

"LAYS" ARE NOT LEGAL.

Says Judge Dugas in Certain Important Cases.

Laymen and Partners Must Understand This Point for Self-Protection—Woodworth Sustained.

The decision of Judge Dugas on Friday last in an interim motion on an injunction case is of personal interest to nine out of ten Klondike miners. Hitherto the assumption has been that any partner on a claim could let it out in lays or work it as he sees fit, and such arrangements as he might make would be binding upon other partners. The case was Jerome A. Chute vs. O. H. Clark, of the firm of Clark and Wilson, attorneys. Incidentally, also three laymen were made co-defendants, W. J. Casey, E. A. Thorndyke and Frank A. Grant.

The claim in dispute is No. 18 on Gold Run, Messrs. Chute and Clark being each the possessor of an undivided half interest. The claim is 404 feet long, and Partner Clark gave out 350 feet of it in lays to Messrs. Casey, Thorndyke and Grant. The ground is good and Partner Chute discovered himself debarred from working his own claim by laymen's rights, which he had had no hand in giving them; hence the appeal to the courts. Attorney Woodworth, for Mr. Chute, applied for an injunction to stop the work on the claim, and on Friday the judge decided the preliminary motions in favor of Chute, and warned Mr. Clark, who conducted his own case, that to continue the case would be a waste of time, as he had already made up his mind on the essential points.

The argument on both sides were most engrossing. Attorney Clark took the ground that the popular view of the law was the right one—that one partner is bound by the acts of another. He urged that either or both partners were entitled under the regulations to work the joint property themselves, or to have it worked in the best way possible, and that either partner could let lays on the ground. He maintained that such lays were legal, and it was clearly provided under the laws that such were a partner's rights.

Attorney Woodworth took the novel ground that joint owners of a claim were not necessarily co-partners, but were often but co-tenants, each with inalienable rights, which could not be rendered null by any acts of the other. In support of his proposition he marshaled a formidable array of authority, and his position proves to be the correct one. Without a superfluous word he pointed out the untenable position of Mr. Clark, whose theory, if admitted, would open the doors to long lists of wrongs and freeze-outs. If a co-tenant could grant lays at 50 per cent to one-half the claim, thus excluding the other owner from possession he could also give a greater per cent and to the whole ground, thus debaring Mr. Chute entirely. He pointed out that in the present case, and in many like it, there was no partnership existing between Mr. Chute and Mr. Clark. Both owners had come into possession from totally different sources and without mutual understanding. To say that one could be excluded from the enjoyment of what he had bought and paid for by the other letting it out in lays was an unsupportable proposition.

Mr. Woodworth was clear and concise throughout and was voluminously supported by authorities. His argument was novel, startling and unanswerable. It overturns what has hitherto been the custom of the land in such cases and establishes a precedent for future guidance of which all claim-holders must take instant cognizance.

In his decision on Friday his lordship held with Mr. Woodworth that Messrs. Chute and Clark were not co-partners, but simply tenants in common, each with the rights of a co-tenant. Each had the undoubted right to go upon the claim, but not to the exclusion of the other. Mr. Clark had let out the lays by bounds, excluding Mr. Chute from working the ground within those bounds. He would establish the precedent that such an act was untenable and the lays were not valid against Mr. Chute, unless concurred in by him.

For the future guidance of miners in similar cases, he would say further that the only procedure where two co-tenants could not agree upon the method of working the ground was for them to ask the court for a partition of the claim.

Where the nature of the ground was such that no equitable partition could be made, the claim must be sold and the proceeds divided between the disagreeing partners. Such will be the prevailing rule in all such future cases.

No "Thoroughbreds" in Dawson.
To the Editor: In a recent number of your contemporary I saw the statement that "ten head of thoroughbred trotting horses" had just arrived from the outside. It occurs to me that that is the first time I have ever seen the claim set up that there existed such an animal as mentioned in the aforementioned article.

The "standard bred trotting horse" is a native of the United States, having originated there, and from such sires as Abdallah No. 1, Henry Clay 8, Hambletonian 10, Mambrino Chief 11, Pilot, Jr. 12, American Star 14, and Geo. Wilkes, with a record of 2:22, and others flows the blood that produced the champion progenitors of speed, such as Electioneer, sire of 165 in the 2:30 list; Nutwood, 2:18½, sire of 150; Red Wilkes, sire of 137; Onward, sire of 127; Atcandra, sire of 120, as well as other great ones too numerous to name here.

Then again comes the still younger brigade of producers and performers, all carrying very much of the same blood, viz.: Alix, 2:03¾, queen of the turf; Directum, 2:05¾, king of the trotting turf; Axtel, 2:12, at three years old, sold for \$105,000; Arion, 2:07¾, sold for \$125,000, the highest price ever paid for a trotter; Electric, champion young sire of the world at 10 years of age, followed by the entire number of performers in 2:10 and better, of which there were 90 all told at the close of 1898, together with Narion, the beautiful daughter of Nancy Hanks, 2:04, and Arion, 2:07¾, and a host of others equally well bred; yet the authorities do not give one of the horses mentioned in this communication the dignity of being a thoroughbred trotter. The question then is: Whence came this block of "ten thoroughbred trotting horses?" to the Klondike. Very respectfully,

HIRAM U. WOODIN,
"Hillside," lower left limit of Eldorado.
Klondike City, Oct. 11.

JESTS THAT PAIN.

Some Heartbreaking Jokelets by the Yonkers Statesman.

She—Did you ever try to count your pulse?
He—Oh, yes. I have two.

—Were you on the firing line during the war?
—Yes; I was one of the cooks.

Yeast—That man Gallup is a fine judge of horseflesh.
Crimsonbeak—Been to Paris, has he?

—Does Jamaica rum come from Jamaica, N. Y., pop?
—No, my son, but some of it goes there.

He—When you speak of a person being a close friend, what do you mean?
She—Why, one who lives a long way off from you.

Booker—When is the writer's stamp most likely to be felt?
Penman—When he feels as if he'd like to draw a check.

Bacon—Why is it that the top flats are always more desirable than the lower ones?
Egbert—Because the upper ones are farther from the janitor.

Bill—Strange language, ours.
Jill—What's wrong now?
—Why, we say a thing is shopworn when it never has been worn.

Patrice—Do you ever jump in your sleep?
Patience—Yes, I did last night. I dreamed Will proposed.

Dough—Do you remember that money I loaned you last month?
Sour Dough—Oh, yes. I recall it now.
—Well, I wish I could.

—I won't have you kissing that butcher boy right under my nose, Bridget!
—Sure, it was not under your nose, but his own, that I kissed him, mum!

And Then He Breaks Over.
—I always aim t' tell th' truth," remarked an old farmer.
—So do I, Silas," replied a neighbor, "but, then, a feller will trade horses once in awhile, you know."—Ohio State Journal.

No Margin.
—Was the picnic a success?
—No; there was't any cake left to eat on the way home.

Reduced rates at the Cafe Royal.

FRESH MEATS! POULTRY!

Wholesale and Retail.
The Str. Lotta Talbot supplies Fresh Beef, Mutton, Pork, Turkeys, Geese, Chickens, Eggs, Lard, Butter, Sausage, Tripe, at Reasonable Prices.

STEAMER LOTTA TALBOT, YUKON DOCK.

DREAMED HE WAS IN HELL.

Al Bartlett Visits the Lower Regions While Asleep.
Al. Bartlett is subject to dreams. Not the plain, ordinary every-day sort of article, but the genuine creepy dream that causes the listener to shudder and look uncomfortably around him when Al. happens to be telling some of his peculiar nocturnal experiences.

Some time ago Al. was crossing the Divide to Dominion, and feeling somewhat wearied with a long tramp sat down to rest and fell asleep. Presently he fell adreaming, and in fancy beheld himself shuffle off this mortal coil—in other words, he became a corpse. Clad in a long winding sheet he was taken out for burial, and in a short time was sleeping in the Klondike Vale. In due course of time his spirit, relieved from its earthly bonds, was seeking and gained admission into the pearly gates of heaven.

But things did not look good to Al. in the abode of all the just. In fact, he says there was nobody there he knew. There was absolutely no Dawson representative in the place, and Al. after vainly seeking at least one familiar face went up to the heavenly barracks, where St. Peter was in charge and requested to be transferred to hell. The request was readily granted, and Al. was soon knocking for admission to the lower regions.

The magnificent portals of the entrance swung open and Al. was admitted by his old friend, Col. Parker, who was clad in a princely uniform decorated with gold braid and other ornamentations. The colonel directed an attendant to look after the comfort of the new arrival, and Al. was soon installed in an elegant suite of rooms fitted up with every conceivable luxury and convenience. Very shortly he was summoned to dinner, at which function he was delighted to meet all his old time Dawson acquaintances. The meal was an elegant affair and served in regular Waldorf-Astoria style, only better.

For several years he remained with his boon companions in this abode of luxury, when one day an order was given for all to assemble, and form a procession. Each one was given a small envelope, and as the procession moved along, the envelopes were opened by judges who occupied a stand, by which the procession would move. Each envelope contained a single bean, some of them being white and the others black. Those who held the white beans were instructed to take one direction and those who held the black beans went the opposite. Al. drew a black bean, and followed the others who had met similar luck down a passageway which terminated at the entrance of the devil's furnace room. Here the fires were going day and night, and Al. was horror-stricken to find most of his old-time friends gradually being roasted on immense gridirons in the furnace. He was led through innumerable passageways, and finally was brought to a furnace where a particularly hot fire was burning and was told that it would be his future residence. Three little imps, each carrying a pitchfork, ran out and catching him up on the forks tossed him onto the red hot gridiron—at which juncture he awoke. Al. did not wait to find out whether he was in hell or not, but made his way to the nearest house where hootch is dispensed, in order to quiet his troubled nerves. He is expected soon to be leading a revival in Dawson.

LATEST STEAMBOAT NEWS.

Navigation Practically Closed—The Yukon and Anglian Arrive.
The season of river navigation is practically closed. The Willie Irving is expected to arrive from Whitehorse this week. The steamboat Clara, which left here on Friday, will endeavor to reach Whitehorse and return here before the river freezes, but the success of such an undertaking is extremely doubtful. No more boats will clear this port for Whitehorse.

THE YUKONER ARRIVES.
On Saturday morning the steamboat Yukoner arrived from Whitehorse. She experienced a difficult trip, and her skipper considers that he was fortunate in being able to reach port this season. For four days, the boat was detained on a sandbar in Hellgate, and only suc-

ceeded in floating herself with the assistance of the Reindeer. The Yukoner was loaded with 125 tons of freight, and carried 84 passengers. Among the latter were Mr. and Mrs. Frank Baker, Mr. and Mrs. P. B. Anderson, Mr. and Mrs. John King, Mr. and Mrs. F. W. Carlyon, Dr. Thompson, wife, and children, Mrs. W. S. Folsom, Mrs. M. E. Warivich, Mrs. G. Ryan, Mrs. O. S. Lanning, Mrs. E. W. Frazier, Mrs. Angie Bjerrimork, Mrs. J. Bozorth, Mrs. Jennie Lene, Mrs. W. A. Wrenn, Mrs. B. L. Bradley, Mrs. D. J. Langstroff, Mrs. A. T. Heck, Mrs. Swanson, Mrs. McDonald, Mrs. Jopson, Mrs. Wright, Mrs. Swartz, Julia Wooding, Alice Kronert, Margaret Heck and Hazel Heck. The Yukoner departed Tuesday morning for her winter quarters near the mouth of Sixty-mile.

ARRIVAL OF THE ANGLIAN.
The steamboat Anglian tied to her Dawson dock on Sunday morning. She had an uneventful trip from Whitehorse.

She brought down 33 sacks of mail, but no freight. There were 64 persons registered on her passenger list, among whom were: Mr. and Mrs. W. T. Howe, Mr. and Mrs. Hostelle, Mr. and Mrs. Mitchell, Mr. and Mrs. McKinnon, Mrs. M. Stone, Mrs. W. M. Smith, Mrs. D. O'Donald, Mrs. L. Latham, Mrs. Magot, Mrs. Doesner, Mrs. Boyd, Mrs. Inklin, Mrs. McKay, Mrs. Leonard, Mrs. Fras, Mrs. Graf, Mrs. Perry and three children, Miss L. McKay, Lottie Oatley, and Miss P. Hall. On Monday, the Anglian departed for Selkirk, at which place she will go into winter quarters.

Two Fires and No Great Harm Done.
The turn-out of the fire department at the alarm of fire on Saturday night about 10:40 p.m., was an object lesson.

When the alarm bell rang the handful of paid men, with the chief, took out what apparatus they could handle which consisted of one chemical cart. Receiving word that the fire was in a cabin back of the A. C. Co. warehouses, the party proceeded there and were assisted by some of the N. A. T. & T. Co. boys, whose cabin was so close to the scene of the fire that they were awakened by the confusion. The fire was found to be in the roof and was put out without any great amount of trouble. In the immediate neighborhood of the fire are thousands upon thousands of cases of coal oil, a large part of our winter supply. Six men with a chemical stood between the fire and the oil warehouses. Other large merchandise warehouses all around and stocked with goods to the ceiling and all at the mercy of the flames should a chemical cart be unable to stay them.

The fire apparatus of the department consists of two excellent steamers, two chemical carts, 14 Miller extinguishers, hook and ladder trucks, hose carts and thousands of feet of hose; and there are just men enough to handle one chemical. When approached on the subject Mr. Ogilvie brings forward the fact that the clerks of A. C. Co., the N. A. T. & T. Co., and of George Appel's store, have agreed to turn out in case of a fire. As a matter of fact they are not drilled to running with the apparatus and did not do so. The pell mell turning out of the entire undrilled population of Dawson was unable to save the town last April. The failure of the engine to work was the immediate cause of the disaster, but if there are not men to handle the apparatus it might as well be in Chicago as in Dawson, in case of another fire.

A second fire on Sunday morning about 5 o'clock at the Brand gymnasium building, proved to be a small smoldering blaze between the double floor and was subdued by two Miller extinguishers.

Two Kinds of Honor.
—He is a man of honor?
—Which kind—French army or regular civilian?

Loss in Gain.
—Curious paradox about these wheelmen," remarked Tolliver thoughtfully.
—How's that?" inquired Bolivar.
—Why, the more they make a century the younger they die."—Kansas City Independent.

Pocket memo books, counter blotters, time books, pens, pencils, ink, mullage, paper fasteners, letter paper and writing tablets for sale at Nugget office.

Judge Allen has re-
to open court for the
of five pairs of disputants
creek, in the Forty-mile
ing as Alaska was little
ers were left to them-
their own disputes by
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ys of California. Sub-
was served out at these
one dared dispute the
a body. The arrival of
men who were familiar
petition and who were
rdly take advantage of
e else suffered thereby,
ossible such primitive
ensing justice as by ac-
there is neither hyme
compelling litigants to
age which will not only
ormous expense, but will
ay from their interests,
r business for the better
What a condition would
f each individual before
rainer had to make a
ch time he wanted to be

Marriage Bells.
The marriage in Se-
well-known Dawsonites,
a mine owner who went
er and Florence Clifford,
be remembered as the
nger who held the boards
Carlo for a year. Her
ballads, and strongest
often the oldest songs. It
the theater that the two
anted, with the above re-
friends of both con-
upon the union. Among
of wedding notices from
ple is our old friend

An Eagle.
son was initiated into
of the order of Eagles,
and besides having full
is the possessor of a
ation for placing the
rs. The necessary para-
locked at Bennett, but
the flutter of eagle wings
usual thing in Dawson.

of Dissolution.
by given, that the part-
man and Connelly, as
ors of the Hotel McDon-
y dissolved and that all
or from the firm will be
d at the office of the Ho-

J. J. DONOVAN,
M. CONNELLY.
October, 1899.

removal Notice.
tist, has removed from
ck to the Y. V. T. block.

redible, but nevertheless
at we spend one-third of
ed. Think of it; a man
who lives to the age of
old try and make these
comfortable. You can
luxurious by using Ste-
mattresses, either hair or
moss. They are marvel-
ip. See his stock before
His present address is
near Second avenue.

and wine rooms at the Cafe

With a Reliable
f of Employees.

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of Any
Nature
Given Prompt
Attention.

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