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GRANT IS CANCELLED

To Fraction Claimed by E. Cannell

Mainiffs Obtain Judgment in the Case Involving 55, Hill Side Bonanza

Judgment in the case, in which
John W. Gillespie et. al were plain-
iffs and Edward Cannell et al were
defendants was handed down yester-
day by Gold Commissioner Senkler
as follows:

The plaintiffs are the owners of
hill claim opposite the upper half,
right limit, of 54 below discovery on
Bonanza creek, located by one Mes-
senger on July 26th, 1898.

The defendant Cannell staked what
he claims as a fractional piece of
ground lying between 54 below dis-
covery on Bonanza and the hill claim
above mentioned on February 9th,
1902.

The case was heard before me in
April, 1902, when the protest was al-
lowed. The defendants appealed.
On the hearing of the appeal,
I ruled that the case be sent back to
this court in order that they might
submit further evidence for hearing.
This evidence I heard on May 5th,
1903.

The defendants' contention is that
Messenger, who staked the hill claim,
in question, placed his posts at the
uphill end of their fraction, as sur-
veyed by Mr. Jepson. The plain-
iffs, on the other hand, claim that
Messenger's posts were placed at the
bottom of the hill close to the old
O'Brien tramway, and included the
fractional piece of ground staked by
Cannell.

In the spring of 1897, Mr. Ogilvie
surveyed the creek claims on Bon-
anza as far down as sixty below dis-
covery, and from the evidence it ap-
pears that his post, between claims
53 and 54 on the right limit of
the creek stands at the uphill up-
stream corner of the defendants' fraction.

For the defense H. H. Smith states
he saw a Messenger stake beside
Ogilvie's post in March, 1899. How-
ever saw the post in the same posi-
tion in the fall of '99. B. L. Holmes
states he saw the Messenger post be-
side Ogilvie's post on the day he
staked it and Edward Peterson stak-
ed the hill claim above Messenger's
claim two days after Messenger stak-
ed, and he states that both Messen-
ger's posts were about 100 feet up-
hill from the O'Brien tramway. The
old O'Brien tramway ran along the
right limit of Bonanza close to the
down hill line of the defendant's frac-
tion.

For the plaintiff, on the other hand,
Brown states he saw Messen-
ger's posts near the O'Brien tram-
way in 1898; Hamberg saw both of
Messenger's stakes close to the tram-
way in April, 1898; Applequist saw
the lower stake lying down close to
the tramway in May, 1898; William
Coteau saw the posts near the
tramway in 1898 and 1899 and the
plaintiffs Gillespie and Jarvis both
saw the stakes close to the tram-
way in March, 1899, previous to
their purchasing the ground for
\$200.

For the defense S. G. Campbell
states Gillespie showed him the
boundary between the creek and hill
claims at Ogilvie's post in 1900; this
could not however be an admission
to the position of Messenger's
posts, as in case Ogilvie's post show-
ing the side boundary of the creek
from the hill claim could not claim
any ground below that point al-
though Messenger's posts were in
the position claimed by the plain-
iffs. Mr. Jepson's survey of the
Messenger claim would not affect the
case as I find there was no admission
by Gillespie that it was correct and
the position in which Mr. Jepson
staked the uphill Messenger post would
not affect the case as locators are
not to misjudge distances especially
when measuring by pacing uphill a
distance of 1000 feet.
As to the work on the hill claim,
Peterson states he saw Messenger
staking on the claim before the pres-
ent owners purchased. He worked
the hill above the ground in dis-
pute, and he saw him put down two
stakes in the ground in dispute, also
stake one close to the upper line of
the fraction.

Gillespie let a lay to the brother
of the defendant in October, 1901,
and it appears that the defendant
was working on the ground in dis-
pute under said lay previous to the
staking.
Mr. Barwell and Mr. Gillespie are

of the opinion that the Messenger lo-
cation notice at the upstream end,
close to the Ogilvie post, is not a
genuine notice, and considering the
evidence of the original position of
the Messenger posts, I am of opinion,
some weight should be given to this
evidence. There is no positive evi-
dence of the original position of Mes-
senger's location posts, Messenger is
away himself and none of the wit-
nesses saw him stake. To put the
case as fairly as possible, if all oth-
er points in the case were equal, the
evidence as to the position of the lo-
cation posts is in favor of the de-
fendants, owing to one witness stat-
ing he saw Messenger's posts beside
Ogilvie's post on the day Messenger
staked, coupled with the fact that at
the time Messenger staked he was
not apt to stake a hill claim from
Ogilvie's stake back, as a locator at
that time would usually assume that
Ogilvie's post would show the side
boundary of the creek claim, but as
I stated, this evidence is not posi-
tive. The Messenger posts may have
been moved shortly after they were
placed in the ground by the original
locator. I think the fact that the
plaintiffs owned this hill claim so
long before Cannell staked, the fact
that they and their predecessors did
so much work on the ground in dis-
pute, at considerable expense after
purchasing the ground for the sum of
\$2500, and from the fact that the
plaintiffs believed from the time they
purchased in March, 1899, over two
years before the defendant Cabbage
staked, that they had a good title to
the ground in dispute, puts the de-
fendants in such a position that they
must show positively that the ground
in dispute was not included within
the Messenger location posts before
they can deprive them of this ground,
and there is no doubt that the regu-
lations, intended that the locator of a
hill claim include all the ground from
the creek claim uphill, and it is the
intention of every hill locator to
commence at the side boundary of
the creek claim when he locates.

The grant of the Cannell fraction
is hereby cancelled and the protest is
allowed with costs.

A WRONG START

Made by William McIntyre a Cheechaco

William McIntyre, a cheechaco who
arrived in Dawson about two weeks
ago, acknowledged to his lordship in
the police court that he had made a
start in the wrong direction after he
had pleaded guilty to the charge of
drunk and disorderly. William was
very contrite and pledged himself to
be of good behavior in the future.
This being his first offense a fine of
\$1 and costs was imposed. William
was short of ready money having but
25c left after his spree. It was shown
that he had been simply helplessly in-
toxicated without creating any dis-
turbance and his lordship ordered
him to be released and told him to
pay the \$9 when he had earned it.

New Quartz Club

The first meeting of the Co-opera-
tive Quartz Club was held on the
second floor of the Standard Library
on Second avenue at 8:30 last even-
ing. The meeting was well attended
and a number of members enrolled.
The object of this new club is to
advance the quartz industry of the
Yukon, and assist the prospector in
developing his property. Everyone
interested in the development of
quartz is invited to be present at
the next meeting of the club, which
will take place Monday, the 13th
inst., at 9 p.m. at the same place,
free of any cost. There will be at
the next meeting an interesting
speaker who is a practical quartz
miner who will deliver an address.

Narrow Escape.

A serious accident was very nar-
rowly averted last evening on Third
avenue about 8 o'clock. Mr. Stanley
Searce, the commission merchant,
and Mrs. Searce were just starting
from the store for a drive when the
horse became frightened and started
down the street at a break-neck pace,
kicking and rearing as it went. It
looked as if the frail buckboard in
which they were riding would be
broken to pieces at any moment and
when the horse in one of its violent
plunges threw one of its hind legs
over the shaft people of the street
held their breath fearful of what the
consequence might be. Mr. Searce
never for a moment lost his presence
of mind and managed to turn the
horse into the sidewalk after they
had gone about two blocks. The
suddenness with which the turn was
made threw the horse, which still
had its foot over the shaft, on its
side, but a party standing near
caught the buggy before it went over
and another man held the horse
until the occupants of the vehicle had
alighted. The buggy was slightly
damaged but otherwise no damage
resulted.

Job Printing at Nugget office.

ROTHSCHILD IN YUKON

Member of the German Family on Hunker

Is Negotiating for Purchase of Seven Miles of Hunker Claims.

Although the gentleman did not
herald his arrival from the housetops
there has been a real Rothschild
member of the famous family of
wealth and financial fame, in this
locality for nearly two weeks. The
gentleman is of the German branch
of the Rothschild family and is the
New York representative of the great
banking house which is interested in
not less than twenty New York banks
and is always seeking new fields for
the investment of capital.

The baron, as the gentleman is
called on Hunker where he has spent
nearly all his time since landing, in
Dawson, represents the syndicate
that owns the majority of the stock
in the Williams concession on Hunker
and it is to acquire more property
that he is now here. He is now ne-
gotiating for the purchase of all the
creek, sidehill and bench claims on
Hunker for a distance of seven miles
above the Williams concession and if
the deal is consummated the big
tract will be worked on the hydrau-
lic system by water taken from Rock
creek. The baron says:

"Show me that there is gold in the
ground and I will buy the property."
His company already has two big
dredgers here and five more have been
ordered from an Ohio manufactory.
Should the syndicate obtain control
of the property in question it will
constitute the most gigantic mining
enterprise ever undertaken in the
Yukon.

HUNKER PARTY

Most Enjoyable Function at No. 35

Mr. and Mrs. Swanson of No. 35
Hunker entertained their friends in
their new home on the hill, which
Mr. Swanson a successful miner re-
cently presented to his wife. The
house was covered with evergreens
and lavishly decorated with national
flags and presented a most beautiful
aspect. The guests present were:
Miss Brown, Mr. Bleeker, Mr. and
Mrs. Balentine, Mr. and Mrs. Brown,
Mr. and Mrs. Burton, Mr. and Mrs.
Weld, Mr. and Mrs. Pidge, Mr. Geo.
Fisher, Mr. and Mrs. Moores, Mr.
and Mrs. Larsen, Mrs. Buchholz,
Mrs. Bodro, Mr. Charles Carlsen,
Mr. Godfrey, Mr. Milton, and the
Knights of Bachelorhood on Hunker.
Progressive whist was the feature
of the evening. First prize for gents,
pair of infant's shoes, first prize for
ladies, centerpiece of fine linen,
booby prize for gents, box of cigars,
booby prize for ladies, ladies' butter-
fly.

Mr. and Mrs. Swanson received
many very pretty and costly pres-
ents. After supper, consisting of
the best that can be had in the country
and all the delicacies of the season,
a social dance was indulged in, and
the intervals between the dances were
enjoyed on the lawn in front of the
house, where a gorgeous and most
elaborate display of fireworks was
witnessed. Thanks to their charm-
ing hostess and host Mrs. and Mr.
Swanson, the party had a most en-
joyable time and did not separate to
go home before 4 a.m.

PRIZES OFFERED

For Best Exhibit of Yukon Wild Flowers

Considerable interest is being man-
ifested in the effort that is being
made to organize a horticultural so-
ciety in Dawson. The movement has
now assumed definite form and will
be further promoted at a meeting,
called for tomorrow evening at the
Dawson public school house.
It is hoped by those who are inter-
esting themselves in the work that
the government may be induced to
establish an experimental station in
Dawson for the purpose of determin-
ing just what vegetables and cereal
growths are best suited to Yukon
climatic conditions.

Among those who are prominently
connected with the movement are
Commissioner and Mrs. F. T. Cong-
don, Elgin Schoff, P. R. Ritchie and
Superintendent Rose.

At the meeting tomorrow night
Mr. Schoff will offer three prizes for

N. C. CO.

N. C. CO.

NEW ARRIVALS

Shoe Department.....

We have just received a complete line of LADIES' SHOES (Oxfords and Slippers) in all the
very latest styles and heels. These shoes are made by Todd, Bancroft & Co., Rochester, N.Y.; a
firm world-renowned for the production of fine shoes.

Hardware Department

For SPRING PAINTING We Are Selling

White Lead \$.16 Lb.
Boiled Oil, 10 Gals. in Case . . \$17.00 Case.
Turpentine, 10 Gals. in Case, \$17.00 Case.

COLORS, VARNISHES, BRUSHES, ETC., ETC., FOR ALL PURPOSES.

Our 1903 stock of the celebrated

Red Strand Hercules Wire Cable

Has just arrived and will be sold at prices no higher than those asked for inferior goods

BEER PUMPS NOW IN STOCK

Northern Commercial Co.

Dawson's Favorite Store.

the best collections of Yukon wild
flowers. A number of children are
busily engaged today in securing spec-
imens and it is anticipated that there
will be a fine exhibit at the school
house tomorrow night.

An invitation is extended to all
who may be interested to attend the
meeting and assist in the prelimi-
nary work of organizing the society
upon a solid basis.

HOTEL ARRIVALS.

KLONDIKE.—T. G. Ruhn, Edgar
Ames, W. E. Brapan, E. W. John-
son, Bishop, Bumpas, Dave Walker,
Fred W. Sheeley, J. J. Rutledge,
Ivan Wagner, L. Rice, Giovanni Stri-
anni, D. S. MacKenzie, N. Johnson.

FAIRVIEW.—Frank Baker and
wife, O. L. Omar, A. Chytraus and
wife, Obolski, Chas. W. Boyd, Gus
Hattgreen, R. Jensen, E. Frana,
Geo. Fytton, O. P. Keesling, Jack
Savage, Robt. Soutar, O. P. Grus-
tad, S. W. Ferguson, H. C. Ma-
caulay, Wm. Auckland, Mrs. B. A.
Carbonneau.

EMPIRE.—F. C. Griffin, J. A.
Ludvigson, F. S. Stoney.

MANAGER WANTED.—Trustworthy
lady or gentleman to manage busi-
ness in the county and adjoining
territory for well and favorably
known house of solid financial
standing. \$20.00 straight cash sal-
ary and expenses, paid each Mon-
day by check direct from headquar-
ters. Expense money advanced.
Position is permanent. Address
THOMAS COOPER, Manager, 1030
Caxton Building, Chicago.

IN THE MATTER OF LINCOLN D.
HUNT, of Quartz creek, Y. T.,
miner.

INSOLVENT.

NOTICE is hereby given that the
said Lincoln D. Hunt, carrying on
mining operations at hillside claim
opposite No. 15 below A. Mack's dis-
covery on Quartz creek in the Yukon
territory, has made an assignment of
all his estate, real and personal,
credits and effects to Thomas J.
Kearney of Bonanza for the general
benefit of his creditors, all creditors
are notified to file their claims with
the assignee at the office of White,
Davy & Tobin, barristers, together
with a statutory declaration proving
said claim, on or before the 10th
day of August, 1903.

And notice is further given that af-
ter the 10th day of August, 1903, the
assignee will proceed to distribute
the assets of the said insolvent
amongst the parties entitled thereto,
having regard to only such claims
that he shall have had due no-
tice, and that he will not be liable
to the estate for any part thereof so
distributed to any person or persons
of whom he shall not then have had
notice.

T. J. KEARNEY,

Assignee.
By White, Davy & Tobin,
His solicitors.
Dated at Dawson the 8th day of
July, 1903.



The Red Devil can down the tiger, but where is the chauffeur?

Created a Scene
Kansas City, June 27.—George
Earhardt, while temporarily derang-
ed, created a panic in the Union Na-
tional Bank shortly before noon to-
day by flourishing a revolver in the
face of Bird H. McFarvey, the com-
ing teller.

"I have been robbed," Earhardt
cried frantically, "robbed by that
man there," as he pointed his revolv-
er at McFarvey who stood behind
the counter.
The room was crowded. Much ex-
citement ensued and men and women
rushed from the building. Earhardt
was overpowered and taken to the
police station. He is a stranger in
the city.

Job Printing at Nugget office.

PROFESSIONAL CARDS

LAWYERS

FATTULLO & RIDLEY — Attorneys,
Notaries, Conveyancers, etc. Office
Rooms 7 and 8 A. C. Office Bldg.
HAGEL & O'DELL, Barristers, &c.
Offices Liggett building, Queen St.,
next to Bank of B. N. A.

WEEK COMMENCING MONDAY, JULY 6 AUDITORIUM

ALEXANDER DUMAS' GREATEST SUCCESS.

Camille

Popular prices. Curtain rises 8:30 sharp.

Always Increasing

Our RENT COLLECTION continues to increase every day. The
reason is self evident. You obtain a maximum result with a mini-
mum of trouble.

STAUF & PATTULLO,

Real Estate, Mining and Financial Agents
N. C. Co. Office Building, Dawson.