

DECISION APPEALED

Gandolfo's Well Known Case Taken Up

Fraser Dissatisfied With the Judgment of Gold Commissioner Senkler

Counsel for the plaintiff in the case of R. W. Fraser vs J. R. Gandolfo and Frank Leonard today filed with the clerk of the court of appeals and also in the recording office of the department of the gold commissioner his notice of appeal in the case mentioned which notice also gives the reason of such appeal being taken and quotes the authorities which are said to be in point and which warrant such steps being taken. The facts in the case as were brought out at the trial were about as follows: Gandolfo is the owner of 24 below on Hunter, a valuable claim upon which thousands of dollars have been expended. Fraser had been a layman on the claim but for some reason he gave it up. Gandolfo when outside had left many of his mining matters in the hands of his brother who had had but little experience in such affairs. Much more work than was necessary for the representation had been done and the certificate of work had been sworn to and filed. In applying for a renewal the brother by mistake asked for and secured a new miner's license which he thought was all that was required. Soon the year expired and as the proper renewal had not been taken out Fraser employed two men to jump the claim by filing relocation notices thereon and getting from each of them in advance so it is alleged, bills of sale signed in blank by the jumpers. In the suit that followed, Mr. Gandolfo in the meantime having returned to the city, the decision of the gold commissioner was awarded in favor of him from which an appeal is now being taken. Counsel files a number of reasons why the appeal is being taken, the first one stating that the decision of the gold commissioner is against the evidence and the weight of the evidence, and that the said gold commissioner errs particularly in finding as follows:

That plaintiff gave up his lay on the ground in dispute in October instead of July, 1902.

That the defendant Leonard had spent upon the ground in dispute the time the claim was relocated from \$4000 to \$5000, or any such sum.

That the bill of sale from Osborne to the plaintiff was signed in blank and before the claim was staked.

That the plaintiff must have known at the time of staking that the ground in dispute was then being worked.

That the fire was then banked for the night.

That the defendant Gandolfo had shown no intention to abandon the claim in dispute.

That Alex. Gandolfo supposed by not a renewal grant for the \$15 paid by him.

That there was any misunderstanding on the part of anyone as to what said Alex. Gandolfo applied for to the clerk issuing free miner's certificates.

That the representation work done on the ground was proven according to law.

That plaintiff claimed the defendant Gandolfo had forfeited the claim in dispute.

Counsel for the appellants also claims that the natural and ordinary meaning of the words "deemed to be abandoned" is "taken conclusively to be abandoned," the correct interpretation of those words, which are contained in the mining regulations, being disputed.

Many other reasons are also given to show how and in what manner the gold commissioner erred in his judgment, the brief concluding as follows:

This is not a case of forfeiture and the law of forfeiture does not apply. The defendant Gandolfo's tenancy of the claim for one year expired by effluxion of time on September 19, 1902. What he absolutely abandoned by his failure to comply with the regulations on or before December 19, 1902, was his right to obtain a renewal grant. Gandolfo's right is not strictly that of a tenant, but a licensee to take placer minerals for one year coupled with an interest in the minerals taken.

The court of appeal can not sit until after the arrival of Mr. Justice Dugas and there is little or no chance of the appeal being heard before some time next month, if then.

HURLED OVER BRIDGE

Cutter Thrown Into Slough by a Creek Stage

A most peculiar accident happened on St. Patrick's day on the slough bridge near the fire hall on First avenue and Church street. At about 3 o'clock in the afternoon a stage and cutter, both going the same way collided on the bridge and the horse and cutter, together with a man named Dahm who was driving, was precipitated over the edge of the bridge knocking off a good part of the railing and landing on the ground about 10 feet below. The man luckily escaped injury but the horse was quite badly lamed and the cutter was slightly damaged. There were quite a number of people witnessed the accident but it happened so quickly that no one, not even Mr. Dahm knows just how it happened or to what line the stage belonged. Whether the stage driver was not aware of the seriousness of the accident or whether he thought to relieve himself of responsibility in the matter, it appears that he did not even look back to see whether or not any injury had been done. Just as soon as the party who was responsible for the accident, discovered it is probably that a prosecution will follow which will serve as a warning to drivers in the future to exercise more care.

QUICK ACTION.

Three Hours to Over Haul an Absconding Debtor

Tom Buchanan and party got away for the Tanana yesterday afternoon and Ex-mayor Macaulay in company with Deputy Sheriff Kruger and a capias got away this morning at 7 o'clock. The latter were back in the city at 10 o'clock with the money they had gone to collect which establishes a new record for quick action with a capias. It was only a matter of \$107, but Buchanan had promised to pay and at the last moment he overlooked the obligation like a white check. The speediest mare in Hutch's stable was harnessed this morning and tracks were made for down the river that simply annihilated space with every jump. The result was as stated. Buchanan jumped up as soon as he was overtaken and a demand was made.

Another outfit that left for the Tanana yesterday consisted of Messrs E. H. Esaukner and Ed. Wilkinson, the latter formerly of 75 below on Bonanza and Faulkner from 76. Both are old timers in the country and have left fully prepared for any hardships that may be encountered. They each have a horse drawing a double ended sled with a trailer attached and carrying about 1700 pounds, a large part of which is horse feed. They are going in via the Circle route not caring to take any chances on that by way of Fortymile.

Senator Smoot Has a Friend.

Salt Lake, Utah, Feb. 28.—A committee representing the Ministerial Association who protested against the seating of Reed Smoot in the United States senate, have sent a telegram to Senator Burrows, chairman of the senate committee on privileges and elections, deprecating the charge of polygamy filed with the committee by Rev. J. L. Leitch as tending to obscure the main issue raised against Mr. Smoot, that of his being an apostle of the Mormon church.

The telegram is signed by Parley T. Williams and E. B. Critchlow, representing the citizens' committee, and Rev. W. M. Paden, of the First Presbyterian church, of Salt Lake, representing the Ministerial Association.

This action was taken after a meeting at which the sentiment seemed unanimous that the polygamy charge should play no part in the fight against Mr. Smoot.

"We feel that polygamy is in no way the issue," said a member of the association. "The principle we are fighting for is that as an apostle of the Mormon church Mr. Smoot has no right to a seat in the United States senate. That he is or is not a polygamist does not play any part."

Pointed Inquiries

Washington, D. C., March 2.—Although only one protest has so far been filed with the state department by European powers against the ratification of the Cuban treaty, it is learned that polite but pointed inquiries have supplemented the note filed by the British ambassador from other parties in interest, notably France and other European beet sugar producing countries.

Although in advance of the consummation of the treaty, of course no open threat could be made, events are shaping themselves so as to arouse the expectation by the officials here that Europe will retaliate against what it regards as the unjust discrimination against European goods that would be involved in the application of the Cuban treaty.

It is now known that the inquiries referred to have not been confined to Washington, but that they have also been directed to President Palma, and have added very much to the difficulty he is under in securing favorable action upon the treaty in the Cuban congress.

Butter, two-and-a-half pound roll, only \$1.00, at all stores.

DOMINION CURLERS

Challenge Two Rinks of Dawson

Desire That the City Rinks Should be Skipped by Eilbeck and Lithgow

The Dominion Curling Club is an organization in name only, but what it lacks in the way of a rink and other accoutrements necessary to play is abundantly made up in enthusiasm over the royal game. Alex. Anderson, secretary of the Dawson Curling Association, this morning received a communication from Phillip Holliday, who holds the same position in the Dominion club, challenging any two rinks in the city association, the only stipulation being that the city rinks should be skipped by Sheriff Eilbeck and John Timothy Lithgow. Two games are desired, one to be played in the afternoon and the other in the evening of Saturday, March 21, day after tomorrow. As the time given for a reply is rather limited the Dominion crowd will waive the formality of an answer by mail, expressing themselves as being willing to take it over the phone. There are quite a number of curlers on Dominion, including besides Mr. Holliday, who is the mining inspector at Caribou, Captain Belcher, T. D. Macfarlane, now located on Dominion, and a number of others.

Sheriff Eilbeck was seen this morning and informed of the fact that an aggregation on the creeks was hanging after his blood and also that of any rink he might choose to select to uphold the honor of the city. In reply to a question by the reporter as to whether or not the challenge would be accepted, the sheriff turned a withering look upon his interviewer which to one less accustomed to the glad hand and the marble heart would have been overwhelming. The glance was one of pained surprise, astonishment that anyone would for a moment have doubted that the challenge of such amateurs would be passed up, and that there should exist any fear as to the dignity of the city club being properly maintained.

"Those fellows? Why, I can take my team of colts and wipe up the ice with them."

And when the reporter ventured some remark about the colts, being the same team that it was proposed should hand the Cornell rink a bunch, the sheriff did not catch the drift of the conversation. It will be impossible for Lithgow to skip a rink as he is now in Fortymile and will not return for a number of days, probably not until the latter part of next week. In order to accommodate the Dominion curlers, however, another gentleman of the club will be picked to select the second rink. The sheriff is today busy studying up the records in order to make the best selection possible.

Willie and the Burro

Little Willie went to play with the burros Saturday.

All week long he'd been confined where they cultivate the mind. In the schoolhouse on the hill. All cramped up an' keepin' still, learnin' how to add up sums. On his fingers an' his thumbs, tryin' hard to spell out words. When he wuzn' drawin' birds.

As the sun rose Saturday Willie started out to play. An' he hopp'd an' skipt an' laft till he reached the Fraction shaft. Where he climbed right on the back. Uv a burro-small an' black, Just to have a lot of fun. Then the circus wuz begun.

For the burro-Willie rode Started right in to unload. And when Willie gazed around He was layin' on th' ground. Then he cried, "I ain't thru yet, I will fix 'im, you just bet!" I've a trick that just can't fail. I'll go twist that burro's tail!"

This week Willie ain't at school. 'Cause that burro was a mule!"

Must be Changed

Washington, D. C., March 2.—At least one article of The Hague protocol submitted to the powers by Mr. Bowen probably will have to be changed before it can be signed. In the original draft of the convention it was provided that the English language shall be employed at the Hague tribunal in the arbitration of the question of preferential treatment, but at least two of the powers will not consent to this. Although there is no objection to the presentation of the arguments in English, the powers will insist that the official proceedings of the court shall be in French. In view of the opposition which has developed regarding this article, it is not expected that Mr. Bowen will insist upon the adoption of English as The Hague's official language.

Power of Attorney Blanks for the Tanana-Nugget Office.

BURIED SUNDAY

Odd Fellows Will Attend Wadman's Funeral

The remains of Harry G. Wadman, the unfortunate French Hill miner who was killed in the accident reported in the Nugget of yesterday, were brought to Dawson during the afternoon. The body was in charge of Wadman's partners, Messrs Hansen and Frelton. Russell Palmer who is intimate with the family of the deceased wired to his home in Prince Edward Island for instructions as to the disposition to be made of the body. An answer to the telegram was received this morning directing that the body be buried in Dawson. The funeral arrangements are now being made for Sunday. Dawson lodge, No. 1, of the I. O. O. F., of which order deceased was a member, will attend in a body. Rev. Barraclough of the Methodist church will conduct the services. The body is now at Greene's undertaking parlors from which establishment the funeral will take place. Ten sled loads of moose arrived yesterday from the upper reaches of the Klondike. When asked what section they came from the driver of one of the teams, replied that they had come clear from the head of the creek.

Job Printing at Nugget office.

VIOLET GROUP

Of Quartz Claims Will Soon be Developed. The Violet group of quartz claims located on the ridge at the head of Ophir creek will shortly be developed on a considerable scale. A shaft 50 feet in depth has been sunk and a continuous body of pay rock six feet in width uncovered. Further development is now in progress and a tunnel 150 feet in length will be driven immediately. If the present showing continues or improves a ten stamp mill will be placed on the property immediately after the opening of navigation.

Lots of Store Cattle

London, Feb. 23.—The Right Hon. Mr. Hanbury, speaking to the farmers at Preston on Saturday, said he doubted if Canadian cattle would come in, even were the British ports opened. Canadians preferred feeding cattle at home and sending them over here finished. He added: "Canada used to send 60,000 live cattle to England to be fattened and killed yearly. Now Ireland sends annually 120,000, so it is not true, as is sometimes said, that we are short of store cattle."

Too Generous.

"What was the trouble between Arabella and her young man, that they gave up the idea of marrying?" asked a former resident of Bushby. "Arabella was always teetly," said the young lady's aunt, with imperious calmness, "and that was the trouble—that and her being so literal. It's a terrible risky combination of qualities."

They kept having hitches all along but come Christmas time, Albert asked her right up and down what she wanted, for fear of making the wrong choice, and she said, "You can give me enough candy to fill my slipper, looking at him real coy. "Well, her feet aren't as small as some, but that wasn't his idea, it was because he's generous, and not literal. He sent her a five-pound note, poor, deluded critter, and she up and broke the engagement, and his little sister ate the candy, and enjoyed it, by what I hear. Youth's Companion."

Power of Attorney Blanks for the Tanana-Nugget Office.

THE RIVER WILL OPEN

Much Earlier This Year Than Last

If the Present Weather Continues. Mild at All Points With a Strong Wind

The present indications point to an early breaking up of the ice in the river this year. Mild weather is now prevailing at all points along the river and is accompanied with chinook winds which have nearly as much influence in melting the snow as the direct rays of the sun.

Last evening Dawson was visited by the strongest wind of the season and this morning it was felt on the upper river. Last year up to the 22nd of March there was not a single night that the thermometer registered above 17 below, while it went in some instances to 40 and 42 below.

A year ago today the maximum was 2 above while the minimum was 21 below.

Last night the temperature at the lowest was several degrees above zero while at noon today it was 39 above or only two degrees below freezing.

The report today shows the temperature to have been between 16 and 35 above at 8 o'clock this morning, making an average of 24 degrees above.

It gets much warmer later in the day and there will be no point along the river where the snow will not be melting quite rapidly.

If this condition is prevalent from now on the season will be at least two weeks advanced over last year.

The report for today is as follows: Atlin, cloudy, strong southwest wind, 20 above.

Tatish, snowing, strong southwest wind, 16 above.

Lebarg, cloudy, strong southwest wind, 20 above.

Hootalinqua, cloudy, strong southwest wind, 28 above.

Big Salmon, cloudy, strong south wind, 35 above.

Yukon Crossing, cloudy, strong wind, 28 above.

Selkirk, cloudy, calm, 24 above.

Selwyn, cloudy, northwest wind, 28 above.

Stewart, clear, northwest wind, 28 above.

Ogilvie, part cloudy, northwest wind, 19 above.

Dawson, cloudy, light west wind, 20 above.

Fortymile, cloudy, calm, 20 above.

LOST—A gray and white stub-tail cat. Reward N. C. hardware department. p20

Job Printing at Nugget office.

NOTICE ON AND AFTER THIS DATE

Scotch Tweed Suits Made to Order

Reduced to \$50.

Sack and Cutaway Suits Pressed for \$1.50

Trousers Pressed .50

GEO. BREWITT, THE TAILOR, Second Avenue.

SHOES

You Can Always Put the Best Foot Forward If You Wear the Famous

George E. Keith Shoes, James Banister Shoes, Strong & Garfield Shoes. SOLD ONLY BY US.

Cutter and Felder Shoes AND OTHER LEADING MAKERS. WHEN THESE SHOES GO ON TROUBLE GOES OFF.

A FULL LINE OF Rubber Boots and Shoes FULL LINE OF

Clothing and Furnishings, Hats and Caps.

Sargent & Pinsky, WHOLESALE AND RETAIL. Phone: Store 22, Warehouse 70-B. SECOND AVE.

SATISFIED HE IS RIGHT. The continued monthly increase of my sales demonstrate beyond question that I was right when I decided to lead "all others" in quality. I shall continue to follow that method, knowing that by so doing I will still hold the custom of the best people in Dawson. F. S. DUNHAM, The Family Grocer. All eggs candied before delivered to customers. Job Printing at Nugget office. PROFESSIONAL CARDS. LAWYERS. PATTULLO & RIDLEY - Attorneys, Notaries, Conveyancers, etc. Rooms 7 and 8 A. C. Office Bldg.

NOTICE!

To Tanana Stampeders.

Why haul your outfits One Hundred and Ten Miles farther when you can buy them from us at Eagle City, Alaska, directly on your route via Circle City to the Tanana. We have a large stock of Fresh New Goods in everything you need excepting Tents, Sleds, Picks and Rubber Boots, at prices much lower than are quoted from any other point. We are the nearest to the new Tanana diggings where supplies can be had. No Customs duty to pay or inspection to be bothered with.

PEOPLES & WOODRUFF, EAGLE CITY, ALASKA.

BOILERS!

Return Flue, Upright Tubular and Prospecting Pipe Boilers. In all Sizes.

SELF DUMPERS Everyone Guaranteed \$65 to \$100. STEAM POINTS \$6.00, \$9.00 AND \$10.00.

Steel Tray Wheelbarrows With Extra Heavy Wheels.

YUKON HARDWARE CO., Limited. Phone 7. Successors to McLennan, McFeely & Co. Front Street.

Vertical advertisements on the right edge of the page, including 'The Nugget From Skagway', 'COLLISION', 'Results in D known N roof', 'Special to the Daily', 'New London, Cdn', 'The worst collision', 'The "Big Fall River"', 'occurred last night', 'Plymouth with 500 p', 'was rammed by the', 'tanion of the same', 'trunk of the starboard', 'moor was smashed', 'rooms and second', 'altered. Six men', 'were drowned by', 'Special to the Daily', 'Kansas City, Mo', 'Phillips has issued a', 'strating all "member', 'team drivers' union', 'with the business of', 'companies whose men', 'ROOSEV', 'Will Visit the May', 'Special to the Daily', 'Seattle, March 20', 'Washington there are', 'tion being made', 'Roosevelt's visit in', 'Sheriff's', 'Creek placer mining', 'at 41 below: on', 'what have been under', 'sheriff in the case', 'Fabris, have been re', 'fers in dispute havin', 'the parties concerned', 'Yesterday the sherr', 'von the unexpected', 'on lot to block, it', 'township is satisfac', 'most obtained by the', 'case of Muerced to', 'some breach \$60 and', 'Andrew Fraser. The', 'occid on the judgment', 'of \$1300.', 'Job Printing at N', 'Nice Felt', 'SUMMERS &', 'Good Dry', 'A. J. PRUDH', '215 Harper St., Nr.', 'Phone 20', 'Electric', 'Business', 'Half night (10', 'An eight (10', 'Service on', 'Monday', 'Service on', 'per month, an', '\$1.50 with each', 'Power furnished by', 'Dawson', 'J. A. WILLIAMS', 'Lumb', 'All', 'Mining, St', 'Office at Mill - Klondike'