

REGULATING LAW PRACTICE

Councilman Dugas Introduced Blanket Ordinance Before the Yukon Council at Yesterday's Meeting Which Was Passed — Other Bills Presented and Considered.

From Wed's and Thursday's Daily.

The Yukon Council met yesterday afternoon in the old court house, after an adjournment of over two months, made necessary by the enforced absence from the territory of Governor Ross during that period.

There were present: Commissioner Ross, Mr. Justice Dugas, Gold Commissioner Senkler, Registrar Gironard, Councilman Arthur Wilson and Councilman A. J. Prudhomme—all the members excepting Major Wood, Acting Crown Prosecutor Congdon, formerly legal adviser to the council, was likewise present, but took no part in the proceedings save in the matter of making certain explanations from time to time during the reading of new bills.

Quite an amount of business had accumulated during the commissioner's absence, which was gone through with no little expedition. Probably the most important bill presented was that relating to the protection of miners, which was fathered by Mr. Wilson. A detailed account of which will be found elsewhere in these columns.

Mr. Justice Dugas presented an ordinance respecting the legal profession. It was quite lengthy and concerns not only the present members of the territorial bar, but also students who may desire admission to the bar and article clerks. By its provisions the list of those persons which may be added from time to time shall constitute what is known as the "Bar-risters' and Solicitors' Roll." The roll is open to the inspection of anyone upon the payment of 50 cents. A copy of the roll shall be kept on file with the clerk of the territorial court.

Admission to the roll is upon the following conditions: The person must be a British subject, 21 years of age or upward, of good moral character and must be a member of the bar of England, Scotland or Ireland, or, has been duly called to the bar of any of his Majesty's superior courts in any of his Majesty's provinces or territories of the Dominion of Canada, or, has served under articles of clerkship for a period of three years with a duly qualified barrister and has passed the necessary examinations; or, has been called to the bar of other of his Majesty's dominions or colonies; or has passed the preliminary or final examinations prescribed and served three years as an article clerk. A fee of \$50 is required before any person shall be enrolled.

Any person who has become an article clerk shall be entitled to be enrolled as a barrister upon completing his term of service and passing the examinations.

All persons becoming enrolled are required to take in open court the oath prescribed in the schedule.

Every barrister and solicitor practicing in the Yukon territory shall pay an annual fee of \$25 to the controller of the territory on or before June 30 of each year. The penalty to which any barrister is liable for not having paid his fee and becoming enrolled is \$100 and disqualification from practice after June 30.

An examination shall be held annually of any persons desiring to be enrolled as article clerks or barristers, the examination to take place during the month of September.

Article clerks must pass an examination and be bound by written contract to serve as such clerk to only a duly qualified barrister practicing in the Yukon territory.

The legal adviser shall be deemed a duly qualified barrister.

No barrister shall have more than two clerks at any one time, nor shall he have any after he has discontinued practicing his profession.

No barrister shall act as the professional agent of any person not duly enrolled and qualified to act as a barrister or suffer his name to be used in any such agency, nor shall any barrister enter into any partnership with any person not duly enrolled and qualified to act as a barrister.

Provisions are made by which the crown prosecutor shall discipline and punish barristers guilty of an offense against this ordinance.

Barristers accused of unprofessional conduct, or for default by him in payment of monies received by him as a barrister shall be tried before the court and if found guilty his name shall be struck off the roll and he shall be suspended from practicing

for such period as may be considered proper. During his suspension he shall have no rights or privileges whatsoever as a barrister.

Article clerks may also be struck off the clerk's roll for conduct unbecoming a clerk.

Any person other than those duly qualified to act as barristers who shall act as such or practice in any court, or advise for fee or reward, directly or indirectly, in matters pertaining to law, or sue out any writ or process, or carry on, solicit or defend any action, or assume to act or hold himself out to the public as a person qualified to act as a barrister, or represent himself as a partner of any duly qualified barrister, shall pay a fine of \$500 for the first offense. Subsequent offenses are liable to a penalty of \$1,000.

Any contravention of the preceding section shall constitute a contempt of court, and any person doing any of the acts prohibited by this section are barred from recovering any fee or reward on account thereof, and any sum paid to such person thereof may be recovered by the person paying the same.

The bill repeals the old ordinances affecting the legal profession. It was given its first and second readings, then Justice Dugas took the chair, the council resolving itself into a committee of the whole; it was read a third time and finally passed.

Another important measure which was taken up and which reached its final reading and passage was an ordinance relating to the civil jurisdiction of police magistrates. The bill provides that the clerk of the court and the sheriff shall each appoint a deputy at White Horse.

The jurisdiction of each of the police magistrates appointed under chapter 41 of the Dominion acts of 1901, shall be exercised so far as regards procedure and practice in the same manner as the jurisdiction of a judge of the territorial court of the Yukon territory, and the practice and procedure in all civil cases over which such magistrate has jurisdiction shall be regulated by chapter 21 of the consolidated ordinances of the Northwest Territory.

Every such case shall be commenced and proceeded with both before judgment and subsequently as if the same were a cause commenced in the territorial court.

All appeals from the police magistrate shall be heard by the judge of the territorial court sitting en banc.

An appeal shall not operate as a stay of execution or of proceedings under the decision appealed from except so far as the magistrate appealed from or the court orders.

Gold Commissioner Senkler introduced two bills, both of which reached their final reading and passed. One was an amendment to the ordinance respecting assessment, and consisted of inserting the words, "not later than" in lieu of the words "at least" between the words "appeal" and "fifteen days" in the notice of assessment in form "C."

The other bill introduced by Mr. Senkler was an amendment to the ordinance for the prevention of fires. It refers to thinblades and flues through which stovepipes pass. By the new ordinance it is required that there be six chambers of not less than four and one-half inches in diameter between the outer and inner wings of metal contained in said thinblade or flue.

Councilman Wilson presented a portion of a petition intended to be forwarded to Ottawa, asking for the appointment of a wholly elective council and two representatives in parliament and requested the endorsement of the council. The petition was received, but as it contained no signatures it was laid on the table. Mr. Wilson also presented another petition concerning the miners' lien ordinance, but as it was not drawn up in suitable language it was rejected.

Justice Dugas presented a petition from the Yukon Telephone Syndicate, praying for the ratification of the acts performed by it. Considerable comment was indulged in by the different members relative to the position of many of the company's telephone poles, the height of their wires above the ground and other matters pertaining to the welfare of the public.

Resolutions were finally passed ratifying the acts of the company in

planting poles, carrying wires through various parts of the city, and granting permission for such extensions to be made from time to time as they may desire.

The incorporation ordinance was not ready for presentation, but will probably be brought up at the next meeting of the council.

Mr. Newlands, the newly appointed legal adviser, will be present at the next regular meeting of the council, which will be held on the first Thursday in November.

Carnegie's Rule.

The conspicuous part played by the Carnegie Steel Company in the newspapers recently calls attention to an important condition that has helped to bring about the wonderful development of this concern. The company is probably the only one in the world in which "influence" and "pull" are not permitted to affect promotions. A hard and fast rule is laid down that all promotions must come from the ranks, and that everybody in the employ of the concern must stand on his own merits. Neither relationship nor any other claim is recognized, either in obtaining employment or in getting ahead after a place is won. That this is not mere idle talk was forcibly brought home not a great while ago, to a Pittsburgher.

This man, after a successful business career, recently met with a series of commercial reverses that left him practically without a dollar in the world. There was, however, nothing to reflect on his probity or on his business acumen; his misfortunes being due to circumstances over which he had no control. As he was in excellent health, looking and feeling at least ten years younger than he really was, the disaster did not break his spirit. He determined that he would begin all over again, and make a new fortune. As a preliminary he went to Andrew Carnegie, whom he had known intimately all his life, having been with him a member of the Duquesne Club and of other organizations. He explained his situation and asked for a position in the works commensurate with his position and training.

"I cannot give you a position," said Mr. Carnegie.

"You cannot—why?"

"Simply because I haven't the power."

"But you are the chief owner!"

"Yes, I am, but it is a rule in the Carnegie Company that everybody must begin at the bottom and work up, and neither I nor anyone else can change that rule. If I should give an order to put you in such a position as you ask, even if there were a vacancy, no attention would be paid to it—not the slightest. In fact, if I should give you any sort of a letter of recommendation it would only do you more harm than good. In the first place, it would not get you a place such as you ask, and in the second place, if you did succeed in getting in at the bottom, the very fact that I had recommended you would make everybody in the establishment watch you like a hawk. That is the way influence works in our concern."

The Pittsburgher went away and got work elsewhere, but he regrets that he did not start earlier in life in an enterprise where merit is so absolutely the test. Whether the same rule will be maintained under the great consolidation is a question that interests many people.—Ex.

OUTLOOK FOR NEWS

At Police Court Presents Most Discouraging Aspect.

Can it be that Dawson is threatened with dissolution and that the good old days when a reporter could enclose himself in an obscure corner of the police court room and in one hour's time take sufficient notes to make a column of "hot stuff" have passed away never more to return? It looked that way this morning when a reporter entered the court room and was the only being in it. The front row of benches that in former days was wont to be occupied by those who the night before had owned the earth, and who then were holding seances with old R. E. Morse, was empty and cold looking; the subtle spider was weaving his web across the entrance to the lone some box and the silent, desolate air of the place plainly indicated that a story would have to be looked for elsewhere.

It may be that a moral atmosphere pervades Dawson or, while the wind may blow from the same quarter as of yore, it may be that less strychnine is being put in the hooch. The fact remains that something radical exists, and if it is not in the wind it must be in the hooch.

AFTER COMMODORE SCHLEY

His Actions When He Was Going After Cervera.

The Investigation Develops Considerable That Sounds Childish to Ordinary Civilians.

Washington, Thursday, Sept. 26.—The Schley court of inquiry began its session today with the intention of holding one sitting, having decided to forego the forenoon session in order to permit the members of the counsel and court to attend the funeral of Judge Wilson.

The counsel for the navy department today continued their efforts to show that Admiral Schley had information of Admiral Cervera's fleet in the harbor of Santiago and introduced for this purpose additional officers of the auxiliary cruisers which were at the time doing duty as scout boats in West Indian waters.

Capt. Wise, who commanded the scout ship, Yale during the Spanish war, continued his narration of the retrograde movement of the flying squadron toward Key West on May 27. He first told of how the Yale had taken the Merrimac in tow under direction of Admiral Schley. He said that the admiral had signalled upon starting to ask if there was coal enough to carry him to Key West, to which he had responded in the affirmative. On the next day, he had reported in response to an inquiry that he had coal sufficient for two days of full steaming and for four days of moderate steaming.

He was then dispatched to Newport News, reporting to Admiral Sampson on the way. He told Admiral Sampson, he said, that the flying squadron was about thirty miles west of Santiago. In response to a question of the admiral he had said he did not know what it was doing there. In detailing the trip westward toward Key West the witness told of the breaking of the Yale's hawser on the Merrimac. He said this had caused delay.

"What was the difficulty?" asked Captain Lemly.

"Improper securing of hawser on the Merrimac."

"Was it due to tempestuous weather or not?"

"Not at all."

Mr. Hanna read the following extract of Admiral Schley's report of February 18 to the committee on naval affairs in reference to the letter from the secretary of the navy of February 6, 1899, beginning, "After having been informed by the scouts commanded by Sigsbee, Jewel and Wise, that although they had all been off Santiago de Cuba for a week they had seen nothing of it (the Spanish fleet) and knew nothing of its movements or its whereabouts," etc. He then asked Captain Wise if he had made such a communication to the admiral.

"I did not," was the response.

"Did you give Admiral Schley any information respecting the Spanish squadron?"

"Only through Captain Sigsbee. I did not go on board the Brooklyn at all. I gave Captain Sigsbee all the information I had."

"Had you been off Santiago for a week?"

"I was there from the morning of the 22nd until the evening of the 26th when the flying squadron arrived."

Captain Wise was cross examined on this point by Mr. Raynor. He asked:

"From the morning of the 22nd until the arrival of the flying squadron on the evening of the 26th you were trying to get in touch with the enemy and watching the harbor?"

"Yes."

"You saw nothing in there?"

"I could not see the harbor at all."

"You could see around the corner of Gay Smith?"

"We saw the masts of a small vessel. Could not distinguish what it was."

"You sent no one on shore to try to establish communication?"

"Not at all."

"Is not the natural condition of the harbor such that it is possible to see considerably up the harbor?"

"You can see only a short distance up the harbor."

"And there was nothing in sight whatever, was there?"

"Nothing at all."

The witness had said that Captain Sigsbee had taken the dispatch beginning "Get in touch with the enemy."

The court, through Admiral Dewey asked: "Was it your duty or Captain Sigsbee's to convey the information in the dispatch referred to Commodore Schley?"

"I think it was Captain Sigsbee's, as he went immediately on duty and I was intercepted by orders from the commodore to take the Merrimac in tow."

Mr. Hanna—Did you receive any inquiry, or did the commanding officer of the flying squadron ask you for any information at any time?"

"Nothing."

Mr. Raynor continued his questions, devoting himself especially to the signaling between the Yale and the flagship. The witness said he was sure that on May 26th when he hailed the Texas, he had not passed within hailing distance of the Brooklyn, being one and one-half miles distant.

Mr. Raynor read from a report made on May 30 by Admiral Sampson in which he stated that Captain Wise had told him that he believed Santiago harbor to be strongly fortified.

"Is that true?" Mr. Raynor asked.

"It is," was the reply.

Captain Wise said in reply to questions by Captain Parker that he would at any time when off Santiago have been able to signal any information he might have had in regard to the situation. He had seen the masts of a vessel and thought it to be a small military vessel. He had gone near enough to observe the land batteries.

In reply to an inquiry from the court the witness said that the land batteries did not fire on the Yale while that vessel was reconnoitering the harbor. He also said that even though he had been the senior officer off Santiago prior to the arrival of Captain Cotten he had not commanded Captain Sigsbee to give to Commodore Schley the information which he (Wise) had given to him (Sigsbee.)

Captain Wise was then excused and Admiral Cotton was recalled to make verbal correction to the testimony previously given by him.

Admiral Cotton was questioned concerning some points of the Santiago campaign. He said that on the morning of May 31, after arriving from Kingston he had gone aboard the Brooklyn with dispatches for Admiral Schley.

Asked by Capt. Lemly to relate his conversation with Admiral Schley on the occasion of that visit he said:

"He informed me that it had been ascertained that some, at least, of the ships of Admiral Cervera's squadron were within the harbor of Santiago; that they had been seen and were in sight and, as a matter of fact, one of them was in sight at the entrance to the harbor. In language as nearly as I can remember he said: 'After dinner I am going to hoist my flag on board the Massachusetts, and take her and the Iowa and go in and have a pot shot at those fellows.'"

Mr. Lemly—Anything further?"

"There was, of course, some further conversation. I cannot recall

the words nor aside from what I have mentioned, the particular subjects."

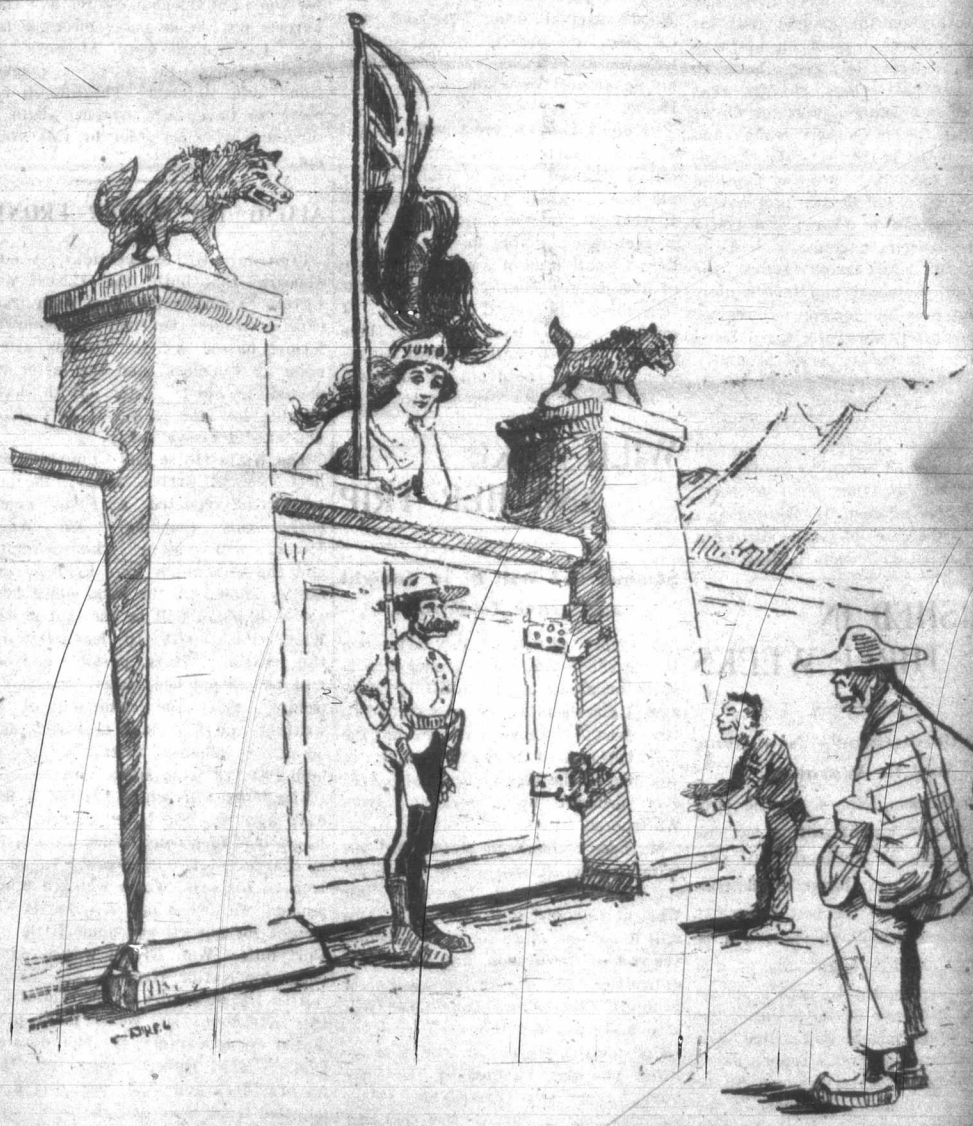
News Came Too Late.

A Nome paper of September 12 just received says a brewery has just been put in operation there with a capacity of 30 barrels daily. Nome managed to get one big stampede from Dawson but it will take more than a brewery of 30 barrels daily capacity to get another; besides, the announcement came too late in the season. However, if it was a 60 barrel brewery a number might chance the trip in small boats before navigation closes in small boats before navigation closes.

PEOPLE WE MEET.



ALEX. McDONALD.



MISS CANADA WILL GUARD THE YUKON AGAINST YELLOW INVASION.

Call and Get Prices

Just Received Large Consignment of **Special Centrifugal Pumps** Made by Byron Jackson for direct connection to motors, thereby doing away with all belts and pulleys; also large stock of **BLACKSMITH SUPPLIES**, including horse shoes, nails, iron and genuine Pennsylvania blacksmith coal; also large stock of pipe and pipe fittings.

McDonald Iron Works Co.
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Phone No. 2