

# STRIPPED OF FEATHERS

## American Eagle Snatched Bald-Headed

### Excursionists to Eagle Report a Most Enjoyable Time—Were Royally Treated.

Those who were so fortunate as to be able to join the A. B. excursion to Eagle are elated over the trip which is voted by all to have been the most pleasant ever conducted on the Yukon. The steamer Tyrrell with about 125 excursionists got away for Eagle about 12:30 Friday night, reaching the latter place about 7 a. m. Those who so desired sought the seclusion of their staterooms for the remainder of the night on the way down but the majority danced out the night, good music being provided whenever wanted, day or night. Eagle's citizens were out en masse to meet and welcome the visitors who devoted the first two hours after their arrival to taking in the town and "rubbering." At 11 o'clock the day's sports began, the program and winners of the events being as follows:

Two hundred yards—E. R. Jeason, Eagle, first; Connor, Eagle, second. Shot putting—Constable McMillan, Dawson, first; Douse, Dawson, second. Potato race—Constable McMillan, Dawson, first; Connor, Eagle, second. Half-mile foot race—Cole, Eagle, first; Kerr, Eagle, second. One hundred yard dash—Duncan, Dawson, first; Kerr, Eagle, second. Running high jump—Constable McKillop, Dawson, first; Kerr, Eagle, second. Hurdle race—Kerr, first; Constable McMillan, second. Pole vaulting—Duncan, Dawson, first; Wilson, Eagle, second. The Dawson team defeated Eagle in the ninth inning. The score was 10 to 9. The game was closely contested.

Batteries—Stevens, Douse; Kerr, Callahan. Stevens struck out ten; Kerr nine. The lineup and play in the baseball game was as follows: Dawson—Doyle 2b, Smith 1b, Dunbar rf, Henderson 3b, Stevens p, Forrester cf, Hobson ss, Steinkamp lf, Douse c. Eagle—Witt lf, Yokem cf, Callahan c, Kerr p, Latimer ss, Connor rf, Wertheimer 3b, Zimmer 2b, Corning 1b.

At 8 o'clock Saturday night the tired but pleased excursionists returned to the steamer and a few minutes later were headed for home, making port at 6:30 yesterday evening without one unpleasant feature to mar the pleasure of the trip. As evidence that the excursionists appreciated the courtesy and treatment extended to them by the owner, officers and crew of the good ship Tyrrell, the following testimonial presented by Col. Chas. Reichenbach and signed by every passenger aboard was presented to Mr. Thos. O'Brien, owner of the Tyrrell, on the homeward voyage.

"We, the undersigned passengers wish to express our thanks to the A. B. lodge for the pleasant excursion to Eagle City on July 5th. We also extend our thanks to Mr. Thos. O'Brien, owner of the steamer Tyrrell, also the officers for their kind and courteous treatment afforded to everyone during the entire trip."

No vital statistics are kept in this state. It is practically the only commonwealth in existence of which this is true. We can prove we were married; the records in the office of the recorder of deeds can be brought into requisition for that purpose. But only the family Bible can be depended on to show when and where we were born, and it is no longer the fashion to have a family Bible in every household, and as for death, the tombstone may be presented as evidence.—Kansas City Journal.

Klondike Souvenirs. Gletzman's, 200 photos, \$1.00. 125 Second ave. Klondike Dairy. Phone 147a.

# QUARTZ MINERS

## Are Invited to Meet for Friendly Discussion

Ever since the summer of '97 there has been a growing interest to the value of the quartz of this vicinity. Some thousands of claims have been staked and some of them partially developed, and yet there is not a single quartz mine in active operation. There must be a reason for this; probably several. Some seem to think it is for the lack of organized effort, or at least that organized effort might at least materially aid the present situation. As to the lines upon which such organization should be formed there are several opinions.

It is now proposed to call a preliminary meeting of quartz prospectors, the quartz mine owners and those taking a business interest in quartz development to whom the prospector has to look for financial aid. This is to be held at half past eight on Thursday evening in the large room over the Standard Library restaurant, the use of which for this purpose has been generously given by Mr. Horkan. All interested in quartz are invited and it is to be merely a social gathering for a preliminary chat upon the forming of a quartz association. Those with propositions upon the subject are specially invited.

**Brutal Robbery**  
Chicago, June 20.—An amazing story of how a beautiful girl was drugged by her male companion, taken to a hotel, robbed of \$2,000 worth of diamonds and left in a comatose condition, was made public yesterday by the police, who are working on the case.

Miss May Morris, of 212 East Huron street, is the victim of the robbery, which the police declare to have been one of the most brutal and audacious that has occurred in Chicago in many months.

Miss Morris claims she was drugged in the Pompeian room at the Annex. From there she was taken to the Hotel Cecil, where, in a semi-conscious condition, she lay in a room for several hours.

When she finally awakened from the sleep that had been induced by the drugs, she discovered that she had been robbed of all her valuables. No arrest has been made and absolutely no trace of the diamonds taken from the young woman has been found.

**Whips a Cougar.**  
St. Helens, Or., June 20.—Miss Ida Grimes, a young woman living on the Washington side of the Columbia, three miles north of Woodland, on the Kalama road, beat a young cougar with her riding whip and made her escape Wednesday morning. William Goering, who lives in that neighborhood, was here today, and is responsible for the story.

Miss Grimes lives with her uncle and every morning and evening rides on horseback to the Hill ranch to assist in the milking. She was making her return trip Wednesday, when she was attacked ferociously by the young cougar, receiving several body scratches, and her clothing was also badly torn.

Miss Grimes defended herself with her riding whip and finally pulled her horse away from the hungry cub. The animal was about the size of a dog, and had evidently just been weaned by the mother.

In this condition the young animals are said to be about half-starved, and will tackle almost anything that happens to be in close distance.

# JUDGMENT RENDERED

## The Dominion Land Surveyor Scored

### Rush of Securing Injunction Unnecessary and His Lordship is Provoked.

Mr. Justice Craig this morning rendered a judgment in which considerable interest was shown, though the question at issue was not one of much consequence. In his decision his lordship takes occasion to administer a scathing rebuke to a Dominion land surveyor who has it is alleged been very careless of the contents and statements contained in an affidavit to which he had affixed his signature and taken his oath. The case is entitled Louis Johnston vs M. Davis and Charles Delinde and the action was one of damages for the cancellation of a lay agreement by reason of the plaintiff not having conformed with the terms of the lease. The judgment contains a very comprehensive gist of the case and a review of the facts leading up to the filing of the suit, for which reason it is given in full together with the opinion and decision of his lordship as to its disposition, which is as follows:

"This case was argued on a motion for judgment upon the affidavits, cross-affidavits and examination of the parties upon their affidavits. The plaintiff is the lessee or the holder under a document which is called a lease, of a certain quantity of placer mining lands, with the right to mine therein, paying to the lessor 50 per cent of the product as remuneration or compensation for the lease or license. The document under which the plaintiff takes is dated on the 10th of October and leases to the plaintiff a parcel known as No. 29, 50 by 75 feet more or less, the right to mine the same continuously from the date of the document until the 1st of July following. The plaintiff brings action to restrain the defendants from washing up gold dirt taken from the ground in question. The facts, as I gather them from the material, are that the plaintiff did nothing on this ground until the 16th December when he started to sink a shaft—a spade-work, a foot one day and a few inches another day, not putting in by any means full time, until he got down a depth of eight feet and some inches. After this he abandoned and went away to work on the government road and generally left the claim, being in Dawson and other places, but certainly not working the mine under the conditions of his lease. He came back again and worked a day or two, again abandoning the operations. During all this time the lessor (one Andrews) was complaining of his work and finally gave him notice that he must quit for non-performance of his lease in that he was not continuously working the mine. The plaintiff admits these repeated warnings and admits that he was ordered off the mine and that he went to seek legal advice upon the matter. While he was away Andrews took possession and granted a lease, or what is known in this country as a lay, on the same ground to Lucey, Dyan & Co., who took out about 800 buckets. While they were in possession the defendants by accident discovered that they were over on the line of this particular piece of ground and got leave from Lucey, Dyan & Co., the then holders of the ground, to continue working until they took out a small piece of ground, this being got out they abandoned their work. During all this time the plaintiff took no action; he made no complaint; he seemed to have been off the ground altogether. In his affidavit he swears that he gave the defendants notice to discontinue. This is a falsehood on its face and is sworn evidently with intent to mislead the court. He said, 'When I discovered that the defendants had been trespassing upon and removing pay dirt from the ground held by me as aforesaid I notified them to discontinue said trespassing.' In his examination this is clearly disproved. He gave no notice whatever, while the work was going on and not for some weeks after did he complain. Now, discontinuance of work has only one meaning; it means the stopping of something which is going on and certainly by a stretch of the English language can discontinuance be interpreted to mean complaints weeks after the operations have ceased. While speaking about the plaintiff I may say that his entire examination was most unsatisfactory and certainly showed an intention not to give full

information. The matter is complicated by the fact that the plaintiff came back on the ground, and was allowed to continue his lay, and afterwards worked and took out dirt. The lessor Andrews says that he allowed him back as the quietest way of settling the matter, not as acknowledging that he had no right to eject or declare a forfeiture, but simply as a re-entry as a settlement of a pending matter, and I think this is the correct conclusion to be drawn from all the facts. I would certainly hold that at the time that Andrews took possession and re-granted to Lucey, Dyan & Co., the acts of the plaintiff constituted a forfeiture and abandonment of the claim. Even if the words 'mine the same continuously from the date of the lease' had not been in the document, from the very nature of the document itself one would infer that continuous mining was in the contemplation of the parties and that if the lease had been granted for the term for which it was granted for the mining of the placer ground, the conduct of the plaintiff would have justified the lessor in revoking and cancelling the grant or license. But coupled with these words is the condition which follows in the lease that upon any violation of the provisions contained in the lease the lessee shall forfeit all rights hereunder at the option of the lessor and the lessor shall thereupon be forthwith entitled without notice to the lessee to retake possession of the said mining ground and eject all persons therefrom. There was no need for any forcible entry under this lease, the plaintiff was not on the ground when possession was retaken, and his granting of a new lease was evidence of his revocation of the former one and his claim of right under the forfeiture, and I do not think that the subsequent allowance of the plaintiff on the ground to continue his lay was an admission that he had no right to declare the forfeiture which he did. It is clear that the entry and mining of the defendants was made while the forfeiture existed and while the lessor was in possession, and if Lucey, Dyan & Co. are right in being in possession then the defendants may justify under their possession. There could hardly be a less meritorious action upon all the facts. The plaintiff was negligent and careless and indifferent and is entitled to no consideration from a view of his whole conduct in this matter.

"Then as to the affidavit of Adam Fawcett, Dominion land surveyor, which affidavit was part of the material upon which the injunction was granted, I have only this to say, that I cannot conceive how any person occupying the position of a Dominion land surveyor could make such an affidavit, if he used ordinary care and common sense. He says 'I estimate the fair average value of such pay dirt so removed to be 15 cents per pan and that the total value of such dirt is about \$837.' In his cross-examination upon this affidavit he swears he never panned a pan of dirt on the claim, that he had no idea of the value, he did not know the depth of pay, and his entire information was gathered from hearsay from the miners on adjoining claims. Now, Mr. Fawcett must have known that the affidavit which he was making was intended to be used on an application before the court and that the court was entitled to place considerable confidence upon the affidavit of a professional gentleman. How he can swear to an estimate of value and specify the value at 15 cents when he never made any panning application to base any estimate whatever I fail to understand. Certainly the court is entitled to expect when professional gentlemen make affidavits of their work for use upon serious applications of the nature of injunction, that those who make them have first-hand information and base their affidavits upon their own knowledge and upon their own investigation. Then he did not disclose the entire result of his survey because there was some dispute as to where the posts on the ground should be and upon his own showing if the posts on the ground were taken as the boundaries of the claim then the encroachment sworn to is too large. I do not think that the dirt, on the evidence, was more than what is known as five-cent dirt. It seems that the operations being charged with the 50 per cent payment to the lessor would not under those conditions produce more than wages. The plaintiff has therefore not been damaged to any extent because he was not working there but at other places. The ground has not been worked out by any means. As appears from the evidence he has wholly abandoned his lay and removed his machinery, so that he has not been injured one cent by the operations of the defendants.

"This injunction was obtained late at night upon the material which I have mentioned, upon the representation of counsel that there was great emergency and hurry, but upon closer perusal of the papers I find that the

survey was made on the 23rd February and all the facts known then and a close investigation of the whole matter would have shown that it was one of very little moment indeed. The application for the injunction was delayed until the 2nd of May and then rushed on at a late hour of the night when little time for perusal of the papers was allowed. I can only say that repeated experiences of this nature may have the effect of causing the court to refuse really meritorious applications which are emergent and cause delay for a closer perusal of the papers, thus damaging parties who have a real cause for hurry.

"The defendants have obtained the gold out of this ground. When Johnston came to them demanding settlement they say they did not understand what he was saying, but that was their time to come to some amicable agreement with him. I think therefore, they should pay their own costs. There will be no costs to the plaintiff, and the action will be dismissed."

**Asked for Opinion**  
Topeka, Kan., June 20.—Attorney General Coleman has been asked for an opinion as to the practice of outside liquor dealers in shipping liquor into Kansas. The shippers are now trying to work up an express business whereby they can sell liquor in any quantity through an agent. It is claimed that by this method there will be no violation of the prohibitory law. The courts will soon be called on to settle that question.

**Long Fight**  
New York, June 20.—General Emil Schaefer, of New York, has been awarded the custody of his two children in Jersey City by Vice Chancellor Pitney.

The fight over the girls has been on ever since last fall, when Mrs. Schaefer took them from their father's home at Mount Morris Park. Mrs. Schaefer and the children were not in court and her counsel and relatives said they did not know where she was.

**Filed a Demand**  
Yokohama, June 19.—The Japanese minister at Peking yesterday filed a formal demand on the Chinese foreign office for the opening of Moukden and Tai Tung Chou to foreign trade. The Chinese officials replied that circumstances were not favorable to the opening of the cities mentioned.

The American and British representatives are supporting Japan's demands. Minister Conger is also demanding the opening of Harbin, Manchuria.

# CELEBRATION ABANDONED

## Roseland Editor Ridicules Proposal

### And Loses a Chunk of His Anatomy—Day Observed in Vancouver.

Special to the Daily Nugget.  
Vancouver, July 4.—The celebration of independence day is being conducted at Vancouver in the usual grand style. U. S. Consul Dudley held a largely attended reception here. Roseland abandoned its proposed celebration because of a fracas arising out of an assault upon Editor Dyer of the Roseland World who caricatured the proposal. He was severely bitten by a miner who got three months in jail.

**Variety Actress Shot**  
New York, June 20.—Made desparate by the repeated refusals of Olive Foster, a concert hall singer, to marry him, Edward Teets, 21 years of age of this city, has shot and probably fatally wounded the girl as she sat in the crowded balcony of a music hall at Coney Island.

Teets fired two shots at the girl and then turned the weapon upon himself, but it missed fire and he was disarmed before he could pull the trigger again.

A performance was going on at the time the tragedy took place and the panic stricken crowd stampeded, making a rush for the doors.

When Teets approached the girl as she sat in the balcony he drew with his left hand a box of candy. When the girl reached to take it, he shot her. She screamed and sank to the floor. Teets fired a second shot but missed.

The uproar, which rose instantly, seemed to terrify him and he placed the pistol against his own head. It missed fire and a policeman seized him.

He was identified by the victim at the hospital, but refused to make any statement regarding the affair. The bullet lodged near the girl's heart and the doctors said the wound will undoubtedly cause death.

**Arrested for Theft**  
Peoria, Ill., June 18.—Robert McDermott, a son of Capt. McDermott, a leading citizen, was arrested today, charged with the theft of \$2,000 worth of diamonds belonging to Thomas Webb of this city, and W. H. McCormick, proprietor of one of the leading buffets, was arrested for receiving the stolen property.

The diamonds were consigned from Chicago early in May, but disappeared while in transit.

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