

IMPORTANT CASE DECIDED

That of McKenzie and Miles vs M. L. and J. H. Davidson

Judgement Entered in Favor of Plaintiffs, Who Are Now Co-partners With Defendants.

(From Friday's Daily.) Judgment in the case of McKenzie and Miles vs. Mrs. M. L. and J. H. Davidson was rendered by Judge Dugas on Monday. His lordship, after a lengthy review of the evidence of the witnesses on both sides concluded with: "This is a summary of the long evidence which has been taken in this case and which offers the usual contradictions and confusions, which we are accustomed to in nearly every suit which is brought before this court. There is on the one side affirmative proof and on the other side negative proof. Frauds has been pleaded, and I do not believe it applies in this case. I am of the opinion that verbal evidence can be accepted to establish the rights of the parties, if all the circumstances are taken into account, for instance the prospecting by the plaintiffs on part of the ground now covered by the claim in question as granted, the 500 feet mentioned in the application of Mrs. Davidson and her surprise about it, corroborating to a certain extent the story of Miles and McKenzie in that behalf, the working of the claim during the winter of 1899, with that offer to pay ten per cent only to Mrs. Davidson, the division of the gold in June and July, 1899, in what may be admitted to be halves, notwithstanding certain contradictions on that point; the denial of Mr. Davidson of his initials in the book of McKenzie, which are sworn to by McKenzie and proven by Mr. Nourse, already establishes a strong presumption in favor of the plaintiffs pretensions, but what makes, besides, the plaintiffs' position stronger is the affirmation by a gentleman who seems to have been, and to be still, a common friend of both, who, being constantly with them, and heard all the conversations which are daily going on between them, "remains absorbed with the idea that the plaintiffs were interested in the claim." Gibbs besides swears to an acknowledgment by Mrs. Davidson of the same rights when, on the 24th of September and on the 12th of October, McKenzie went to see her to obtain the written transfer. The meeting at Mr. Tabor's office between McKenzie and Mrs. Davidson before Edwards, who was present, although not clearly establishing that the paper was to pass them, related to the same interest, creates also a strong presumption in plaintiffs' favor, which can be accepted as strengthening the positive evidence brought out by them against the whole of the evidence of the defendants, which is purely negative and not strong enough, to my mind, to destroy what is otherwise clearly proven by the plaintiffs. Judgment will, therefore, be entered for the plaintiffs by which it will be declared that the claim in question was staked and recorded by Mrs. Davidson in the common interest of both plaintiffs and defendants, and that they have been and are partners therein, and the rest of the conclusions of the plaintiffs' statement of claim will be granted as far as it is needed to protect said plaintiffs' interests since the recording thereof, with costs against the defendants dated at Dawson, this 25th day of June, 1900.

Down With a Parachute.

"Coming down from the clouds in a parachute is like a dream," said a circus balloon artist. "Ever dream of falling from a high place? You come down, alight quietly and awake, and you're not hurt. Well, that's the parachute drop over again. No; there is no danger. A parachute can be guided readily on the down trip, but you can't steer a balloon. To guide a parachute out of harm's way a practiced hand can tilt it one way or the other, spill out air and thus work it to where you want to land or to avoid water, trees, chimneys or church spires. Circus ascensions are generally made in the evening. When the sun goes down, the wind goes down. The balloon then shoots into the air, and the parachute drops back on the circus lot or not far away. A balloon is made of 4 cent muslin and weighs about 500 pounds. A parachute is made of 8 cent muslin. "There is much more danger in coming down in a balloon. When it strikes the earth, it's like a big ball and bounces up again, taking you with it. Not long ago in McKeesport, Pa., I came down in a balloon because the parachute would not let go. I nearly came down

down in a big stack of a blast furnace, but the hot air drove the balloon away. After that I never trusted the parachute arrangement to any one, but attended to it myself. "The rope that secures the parachute is cut with a knife. The aeronaut drops fully 100 feet before the parachute begins to fill. It must fill if you're up high enough. There are several hundred parachute men in the business, and the accidents are less in ratio than railroad casualties. A man can't shake out a parachute if it don't open. A man in the air is simply powerless. Invariably the fall is head first. When the parachute begins to fill, the descent is less rapid, and finally when the parachute has gradually filled it bulges out with a pop. Then the aeronaut climbs on to his trapeze and guides the parachute to a safe landing. In seven cases out of ten you can land back on the lot where you started from. The first performers must have had nerve to make the drop. Now it is a regular business, not considered hazardous at all. The hardest work is to bring back the balloon with a wagon. Sometimes it tears in the trees or wherever it may land when not in the open."—New York Sun.

The Story of a Poem.

The man who used to write in a garret and burn the midnight taper, though he received but little for his toil, still had the respect of publishers, who held his genius in high esteem. How different the fate of the writer today! One of them sent an Easter poem, on which he prided himself, to a great editor. The editor replied: "We regret that your Easter poem, which is a good one, arrived after we had made up the forms for our Easter number. Can't you work it over to fit the Fourth of July next—introduce a few American flags and a box of firecrackers? Or you might switch around into a Christmas poem, throwing in a country dance or something lively. If you'll do either, just send it on, and check will be forwarded." When the author got that letter he lost his temper and his religion.—Atlanta Constitution.

The Censor.

Soda water and baseball men are beginning to get gay.—Atchison Globe. The Paris exposition seems to have done more to avert war between the great powers than has the Hague conference.—Houston Post. Several firms are very busy enameling bicycles the popular khaki color. It is an excellent shade to hide splashes of mud.—Lopdon Chronicle. The pension for Lilioukalani didn't go. She has no vote, and a discarded queen does not count in the national game.—Louisville Courier-Journal. After 26 years of always honest and always earnest endeavor Maud S. is dead. She deserved her great fame and her fortunate life and her peaceful and speedy death.—New York World. Dr. Malbran advises people not to shake hands, as it might spread the plague. Shaking hands is a more or less unnecessary and dirty custom at all times and especially in hot weather.—Buenos Ayres Herald. The German sense of humor is not of abnormal development, but Germans can scarcely repress their smiles when the agrarian measures looking to the exclusion of foreign meats is called a sanitary measure without selfish significance.—Boston Herald.

Married the Day They Met.

Horace Greeley and Mary Young Cheney were married the first day they met. They had corresponded for some time, a common friend, who was something of a matchmaker, having brought this about. She was all his fancy painted her, but she was much disappointed in his appearance, so much so that when he appeared before her, having proposed and been accepted by letter, she frankly told him that, although she married him, she was not in love with him. Their married life was long and happy, and the loss of his wife was a blow which Greeley did not long survive.

Why Plants Travel.

Plants are great travelers; they often wander far and wide. Sometimes they even cross the ocean and take up their abode in a new land. The ox-eye daisy, our common meadow buttercup and the little Canada thistle, now so abundant everywhere, are not native Americans, but came here from Europe. Very likely they sailed in the ships with the early settlers and took possession of the new world with them. They are so much at home now that most people think they always grew here. But they did not, and when the Pilgrim Fathers looked over their new home the fields were not white with daisies nor yellow with buttercups. No doubt the Pilgrim Fathers were glad of this, for daisies and buttercups often cover the fields and spoil the

hay, and while "daisies in the meadow" seem very lovely to the city people who go to the country for the summer, daisies in the hay are another matter, and the farmers do not think them lovely at all. It is not the grown-up plants that travel, as a rule, though some of them do. For you must know the plant world is a topsy turvy kind of place where the parents stand still at home and the children wander about. Of course the children are the seeds, and they are free, but when they once settle down and begin to grow their wandering days are over. Plants with roots are great homebodies; nothing short of actual violence can make them move from the spot they have chosen. Frequently it happens that they die if moved. Not so with the seeds, however. They wander about, and their parents often take great pains to send them out into the world. For the children of the plants are very apt to die if they remain at home too long. They need to find a place in which to settle down and grow, and it is often better for them to do this at a distance from their parents. Plants eat what is in the soil, and each kind of plant needs some particular earth food. When plants of one kind are crowded too closely in a place the earth is often impoverished, and the plant might die out if it were not able to find a fresh growing place. Then, again, if the seeds always fell close to the parent plant, the earth would soon become too crowded to support more than a very few new plants. So for these and other reasons it is best for the seeds to go while they are able and find a place for themselves. Nearly all seeds are provided with some way of moving about, and while some of them go very short distances others go very long ones. They travel for their profit, and why may we not say for their pleasure? For if a plant is able to feel and enjoy at all—and I for one believe it is—then the dandelion seeds must feel very joyous in summer, and later the thistledom and the milkweed seeds, scuddling before the breeze.—From Little Wanderers, by H. W. Morley.

MEN OF MARK.

A Boothbay (Me.) fisherman, Ab Ak, says he has the shortest name on record. There is said to be no abbreviation about it either. Ex-Senator Philetus Sawyer of Wisconsin has given to different towns in his state five hospitals and three public libraries. Senator Beveridge makes it a rule never to return a card with the "not in" that disappoints so many callers, but sees each of his visitors, if it is possible for him to do so. Gen. French of South Africa fame is a short man of broad and sturdy build and, though an excellent horseman, presents a rather undignified picture in the saddle. Dr. William MacNeill Whistler, the brother of the artist of that name, who died in London the other day, was a surgeon in the Confederate army during the civil war. President McKinley's summer tour this year will begin in July and will probably include a trip to San Francisco, where he will witness the launching of the battleship Ohio. Gen. Sir William Butler, who was commander-in-chief and acting governor of Cape Colony before the war broke out, has begun suits against the London papers which have been attacking him. Archdeacon Barker is one of the heroes of Ladysmith. A Boer shell fell at his feet, and the archdeacon picked it up, as it was on the point of exploding, and dropped in a tub of water, extinguishing the fuse. Ex-Premier Crispien is seriously ill with influenza, complicated with bronchitis, and he is unable to retain food. Moreover, a recent operation which he underwent for the removal of a cataract proves to have been a failure, and his condition is causing anxiety. President Loubet is a terror to all sticklers for official dignity. In his simple frankness he is capable of keeping every one at the banquet table with the remark, "Well, we are so comfortable here that we do not see why that formality about the ladies leaving should be insisted upon." The Toronto Mail and Empire publishes the report that Russell A. Alger, ex-secretary of war, is about to make Ottawa his permanent home. He has many business interests in Canada and is president of the Laurentides Pulp Manufacturing Company at Three Rivers, of which his son [is general manager. Prof. Deas C. Worcester, who has just resigned his chair in the University of Michigan, has had an offer of a salary of \$15,000 a year as manager of certain mining interests in the Philippine Islands, and when his duties as commissioner are fulfilled he may accept the offer. His salary at the University of Michigan was \$1600.

Thought of Him.

Papa—Are you sure that you and mamma thought of me while you were away? Grace—Yes. We heard a man kicking up a great row about his breakfast at the hotel, and mamma said, "That's just like papa."

The Klondike Nugget

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THE MAN WITH THE GRAFT.

The policy of discrimination which the government has pursued in granting privileges of various kinds has been carried to the extent of giving to one man a practical monopoly of taking fish from Lake LeBarge for the Dawson market. It is the old story of the man with the "graft" and the man without the "graft." By virtue of some hypnotic spell which the former is enabled to throw about the powers that be and are, it becomes right, proper and lawful for him to catch fish by means of nets of small mesh. His competitor, who is not possessed of hypnotic powers nor even endowed with capacity for "grafting," is compelled forsooth to make use of nets of large mesh or go out of business, and he has found the latter expedient to be the preferable, inasmuch as the fish easily slide through the net which, according to the law, he must make use of. Meanwhile consumers in Dawson are paying for fish three times the amount it cost them last summer, and the man with the "graft" is profiting thereby to the utmost. It appears that the matter is of such extraordinary importance and involves so many and such weighty questions of state that no authority can be found in the territory competent to deal with it. It will, therefore, be referred to Ottawa, whence a decision may be anticipated some time after Lake LeBarge is again covered with four feet of ice. This fish affair is in keeping with many other petty transactions which are chargeable to the government and its representatives in the administration of the Yukon. Victoria and Vancouver are still agitating for the establishment of a government assay office in Dawson and the abolition or reduction of the royalty on the gross output of gold. The commercial bodies of both cities have interested themselves in the matter and are exerting themselves to the utmost in our behalf. A government assay office in Dawson would settle several vexatious problems which are becoming more troublesome every day. It would have the effect of removing gold dust from circulation and replacing it with currency—one of the changes most urgently required to place business upon a solid and stable foundation. Gold dust and currency cannot circulate side by side. The latter is continually being forced out of circulation and is secured from the banks and brought into use only at a sacrifice. It cannot be expected that the banking institutions will pay as much for gold dust as would be realized at a government assay office. The banks are compelled to rely upon their own judgment and the word of their customers as to the value of the dust they buy, without assay, and naturally they take no risks of paying too dearly. For all parties concerned a government assay office is the best solution of the troublesome "circulating medium" question that has as yet been advanced. Our Victoria and Vancouver friends are entitled to our thanks for the spirit of interest they are now manifesting in our welfare, notwithstanding the fact that such manifestation comes rather tardily.

The freight blockade is being broken at last and all steamers arriving hereafter may be expected to carry full cargoes.

The freight blockade is being broken at last and all steamers arriving hereafter may be expected to carry full cargoes. There is in all probability enough freight now at White Horse to keep the entire fleet busy for a number of weeks and more will be accumulating in the meantime. It behooves all shippers to place their orders as early as possible and have their freight en route in order to guard against a possibility of a repetition of what occurred last fall. Many thousands of dollars were lost last year owing to the fact that enormous quantities were piled up at Bennett or strung along the Yukon at the close of navigation. So strong an object lesson ought to be sufficient to prevent the recurrence of a similar condition this season.

Town Topics.

"Screened water" is the latest in Chicago. St. Louis is to have the screenings.—St. Louis Star. Emporia is a good prohibition town, but a man can make a living by picking up empty bottles in the alleys.—Emporia (Kan.) Gazette. It would be an improvement at least if the officials would just try to run New York for a week "the way Parkhurst would do."—Chicago Record. The establishment of a home for respectable old horses that have been worn out by faithful service is the most respectable thing that has happened in New York for years.—Kansas City Star. It may be true that Kansas City is deficient in sleeping accommodations, but there is more to keep delegates awake there than in any eastern city that aspires to convention honors.—St. Louis Globe-Democrat. One of the results of the present crusade in Uniontown, Pa., against swearing is that any one heard using profane language is fined 60 cents. And this at the very approach of spring nonclearing time.—Oil City (Pa.) Blizzard. The Missionary's Ruse. Cannibal King—Bring on the big griddle and let's roast this fellow. Captured Missionary—O king, but give me a dose of quinine before I die! You see, I am a victim of the habit. I consume three ounces of quinine every 24 hours. Cannibal King—I pass this fellow up. I can still taste that quinine feed we roasted two months ago. Ugh!—Ohio State Journal. Worthy of Consideration. It has been suggested that, if the weather continues hot, the Fourth of July celebration be held at night instead of during the hot weather, as the light will be almost as good as in daylight, while it will certainly be cooler and more pleasant. Notwithstanding the fact that there is not a grown or half grown person in Dawson but has seen very much warmer weather than the present, yet the effects of Yukon heat appears to be more prostrating than that of other countries, and to stand around on the streets, to say nothing of participating in the sports where great physical exercise will be required, is more than many will enjoy. But people who are on intimate terms with the moon assert that, as the first quarter is reached on the 4th, there will be a change in the weather about that time, and as it is not probable that it will become any warmer, the chances are that the change will be for the better. The 4th of July committees are meeting with splendid results in