

The Klondike Nugget

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LETTERS

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WEDNESDAY, AUGUST 20, 1902.

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KLONDIKE NUGGET.



WHAT OF THE FUTURE.

Under ordinary circumstances and conditions it is fair to assume that laws are enacted for the purpose of securing the best results to the greatest possible number of people. Such at least is the theory upon which modern constitutional governments are founded and when they are not conducted in accordance with that theory they usually come to grief.

In view of the presence of the deputy minister of the interior in Dawson it is fitting that attention be re-directed to the fact that in many particulars the legislation that has been enacted, from time to time for the government of this territory has been based to a very considerable extent upon an entirely different theory.

The original regulations were well calculated, whether by design or not, to strangle individual effort and hinder and oppose in every conceivable manner the promotion of the general welfare of the community. The royalty of 10 per cent. of the gross output as exacted in the early days and the regulation by which alternate blocks of 10 claims on all new creeks were reserved for the benefit of the crown, form cases in point wherein the policy as then pursued may be understood. Added to this came the publication of frequent orders by which entire creeks were closed to location and a condition of uncertainty created the effects of which are apparent even at the present time.

The concession evil has also contributed with marked success toward discrediting the bona fides of the government with respect to the territory, and a very general belief has prevailed that the promotion of the interests of the few favored ones is held as of more consequence at Ottawa than the institution of such legislation as would tend toward the betterment of the community interests.

Mr. Smart will discover if he investigates matters closely and seeks unbiased sources of information that the foregoing is no misstatement or exaggeration of the situation. He will discover deeply rooted antagonism to the government and a disposition to be suspicious of future policies. He will ascertain that the average Klondiker must have evidence of an indisputable nature before he will put great faith in the sincerity of the government's intentions.

It is quite obvious to anyone who has at heart the best interests of the community that the existing state of affairs is most deplorable. It is unfortunate for the Yukon district and unfortunate for the government, but the responsibility rests at Ottawa and not here.

But, after all, it is with the fu-

ture more than with the past that we need to deal and what concerns this community most particularly at the present time is the very pertinent question—What is to be done from this time on?

The Nugget believes that the hope exists throughout the territory that the visit of the deputy minister indicates a determination on the part of the government to give the Yukon its just deserts. Mr. Smart has in effect stated through the press that such is the case, and he may rest assured that practical application of the views he has so ably and forcibly expressed will be awaited with the utmost eagerness.

The people are prepared to acknowledge every beneficial act that the government has performed or will perform, just as they are prepared to resent anything in the nature of renewed imposition. They are appreciative of the fact that roads have been constructed, that public buildings have been erected, that the civil service is effectively organized and that representative government is gradually being instituted. But they are desirous further of assurance that private grafts and monopolies will no longer be tolerated. They will never feel safe or secure in the enjoyment of their rights as long as such colossal grafts as the Treadgold concession are encouraged or tolerated. They simply ask that this great storehouse of natural wealth, which in its already advanced stage of development forms a stupendous monument to the energy, courage and perseverance of the individual miner, shall not be parcelled out to speculators and land grabbers but shall be kept as the heritage of those to whom it rightfully belongs.

If Mr. Smart during his short sojourn in the territory finds his way clear to institute such remedial legislation as will restore confidence among the people and renew their faith in the good intentions of the government he will have accomplished results which will vastly repay the time and effort expended.

There is no disposition on the part of any one to discount the benefits that would accrue to Dawson from the expenditure of \$25,000 for a public library. The purpose of such an institution would not be served, however, by the expenditure of the entire amount for a building. A twenty-five thousand dollar library building would simply be a white elephant on the hands of the community, the mere cost of maintaining which would be more than could be raised by popular subscription. Half the sum named expended for a building and the balance for equipment would be the best way to make Mr. Carnegie's offer most effective.

A News editorial of recent date contained the startling announcement that local financial institutions are "pressing their creditors." When it comes to the matter of making real, genuine, old-fashioned, three-ply bulls, our contemporary across the street must be awarded the palm.

The Tracy vogue has disappeared as rapidly as it began. There is a decided distinction between a live desperado and a dead one.

The Pope Makes Protest.

Paris, Aug. 8.—The Solei this morning asserts that the government has already received a protest from the Pope on the application of the law of associations, but that the Holy See does not intend to publish the tenor of this communication.

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Opportunities in the Orient.

The short account of the trip of Mr. Harry De Windt across the continents of Europe and Asia for the purpose of looking out a practical route for a trans-Siberian railway shows the great expanse of undeveloped country that is yet on the earth's surface.

The region lies for the most part under the Arctic Circle and can therefore be fairly presumed to be located within the belt of extreme cold. But the large areas of fertile plains, the great rivers and mineral-bearing mountains will not lie undeveloped because of the low temperature of the winters.

There are races of people who find comfort and happiness in such latitudes, just as there are prosperous people in the torrid regions. But the development of natural resources must be done by the enterprise and capital of the temperate zones.

While there are yet great undeveloped resources in the United States, the adventurous spirit that has always prompted the enterprising will undoubtedly lead many an American capitalist to get possession of some of the opportunities that lie untouched in unknown Siberia.

Undoubtedly those great steppes, can be used for grain-raising and grass-growing purposes. Though the summers are short, there are vegetables that can be produced and there is no reason why wheat cannot be grown there as well as on the plains of northern Europe.

But when the spirit of enterprise shall have once taken possession of that Northland, it is probable that the most remunerative fields for work will be in the mining districts. Portions of Siberia are very mountainous and there can be no doubt that minerals of all kinds will be discovered when the country is systematically prospected.

It is a great field and one that will hardly be ignored by the money men of the United States when they have had presented to them the profitable character of an investment or a speculation therein.

The outlet of that section is on the Pacific coast and the American port to receive the benefits of the vast trade that will come from the development of Siberia is on Puget Sound, which assures to Seattle another opportunity to handle the commerce of a country that will probably become the seat of a great commercial activity.

In connection with this speculative growth of Siberia, comes the information from an authoritative source that tentative arrangements have been made for placing the \$40,000,000 which the American China Development Company has been authorized to issue for the purpose of completing a line of railway between Hankow, near the center of China, and the city of Canton. The bonds will be placed through the intervention of the banking house of Morgan & Co., and represent, in the main, American capital. The railway is to make connections with the trans-Siberian road through its branch into Manchuria.

It is said that the provinces to be traversed by this American line embrace a scope of country rich in agricultural and mineral possibilities and have a population twice as large as that of the United States. The line of road when completed will be over nine hundred miles in length. Another line will extend from Canton to the mainland opposite Hongkong which will be undertaken by an English syndicate.

These two great railway enterprises in the Far East, that are now in process of consummation, are the beginning of a great Pacific commerce that will, during the present generation, increase the traffic on the Western ocean to proportions beyond the limits of present calculations.

Dressmakers Form a Trust.

New York, Aug. 17.—What is ostensibly the Dressmakers' Protective Association of America is really a dressmakers' trust. Its organizers are on the point of establishing a business rivalry between American and European dress fashions, the plans of which are already matured, according to Miss Elizabeth A. C. White, the founder and president of the association. The plans include the establishment of depots in Vienna, Paris and Berlin, in which are to be stationed representative modistes from this country, laying siege in grand openings to the hearts of continental fashion. Miss White has studied with an aim of bringing to her craft the success to which she says its skill entitles it in the market of the world. To this end she has founded the association, which in two years has acquired a membership of 15,000. She returned from her last trip to Europe on Saturday, but the success of her mission had preceded her, and two weeks ago a company bearing the name of the Dressmakers' Protective Association of America was incorporated with a capital of \$250,000.

IMPORTANT DECISION

Court of Appeals Settles Controversy

Stowe Creek as Originally Located Held to be the Tributary of Conglomerate.

The court of appeal by a decision rendered yesterday has decided once and for all time which fork of Conglomerate creek is the continuation of the main stream and which is the tributary. It will be remembered when Conglomerate was first stampered early last winter there was a great diversity of opinion among the miners as to which of the forks was the larger stream, the question being an important one as under the new regulations a miner was permitted to stake on each tributary as well as on the main stream, but he could not stake twice on the same creek. One of the forks was finally selected as the continuation of the main stream and was staked accordingly. The other fork was named Stowe creek and on it many staked who had already done so on the main stream.

Later, others appeared who concluded Stowe creek was the main stream and not a pup and staked over those who had preceded them. A number of protests followed and in making his decision the gold commissioner, guided largely by the evidence of A. J. Beaudette, government mining expert who had been directed to view the ground in order to ascertain which of the two forks was the larger, held that the contention of the original stakers was wrong, that Stowe creek was really the main stream. The case in which the judgment was rendered was that of Daniel Steers vs. Carl Lund which was appealed to the court of appeal. By the decision of the latter the opinion of the gold commissioner is reversed, the judgment being given by Mr. Justice Craig. It was concurred in by Mr. Justice Dugas and also by Mr. Senkler, who gave a written statement of his reason for the changing of his opinion. The decision in full is as follows:

"The question in this appeal arises under section 36 of the regulations, which provides that no free miner shall receive a grant for more than one mining claim on each separate river, creek or gulch, etc. "Subsequently to the location by the defendant, the plaintiff, on the 8th day of November, in the same year, located and applied for a grant for No. 23 Conglomerate creek, claim above described. It is in evidence that when the plaintiff located on the 8th of November he was aware that it had been previously located by the defendant. There is also evidence, uncontradicted, that the defendant had done considerable work on the claim.

"The whole question in this action is whether Stowe creek, upon which this man located his claim, No. 6, is a tributary of Conglomerate creek or is an extension of Conglomerate creek; in fact, whether this Stowe creek, which is the left fork of Conglomerate, is Conglomerate, or whether the branch, being the right fork, is the continuation of Conglomerate creek; which is the main creek and which is the tributary. Upon this question a great deal of evidence was given, and Mr. Beaudette, mining engineer for the Dominion government, now resident in the Yukon, made a report, at the request of the gold commissioner, and testified upon the trial, and the gold commissioner, in giving his judgment in the action, appears to have relied wholly upon the evidence of Mr. Beaudette.

"As to the question of whether a trial judge should be reversed on his finding of fact I have taken the trouble to go into the matter very thoroughly so that the law, as I view it, may be determined on this case and others which may arise on appeal of like nature.

"In the case before us the learned gold commissioner relied entirely, so far as I can learn from his judgment, upon the evidence given by Mr. Beaudette. Now, while I would be disposed to regard with very great consideration the evidence of a mining expert, yet I must also regard the evidence of other men of experience, old prospectors, men of long experience in just such work as this. Then, again, I must have regard to the manner in which Mr. Beaudette, the expert, viewed the locus. He simply used his eyesight as an ordinary observer would. He took no measurements and he was not there in the summer time. When he was there the place was covered with snow and

ice. He could not tell which valley carried the greater body of water and his own evidence says this: 'A tributary has less water than the main stream.'

"Now, taking Mr. Beaudette's standpoint as the one upon which we must judge whether a stream be a tributary or not, the evidence, to my mind, in this case preponderates in favor of the view that Stowe creek is the tributary of Conglomerate, but as to the question of whether a stream be a tributary or the main stream, very many considerations might arise. It would seem to me that the rule laid down by Mr. Beaudette might be very easily applied in many cases, but there may be other considerations; the area of country drained by a stream ought to enter into the consideration, the main direction and length from the forks where the said tributary joins the main stream, on to the sources of the river, ought to be taken into consideration, and certainly the volume of water would be an important element in considering this question.

"In this case the plaintiff himself says the difference in the width of the valley was little. He says: 'Well, there is not much difference in the width of the valleys, I should say.' The evidence of the witnesses Stowe, Lund, Donahue, Ackesson, McConnell and Walker, is all to the effect that the valley of the right fork was much wider and it carried a very much larger body of water. I must give weight to this evidence.

"Another matter: The department itself recognized Stowe creek and issued grants upon it before the defendant applied for his grant. Surely some force should be given to that.

"It is true that if this man had been the first applicant for a grant of this kind, having staked boundaries on the one stream and in fraud of the government called a fork of the main stream a tributary when it was not a tributary, he might be entitled to very little consideration. I do not think that is the case here. The department had recognized this creek; this man had been in possession of his grant from August until November and had done work under it. What are mining experts for unless when a creek is located and grants issued upon it he visits the locality on behalf of the crown to ascertain whether the stakings and locations have been made in accordance with the regulations, and to report

thereon. Nothing of the kind was done. It remained for a claimer, er, well aware of all the facts of the prior staking and work done, to come in and ask now to have a crown grant revoked in his favor.

"This is my judgment upon the merits and facts in this case, but seems to me that the case of Harty vs. Matson decided by this court settles the matter definitely. It is the law that after a grant is made by the crown of mining property, no matter what fraud and misrepresentation or irregularity may have been opened or been committed prior to the issue of the crown grant such grant cannot be attacked at the instance of any person but the attorney general on behalf of the crown. This, surely, this is a case coming within that decision. Here the crown recognized the creek, issued the grant and allowed these grants to remain in cancelled for some months and then to the staking and location of the respondent herein, issued grants to other parties on the same creek, naming it. This is a very much weaker case than that of Harty vs. Matson because in that case the court, in giving judgment, proceeded upon the assumption that all the allegations of fraud and misrepresentation and irregularity prior to the issue of the grant were taken into account for the purposes of the decision.

"As I have said before, in giving my decisions, under those regulations the right which parties require are purely statutory, and if a man has a statutory right as to what is to be done, there is no equity, but which certainly influences my mind, where a person is innocently in possession and has obtained a crown grant and the rights of the parties are doubtful, then I would lean against the jumper and in favor of the party holding the grant and being in possession.

"I am not in doubt in this case because I think the weight of evidence is entirely in favor of the defendant the appellant herein, and I think the appeal should be granted and the judgment of the learned gold commissioner reversed with costs.

"I think," said the emphatic judge, "that the way in which she treated her husband is positively awful."

"Well," replied Willie Widdie, "say the least, it's awfully positive." —Leslie's Weekly.

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THE No Ag And y NO EXTR J. W. Y Bachelor Being merciful as he is rather fond of her beside to break it to her gently. He didn't know whether he was sure that she would be wasn't going to take. One never could tell. He one of her most special long time, and he thought stood her pretty well, but "sized her up" in his seemed sure of was that precious, sensitive and with. Of her opinions he much of her feelings he in the dark as if he knew. He knew he wasn't a person socially, and from point of view he might sidered—but, there! he an ass even if he was made up a little speech at least for himself —down the avenue. His trifling misty. Realities bit blurred. He had been her and her image floated before him. She was a ture with an adoring limited vocabulary and made prettier women grow. When he got to her maid—a typical, un apartment house maid—grew in windowless kitchen a cap is kept on a nail door in case the front should ring—greeted by friendly grin—Clothed dignly he bowed stiffly. "Miss— at home?" "Oh, she's in all right shocked to hear. And when she appeared smiling, frankly glad to meet his speech, held into her eyes and his news. Perhaps it was a bit naive vanity of that made him regret it. "Don't, don't," by please don't look at me like that your voice shake so and hand to your side. I to— You must have known. "Oh, yes, I knew I was proaching you. But inevitable things are a they finally do come, you his brow wrinkled sympathetically. "I came to tell you the he said, in the tone of a man of evil things always when he has to address a person. "And quite right, too, you best Platonic friend. "Didn't we agree long ago that absurd expression any sensible, unaffected friend in Platonic friends. "Well, Platonic friends. How particular you are!" "Don't trivial. I'm in it." (And, Heaven knows it.) "You never have appreciated what this is." "Flirtation," she corrected. "Has been to me. You know your powers. You know your influence. You know if you like, but the name in my mind the evening, you know that she finally thought she was all the time I was thinking of