 4th day of September did steal from George Blondo the sum of \$600 in currency. The case is one very similar to that of Helen Moulton who was tried last week and held for trial to the territorial court on a charge of stealing from John F. Burns the sum of \$100. George Blondo was the first witness called and told the story of how it occurred. He is a miner working at 43 below on Hunker, and on the night of the 4th inst. he went to the Warnock house, of which the accused is the proprietress. This roadhouse is the first one passed going up Gold Bottom. He ordered a round of drinks for the people in the barroom and to pay for it drew his roll of bills from his pocket. He had in his pocket over \$600—divided into one \$100 bill, six or seven \$50 bills, two \$20 bills, and the balance in \$20 bills. He handed the \$100 bill to the accused who was behind the bar but she could not change it, so he gave her a \$10 bill.

From the Warnock house he went to the Gold Bottom hotel in company with the accused. Going into the Gold Bottom hotel they had a couple of bottles of beer and went into a room. He fell asleep and awoke in a couple of hours. Searching his pockets he discovered that his roll of money was missing. He called for the police and had the room searched but nothing could be found. After they had been in the room a short while someone knocked at the door and the woman answered the call. He did not see who it was nor hear the conversation. The woman was intoxicated but he was sober.

Under cross-examination by the accused witness stated that Woods, Marshall and another man besides himself and the accused were present when he bought the drink at the Warnock house, but that he did not slip his money down on the bar stating that he was a successful miner making lots of money and telling how much he had in his roll. Constable Marshall of the Gold Bottom force was next called and corroborated the previous witness in his statement of the events transpiring at the Warnock hotel. He had heard Blondo order the drink and saw him take out his roll of bills to pay for it. He did not know the amount Blondo had in his possession. He had seen Blondo and the accused leave the Warnock hotel for the Gold Bottom hotel and had not seen them again until the report of the robbery was made, when he went in company with another policeman and searched the room. The door was partly open and the window also was slightly open, but the lock on the door was all right. The woman was intoxicated but the man was sober.

Mr. Varnes, owner of the Gold Bottom hotel, the next witness stated that Blondo and the accused had entered his hotel between 9 and 10 o'clock, and had entered a room where he had served them with two bottles of beer. The first Blondo had paid for in silver, and the second he had paid for with a \$5 bill which he changed. That was all the money he had seen in the possession of Blondo. He had been greeted by his night man, Harry Foley, about 9:15 and had heard nothing further from the parties until aroused by Blondo making the outcry. Henry Foley, night bartender, was next called. He had heard nothing from the parties and in fact did not know that they were in the room until after 1 o'clock, when he answered a call from the bell and was told by Blondo that he had been robbed and for him to call the police. A man named Wood had come into the barroom and taking a key of the bar had tried to open the door to the room occupied by Blondo. Witness had ordered him away and was told by Wood that there were plenty of other ways of getting in. Wood was intoxicated when he came in. He went out the back door and witness did not see him again during the evening. He had tried the door to see if Woods had opened it, but found he had not succeeded as the door was still locked. He had helped in the search of the room and found then that the door was open and the window also. The window is about 3 feet from the ground. Blondo was recalled and in reply to questions put by the magistrate stated that he had not noticed the window parties

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Berries Scarce. At this time last year the woods near Dawson were alive with men, women and children engaged in picking the wild cranberries which were then found in abundance. Along the Hunker and Bonanza roads the luscious berries were found in countless bushes and hundreds of baskets and buckets were filled with them. This year, however, they are extremely scarce, it being almost impossible to find them where last September they grew in profusion. Parties who have scoured the woods state that they have looked in vain for cranberries in spots where a year ago they gathered them by the bucketful. It is said that on Rock creek and other places distant from town there are many to be had but in nearby localities they are decidedly a scarce article.

Confesses to Murder. Colchester, Eng., Sept. 1.—At the police court here today Lance Corporal Lloyd of the Bedfordshire regiment, who had surrendered to the authorities charging himself with the murder of an unknown man in Kansas City, Mo., in January last, was remanded for a warrant after formal evidence had begun. Lloyd, who claims to be an American citizen, is his confession to the police says his real name was Wm. G. B. Tall of Kansas City, that he was married and that he was a deserter from the United States army. The prisoner further asserted that he did not know the name of the man he had killed. His object was robbery and he knocked the man on the head with a cooking pin. Only a Few. Liswell, Neb., Aug. 30.—The Chamberlain Banking House at Tecumseh has been closed by the bank examiner. The cashier and manager, Charles Hamburg, is said to have gone east Monday with a grip full of securities to raise money, but his present whereabouts are unknown. Only a few dollars were found in the vault. WANTED—Scalp for Moosehead. Cribbs' drug store. ell

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