

21, 1902. MONDAY, APRIL 21, 1902.

# BONANZA ROADWAY

## Personal Experience of B. H. Moran

### Condition of the Road Viewed from a Wheel Between Dawson and Cormack's.

A few more days such as yesterday and Sunday the bottom of the road will be utterly dropped out of the snow and sledding for the season will be over. Bonanza by receiving the heaviest snow in the first to feel the effects of spring chinooks and people will be to admit to the registration of a large part of the road.

It is understood to be the intention of David Macfarlane, superintendent of public works, to put on road crews for the purpose of keeping the territorial road in as good condition as possible, but at their best they are not to be had until the bulk of the snow has disappeared and the surface has an opportunity of becoming solid. Mr. B. H. Moran, who in the city, made a trip to Cormack's forks for the purpose of viewing the road where repairs were most needed. He returned about 8 o'clock this evening, soaking wet and mud on his boots. To a representative of the Nugget he freely unburdened his mind as to the pleasures and experience gained on his trip.

"This is just the season of the year," he remarked wisely, "when the roads are at their best, being at the beginning of the spring when the water first begins to flow. Many of the culverts and otherwise would carry off the water from the sidehill drains and consequently the road would be frozen up and consequently useless for the purposes intended. The thing that will require considerable work on the part of the men are the side hill drains. In many places the frost in its melting process combined with the running water has loosened the gravel and debris which has run down into the road, making the passage at such places quite difficult.

The first place where such a condition is noticeable is around the just above South Dawson. A deal of rock and mud and large boulders have slid down the last day or two and will be shoveled away. The same thing I presume will always be done at that point as the road of which the roadway was quite steep. From 90 feet to 90 the road is still quite steep, though a few slides are encountered here and there. Just above the road house the road as far as it is fierce. For about a half mile there is no shelter whatever from the sun and as the surface there is always rather boggy teams are now having a hard time getting through. In another week or ten days it will be a fright. The road is quite bad crossing the little valley and rounding the flat as 51 and opposite the 49 group and up to as Boulder the reverse is true. That section the clay appears on the surface, without the layer of muck, and I have no doubt in past years that it is one of the best pieces of the Bonanza road. There is considerable mud on the road at 30 and 31 which gets worse as one approaches Magnet. Crossing from Magnet to 15 there is a bottom to be found but in another week it will be a sea of mud. From 15 the road is bad until the mouth of Adams creek, but from the latter point to the Forks it will require a good deal of work to keep it passable for anything of a load. But, say, the Forks, have you been there recently?"

The reporter sadly confessed that he had not been outside the city in two years and Mr. Moran continued:

Well, sir, there are more joshers and peddlers in that insignificant village to the square inch than any other place in the world, I believe. When I passed through I was showing my wheel and the way it was handed to me would have angels weep. 'Why don't you sell it?' said one; 'Get on to his feet,' said another; 'Pipe the pot,' 'Wouldn't that jar you?' 'He'll get there if his legs

hold out,' and similar expressions was all I heard from the time I reached discovery or a little above until I passed the mouth of Eldorado.

'Above the Forks the trail is still in fairly good condition to Cormack's, but it can not be expected to last much longer. An enormous quantity of wood has been hauled over that portion of the road this year evidence of which now that the snow is melting can be seen in the dirty condition of the roadway. Above Victoria gulch the effect of the warm sun is not so apparent, the creek valley being narrower and not so directly exposed as farther down. I should judge that it will require three or four gangs of men, though not necessarily large in number, to keep the road in condition for the next two months and I trust that the department will lose no time in putting them on. They are needed at once.'

Mr. Moran's statements may be accepted as true beyond all doubt. His is an observing nature and being an old newspaper man he has the happy faculty in saying, while being interviewed, just what is most desired for publication.

### Queen's Birthday.

A meeting will be held in the Pioneer Hall on Saturday evening next at 8 o'clock (April 26th) for the purpose of taking steps to celebrate again in the Klondike the birthday anniversary of our late beloved sovereign, Queen Victoria.

The birthday of his majesty King Edward will also be observed on the same occasion.

DONALD MACGREGOR.

### Died This Morning.

James Lupton, proprietor of the Juneau Joe restaurant of Second avenue, died this morning about eight o'clock at the Good Samaritan hospital from pneumonia. He was taken to the hospital two weeks ago today since which time he steadily grew worse. Deceased was 42 years of age. Arrangements for the funeral have not yet been made.

## VARIETY OF CASES

### Before Magistrate Macaulay This Morning

### Crusade Made Against Cruelty to Animals—Reform Promised by D. and D.

There was a variety of cases before Judge Macaulay this morning although but a few minutes were required to dispose of them.

Rosie Hardy pleaded guilty to being an inmate of a house of ill-fame on Second avenue and paid a fine of \$50 and costs.

Louie Vine had, by the overindulgence of the fluid extract of cereal, impeded traffic on Queen street. He was, oh, so sorry and vowed that never again should such a thing occur. His honor, willing to assist Louie in his noble resolve, let him off with \$1 and costs.

For working a horse whose shoulders looked like a couple of freshly sliced veal cutlets before being breaded, George Martino of Hunker creek paid a fine of \$10 and costs.

The case of Arthur E. Borden was continued until Thursday of this week at 10 a. m.

Samuel Blumer paid the costs in a bad blue case and promised to have the necessary repairs made at once.

### Favor General Staff.

Washington, April 9.—Lieut. Gen. Schofield, retired, today made an argument before the senate committee on military affairs in support of the war department bill for the creation of a general staff and the consolidation of the supply departments of the army. Gen. Merritt, retired, who was also present, endorsed all that Gen. Schofield said.

### Of Interest to Shippers.

The Northern Commercial Co. is now prepared to make contracts for shipments from coast ports to Dawson and will be pleased to quote rates on large consignments to bona fide importers.

For full particulars, rates, etc., see the Northern Commercial Co., shipping department.

### Bakery for Sale.

Half interest in the best paying bakery in the city. Inquire for particulars at this office. ctf

Nobby line spring suits just opened. Amos Meccantile Co.

## PRECEDENT CONFIRMED

### Important Ruling by Mr. Justice Craig

### Registrar of the Territory Can Not be Compelled to File Lis Pendens.

Mr. Justice Craig this morning rendered a most important judgment in a case which affects land titles in the Yukon territory, and being the first of its kind to come up thus establishes a precedent. The decision is to the effect that the registrar can not be compelled to file a lis pendens against any land in the territory. The matter in question involves two cases which were heard together, the land involved being situated in the town of Whitehorse. The cases were styled, Levin vs. Trump and Chambers and Fleming vs. Levin, his lordship's decision in both being as follows:

"These cases were argued together as they covered the same subject-matter to a very large extent. The case of Levin vs. Trump was brought to establish a partnership and was commenced in June, 1901. The case of Chambers and Fleming vs. Levin was brought to establish the title of the plaintiffs to a piece of land generally described as 24 feet of lot 3 in block 6, Whitehorse.

"The question argued was as to whether in this territory a lis pendens could be registered against lands, and this question is raised upon the petition or application of the registrar under the land titles act and a reference by him to the judge as to the regularity of the registration of the lis pendens. The motion for receivership was settled practically by consent, and the order will be that John A. McDonald, sergeant N.W.M.P., be receiver, with leave to either party to move to replace him at any time. As to other matters raised by the motion for receivership further directions will be given.

"As to the question of continuance of the restraining order the order will go restraining Chambers only, and as to the others will be dissolved. The main question and the one which was debated most seriously, was that raised by the registrar, namely, whether lis pendens is a proper procedure in this territory. Section 99 of the land titles act, chap. 28, 57-58 Vic., as amended by 61 Vic. chap. 32, s. 14, provides that any person claiming to be interested under any will, etc., in any land 'may lodge a caveat' with the registrar. The scope and life of this caveat is regulated by the following sections. It is admitted that the caveat in this case originally filed has lapsed for non-conformance with the provisions of the statute, but it is contended that a lis pendens may be registered which will remain in force and binding the lands until the disposition of the suit. The only provision in the land titles act affecting the recording of warnings against lands and notice of pending interest is that section 99, as amended. The amending act, section 4, amending sub-section 2 of section 33 of the original act, provides that the registrar shall not receive or enter in a day book any instrument except executions against lands, caveats, mechanics' liens, transfers by sheriff or by order of a court or judge, transfers on sale of land for taxes, or certificates or orders of a court or judge. It is contended that these last words, 'Certificates or orders of a court or judge,' cover lis pendens. I do not think so. The lis pendens may be issued by the clerk of the court simply as a certificate of the state of the cause or certificate of a cause affecting lands. This lis pendens might be used for various purposes and might be served as notice. The question is not that. The question is whether the registrar is entitled under the land titles act to register such a document, or compellible. Maxwell on statutes, page 570, says: 'Where a statute provides a specific means or procedure for enforcing an obligation, no other course than that provided can be resorted to for that purpose.' Here the statute provides for the filing of a caveat for the very purpose that this lis pendens in question is used for, that is, as a warning or notice. It would be unreasonable to expect that the same statute should provide two separate remedies or separate processes for effecting the same end. It is so often the case that different statutes provide differ-

ent remedies and it may be that the one does not oust or repeal the other but it is not usual that the same statute should provide two remedies or two procedures for the same thing. Further, in the case of Regina vs. Judges of Essex County Court, 18m Q.B.D., 704, Lord Assher M.R. said: 'As an ordinary rule of construction, where the legislature has passed a new statute giving a new remedy, that remedy alone can be followed.' This principle is also laid down in Hardcastle on statute law. I do not think, therefore, that the words 'certificate or order of the court or judge' will cover lis pendens. The meaning of the words 'court or judge' has often been adjudicated upon. It has been held to mean court sitting in banc or judge in chambers. \* \* \* I can find no authority whatever for the proposition that the certificate of the court means certificate issued by the clerk of the court as this certificate was. The masters and registrars of the court often have statutory powers given them to act on behalf of the court and when this is so then their orders and certificates given sitting in that capacity would be orders of the court, but it cannot be said that a certificate simply issued by the clerk as a matter of record in his office, can be called a certificate of the court or judge. What the certificates might be can easily be imagined. There is no need to give examples. So that I must rule that in this territory the registrar should not and cannot be compelled to register a document or certificate of the nature of a lis pendens, but that his authority is limited by section 99, as amended by chap. 32, ss. 14 and 15, and that the lis pendens now registered against this property must be removed from the records.'

### Special Order Issued.

London, April 9.—A special order has been issued today to the customs staffs of all the ports of the United Kingdom forbidding them to issue the usual order for entry to all vessels carrying free goods.

This applies not only to timber but to all cargoes at present free of duty. The customs authorities in London are very reticent on the subject of this comprehensive regulation, but the general character of the order is believed to be intended to insure secrecy regarding the intentions of the chancellor of the exchequer, Sir Michael Hicks-Beach. That his budget proposals will be unusually important is indicated by the fact, announced in the house of commons this afternoon by the government leader, A. J. Balfour, that the budget will occupy the house both Thursday and Friday. Usually one day has been sufficient for the introduction of the statement of the chancellor of the exchequer. All kinds of rumors are afloat, but, according to the best opinions, the chancellor of the exchequer, Sir Michael Hicks-Beach, will not depart from its traditional free trade policy.

The war expenditure is estimated at £40,000,000 as against £60,000,000 last year while the grant to the South African colonies is only £51,800,000, as against £56,500,000 last year. Altogether, Sir Michael Hicks-Beach has to meet an estimated expenditure of £171,000,000, as against £197,000,000 last year. It is said that the chancellor will endeavor to remit £58,000,000 by additional taxation, bringing the revenue, roughly speaking, up to £150,000,000, and that he will provide the remainder by a loan, for the interest on which he may possibly tap the resources of the Transvaal. A persistent rumor is current here that iron ore will also be taxed.

### Trade of Philippines.

Washington, April 9.—The insular division of the war department has prepared for publication a statement giving in comparative form the commerce of the Philippine islands for the eleven months ended November 30, 1901 and 1900.

It is shown that the total value of merchandise imported during the eleven months ended November 30, 1901, was \$27,349,813, against \$22,432,474 for the corresponding period of 1900. The exports during the same period amounted to \$23,286,180, against \$21,969,566 for the same period of 1900. These figures show an increase of 21 per cent. in the imports and 10 per cent. in the exports.

The value of merchandise coming from the United States for the eleven months ended November 30, 1901, was \$3,189,976, an increase of \$1,199,597 over the corresponding period of 1900, while the exports for the period of 1901 amounted to \$4,181,407, and increase of \$1,768,748.

### Open at Whitehorse.

A telegram received this morning states that the ice has broken at Whitehorse and the river is now open in front of the town.

Dinner a la carte—Northern Cafe.

## Fresh Over the Ice



...FULL LINE OF...  
Beef, Mutton, Veal, Pork, and Poultry.

## Bank Market

KING STREET,  
Opposite N. C. Company  
H. Gustavson, Proprietor

## Pacific Coast Steamship Co.

Affords a Complete Coastwise service, Covering

### Alaska, Washington California, Oregon and Mexico.

Our boats are manned by the most skillful navigators.  
..... Exceptional Service the Rule .....

All Steamers Carry Both Freight and Passengers

## WINTER MAIL SERVICE

### On and After March 20 Dawson to Whitehorse, \$125.00 BY THE ROYAL MAIL STAGES

Making through trip in five and one-half days, stopping at first-class roadhouses each night. Travel only by an established line and avoid both delay and discomfort. Stages Leave Dawson Every Tuesday, Thursday and Saturday, at 7 a. m. For reservation apply at the

White Pass & Yukon Ticket Office  
J. H. ROGERS, Agent.

IF YOU WANT good, fresh Beef, Mutton, Poultry, Game, etc. See  
QUEEN ST. Phone 70  
**Shaw & Co.**

# CIGARS

We want your Cigar business and are prepared to make quotations F. O. B. Victoria, B. C., or Dawson at lower rates than quoted by outside drummers, and deliver same in large or small quantities. Give us a call and we will convince you. We handle all the leading brands, imported and domestic.

## Macaulay Bros.

**DAWSON LIQUOR CO.**  
CHEAPER THAN EVER!  
FRONT STREET, Opp. L. & C. Dock. TELEPHONE 161

## Just in Over the Ice Two Hundred Thousand Havana Cigars

Benj. Franklin, La Africanos, Henry Clays, Magnificos, Velasco's Flor de Milanos, El Friasno, Adelina Pattis, El Ecuadors, Henry Upman's, Bock & Co.

Look Out for the CAMEOS.  
**TOWNSEND & ROSE, Importers**

## PROFESSIONAL CARDS

LAWYERS  
PATTULLO & RIDLEY — Advocates, Notaries, Conveyancers, etc. Offices, Rooms 7 and 8 A. G. Office Bldg.

SURVEYORS.  
G. WHITE-FRASER.—M. Can. Soc. C. E.; M. Am. Inst. E. E.; D. T. S. 'Phone 1066. Cor. Church and Third avenue.

CHAS. S. W. BARWELL, D.L.S., C.E., DOMINION LAND SURVEYOR. Office, rooms 13 and 14 Bank Building. 'Phone 170, Dawson, Y.T.

## Signs and Wall Paper

...ANDERSON BROS...  
SECOND AVE.

## J. J. O'NEIL

MINING EXPERT  
Quartz mines examined and reported on. Correspondence solicited.  
Address, - General Delivery, Dawson

## EMIL STAUF

REAL ESTATE, MINING AND FINANCIAL BROKER  
Agent for Harper & Laidlaw Townsite Co., Harper's Addition, Menzie's Addition, The Imperial Life Insurance Company.  
Collections Promptly Attended to Money to Loan. Houses to Rent. Gold Dredge Bought and Sold. N. C. Office Bldg. King St

## Regina Hotel

J. W. Wilson, Prop. and Mgr.  
Dawson's Leading Hotel

American and European Plan. Cuisine Unexcelled. Newly Refitted Throughout—All Modern Improvements. Rooms and board by the day, week or month.

2nd Ave. and York St. Dawson