

MINERS LIEN LAW

Passed by Yukon Council in Special Session Saturday

AFTER FAIR AND OPEN DISCUSSION

Although It is Not Exactly Likelihood of all Members

EFFORT TO PROTECT ALL

Was Disposition Which Characterized Council in Passage of Important Law.

From Monday's Daily.

The revised miners' protective wage ordinance which was substituted for Wilson's original miners' lien bill was brought before the council for consideration at Saturday's meeting and as usual was the cause of a lively debate. After considerable discussion and the addition of several amendments it was finally passed and has now become a law.

The amendments which were proposed by the legal adviser the import of which were to give other creditors than the wage earners an equal show in the output was strongly objected to for a time by Councilman Prudhomme who said that as the original intention of the bill was to give the miner exclusive protection regardless of all other creditors he considered it the duty of the council to give that point precedence. His idea of the matter was that the men who provided the material upon which the mine was worked had means of protecting themselves by mortgages, etc., while the laboring man had no such means of protection and in case the providers of such material had not such protection they were in much better condition to stand the loss than the men whose existence depended upon the recovery of their wages.

Legal Adviser Congdon arose and with considerable eloquence answered Mr. Prudhomme stating that he was not aware of any law either of God or man which protected the rights of one to the detriment of the rights of another. He made a strong argument in favor of his point and stated the well known fact that the mine owners rely upon the credit obtainable for supplies and machinery with which to develop property and which would altogether be taken away from them should such a proposition as the one suggested by Mr. Prudhomme be put into active force.

Mr. Prudhomme said that the credit system which was used to such extent was one of the things which it would be desirable to obliterate especially on the part of laymen whose chances for coming out even at the end of a season's work were always more or less of a speculation.

Justice Dugas said that while he, and he believed every member of the council, is in favor of protection to the laborers, yet there were others to be considered who were undoubtedly entitled to consideration. Mr. Wilson stated that the original proposition had been for protection to the miners and all the difficulties in the proposed ordinances had been encountered by endeavoring to run in everyone and he was of the opinion that after the miner had been properly protected the balance of the creditors would adjust themselves. He stated, however, that he had always in mind the men who furnished provisions and believed that the groceryman should be likewise protected. He also recalled the days of Col. Steele who had enforced the laborers' rights in the police court by putting the men in jail who would not pay their laborers.

Mr. Congdon suggested he introduce such a law and that all debtors be put in jail who could not pay their debts. Commissioner Ross, in his calm, forcible and diplomatic manner poured oil on the troubled waters by stating that the council had taken a great deal of time and interest in the preparation of the bill. He believed that all members of the council were interested in the protection of the miners not only the elected but the appointed members as well. He realized the strain which was brought to bear on the elected members by their colleagues and appreciated their position, but at the same time considered the other members as also having an interest in the matter. He considered the bill as presented as nearly equitable as possible giving the groceryman, the hardware man, the wood cutter, the laborers and everyone who aided the work of developing mines and who are all entitled

to consideration, a fair and square proportion of the product of the assets in case the mine worker was unable to pay in full the amounts of his indebtedness. Commissioner Ross' remarks closed the debate and the bill was passed with the amendments proposed without further dissent.

The ordinance as amended and passed is as follows:

In this ordinance and in all petitions, affidavits, documents and other papers made thereunder, unless the context otherwise requires:

(a). The expression "miner" means a person who performs or has performed for wages work which produces or assists to produce an "output."

(b). The expression "mining claim" means and includes any placer, quartz or coal claim.

(c). The expression "output" means with respect

(I). To placer claims, the gravel and bedrock obtained from such placer claims and the minerals in such gravel and bedrock or abstracted therefrom.

(II). To quartz claims, the quartz obtained from such claims and the minerals or such quartz or abstracted therefrom, and

(III). To coal claims, the coal taken therefrom.

(d). The expression "owner" means any person who has an interest, other than as mortgagee, in a mining claim, in respect to which work has been performed for such person, at his request, and includes every person claiming under such person by right accruing subsequent to the commencement of the performance of such work.

(e). The expression "person" includes any body corporate and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law.

(f). The expression "wages" means money earned by miners for work performed.

(g). The expression "supplies" means and includes food, fuel, tools, machinery and all articles necessary or useful in carrying on the work required to produce an output.

If it is made to appear to the satisfaction of the territorial court or any judge thereof

(a). That any owner is indebted to any miner for wages, and

(b). That there are reasonable grounds for believing that such owner does not intend to pay such wages, or that there is danger of such wages being lost to such miner unless the court or judge intervenes, such court or judge may appoint a receiver of the output of the mine to which such wages have been earned. And of the remaining supplies furnished to the owner for the purpose of working said mine.

It shall not be necessary for such miner to issue any writ of summons or other process. He shall merely present a petition setting forth the grounds upon which he claims the appointment of a receiver and praying for such appointment. Such petition shall be verified by affidavit; and the person making such affidavit shall appear before the court or judge for oral examination at the time of presenting such petition.

The court or judge hearing such petition may ex parte or after notice appoint a receiver for such time and upon such terms as are just and proper.

Upon such petition the court or judge may, upon notice being given to the various parties interested summarily determine and fix the liability of such owner for wages to the petitioner and to other miners who have assisted to produce the output and also his liability to any other person for supplies which have supported such miners for supplies contributed to make possible the production of such output.

The court or judge may take into consideration all the circumstances connected with the production of such output, and with the furnishing of supplies, the condition of the parties interested and may direct that by way of preference there be paid to such miners such percentage, not exceeding 50 per cent of the several amounts due them as will keep them from immediate want and that the balance due such miners and the accounts due such other persons for supplies be paid pro rata out of the remainder of the proceeds of such output and of the sale or disposal of such supplies before any other creditors of such owner are paid therefrom.

No person shall be permitted to rank under the next preceding section except among the other creditors therein mentioned or be entitled to receive any payment from the receiver on account of any sum due him for supplies unless the same have been actually

(a). Consumed by such miners as aforesaid during the time they were working to produce the output, or

(b). Used in producing or assisting to produce such outputs, or

(c). Partly consumed or partly used as aforesaid and received by the remainder received by the receiver, or

(d). Wholly received by the receiver.

The receiver so appointed may, subject to the direction of the court or judge, carry on such work as may be necessary to obtain from such output all the valuable metals or minerals contained therein.

A. J. Anders, please call at Daily News office at once. Important.

RECEIVED BY WIRE. STRAWS INDICATE

Direction of Wind and Growing Discontent With Salisbury Regime.

HIS GOVERNMENT BEING DEFEATED

On Inconsequential Question in the House.

MEXICANS ON WAR PATH.

Striking Fishermen and Cannermen Coming to Terms—Polish Woman Shoots at French Officer.

From Monday's Daily.

London, July 16, via Skagway, July 22.—Salisbury's government was defeated today on an inconsequential question but it is taken as significant as it is indicative of growing discontent.

Mexican Bandits.

Cordoba, Mexico, July 16, via Skagway, July 22.—A train on the Vera Cruz and Pacific was attacked by a force of armed men yesterday. Seven passengers were killed.

Play Settle Strike.

Vancouver, July 10, via Skagway, July 22.—There is now a possibility of a satisfactory settlement of the difficulty between the cannermen and fishermen and the whites may go to work before the end of the sockeye run.

Bad Shot.

Paris, July 16, via Skagway, July 22.—A Polish woman named Olzewska fired a pistol shot at M. Baudin, minister of public works as he left the Elysee palace today. He was not hit. The woman was arrested.

COUNCIL MEETING

Many Petitions and Notices of Ordinances Presented.

The Yukon Council held a special meeting Saturday afternoon for the consideration of public matters which required immediate attention.

A petition was presented by legal adviser Congdon on behalf of the Whitehorse Coal Co. asking for the incorporation of the company.

Councilman Prudhomme presented a petition from the residents of Seventh avenue asking for the grading of Seventh avenue between Mission and First streets, and also asking that two catches which are now located in the street be removed.

Petitions were presented from the N. C. Co. and the B. V. N. Co. asking for licenses to carry on their respective business in the Yukon territory.

A petition was presented by Justice Dugas on behalf of the Gold Mill Mining Co., asking for the incorporation of the company.

Legal Adviser Congdon gave notice of two ordinances which would be presented to the council at its next meeting. The first providing the licensing of garbage and scavenging, more to a view of keeping it under the control of the council than as a matter of revenue and the other regarding the protection of miners by timbering mines and other precautionary measures to be taken in the working of mines as a means of preventing accidents.

The public works committee presented the following report on the petition of Mrs. M. L. Ferguson regarding the numbering of the resident and business houses of Dawson:

In respect to the communication of Mrs. M. L. Ferguson in connection with the numbering of the houses in Dawson your committee recommend that the council in no way interfere with the privileges given by ordinance No. 49 of '99 to Mrs. Ferguson. But cannot recommend that she be given a bulk sum of \$6000 for performing the work. In view of the fact that she has found it impracticable to number the houses and collect from the residents the committee would recommend that such material as she has in the way of numbers, be purchased from her at their value at the place of manufacture plus the freight and customs duty provided she releases from provisions of ordinance No. 46 of 1899.

PERSONAL PROPERTY

Ordinance Passed by Yukon Council Saturday.

The council at its meeting Saturday afternoon passed the assessment ordinance which provides for the assessment and collection of taxes on real and personal property, incomes of every person, carry ing on any occupation, profession, trade, calling, or employment or filling or exercising any office and from every person residing in any town in the Yukon territory.

The ordinance is exceedingly lengthy and space will not permit of its being printed in full. It provides the following property exempt from taxation:

All property vested in his majesty the king or vested in any person for Imperial, Dominion or territorial purposes, and either unoccupied or occupied by some person in an official capacity. If any such property is occupied by any person otherwise than in an official capacity the occupant shall be assessed and rated in respect thereto, but the property itself shall not be liable.

Every church and place of worship and the land to extent of half an acre used in connection therewith and every church yard and burial ground.

The real property of every public institution of learning, every public schoolhouse, town hall, courthouse, jail and lockup house.

All school lands.

All public landings, public breakwaters and public wharves.

The property of every city or town if occupied for the purpose of such city or town.

Property to the value of one thousand dollars belonging to a widow, unmarried woman or wife deserted by her husband provided such property is situated in the city or town in which she resides.

Tools to the value of two hundred dollars belonging to a miner or mechanic and necessary for carrying on his business.

Property specially exempted from taxation by any ordinance of the Yukon council.

Income to the extent of two thousand dollars.

The Good Samaritan and St. Mary's hospitals are also included in the exempt list.

The ordinance provides for the making out of the assessment roll between the 20th day of July and the 20th day of September of each year and rules for the governing of the assessor in making up his roll. Property is to be assessed at its actual cash value and incomes to the actual amount received in the assessment of indebtedness or expense of living. Personal property shall be assessed if known to the assessor and otherwise in the name of the person in possession; providing that the assessment may be transferred to the name of the owner at any time by the assessor or court of appeal after notice is given to the owner. Persons owning real property in any town shall be assessed for such property at the town in which the property lies.

Section 8 of the ordinance provides as follows: The assessor shall forthwith on the completion of the assessment roll give notice of the assessment by delivering to each person, firm, company, association or corporation or by mailing to such person, firm, company, association or corporation postage prepaid, a notice setting forth the sum at which the property and income of such person, firm, company, association or corporation is assessed. The assessor shall enter on the roll opposite the proper name the date of such delivery or mailing, and such entry shall be

representative evidence of such delivery or mailing.

Every person who commences business which has not been assessed must give notice to the assessor within one week after such business has been started and the assessor shall within one week assess the business so commenced.

Any person who commences business and fails to give such notice in writing is liable to a penalty of \$100 or imprisonment from one to three months.

Sub-section 20 of section 11 provides for appeals and the establishment of a court of appeals as follows:

The person assessed shall have the right to appeal from such assessment and the court of appeal shall have power to reverse, vary or modify the assessment so made and amend the assessment roll accordingly.

The ordinance provides the duties and powers of the court of appeal, the meeting of which is to be held on the fourth Tuesday of October every year to adjourn from time to time as is found necessary.

The rate of assessment will be based upon the amount required to carry on the expense of government as provided in the following section:

Upon an estimate being made by the proper authority of all sums which are required for the lawful purposes of the city or town for the then current year after crediting the probable receipts from all sources of revenue either than the rates for such year and after making due allowance in such estimate for the abatement, losses and expenses which may occur in the collection of the rates and taxes and for the rates and taxes which may not be collected or collectable the assessor shall levy and collect of so much on the dollar of the assessed value of the property and income assessed in such roll as he deems sufficient to produce the amount necessary to defray the expenses of the city or town for the then current year as stated in such estimate, including any deficiency from any preceding year.

The balance of the ordinance provides for the collection of taxes which become due upon notice being served by the assessor and 30 days thereafter if such taxes have not been paid the collector is given power to issue a distress warrant and sell the property for the taxes due and the amount due on taxes taken priority over all mortgages or other claims against the property.

It was a representative crowd of officials and business men that surrounded the festive board at the Hotel McDonald Saturday night, the occasion being a complimentary banquet to Mr. F. F. Burns, president of the Vancouver board of trade who for a week previous to this morning, when he left for his home, was here on a business and pleasure trip, accompanied by his wife.

Although Mr. H. T. Willis presided Saturday night with the ease and grace of a Chauncey Depew. To his right sat the guest of honor, Mr. Burns, while Gov. Ross graced the seat to the chairman's left, others present were, R. P. McLennan, J. T. Lithgow, P. R. Ritchie, R. J. Davis, G. W. Adams, C. B. Buchanan, Chas. Milne, Dr. Milne, J. J. Smith, Jeff Davidson, H. P. Othmore, Frank Johnson, J. L. Timmins, Harry Burnett, D. A. Matheson, H. H. Morris, E. J. White, A. Ufford, S. W. Wye, Harry Jones and Geo. A. Maudson and some 12 or 15 others who arrived after those mentioned were seated.

It was not an occasion of boquet throwing or sewing circle talk, but of outspoken, honest conviction, which, by the way, is something of a Scotch characteristic. "The King," "The Ladies" and "The Press" were quietly disposed of when the toast list was reached, Mr. R. J. Davis covering himself with glory in his disposition of the second subject. Commissioner Ross, in his usually happy and pointed style disposed of "The Yukon" and Chairman Willis in proposing the toast "Our Guest," complimented Mr. Burns on his city having at last awoke to the importance of reaching out for Yukon trade and commerce. Mr. Burns made a most happy response and in behalf of the interests which as president of the board of trade he represents, promised fair dealing and proper consideration with and of the great Yukon country in the future.

Dr. Milne of Victoria spoke interestingly on "The Empire" and referred feelingly to the brave sons of Canada who fought, bled and died on the veldt of South Africa in defense of the empire.

Mr. J. L. Timmins spoke on "Transportation," and told what was necessary to insure future development and prosperity of the Yukon.

Mr. R. P. McLennan made some pointed remarks on the subject of mining when proposing the toast which was responded to by Mr. P. R. Ritchie who pointed out errors that should be corrected in the laws of the country.

Mr. Chas. Milne in responding to the toast, "Trade and Commerce" called a spade a spade, especially when delivering to Mr. Burns a message to carry back to the wholesalers of his city regarding the quality of goods to ship to Dawson. Mr. Burns thanked Mr. Milne for the suggestion and promised to carry the message to his fellow Vancouver merchants.

Other remarks were made by Chief McKinnon, D. A. Matheson, J. T. Lithgow, Jeff Davidson, Mr. Wye and Geo. A. Maudson.

During the service and program of the banquet, one of the crowning efforts of the Hotel McDonald chef, vocal and instrumental music was supplied by Mr. Arthur Boyle, pianist, and Mr. Wye, while Mr. Johnson entertained with two or three of his inimitable stories.

Elsewhere in this paper is published a cut of Mr. Burns, the young and popular gentleman in whose honor the banquet was given.

Grant Captured.

Peter Steel got action Saturday on a capias issued on the 15th against A. D. Grant, who left for the outside on the last trip of the Yukoner. The amount of the debt which he tried to evade was \$115. This together with \$75 additional as costs he pugled up when apprehended at Whitehorse.

WAS DINED AND WINED

Mr. F. F. Burns, President of the Vancouver Board of Trade

ROYALLY BANQUETED BY DAWSONITES

At Hotel McDonald Saturday Evening

WHEN HE WAS FAMILIARIZED

With Conditions, Requirements and Demands of Dawson and the Yukon—Happy Occasion.

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PRESIDENT F. F. BURNS OF VANCOUVER BOARD OF TRADE.

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