

The Nugget Circulates from Skagway to Nome

Vol. 7—No. 392

LECTION ARRANGED

Proclamations Issued Yesterday

Polling Divisions in This District and Thirty in No. 2.

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No. 2 district there are thirty divisions, their number and location being as follows: No. 1, Indian...

The ravages of his disease have been frightful. Ten days ago he was as strong as an ox, extremely violent, and today he is so emaciated as to be but little more than a skeleton.

The boxes being at present in the hands of the territorial election board, they will first proceed with the boxes in the Forks, leave there...

Concerning the Removal of Detective Welsh.

The joke again broke loose this morning with a wild statement that Detective Welsh was to be dismissed from the secret service.

SMYTHE'S DANCING ACADEMY

WRONG AGAIN Morning Joke Should Study Up Geography.

When the morning joke passed out that rumor of an Indian uprising it was guilty of some fearful blunders.

REMAINS OF OLD MILL

Where Russians Used to Manufacture Flour

Leads to Conclusion That Wheat Has Been Successfully Grown in Alaska.

Special to the Daily Nugget. Seattle, Dec. 16.—On Wood Island off the coast of Southeastern Alaska, the remains of an old Russian flour mill have been found, which, in connection with the plans of the United States government to open up the district to agricultural settlement, is of interest.

BAKER'S DEATH. Insane Butcher Passes Away This Morning.

George S. Baker, the unfortunate patient in the insane asylum, died this morning at 5:45 from the effects of the tumor on his brain.

The funeral arrangements will be under the auspices of the butchers' union.

SILLY CANARD

The joke again broke loose this morning with a wild statement that Detective Welsh was to be dismissed from the secret service.

The story is said to emanate from J. H. Falconer, whose head has recently fallen a victim to the official headman.



UNCLE SAM DECLINES TO AID VENEZUELA TO ESCAPE FROM PAYING OVER-DUE ACCOUNTS.

FORKS CONCERT Local Talent Scores a Decided Success.

A number of professional people were engaged for the entertainment at O'Reilly's hall last Saturday night, but they failed to put in an appearance.

Husband Accused Indianapolis, Nov. 8.—Rufus Cantrell and John McAndrew, leaders of the gangs of ghouls, pointed out between 30 and 40 graves which they said were robbed by them to detectives today.

The trouble with dear Jason, said the patient-looking woman, "is that he is so far ahead of the times."

None of the candidates for the mayoralty has yet been able to take any where near a full slate.

"R. P." MAY CONSENT TO RUN

Now Confidently Believed Mr. McLennan Will be a Candidate for Mayor—Arnold Out as Candidate for Alderman.

Things political are only just beginning to look serious. One of the candidates for mayor is looking after political headquarters on Second avenue, and promises to run a most aggressive campaign.

The strongest man on the creeks is now said to be Dan McGillivray. An immense petition has been signed in his favor by the miners on Gold Bottom and the neighboring creeks.

In the city, Dr. Thompson is quietly watching the situation, while Mr. Tabor and Mr. Vernon are warm but still friendly rivals.

Present your wife or husband with some calling cards for Christmas. Our styles of type and cards are the very latest. Cannot be distinguished from engraved work.

NOT CAPPED YET Gusher is Now Flowing Through the Pipes.

It was reported around town last evening that of the two pipes run into the second bedrock shaft on Eldorado, the cap had been placed on one yesterday afternoon and that the said pipe had been blown into space by the force of the gusher.

It is proposed to run the pipes some height above the surface and the caps when put in place will permit of a flow of a part of the water so as to prevent freezing.

Tonight there will be a great revel in A. B. hall, and all the invited guests and the brothers are sure to have a good time.

At all the drug stores and other public places are now to be found petitions praying the Hon. Clifford Sifton to open that government assay office as early as possible.

Present your wife or husband with some calling cards for Christmas. Our styles of type and cards are the very latest.

GREAT HOCKEY MATCH. Not Tomorrow Night, But Christmas Afternoon.

The Morning Joke invites the public to the great hockey match between the Civil Service and the City Eagles tomorrow evening.

ITALIAN DEMANDS

Venezuela is Requested to Settle Claims

Will Probably Act With Germany and Britain if Satisfaction is Not Given.

Special to the Daily Nugget. Caracas, Dec. 16.—Italian demands upon Venezuela do not take the form of an ultimatum but simply ask payment of sums due to Italy.

NO SUCCESSOR Will Be Named to J. Francis Lee.

Special to the Daily Nugget. Vancouver, Dec. 16.—There will probably be no successor to J. Francis Lee who retires from the White Pass traffic management on January 1st.

Seattle Grand Jury

Tightly Closed

Helped it Along.

Seven-year-old G. & W. Rye at the Pioneer.

Best hot drinks in town—The Sideboard.

MAILS ARE LIVELY NOW

Large Newspaper Mail Got in Today

Next Letter Mail is Expected Tonight—Many Passengers Are Going and Coming.

The Merchants line mail stage got in at noon today, with 900 lbs. of newspaper mail and Christmas gifts.

The White Pass stage left here for the outside this morning, with the following passengers: Raymond Brumbaugh, of the Yukon Hardware Company, who before his return in April will visit on behalf of his firm.

Driver Burwash, with the incoming White Pass mail, wired that he left Yukon crossing on Sunday morning, with a full allowance of mail and some passengers.

LOTS OF WEATHER

No Need to Seek Change of Climate Outside.

The maximum and minimum temperature for the past twenty-four hours ranges from 3 below to 10 above.

To All Union Men

Try Blue Grass Butter, 2 1/2 lb. rolls, \$1.00—N. A. T. & T. Co.

Washington, Nov. 24.—The president has appointed Albert B. Morawitz, of Arizona, to be consul at Nogales, Mexico, vice James P. Farrell, of Kentucky.

Hay and Cane at lowest market prices for cash—at Barrett's, 34 ave.

El Triunfo, Butler's Big Cigar—\$4.35 per box.

Try Blue Grass Butter, 2 1/2 lb. rolls, \$1.00—N. A. T. & T. Co.

Warm Coat Sale... 20% DISCOUNT On all Fur Coats, Fur Lined Coats, Fur Trimmed Coats and Cloth Overcoats. Not a slaughter sale of old stock but a Quick Turn in New Goods. Sargent & Pinsky, 118 2nd Avenue

\$50 To Whitehorse \$50
 THE WHITE PASS & YUKON ROUTE
 RELAY STAGES
 No Night Travelling. Time 44 Days to Whitehorse
 Stages Leave Tuesday, Dec. 16 and Thursday Dec. 18, 1 p.m.
 Secure Seats Now
 G. E. PULHAM, SUPERINTENDENT
 J. H. ROGERS, AGENT

The Klondike Nugget
 (Dawson's Pioneer Paper)
 Issued Daily and Semi-Weekly
 GEORGE M. ALLEN, Publisher
 SUBSCRIPTION RATES:
 Daily
 Yearly, in advance \$30.00
 Per month, by carrier in city, in advance 3.00
 Single copies 25
 Semi-Weekly
 Yearly, in advance \$24.00
 Six months 12.00
 Three months 6.00
 Per month, by carrier in city, in advance 2.00
 Single copies 25

It's False Economy
 To Delay Buying What You Really Need.
 NOW is the time to buy your Overcoats, Caps, Mitts and Winter Goods. Our Line is Complete.
PRICES RIGHT.
M. RYAN, Front St.
 Under the Ferry Tower

\$50 Reward.
 We will pay a reward of \$50 for information that will lead to the arrest and conviction of any one reading copies of the Daily or Semi-Weekly Nugget from business houses or private residences, where same have been left by our carriers.
KLONDIKE NUGGET.
 UNION LABEL
 AMUSEMENTS.
 Standard-Vaudeville.
 R. P. McLENNAN FOR MAYOR.

If You Are Going to Spend Christmas in the States
 Leave Dawson in Time to Catch the
"DOLPHIN"
 Leaves Skagway
December 19

Burlington Route
 No matter to what eastern point you may be destined, your ticket should read
Via the Burlington.
 PUGET SOUND AGENT
 M. P. BENTON, 103 Pioneer Square, SEATTLE, WN.

FOR SALE Cheap for Cash
 Five Horsepower Boiler and 4 Horsepower Engine
 Apply - - - NUGGET OFFICE

The Great Northern "FLYER"
 LEAVES SEATTLE FOR ST. PAUL EVERY DAY AT 8:00 P. M.
 A Solid Vestibule Train With All Modern Equipments.
 For further particulars and folders address the GENERAL OFFICE - SEATTLE, WASH.

The Northwestern Line
 Is the Short Line to Chicago And All Eastern Points
 All through trains from the North Pacific Coast connect with this line in the Union Depot at St. Paul.
 Travelers from the North are invited to communicate with
F. W. Parker, Gen'l Agent, Seattle, Wn.

interests on the part of everyone would aid materially in advancing the welfare of the whole community.

DISCRETION MUST BE USED.
 The task which lies before the incoming city council is a difficult one and will demand the application of all the business ability and good common sense that can be secured. The new officials will need to exercise very close watch on the exchequer and will find that their ability as financiers will be taxed to the utmost to keep the city above water. In view of the existing conditions, it is requisite that the voters exercise the most careful scrutiny upon all candidates who offer their services and see that men are secured who will conduct the affairs of the municipality with due regard for necessary economies. The existing situation will not admit of any looseness in the handling of the city's affairs, and it is therefore essential that men of tried and proven business experience be chosen.

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QUITE A MUSER.
 Captain Cosby Returns From a Trip of Inspection.
 Captain Cosby returned Sunday evening from a tour of inspection over a portion of his district extending as far south as Ogilvie. The latter point was left at 10 o'clock Sunday morning and the trip to Dawson was made by 9:30 in the evening, including a stop at Indian river and the inspection of the post at that point. It was the captain's first experience at mushing on foot over the ice and he made quite a record for himself in covering the 48 miles in less than twelve hours. The river trail as far as Indian river is as smooth as a polished mirror.

FOR CHICKEN CREEK
 Mr. A. Gustafson, accompanied by his wife and little son, arrived Saturday evening from Whitehorse, driving the entire distance in a conveyance of their own. The government road is sadly in need of more snow before traveling can be spoken of as being a pleasure. After remaining here a few days Mr. Gustafson and his family will proceed to Chicken creek where he has some property he will operate this season.

FUR SALE
 As I do not intend to carry Men's Furs after this season, I am offering the balance of my stock of
Men's Coats, Men's Caps, Men's Mitts, AT SPECIAL PRICES.
J. P. McLENNAN
 233 FRONT ST Phone 101-B
 Agent for Standard Patterns.

Stroller's Column.
 Poetry has not flourished to any perfection in the Yukon, yet there are indications that it is likely to do so at any time. One of the Stroller's correspondents sends the following harrowing account of a shipwreck on the Yukon, which was written by a deck hand who had only seen fifteen summers, and who, furthermore, labored under the unpoetic name of Smyth. For these two reasons, the fact that this poet of the Yukon was handicapped by his youth and also by his name, and in order that he may not be entirely overlooked in the classical history of the Yukon which some other Stroller may write a hundred years hence, the verses are here given. The great shipwreck was witnessed by hundreds of people in Dawson, and therefore the vividness of the description will appeal to them. In fact it only needed a little more education on the part of the poet, and a lively imagination on the part of the reader to class this with Macaulay's "Lays of Ancient Rome," where the boy stood on the bridge, and all that sort of thing. Here it is:

It was the famed Captain Smit
 Of whom you all must know,
 Who took us to the brickyard
 To bring back a tow.
 It was a tow of brick,
 Which I am sorry to say
 Never reached Dawson
 On that fatal day.
 One bell! We started out,
 Our hopes not very high.
 Says Cap, "Put an axe on deck,"
 "Aye, aye," was the reply.

The Hired Burglar.
 By D. F. Maguire.
 "It's preposterous!"
 "Idiotic!"
 "Assinine!"
 "But it's a fact, nevertheless," added the first speaker.
 So it was. There had been an epidemic of petty burglaries in the town of Dawson during the late fall. The articles stolen were of trifling value never money, usually food taken from barns and hen sheds; but the constant fear of midnight awakenings put the good people of the town into a state bordering upon panic. The unknown thief might grow more ambitious and more daring. He might invade their very houses. Whose house would he first select as the object of his unwelcome attentions? The burglar, or burglars—whatever they were—evidently were not professionals; at least up to the present they had not ventured after bigger game. Nevertheless, the uncertainty of the thing made the nervous more nervous and introduced the hitherto uninitiated into the knowledge that they possessed nerves after all.

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animous favor by the people of Dawson. The town was not very large, but it was large enough (what town isn't?) to contain more than one estimable citizen who, for good and sufficient reasons did not care to have his fellow townsman—to say nothing of his wife—know where he had spent a certain hour of a certain night and what he had been engaged in. Of course, those fortunate citizens who chanced to have nothing to conceal did not see anything very preposterous, idiotic or assinine in the latest exhibition of acumen on the part of their chosen law maker—Deacon Thomas Snow, however, was not one of these; neither was his brother-in-law, Zenas White, nor Amos Bristow. When Snow declared that the selection had acted in a preposterous manner his opinion was echoed, through the medium of varying epithets, by White and Bristow.

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time an if I try to fool you, you can tell der police I confessed in help the thief der want. Yer word will taken all right."
 So it came to pass that Luke Varden, after receiving and disposing of the \$300 contributed by Snow & Co. went to the police station and confessed that he was the much-wanted thief. He had entered Mr. Brown's hen-house on the previous Tuesday night and stolen some of the gentleman's hens.

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BALLOT BOXES HERE
 Official Returns Arrive From
 Duncan Creek.
 R. G. Kruger and Dan Steens returned yesterday from Duncan creek with the ballot boxes and returns to the late election cast in that section of the territory. The boxes brought in number nine and include those in use at upper discovery, Dominion, 28 below upper, 7 below lower and 33 below lower, all on Dominion Clear Creek, Gordon's Landing, McQueen and Duncan (7). House Kruger and Steens were a little over seven days en route, having left Dawson Monday morning a week ago, traveling via Clear Creek and Arkansas to Dominion. Their trip in was made in excellent weather and without incident, but that several bound was very severe. It was very cold and the lack of sufficient snow on the trail made traveling slow and exceedingly laborious, two sleds being broken on the night before Duncan was reached. They state the prospects on Duncan are proving better every day. About 100 men are at work on the creek and there has been a cabin erected on practically every claim. Quite a number of dumps are already up and the spring cleanup will do not a little toward swelling the total output of the art river and its tributaries.

CHRISTMAS
 A fine stock of both household and useful goods specially selected for the Christmas trade.
SUMMERS & ORRELL
 PROFESSIONAL CARDS
 LAWYERS
 PATTULLO & RIDLEY - Attorneys, Notaries, Conveyancers
 Rooms 7 and 8, A. C. Union Bldg.
Monogram Hotel
 AND STORE
 No. 6 Below Chicken Creek, Idaho.
 Good meals, good beds, good fire.
 Scott C. Holbrook, proprietor. Take cut-off at the mouth of Lost Chain which brings you to the door and saves you three miles travel on the river.

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 Best
 All Steamers Carry Both Freight and Passengers

JUDGMENT RENDERED

Findings Made in a Well Known Case

Opinion in Full in the Action of Charles E. Carboneau vs. Edward Letourneau.

The following is the judgment in the case of Charles E. Carboneau vs. Edward Letourneau and Belinda Carboneau vs. Edmund Letourneau and Joseph Bernier, a gist of which was published in the Nugget yesterday.

no doubt of this, and it is admitted by all parties that there were two lay agreements drawn up. The first one had some objectionable provisions which the plaintiffs consented to alter, and a second one was drawn up, and it may be that Carboneau said the second one was the same as the first and that this is the document which he spoke of when he told Delaurier it was the same. Now, Mr. Gosein was present when the mortgage was signed. He avers positively that the mortgage was discussed, but while he cannot say that he remembers that the date of May 1st was mentioned or that he heard it mentioned, he yet swears to this positively, that a date prior to the 1st of August was mentioned, and the reason why a date prior to the 1st of August was mentioned was because Carboneau insisted that he should be paid before the men were paid. And it is in evidence and undoubted and an agreement in existence by which the men agreed to wait for their pay until the 1st of August. This agreement is one between the defendants and their workmen. This would bear out almost conclusively the evidence of Mr. Gosein. Mrs. Carboneau swears conclusively that long before the making of the mortgage the terms of it were discussed and the date was fixed and that she insisted for her own protection that the mortgage should fall due when it did as she wished to have absolute control over the property and over the product of it so that neither the laymen nor the laborers could defeat her prior right as owner of the ground and as mortgagee making advances for the working of it. This seems reasonable. In answer to this the defendants say that if there is a mortgage, which they deny, then it should fall due on the 1st of September, the same as the lay agreement because it covers practically the same matter, and the plaintiffs were well aware that the defendants had no means out of which to pay this mortgage but the product of the lay agreement and it was a physical impossibility for the ground to be washed up earlier than the end of May; it was utterly impossible for them, and this impossibility was well-known to both parties to the agreement, to produce any pay dirt from the ground earlier than at least the middle of May, and that under no conditions could they have realized such a large sum from the ground earlier than May and June. To show some animus on the part of Carboneau, the defendants gave evidence of an attempt on Carboneau's part to induce them to salt the claim or to salt the rockers and pans which were being used to show the result of the working so as to mislead a gentleman called LaBelle who was apparently acting for some French company in inspecting the mine with intent to buy. Four men, I think, swore positively that Mr. Carboneau endeavored to do this on or about the 28th or 29th of May, and upon the refusal of the defendants to aid him in this fraudulent design he became angry and took these proceedings. I very much doubt the admissibility of this evidence under all the circumstances, at all events, it can have no bearing upon the issue which is the real issue, whether this mortgage was or was not payable on the 1st of May, because Carboneau could not have anticipated in September a request to these men in May following to salt this claim, and Carboneau's conduct in the end of May, 1902, certainly could have no relevancy to the agreement made by the parties respecting this mortgage in September, 1901. Again, the defendants swear that they became aware of the mortgage and its nature in the end of December. They say that they approached Mr. Gosein about this and that he told them to go on and work, although they then were threatening to throw up their lay or contract, and that Carboneau would do what was right by them. Gosein denies this absolutely. He says no such conversation took place. He is aware that the defendants got a copy of the mortgage at that time and that they continued to take very large advances under it up to the time these proceedings were taken. The defendants do not deny taking those large advances and taking the benefit of the mortgage but they say they took these advances and continued to work because Mr. Gosein assured them that they were justified in so doing and that the time would be extended for the payment of the mortgage. Mr. Gosein had a power of attorney from the Carboneaus, who were absent from the country during all this time, to deal with their property, with very large powers, and without considering whether Mr. Gosein's power of attorney is sufficient or not to enable him to grant an extension of time under the mortgage and without considering whether this extension of time should be a document of the same force as the power of attorney, I am compelled upon the evidence and what I think of the credibility of the evidence to say that such conversation as is detailed by these defendants Bernier and Letourneau took place between them and Mr. Gosein; that Mr. Gosein did not extend the time under the mortgage, but that the defendants went on and took these advances, knowing the date of the mortgage and without any such assurance from Mr. Gosein. This view of the case is further borne out by the fact that the defendants never mentioned this matter to Mr. Carboneau on his return in April; no complaint whatever was

made to him about this fraud or mistake until long after these proceedings were taken. Carboneau was in the country from April on until his action was taken on the 27th of May, and not a word was said to him about this fraud. Further, the defendants by their pleadings do not raise this question at all except by an amended plea which was filed and served after Mr. Carboneau; the plaintiff, who is alleged to have been guilty of the fraud, has left the country on business. The original statement of defense was filed on the 20th day of June. Mr. Carboneau had left the country in the meantime, and by a subsequent statement of defense filed on the 14th day of July, these allegations of fraud are for the first time set up. I say both these circumstances together with the very positive evidence of Mr. Gosein, a respectable and intelligent witness, confirm me in the belief that no such conversation took place or agreement was made as the defendants allege. Again, the conduct of the defendants creates suspicion, because I believe that they deliberately removed the plate from the engine or boiler as the plaintiffs and the evidence allege they did, for the purpose of delaying and hindering the receiver. Their conduct towards the receiver was threatening and boisterous in the extreme. They were not prevented but were permitted to go on with their lay work, the receiver taking the product which the plaintiffs by the defendants' own admission were entitled to do in any event, the receiver doing only what the plaintiffs had the right to do before action, that is, take the gold.

The plaintiffs' mortgage has a clause providing for them taking possession if they fear the security is being impaired, and practically an acceleration clause, and we have the fact that the workmen working for the defendants had taken action against them for non-payment of wages and had a receiver put in the dump was in their possession. Surely this was sufficient to entitle the mortgagees, even supposing the mortgage had not been due on the 1st of May, but under the general provisions of the mortgage, to take possession for their own protection. I place very little weight upon the story that the plaintiffs' refusal to give an account prejudiced the minds of the workmen because the defendants had themselves a bookkeeper who kept check of all supplies going on to the claim and the accounts of the plaintiffs and defendants were checked over by this man.

"That I may find all the facts raised, I think that the work done by the defendants was well done and done in a workmanlike manner. The dump got out was an exceedingly large one; but I do not think that the drunkenness of Letourneau, if proven, had any appreciable effect whatever upon the operations, and it did not prejudice the plaintiffs in the slightest degree. At first blush it struck me that considerable hardship had been inflicted upon the defendants; but on more calmly considering the whole case, I do not think there has been any reason why a person should not himself in the power of another if he sees fit to make such a contract and if he cannot obtain work (in this case the lay agreement) upon any other terms. It is not unreasonable that a mortgagee should take a mortgage for advances and that the date of payment of that should be long anterior to the time when the ordinary course of affairs the mortgagor could pay, and that he should have this power for the purpose of being absolutely secured against any creditors or lien holders of the mortgagor. This is not an unusual proceeding. While it gives the mortgagees very great power, still it is not illegal. The condition of things in this country under the miners' law ordinance renders the position of parties holding claims precarious, and they are probably justified in taking extraordinary precautions of this nature.

"It was urged very strongly by counsel for the defendants that this contract was one impossible of performance and therefore void. The impossibility alleged was that it is in this country a physical impossibility to wash out placer dumps earlier than May; certainly it would be impossible to wash them out as early as the 1st of May. In considering this argument it must be borne in mind that this is not a contract on the part of the defendants to wash out for the plaintiffs so much placer gold at a given date. It is a contract to pay money. The real gist of the action is on the mortgage. Of course it may be said and with considerable force that the documents are to be read side by side and to cover the one transaction. They do to a limited extent, perhaps to a large extent. Without deciding the question whether it is a physical impossibility or not to wash out placer gold earlier than the end of May, it is not a physical impossibility to pay money, and that is the contract, after all. It was not proven to me beyond a doubt that it is physically impossible to wash out dirt earlier than May. I might infer from the evidence that according to the customs and habits of this country and according to the physical conditions here it would be impossible and that both parties would understand that; but it is not more an unreasonable contract than an impossible one." The law upon this branch of the case is this: Where there is an obvious physical or legal impossibility on the face of the documents there is no contract. Now, it certainly cannot be said that upon the face of these documents, or either of them, there is such an obvious impossibility. There is a clear distinction between 'impossible' and 'unreasonable', and if a person enters upon an unreasonable contract, it is his own fault. Where an agreement is not impossible in its own nature but impossible in fact by reason of the circumstances the authorities are agreed that impossibility of this kind does not excuse non-performance, and I do not think the impossibility in this case as urged is such a one as comes within the rule.

"The defendants ask for a rectification of the mortgage. While the court has full power to rectify, yet I do not think, even on the most favorable view of this case, that they have shown sufficient ground. I decided that there was a mortgage. The question then is as to its due date. The law is clear that to rectify a mistake there must be clear proof of the real agreement on both sides different from the expressed agreement, and a different intention or mistake of one party alone is not a ground to vary the agreement expressed in writing. Now, in this case we have no evidence of any other date than the 1st of May, the only other evidence to help out the parole agreement, but that gives us no light as to what the real date of the mortgage should be. The defendants must succeed upon the ground of fraud, if at all, and upon this I think they must fail. There is no evidence whatever to satisfy me that Carboneau misled them as to the date of the mortgage. Two men were present during at least part of the interview, one during the whole of it, that is, Mr. Gosein. He says that there was no undue haste whatever. The papers were there open and to be read, the date of the mortgage was discussed, there should be some date prior to the 1st of August, and there was no concealment whatever on the part of Carboneau, and I do not believe there was. In general one is not bound in law to disclose in a treaty for a contract all known facts that may be material to the other party's judgment. If one party asks a question which the other is not bound to answer and it is not answered, he is not entitled to treat the other's silence as a representation that is, when there is really nothing beyond silence. A very slight departure from a passive acquiescence may be enough to convert a lawful though scarcely laudable reserve into an actionable deceit. This must in every case be a question of fact.

"This is the law laid down by Pollock upon that breach of the law of fraud. I do not think that cover his case. What the defendants here allege is not so much silence as the due date as a direct representation that there was no mortgage at all, although they are, somewhat hazy in the evidence which they give. If there had been a direct misrepresentation or willful concealment, and by that the defendants had been induced to enter into this contract there is no doubt that if I found the facts in their favor I could relieve them. But the parties asking for relief of this nature should at once on discovery of the error, have asked for a rescission of the contract. They did not do that. They chose to go on and take the benefit of the contract as it stood and to receive fresh advances and very large advances. Pollock, page 558, further says: 'It is for the party defrauded to elect whether he will be bound, but if he does affirm the contract he must affirm it in all its terms. A shareholder cannot repudiate his share on the ground of misrepresentations in the prospectus if he has paid a call without protest or received a dividend after he has had in his hands a report showing to a reader of ordinary intelligence that the statements of the prospectus were not true, and when the right of repudiation has once been waived by acting upon the contract as subsisting with knowledge of facts establishing a case of fraud, the party claiming the benefit of the right to repudiate is, I think, estopped, and an omission to repudiate within a reasonable time may be conclusive evidence of an election to affirm the contract.' This law I state upon the defendants' case and upon the most favorable view of it. As I have already found the facts against them I do not think it is pertinent.

Chicago, Nov. 29. - Seventeen identified dead, with nearly half a dozen persons still missing and twenty persons injured, is the story of the explosion of the refrigerating plant of Swift & Co. today. Like the rumbling roar of a 18-inch gun, fourteen boilers in the refrigerating plant blew up at 10 o'clock this morning. The towering walls of the plant collapsed and a riot call, which brought policemen, firemen and hundreds of doctors, was sent in. Ambulances dashed through the narrow lanes of the Union Stock Yards conveying the dead or injured to hospitals.

Panic reigned for a time among the tens of thousands of spectators, and reports of killed reached as high as sixty. There are at least four persons missing, and it is agreed that they will be added to the death roll. Fifteen persons were removed to the hospital, the majority so badly injured that they will die. The collection of the dead and injured cannot be completed until the ruins have been cleared away.

Another Rich Strike. Seattle River in the Koyukuk is Said to be Good. Mr. Gandolfo received a letter in the mail last night from Goldfoot in the Koyukuk, which was dated November 19th, and this is pretty good time for the second mail out from there since the freeze-up. It is from Judge D. A. McKenzie, of Goldfoot, and refers to the latest stamped in that country, of which this is the first word. The judge says: "We are all excited over the strike on the Seattle river, which is about 25 miles northwest of here. I may add that I believe the country to be rich, in fact far richer than any heretofore struck in the Koyukuk country."

The richness of the new diggings is borne out by other letters Mr. Gandolfo received on the same mail from other parties.

Dawsonite Dies in Arizona. Private advice received in Dawson last week noted the death of Mr. Ernest L. Donohue, of Seattle, Wash. Mr. Donohue started for Dawson in the fall of '97, arriving here in the spring of '98, and remained for two years, during which time he made a large number of friends. Being in ill health he returned to Seattle and entered the office of the Seattle Daily Times, where he remained until this fall, when he went to Arizona for the benefit of his health, but had only been there a short time when he died of consumption. His death will be regretted by his many friends.

Present your wife or husband with one calling cards for Christmas. Our styles of type and cards are the very latest. Cannot be distinguished from engraved work. The Nugget's printing.

Notice. Messrs. Epting and Burrington are requested to call at the Nugget office.

CHICAGO EXPLOSION

Terrible Scenes Attending the Disaster.

Another Rich Strike.

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Pacific Packing and Navigation Co. Successors to Pacific Steam Whaling Co. FOR Copper River and Cook's Inlet YAKUTAT, ORCA, VALDEZ, HOMER. FOR ALL PORTS in Western Alaska Steamer Newport Sells From Juneau on 1st of Each Month OFFICES SEATTLE Cor. First Ave. and Yeater Way. SAN FRANCISCO No. 30 California Street

Japan American Line Carrying U. S. Mails to Oriental Points. Steamer Every 2 Weeks For Japan China and All Asiatic Points. Ticket Office - 612 First Avenue, Seattle

Unalaska and Western Alaska Points U. S. MAIL S. S. NEWPORT Leaves Juneau April 1st and 1st of each month for Sitka, Yakutat, Nutchek, Orca, Ft. Lioum, Valdez, Resurrection, Homer, Seldovia, Katmai, Kodiak, Uyak, Kerkuk, Chignik, Unga, Sand Point, Belkofsky, Unalaska, Dutch Harbor. FOR INFORMATION APPLY TO Seattle Office - Globe Bldg., Cor. First Ave. and Madison Street San Francisco Office, 30 California Street

FOUR CARLOADS OF JOB PRINTING MATERIAL The finest and Largest Assortment Ever Brought to Dawson. DO YOU NEED PRINTING? IF SO THESE PRICES WILL GET YOUR WORK: Letterheads . . . \$6. PER THOUSAND Business Cards . . . 3. " Meal Tickets . . . 4. " Dodgers . . . 4. " Jobs Promised Tomorrow Delivered Today. THE KLONDIKE NUGGET JOB PRINTING DEPARTMENT.

18, 1902. yer, yer can d to beln word will be Luke Var disposing of show & Co. on and con much-wanted te. Brown's us. Tuesday that gen to a higher was put on to the pen- uths. More on breathe following who had at the burg- a letter and the missive ite read: and Friends, do you again ly gave me acting as a burglar. It that I was ents wanted on I was on to give tired of my ated to be. The 300 dy for my ours, with Varden." at poker in at Tuesday indrel of a ured Snow, hundred and the substitute. What will as was one is not very ristow said. HERE. ive From k. Steers re- Duncan creek id returns in that section oxes brought ude those in Dominion; lower and Don. Lion. Messrs. a little or- having left ng a week creek and weather and that outward It was very mient snow ing slow and wo-sides be- heads before ey state the are growing 400 men age and there has a practically number of nd the spring ttle toward t of Steer- ies. office. AS. h beaut- specially do. 112. 2nd Ave. CARDS. Advertis- etc. O'ne No. 1044. Hotel E. ck, Alaska. , good bar- rior. Take oost Chicken o door and level on the p. photo rice, ngton exico. ed by the ators. s Rule. both passengers

COUNCIL MEETING

City Solons Are Natural Born Diplomats

Handle the Railway Franchise With Gloves and Find Egan Needs a Reprimand.

Hot stuff was expected at the council meeting last night, but the session was more than quiet, nothing occurring to mar the calmness of their deliberations.

There were no communications or petitions presented, though a number of new bills made their appearance, including the following:

Table with 2 columns: Name of bill, Amount. Includes Dominion Fuel Co., M. A. Probst, Klondike Mill Co., etc.

The finance committee was the only one of the standing committees to make a report.

The following bills were recommended: Dawson Library, Holme, Miller & Co., etc.

Dr. Catto being present again brought up his bill, now quite aged, for \$200 for services rendered an indigent early last spring.

Murphy brought up the railway franchise by a resolution which places the council on record as favoring the granting of the road permission to enter the city.

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THEY DO SAY:

That Mike Ryan played a good joke on Fire Inspector Bullock yesterday. That Dan Matheson is making fine progress in courting the gusher.

That "The Chappie" has made a big hit with the Dawson 400. That Herb Hulme acted like the devil (hoof) last week and did it in excellent style.

That Dawson has been treated to some queer freaks of weather during the past week. That the idea of the Indians breaking into rebellion is considered preposterous.

That there are some very pretty window decorations in Dawson for the holidays. That Bitter still being in "need of the money," will be given a benefit Thursday night which will have the largest attendance of any affair of the kind ever held in Dawson.

That candidates for the two approaching elections are more numerous than the "flowers that bloom in the spring."

RECOMMEND REPRIMAND

Corporal Egan Will Have to be Scolded

Should Not Have Given O'Connor Time to be Good Before His Arrest.

Corporal Egan will not be removed from his field of usefulness at the town station, but he will be scolded because he was naughty and did not yank John O'Connor to the skookum house the first crack out of the box.

The night he was arrested instead of giving him a chance to be good and go home. Egan's mistake was in allowing O'Connor fifteen minutes grace when he fell due for a trip to the barracks, at least that is the result of the findings of the committee on police matters which had charge of the investigation after O'Connor fled his charges with the council alleging that he had been wrongfully arrested.

At the meeting of the council last night Police Commissioner Macdonald who is also chairman of the police committee, filed the following report, which speaks for itself:

"In regard to the complaints laid against Corporal Egan, this committee begs to state that they have held an investigation in regard to the matter and are of opinion that:

"(1) It is absolutely necessary and is a constable's duty to prevent breaches of the peace and arrest the offenders whether the offense is committed on the street or in saloons or other public places.

"(2) That if Corporal Egan thought there was sufficient cause for arresting Mr. O'Connor, he ought to have arrested him when he first became aware of the circumstances, and that his action in investigating the matter and deciding not to arrest Mr. O'Connor and then leaving the saloon and returning later and making the arrest, no new offense having been committed in the meantime, is a matter for which he should be reprimanded, and in the opinion of this committee matters like this should be dealt with promptly by constables, and not after the manner adopted by Corporal Egan.

"(3) Other complaints have been made against Corporal Egan, but as no formal charge has been made in regard to the same, this committee has not seen fit to make any report thereon."

The report is dated December 15, and as is said in diplomatic circles the incident may be considered as having been closed.

The Night Cometh

Written by Rev. W. H. G. Temple, of Seattle.

(Tune, Seymour Hymnal, Page 82.) I have idly spent the day? Night is coming! Shall I say Rather let its waning sun Find my work completely done.

Night is coming! Soon death's pall Shall spread darkness over all; May life's opportunity, Through thy favor, honored be.

Night is coming! May that hour, Dread in all its solemn power, Yet be bright with hope's clear ray, As on Thee my trust I stay.

Night is coming! Then the morn, Shall that Heavenly Land adorn; And my soul, from Earth set free, Evermore shall dwell with Thee.

Partnership Dissolved

The law firm of Woodworth & Black has been dissolved by mutual consent, George Black being about to form a partnership with John Black, a New Brunswick barrister of long experience. Although no longer connected with Mr. Woodworth in business, Mr. Black will for the present continue to occupy offices in the McDonald Hotel Building.

Baldwin apples at a price so all families can afford to have a box—Barrett's, phone No. 1.

Job printing at Nugget office.

DR. CATTO'S LITTLE BILL

Again Bobs up in the City Council

After Being Turned Down Twice by the Finance Committee Is Again Reconsidered.

It was during a lull in the proceedings last night at the council meeting that his worship stated that in response to a request from Dr. Catto he had promised to again call the attention of the council to the bill of the doctor's for \$200 which on many previous occasions had been shelved, laid on the table, passed up and otherwise sat upon.

The doctor's bill was not satisfied that the decision of the finance committee should be the ultimatum, but he wanted a vote of the council upon the question.

"I am not sure," continued his worship, "just what the final disposition of the bill has already been taken upon the matter. If it has there can be no necessity of bringing it up again. However, the minutes of the meeting will show and I will ask you, Mr. Smith, to look it up."

And while Mr. Smith was searching through the archives of the dead past for one certain bill branded lost, strayed or stolen the discussion began.

Dr. Catto stated it was unnecessary to go again into details regarding the bill as all the members of the council were familiar with the particulars concerning it. He had been called upon by Dr. MacArthur, then acting as the city health officer, to treat an indigent, the services had been performed and he was entitled to be paid for it. The report of the finance committee was not satisfactory, as he had no way of knowing whether the committee was unanimous or whether one of the number was inclined to look with favor upon his bill. He desired a vote of the council. He had also been informed by the city solicitor that the proper way to secure favorable action would be to have the council advise the finance committee to recommend its payment.

His worship—"It is not fair to ask the council to so instruct the finance committee and we can not do so."

Dr. Catto—"Then it looks to me as though the finance committee of three have the sole and entire disposition of the city's finances."

Murphy read from the charter of the duties of the finance committee which showed that every bill against the city before its payment must first be approved by the finance committee.

Adair—"This entire matter was thoroughly gone into the last time it was up before the council and there is no necessity whatever of opening it again. The city is not liable for the bill and should not pay it."

Macdonald—"I thought at the time the bill was presented it should be paid and so voted, and should it come up again I shall vote likewise."

Murphy in the meantime had been looking over the old records and found where after being turned down twice by the finance committee it was still "in abeyance."

Dr. Catto, with asperity—"I was called in legitimately to attend that man and if as a regularly licensed practitioner I had just arrived in the city and was asked to perform such a service, and had my bill turned down in such a manner I should have thought I had fallen in with a band of savages."

City Solicitor Donogh, on being asked for an opinion—"I have previously stated that Dr. MacArthur had no authority whatever to employ any physician at the expense of the municipality. The city is under no legal obligation to Dr. Catto, an opinion I also gave some time ago."

Wilson—"I move that the finance committee take up the matter in conjunction with the mayor and report at the next meeting."

Adair, sotto voce—"Take it up now."

His worship had been delving into the minutes of the past meetings and found where the Catto bill in company with some half dozen more had been reported unfavorably by the finance committee.

Wilson's motion was put, carrying with Adair alone voting nay. The bill will make its farewell appearance next Monday evening and it is a 100 to 1 shot that it will again be snuffed under.

Present your wife or husband with some calling cards for Christmas. Our styles of type and cards are the very latest. Cannot be distinguished from engraved work. The Nugget Printery.

When all others fail, you try Barrett's Bacon, Lard, Rolled Oats, Dried Fruits, etc.—he has plenty.

Try Blue Grass Butter, 2 1/2 lb. rolls, \$1.00—N. A. T. & T. Co.

El Triunfo, Butler's Big Cigar—\$6.25 per box.

Christmas Toys—Landahl's, First Avenue.

Headquarters for Lemons—Barrett's, 3d ave.

GAY GULCH WATER

Another Protest is Filed Against John Odegaard's Application.

Another protest has been entered against John Odegaard diverting water for use on his claims on Gay gulch. It was handed in to the gold commissioner this morning and is on the part of Louis Nadeau and Wm. A. Johnson, who own the upper and lower half of No. 1, the lower half of No. 4, half interest in No. 6, the lower half of No. 7, all of No. 9a and No. 10.

Leaves for Glacier

Hubert Macaulay leaves today with a load of provisions for Glacier creek via Fortymile. The necessity of traveling that route makes the distance nearly double what it would be could the government-trail be utilized. Owing to the heavy snow and drifts it is almost impossible at present to get a load over the latter route.

RAILWAY FRANCHISE

Council Favors Granting an Entrance.

The Klondike Mines Railway will be given permission to enter the city, but the franchise they desire will not be granted by the present council, at least not before election, and that is a cinch. At the meeting last night Murphy made a motion that on vagueness and uncertainty as to details is entitled to the palm.

"I move that it is the opinion of this council that the Klondike Mines Railway be given an entrance to the city." Short, concise, sweet and to the point and does not designate whether such permission is to be given a la gusher or via the balloon route.

Wilson objected, the only one, as he considered it too indefinite to be of any service.

His worship—"The motion places the council on record as favoring the franchise. The question of the route is one of vital importance and must be thoroughly investigated before we commit ourselves. Dawson in three or four years may be a large city and it may not be as stable as it is now. It will be two years before anything can be done with the road on this side of the river, as it will be impossible to put in the piers for the Klondike bridge until next winter. I have been given to understand plans for the bridge are already drawn and it will be ordered this winter for shipment next summer."

Macdonald is against the First Avenue franchise as he has found a great many property owners on that street who are furious at the idea of a steam engine puffing by their front doors. He favored the motion and thought it sufficiently definite under the circumstances.

Wilson considered it equivalent to not allowing the road-in at all and thought it useless folly to pass such resolutions. There was nothing in it.

The motion was read again and passed. This afternoon the council is again holding a consultation with the representatives of the road. The franchise asked for by the railway gives them two years in which to build and exemption from taxation for a period of ten years.

MORE ELECTION NOTES.

Returns From Upper Labarge All for Ross.

Election returns were received today from Upper Labarge giving Ross 4 and Clarke a duck egg. Returns are yet to be received from Dalton, Pelly North and Pelly South.

The White Pass stage yesterday brought in the ballot boxes from Tagish, Caribou Crossing, Upper Labarge, Hootalingua, Livingstone and Parkmead. There are still to be received the boxes from Eldorado and Upper Last Chance.

El Triunfo, Butler's Big Cigar—\$6.25 per box.

Christmas Toys—Landahl's, First Avenue.

Headquarters for Lemons—Barrett's, 3d ave.

CAUGHT IN A BLIZZARD

Martin Steiner Narrowly Escapes Death

Still Suffering From the Effect of His Most Terrible Experience.

Seattle, Nov. 30.—Hobbling along on crutches, and showing in every feature the terrible suffering which they had undergone, two victims of the "Great White Silence" came down from Nome on the steamer Corwin yesterday morning. They were Martin Steiner, who had death for a traveling companion on the lonely winter trail from Council to Nome, and C. Hunter, one of the party which was caught out in a blizzard near Teller last winter.

George C. Carpenter of this city was one of the party and he was frozen so badly that his limbs were first amputated, then he became crazed from his sufferings and subsequently died in terrible agony.

Steiner is the first victim this season at Nome, so far as is known. He is recovering as rapidly as possible under the circumstances, but the terrible exposure which he suffered will probably remain indelibly marked on his person until death.

The story of Steiner's mishap is unusually pathetic. He left Council City on a Wednesday in company with two other men bound for Nome. The partially frozen condition of the earth made traveling very arduous, as they would break through the thin crust of ice and frost at every step. In the afternoon Steiner became exhausted from the exertion and it was only by his companions taking extreme measures, it is claimed, that he was able to keep on.

Thus he trudged along until nature rebelled and he fell to the ground unconscious.

It was a terrible moment in the lives of the three men. The two who were yet on their feet were too weak to think of carrying their helpless comrade and were too honorable to desert him. However, they both saw that a very few hours would mean the death of all three and it was decided to try and reach a roadhouse and secure help before it was too late.

The subsequent exertions of the two men before they came to the I. X. L. roadhouse can best be imagined. There they found Frank Shaw, Harry Leland and Jim Lindsay, the proprietor of the place, who started immediately to the rescue.

It was night when the searchers came upon Steiner. The exhausted and fast freezing man was lying on his back in a shallow pool of water, which was encrusted with ice, and he was partially demented. In his ravings he had pounded his hands against the thin ice and frozen ground until they were raw and bleeding. His pulse was hardly perceptible and it was feared the man would die before he reached the roadhouse. Restoratives were administered freely; however, and the unfortunate traveler was carried to shelter, where he sank into a state of unconsciousness.

There was no doctor present, but with the few simple remedies at hand the proprietor of the roadhouse and those present worked over Steiner until circulation was restored. Then his sufferings became intense, although he was out of danger of dying immediately. For several days he lay critically ill, but at last could be moved, and was taken to Nome.

From there he was shipped out on the Corwin and claims to be improving gradually.

Mr. Lindsay, proprietor of the roadhouse, was preparing to leave the place and was short on supplies and fuel, but he cut up the tables and furniture to keep the room warm for the sick man and did everything in his power to alleviate his sufferings.

Hunter's case has been told before. He was accompanying Carpenter and another on the Teller trail when they were overcome by a blizzard last winter. Carpenter is dead and Hunter and the other man will probably never fully recover from the effects of the awful experience which they underwent.

WE WANT MONEY

Garments at lowest possible prices. Dress Suits a Specialty. Ladies' Tailor Made Suits to order. SEE US about your repairing, pressing and altering.

GEO. BREWITT, The Tailor 114 SECOND AVENUE

N. C. Co. X-Mas Presents N. C. Co. WHAT SHALL I BUY FOR CHRISTMAS? That is the Question! SCAN YOUR EYE DOWN THE LIST BELOW AND YOU WILL FIND THE ANSWER. FOR THE CHILDREN BLESS THE LITTLE DARLINGS Go Carts, Coasting Wagons, Express Wagons, Buckboards and Dog Sulkies, Cloth Bound Slates, Colored Crayons, Pen and Pencil Sets, Musical Instruments. FOR THE LADIES Fancy Neckwear, Silk and Linen Handkerchiefs (embroidered or plain), Lace Collars, High Novelties in Silk Waists, Seal Skin Jackets of the very latest styles, Seal Skin Caps, Muffs and Mitts. Perfumes, Toilet and Manicure Articles, Fine Hair, Cloth and Military Brushes, Purses and Pocket Books, Hand Mirrors and Cut Glass Perfume Bottles, Toilet Waters, Puff Boxes, Fancy Stationery, Tea and Dinner Sets, Variety of Haviland and Wedgwood Ware, Fancy Lamps. Full assortment of Rogers' 1847 Plated Ware. Carving Sets. OUT GLASS Wine Sets, Spirit Jugs, Decanters, Vases, Berry Bowls, Cream Pitchers and Sugar Bowls. All Cut Glass Ware at special low prices. FOR THE GENTLEMEN Smoking Jackets, Bath Robes, Fancy Neckwear, Silk and Linen Handkerchiefs, Bill Books, Purses and Pocket Books. Wines and Liquors of every variety. Fine Cloth, Hair and Military Brushes, Direct Imported Habana Cigars of the finest quality. Pipes and Pipe Sets. Hand Mirrors, Shaving Brushes and Razor Straps. FOR THE HOME Wines, Mineral Waters, Nuts, Fancy Biscuits, Candies, Relishes and French Delicacies of every sort. Our Furniture Department has a complete stock of exquisite Home Furniture and Furnishings. We are selling Twisted Wax Christmas Candles (24 in each box) at 25 cents per box. Our Dry Goods Department is beautifully decorated and illuminated. Would be pleased to have you call and see it. Our prices are all very low and our goods are the best that money can buy anywhere. DAWSON'S FAVORITE STORE Northern Commercial Company.

Austrian Throne Succession Dresden, Saxony, Nov. 1.—A letter received here from Vienna gives interesting gossip about Austrian succession. In spite of official denials it is not impossible that there is some truth in the story recently published by the Neue Buda Pester Abendblatt of the alleged abdication of the heir presumptive to the Austrian throne, the Archduke Francis Ferdinand, in favor of his nephew, the 15-year-old Archduke Charles Francis. There is no question that the young prince has for a couple of years past, attracted a greatly enhanced interest in Austria-Hungary and that unusual care is being bestowed upon his education, in view of his proximity to the throne. While these considerations might lead the members of the imperial family to wish for another successor Grant and Miners' License—Apply this office. Circulating Library at Landahl's

FOR ALDERMAN. To the Editor of the Klondike Nugget:— Dear Sir,—At the request of a large number of the electors I have decided to allow myself to become a candidate for re-election as alderman of the City of Dawson. My record on the city council during the past year is before you, and if re-elected I shall pursue an independent course such as the best interest of the city may from time to time demand. I wish at this time to extend my thanks to those who have given me their support in the past and to express the hope that I shall continue to merit their confidence. JAMES F. MACDONALD Dawson, Dec. 15, 1902.

N. C. Co. TEMPERATURE 17 a. m. December 16, 1902.—1 Below Zero 12 a. m. December 16, 1902.—1 Below Zero 7 a. m. December 16, 1902.—1 Below Zero WE PAY HIGHEST CASH PRICES FOR RAW FURS of all kinds. Northern Commercial Company

Our Sausage Department IS NOW IN OPERATION AND WE ARE TURNING OUT DAILY FRESH Pork Sausage, Weiner Sausage, Bologna Sausage, Blood Sausage, Vienna Frankfurter Sausage, Liver Sausage. Pacific Cold Storage Co. ASK YOUR DEALER FOR OUR PRODUCT