

## VERY IMPORTANT DECISION.

## Shafts on Pay-Streak Declared to be the Creek Claim.

Boundaries of Claims Set at Rest and a Precedent Established for Survey.—Boundary Lines not Straight Between Stakes.

In the gold commissioner's court has been decided a case which will interest every creek and bench miner on the gulches. Attorney Woodworth is naturally well pleased for his client at the successful ending of the hard fought case.

We reprint the decision in toto:

The case of Asby & Leak in re boundary between creek claim and bench claim at 31 left bank Eldorado.

In the above case, both claims were recorded under the regulations which read, "from base to base of hill," as defining the boundaries of the creek claim, and marking the points where hill-side claims might begin.

On behalf of defendant it has been contended that the boundary between the creek and hill-side claims should be in a line joining the original posts set by the surveyor as marking the boundary of the creek claim.

This contention is not in accordance with the provisions "from base to base of hill."

Observations were taken by Mr. Jephson, a Dominion land surveyor on behalf of the defendant to determine the base of the hill.

His method was to take the inclination of the lower part of the hill, and from calculation to find where a horizontal plane from the general level of the stream would intersect a plane extended on the inclination of that part of the hill observed. The points thus found fall below the shafts made by defendant.

Mr. Barwell, a Dominion land surveyor, employed by the plaintiff, took levels and observations to determine the position of the base of the hill which he defined as the intersection of the plane coincident with the slope of the hill, and a horizontal plane coincident with the surface of the ground at the edge of the creek.

His data was obtained by taking the inclination at two points on the hill side, thus taking a much longer sight, also a higher plane as the elevation of the creek claim.

He places the plane marking the base of the hill some fourteen feet above the shafts sunk by the defendants.

This latter determination is more in keeping with a liberal interpretation of the regulations in considering the rights belonging to prior locations.

If the decision depended upon the present regulations it would also be in behalf of the plaintiff, as Mr. Gibbon, D. L. S., who took levels to determine the elevation of the bed-rock in the defendant's shafts, and compared the same with the elevation of the bed-rock near the creek, found the difference to be less than three feet, and estimated that the "three-foot" elevation would be reached five feet up the hillside from the shafts.

I therefore arrive at the following conclusions:

1st. That the base of the hill is always at some point higher than the general level of the water of the stream, for if that elevation were taken as the base of the hill, there would be no flat lands bordering on a stream that would not be covered with water when the stream rose above its average level. Such a definition is untenable.

2nd. That the intersection of the horizontal plane passing through the general level of the flat, bordering the stream, with the mean inclined plane of the hillside, would be as nearly as one could ascertain the base of the hill in localities where slides may have occurred.

The former method being that adopted by Mr. Jephson, D. L. S., to determine the base is not sustained by this court, while the latter adopted by Mr. Barwell, D. L. S., is approved. The decision of the former court, which tried this case is therefore sustained.

THOS. FAWCETT,  
Gold Commissioner.

## Didn't Show Up.

Where is Jack Cronin? He published in these columns a challenge to spar Jimmy Carroll either for points or to a finish and was willing to make the purse any reasonable size. In the last issue of this paper Jimmy took up this offer and appointed this office as a meeting point for Thursday morning for the arrangement of preliminaries. The time came and Carroll came but no Cronin put in an appearance. The ex-champion light-weight is still willing to give Cronin a chance and will once more be at the Nugget office. Saturday morning between 10 and 11 Cronin can find Carroll if he so desires.

## Monthly Meeting of Miners' Association.

The regular monthly meeting of the Miners' Association took place Tuesday evening at the Miners' Institute, on Church street.

Col. McGregor, for the standing committee, reported a long interview with the Yukon Commissioner, in which many matters of vital importance were discussed. The report was accepted.

Announcement was made that ex-secretary Biddle was leaving shortly for the outside upon business and would carry out mail at the usual rates. Members of the association could have their letters taken at half rates.

Mr. Galpin reported that the manager of the S. Y. T. Co., Mr. TeRoller, wished to offer prizes to the members for competition. He wished to secure a practical miners list of what supplies were needed for one year. The associ-

ation to get 12 boxes of candles, and the best lists would be awarded prizes of 6 boxes, 4 boxes, and so on. A list compiled upon the ground by a practical miner would be so far in advance of the outlanders lists in value upon the outside, that it was worth all it cost to get it. The members signified an intention to compete.

An interesting discussion upon the condition and construction of trails was precipitated by Mr. Reinfring who wished the association to go to Mr. Ogilvie with proper suggestions. Members from outlying creeks gave vivid descriptions of the woes of sleds and packers and it appeared to be the unanimous opinion that "organized direction" should be given to the building of trails across the various claims and that the government should also take in hand the construction and maintenance of the trails across the divide. On motion, it was ordered that a letter be addressed to the Yukon council, asking them to look into the matter of trails and provide relief for the miners at once.

Mr. George brought up the matter of the admission of the press and public to the regular monthly meetings. A strong plea was made for publicity and after an interesting talk a motion to that effect went through without a dissentient.

## Accident on the Tram Road.

Fletcher and Cook lost one of their bay horses by an accident Sunday noon off the tram road trail to the Forks. A party at the Forks had telephoned to town for a team to carry them to Dawson and the team with a sleigh and robes was trotting out there for that purpose.

On the tram road are a number of pole bridges some of them rather high. The last one crosses a ravine at 70 below and is about 20 feet high. The bridges are not protected with guard rails on the sides and some of them are slightly sloping. The sleigh slipped to one side and one horse crowded the other and in an instant the team, sleigh and driver were falling over the edge. Sanders and Fletcher jumped from the wagon box and escaped the fall, but Cook went down with the horses. The driver and one horse escaped with but slight injury and the other one was shot as the shortest way to cure a couple of broken legs.

There is a moral to the story and that is that the bridges should be protected with side rails. The accident might have happened on the return trip with the sleigh loaded with people and it is hardly possible all would have escaped alive.

## From Outside Papers.

In the Mail and Empire late in August is published a news item of interest to Klondikers. Under the caption of "Sifton does not satisfy Laurier—Premier doubtful as to affairs in the Yukon—Complaints still come in—officials said to be buying government lots—Major Walsh's authority not recognized by Mounted Police," appears special correspondence from the seat of government at Ottawa:

"Sir—Wilfred Laurier returned today from his visit to Mr. Sifton and went on to Montreal. The Premier, it is said, is not quite so satisfied as his minister of the interior that all is well in the gold country. Additional evidence is coming to hand daily that the administration is not only through the respect of the officials, but their incompetency as well.

"A letter was received today from Mr. H. Stuart, of this city, dated Dawson City, June 14th. He says: 'The government is changing its laws so often that you get advice from the officials and leave to act on same, and before you get back the law is changed, and your work is worthless. There looks to be some job on in the land office; they are changing as high as \$200 for government lots back on the hill, although the officials have paid but \$50 and have the highest of the bunch.'

"If the officials are buying government lots they are lying directly in the face of the law. The Dominion Lands Act specifically prohibits anyone in the government service from purchasing public lands.

"The same writer says that Major Walsh's authority was not recognized by the mounted police. He asserts that the mounted police were ordered up the river to keep good order from the river. They refused to go and Major Walsh ordered their arrest, but the remaining policemen refused to execute his order.

"Each arrival from the Klondike is now asked for information regarding Mr. Sifton's officials. Mr. J. W. Boyle reached Ottawa today, having left Dawson City on July 13th. Asked regarding the government officials, Mr. Boyle said significantly, 'I have nothing to say about the matter, whatever. There is a great deal of dissatisfaction among the men in Dawson and I think there will be changes made.'

## A Ball at the Forks.

Saturday, November 5th will witness a grand social dance at the Grand Forks hotel and the country for miles around is preparing for it. Extensive preparations are being made to accommodate the crowds of guests expected—not a few of whom will sleigh out from Dawson.

## Exclusively British.

EDITOR NUGGET: It is given out that preparations are in progress for an "old-fashioned" Christmas dinner to be held at Dawson in which natives of the British Isles only can participate. Christmas tide is recognized in enlightened nations the world over, as a time of cheerfulness, rejoicings, reunion of friends and social festivities. All differences, national, religious and political, are according to the "old fashion" to be forgotten, and all feuds buried. Indeed, it has been the prayer of many that the Christmas spirit should prevail throughout the year. British sentiment is not confined within the precincts of the British Isles, and even if the privilege of participating in the festivities on this particular occasion was extended to her majesty's colonial subjects, the object seems to not only be aimless, but also in rather bad taste. In order to enjoy good things on the Christmas occasion in Dawson, your correspondent, in common with many other British subjects, would be pleased to have seated around the festive board, representatives from the American States, Denmark, Sweden, Norway, Germany and France, and other nations who are with us in the same boat.

DONALD MACGREGOR.

## ANOTHER SMALL CONFLAGRATION.

## The Chemical Engine Gets Out in Very Good Time.

Communication Regarding the Taking of Ground by Official Employees—The Law Upon the Subject—An Unwritten Law.

Between the hours of 8 and 9 o'clock on Thursday morning the volunteer fire boys had an opportunity to show their promptness and discipline at a small blaze. A tent-covered building in the rear of the postoffice took fire from a heated flue and burned to the ground, destroying everything but a few clothes. The place was inhabited by Ryan, McGee and Burns, and the latter was the only one at home when the fire occurred. There were supplies inside to the amount of \$1,000 and everything was destroyed.

The fire boys were not rallied by the alarm bell until someone brought word personally from the scene of the fire. There was some excitement among the new men and someone pulled the bell chain to the front door, so as to break it off short. This delay overcame the boys, under Captain Kline, ran out with chemical No. 1, and gave a good exhibition of running to a fire. Assistant Chief Lyons raced the engine and got there enough ahead to be able to direct operations intelligently. A small cabin next the burning building was torn down and the contents scattered. Howard, the owner, was up the creek, and is probably unaware of the disaster which has overtaken his valuables.

The hook and ladder truck followed the chemical but was not needed. A stream from the chemical was quickly on the neighboring eaves and buildings and though some of them were but a few feet away nothing was burned but the one building.

The boys have had no drilling yet, but are to be congratulated upon their precision and promptness.

## Can't Hold Claims.

EDITOR NUGGET: Is there any truth in the rumor that a new regulation is in force which commands the attaches of the gold commissioner's office to be refrained from staking claims and so on? The talk here up the creek is that they have been stopped from even buying or holding any more claims. We haven't seen any account of this law in your paper. Yours most truly,

PHIL GALEY.

[The receipt of the above caused this office to send a representative at once to the gold commissioner's office. Enquiry elicited delightfully indecisive information. There appeared to be an impression there that mining speculation amongst employees was a thing of the past, yet no order to that effect could be pointed to. At the office of the Yukon Commissioner the representative learned that though no order as above had been issued, it was being made generally understood that the requirement of mining claims was viewed with strong disfavor.

The following is from the Dominion Lands Act, section 7:

"No person employed in or under the Department of the Interior shall purchase any Dominion land except under authority of the Governor in Council, or shall lease military or bounty land warrants, or land scrip, or act as agent of any other person in such behalf; and no person so employed shall disclose to any person, except his superior officer, any discovery made by him, or any other officer of the Department of the Interior, or any other information in his possession in relation to Dominion lands, until such discovery or information has been reported to the minister of the Interior, and his permission for such disclosure has been obtained."

It would appear to the ordinary lay mind that since all mineral lands are and must remain Dominion lands the gentlemen at headquarters are clearly within its provisions. It might even be expedient for some body like the Miners' Association to take it up and make a test case. —E. J.

## Miners' Institute Benefit.

The Miners' Association has decided to give a benefit entertainment on Monday evening, November 14th. The Monte Carlo theatre has been secured for the purpose and some of the very best talent in town are volunteering their services for the occasion. The evening is predestined to be a momentous occasion and the funds derived therefrom are to be used for the lifting of the debt which hangs over the institute.

## The Regina Club.

An enthusiastic meeting of charter members of the Regina Club was held Wednesday evening for the purpose of perfecting organization and the election of officers.

About 25 gentlemen were present and, after a spirited contest, and good-natured rivalry, the following officers were chosen:

President—H. T. Wills.

Vice-President—Thos. O'Brien.

Honorary Secretary—Chas. Kourse.

Executive Committee—Leroy M. Tozier, H. T. Hume, J. B. Pattullo, Maurice Marsden, Dr. Arthur Edwards, E. D. Bolton, Dr. Willis, H. E. Ridley, A. H. Hamill, R. M. De Gex.

It was decided to give a "smoker" in the near future, and an Amusement Committee, consisting of Messrs. Tozier, Ridley, Marsden, De Gex and Hume was appointed for that purpose.

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