

THE KLONDIKE NUGGET.

VOL. 2 No. 13

DAWSON, Y. T., WEDNESDAY, FEBRUARY 15, 1899

PRICE 25 CENTS

NUGGET HURRAH!!

The "Tramroad Without a Tram" is Knocked Skyward.

EVERY DOLLAR THEY COLLECTED WAS COLLECTED ILLEGALLY

The "Nugget's" Fight for the Miners Results in a Complete Victory.

The Honorable Court Decides Against O'Brien & Henning—It's "All Off" With the Tramroad—The Yukon Council Cannot Grant Such a Permit as Was Claimed by O'Brien—The People Must Be Protected—First Blood Claimed for the "Nugget."

At last the big tramroad fight is ended, the lawyers are taking a rest and the public is to be allowed to wend its way up Bonanza creek without contributing their hard earned wealth to fatten the holdings of Mr. Thomas O'Brien or Mr. Hill Henning. It was a long protracted fight, and every day it was continued, added to the total amount of money illegally from the pockets of the miners, but at last the victory is ours and we invite the people to share it with us. No more will the "tramless tram" "grait" its "grait" upon the people—unless, indeed, the promoters of the scheme, having first secured the approval of the local authorities should succeed in obtaining a special charter from Ottawa before the two NUGGET representatives, now on their way, can arrive there. No more will penniless prospectors be turned back by pitiless toll collectors and private patrol men, the hirelings of a self-seeking and money-grabbing company. But there is more to the decision than the mere cessation of the illegal taxation of the people by a self-constituted body of tax collectors. The decision is far more reaching and means that every dollar paid in tolls has been forcibly lifted from the pockets of an unoffending public and can be recovered very easily by the usual proceedings. The NUGGET's suit to recover \$125 charged for the passage of a load of freight was the nature of a test case, and the eight-column decision handed down on Tuesday morning will in no wise have to be repeated upon each suit for recovery. The cost of recovering that dollar and a quarter has of course been out of all proportion to the amount recovered; but neither is it necessary that this expense should be repeated now that the case has been won.

But the case is even wider in its significance than even the recovery of money illegally extorted from defenceless miners. It means that never again will local schemes of this kind go through. No more grabbing monopolies of which the first we hear is when somebody says "Halt!" "Shell out!" No more need the patient "musher" fear the sudden appearance in the center of the road of some arrogant monarch of all he surveys to order the said "musher" off the earth unless he can show a permit to stay on it, signed by Tom O'Brien or his earthly agent.

If that permit given by our local council had held, just think what it meant to everybody. What was to prevent a permit to another company to run a parallel "tramroad" without a tram, and then another and another until the valley was blanketed and the miners driven to the mountains for a passage way to their claims—or what was to prevent even the hills being covered with tramless trams until the miners should have to give up a half or more of their claims for permission to go to them. It is the wrong principle of these monopolies which the NUGGET has always and will always protest against. As though we were not already taxed sufficiently they must depute to private individuals the privilege of taxing us further—that is what we object to. This farming out of the tithing privilege; this creating of a favored class to live by the exactions they are empowered to extort from us; this creation of parasites to live by preying upon the weak and unorganized masses; this putting of governmental road building duties onto the shoulders of private companies who assume the tasks upon the consideration being granted them a privilege of exacting a portion of their wealth from every individual they can scheme by low bridges and in other ways into their tolls—these are the things we object to, and in defense of the people's rights we purpose always to be heard.

The decision is much too long to be printed in full in these columns, yet is well worth reading as showing the workings of a trained mind

in arriving at a just conclusion. The reasoning is forceful, the premises clearly put and the conclusions inevitable. It is a thoughtful document and lawyers and laymen alike are expressing the most favorable opinions of both its profundity and its wisdom.

The thoughtful preparation of the case by the promising firm of barristers of Pattullo & Ridley; the research shown in every excerpt of law advanced; the forethought displayed in the arrangement of every fact and argument and the powerful and most convincing way in which Mr. Pattullo marshaled the case for the plaintiff before his lordship, all go to show that in the recent arrival of these two young gentlemen, the bar of the Yukon Territory, not only has received a most valuable addition, but is destined also to receive an added lustre from their presence. The NUGGET stops to congratulate the young men upon the quality of their work and the evidences shown of their careful legal training. A bright future is undoubtedly theirs, and they are warranted in setting their mark high upon the ladder of ambition. A high order of success is destined to be theirs and their case in the supreme court of the Yukon Territory as presented to his lordship by Mr. Pattullo, may safely be left to the most careful scrutiny of the legal lights of Canada. We congratulate you, gentlemen!

In a masterly manner the evidence given by the opposing sides of the case is reviewed, and the law quoted upon each point raised. His lordship winds up his summary with:

"Therefore, the only question which has to be adjudged upon is, whether on the 21st day of November, 1898, the defendants were legally authorized to establish such a toll gate, and force people who intended to travel on the road which they had built, to pay therefor."

After quoting where the law governing this question can be found, his lordship continues: "I must say, immediately, that to decide this case I do not consider it of much importance to dwell upon the fact that upon the land followed by the road in question there was or there was not a trail; in fact, what is considered and declared to be a trail is the pathway which is established by the travellers during the winter season on the old course of the creek, as the same offers, generally, a more uniform level and better roads."

After speaking of the old summer trail, and expressing a favorable opinion of the defendants' roadway which he says he has visited personally, the judge continues:

"Whilst on the other hand, there is no doubt that some of the bridges which the defendants had to build on this creek interfere with the ordinary traveling of the past, those bridges being too low either for foot travelers or for vehicles, it does not seem that it otherwise interferes with that winter trail. But, as I have said before, the main or rather the only question to my mind is the legality of the position of the defendants towards the public."

After quoting from the various laws bearing upon the subject he gives paragraph C of section 8 of the Yukon bill, which is quite pertinent:

"That no ordinance made by the governor in council or the commissioner in council shall appropriate any public money, lands or property of Canada without authority of parliament."

Commenting upon this he says:

"All the lands of this territory are, until dis-

ARCTIC SAW MILL
UPPER KLONDIKE FERRY.
Shut and Flame Lumber a Specialty.
ALL KINDS OF DIMENSION LUMBER
LOWEST PRICES IN THE KLONDIKE.
City Agents: Slouf & Zilly.
Office at Mill. BOYLE & SLAVIN, Prop.

posed of with the authority of parliament, the property of Canada."

Further on his lordship says: "I have not been able to find anything else than the Lands Titles Act of 1891, and the amendments thereto, which provides for the disposition of the public lands for agricultural and mineral purposes, for timber grants."

which has the effect of generally disposing of the lands so disposed of, either absolutely or for a term only, from the public domain to private individuals, corporations or to the territories, and nowhere can I find that until then the local authorities in the Northwest, and consequently the Yukon Council, in the Yukon Territory, have the right to make any such disposition or to grant thereon any privilege which would have the effect as in this instance, of exclusively giving the possession and enjoyment of a tract of such land, either to private individuals or to corporations."

His lordship then goes on to quote a special section (108) which provides for trails, etc., and says: "and surely if such a proceeding and authority (the sanction of the minister of the interior) has to be obtained for the trails or roads already in existence, the same or similar authority at all events, has to be obtained before the Yukon Council can be considered to be vested with the power of establishing new roads, and more so of giving special privileges to private individuals and corporations to establish and control them."

The following excerpts from the opinion of his lordship are also to the point: "And now if it is considered with what jealousy the rights of the public are protected by all process of law against any encroachment by any private individuals or corporations, it is more impossible to come to any other conclusion than that no such power as the one claimed legally exists." This refers to the powers of the council and commissioner to grant the O'Brien permit. "In reading the letter of the commissioner under which the defendants claim their rights, it is evident that he has guarded himself against conveying the idea that the privileges were given 'de plano,' or after having referred to the informal advice of his connections, he declared that this letter is given with the express understanding that the local government had no such power, etc., etc."

The following is really the gist of the whole matter and supports the contention of the NUGGET:

"And, as a last argument, I must say that I know of no general law which permits, by orders in council, or by the will of any members of the council, to interfere with the private individuals in this territory more particularly. And the fact that in this case, privileges are claimed which would necessarily encroach upon the special and private interests of miners and others actually in possession leaves me doubt in my mind that the defendants' case in no way be sustained, otherwise than by a special charter obtained at Ottawa. 'In the hole, I believe that the defendants have established that toll gate illegally, and that they had no right to invoke any title to force the plaintiff's servant to pay that \$1.25 to pass any point of such land belonging to the crown.'"

Judgment is awarded to plaintiff in the sum asked, together with the costs of the suit.

POLICE COURT ITEMS.

The story of "Poor dog Tray" was again enacted in the experience of Joe Matthews, the Bismark man, who were found occupying Messrs. Black's cabin at the time it was raided. However, they were able to show that they were in no wise entangled with the promiscuous pugilist and the charges against them were dismissed with a caution from the court to keep better company in the future.

John Uhlman and Bernard Black are or were partners in the sense that they came to the land of gold, premise together and inhabited the same cabin on the hill back of the capital city. They got along pretty well for a while, but the usual clash finally came, a family jar was precipitated and the two men engaged in a most dangerous way. Loss of life was somehow avoided and next day Uhlman swore out a warrant for Black's arrest on a charge of assault with intent to do great bodily harm. The true state of affairs developed at the examination and as a result the charges were turned to the misfortune of Uhlman, who lost his action and was himself obliged to plead to a charge of threatening to kill. He was held for trial.

A Woman's Wrath.

A sensational episode found the scene of its action Monday at the store of the Northwest Trading company, when Mrs. Joseph Schwartz, with fire flashing from her coal-black eyes, and an improvised rope whip in her hands, suddenly appeared on the scene and made an effort to apply her weapon to the retreating figure of Louis Allenberg, one of the proprietors. The gentleman's agility and masterful strategy defeated the design of the angry lady, and she was perforce content with a rigorous tongue lashing in lieu of the other means with which she sought to allay her wrath. The incident is due to the fact that Mr. Allenberg, while conversing recently with Robert Blef, passed a remark about Mrs. Schwartz that was derogatory to her dignity in the gentleman's estimation.

Cabin in Flames.

Fire broke out on Thursday night last in a cabin at No. 32 below upper on Dominion, occupied by Dr. Cushman, Harry Irvine, W. S. Bunn and Fred Wombell. The occupants were assisted by their neighbors, but nearly all their private effects were destroyed, while the cabin was wrecked.

SPECIAL CORRESPONDENCE.

The Nugget Envoys Reach Holbrooks, No. 99, on Their Journey.

Breaking Trail All the Way—New Trail on the Way in—Who Were the Government Officials Endeavoring to Obtain Discounts?

Holbrooks, Y. T., Feb. 4, 1899.

We left Arctic Express Co.'s station below Bertha Creek in a blinding snow storm, and no evidence of a trail to be seen anywhere. Accompanying us was Theodore Goaring, who operates a road house 42 miles above Fort Selkirk, and a lonely traveller, without a single pound of provisions or even a blanket, who is making his way to the coast. However, with considerable difficulty we finally made Little Bertha creek, six miles, and although Mr. Green, the owner of the claim located at the creek's mouth, has sleeping accommodations for travellers, he serves no meals, but in a few moments had a pot of hot coffee ready for our correspondents—a most welcome relish, we assure you—after driving through the pelting snow, and would accept no compensation of any kind. From there the trail leads to what is known as the "Big 3," so named because of four cabins there located, and five miles above Bertha creek. They are operated by Dr. Root, and in which Mr. Frank Holbrook of this place is interested. The quality of the food furnished there is A. 1. From there we were able to reach the Northwest Express station in charge of Messrs. Burns and Roberts, where shelter was taken for the night. It was a question of breaking trail all day yesterday and today almost to this point, although we merited. Paine of the Bennett Lake and Klondike Navigation Co., and later three other parties on their way into Dawson from the outside. Some of them left Skagway on January 14th. The N. W. M. P. were met also this morning taking down 600 pounds of mail, showing that every effort is being made by that department to advance the mail facilities, and poor fellows, they are having a hard enough time of it. The trail approaching this point is not in good condition, especially on the river, the ice on which we broke through twice this morning. At this point we met two of the N. W. M. P. with a horse team, bound in. They report considerable difficulty above here, and the police report it unsafe to travel above here at night or in the dark.

You can well imagine the pleasure afforded on our arrival here to find presiding as boniface, the genial proprietor of "99," whose odd numbers have been seen by thousands at the "Scales" below the Chilkoot summit, Mr. Frank Holbrook of Portland, Ore. and he's the same old Holbrook as of old. Whole souled, rustling and busy as ever. Has a large house comfortably located, and comfortable within, and with accommodations for 75 persons and a cache that seems like a footless stocking—no hole in it, and puts up a meal that is simply all right, and to which your correspondents did ample justice. He has good food galore.

DISCOUNT FOR CASH.

Here's a good one and shows that the NUGGET, no matter where anything out of the ordinary happens, is sure to know all about it. It seems Her Gracious Majesty must be in rather straitened circumstances when we relate the following incident, and it would be interesting to know who the officials were, who, representing the government, endeavored to obtain a discount for cash from a certain road house for meals and lodgings. It seems that a party of government officials, occupying very prominent positions, stopped at a certain road house between Fort Selkirk and Dawson. Their bill amounted to considerable the following morning, and the subject of payment, and how to be made, was discussed the evening before. Staffing to the road house keeper who they were, asked him if he would accept an order on the N. W. M. Police. This was agreeable. Then they proposed currency instead of the order. This was, of course, preferable to the road house keeper. The price of meals was \$2 and bunk \$1 each. Then the official proposed to settle in currency, provided the road house man would make them a discount for the cash. This was promptly declined. Now the question is, what does Her Gracious Majesty the Queen think of her representatives going along over the ice trail, and dickering for discounts on the price of road house meals and bunks, when some poor fellow is trying to eke out a little existence, after sledging his grub hundreds of miles and the labor of building his cabins? If the discount had been granted, would the Imperial or Dominion Exchequer have been credited with the difference? And, at any rate, what does Her Majesty think of such a proposition?

A Telegraph Line to Dawson.

The British Columbia Review says: The necessity of a telegraph line to Dawson city and other points in British Columbia is thoroughly impressed on one when it is realized the great expenditure the Canadian government incurred on several occasions to send special messengers to the officials at Dawson—in each instance a special steamer having been chartered. The line about to be constructed is expected to be completed in a few months.

Finely to Loan

Apply at the Nugget Express office, Front St.

The Klondike Nugget

(DAWSON'S PIONEER PAPER)
ISSUED SEMI-WEEKLY

On Wednesday and Saturday

E. C. ALLEN, Manager
GEO. M. ALLEN, Editor
A. F. GEORGE, City Editor

SUBSCRIPTION RATES

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

WEDNESDAY, FEBRUARY 15, 1899

NOTICE

When a newspaper offers its advertising space at a nominal figure, it is a practical admission of "no circulation." THE KLONDIKE NUGGET takes a good figure for its space and in justification thereof guarantees to its advertisers a paid circulation five times that of any other paper published between Juneau and the North Pole.

The Nugget has a regular carrier and express service covering Bonanza, Eldorado, Hunker, Sulphur and Dominion creeks and tributaries. Mail orders taken and prompt delivery guaranteed on all the above. Orders for delivery of papers, mail or express may be left at the Nugget Express office or given to creek agents.

MAIL MATTERS.

P. C. Richardson, the man to whom so many of us feel we owe so much of the anxiety we have experienced the last few months because of our utter isolation from those loved ones we left behind us in the various parts of the American continent, is reported by Jake Kline and the Northwest mounted police to be progressing slowly Dawsonward with about 3000 pounds of delayed mail matter. He is expected to arrive here on one of the first steamboats in the spring. Mr. Kline, writing from Skaguay, says that the aforesaid Richardson was averaging between four and five miles a day. Five N. W. M. P. dog teams were dispatched from Dawson some weeks ago with prompt instructions to the various police posts between here and Bennett to make a "clean up" of all inward bound mail and bring it to its destination with all dispatch. Those who are familiar with the workings of the Northwest mounted police force will realize at once what that "rush" order meant. Every effort was made by the police at the other end of the route to get Richardson's men to relinquish their loads to the care of the better equipped semi-military body which is the one creditable feature of this otherwise illy governed and God-forsaken land. The police reports to Colonel Steele show that nothing would induce this graceless whelp of a contractor to hand over the mailsacks, with the result that he and his men are at this moment floundering around in the snowstorms of the lakes while the mail secured at Bennett by the police has passed him and has already been distributed to the home-hungry people of Dawson and the Klondike.

P. C. Richardson's idea, in hanging onto the few mailsacks now in his possession is to lend the appearance of honest effort to his claim to having really tried to get the mail in as per his contract with the United States government. With the resumption of steamboat travel in the summer he purposes sending down whatever of the mail comes to his hands at cheap freight rates and then will put in his claim to Uncle Sam for the \$34,000 which he will pretend to be entitled to as per his contract. He depends upon the United States government's utter ignorance of this country and its opportunities for fair mail service for the granting of his bill, and has no anticipation of anyone here making it his business to enter a protest at this grant of money without due value received. To prove that a regular mail service is not only feasible but may reasonably be expected of this blundering and snow-bound Richardson, we have only to point to the mail service maintained at first for the officials and now for the general public by the police. Letters mailed in Seattle January 12th arrived here on February 10th, because in some way the mail failed to fall into the baneful hands of P. C. Richardson. The inference is plain; if Richardson and his contract had fortunately fallen into the bay at Skaguay last November, with the possible intervening of a month

or six weeks during the freeze up we might have been hearing from our homes all winter. We call upon the American consul at this place to note these things and to advise his government of the duplicity of the fictitious effort of P. C. Richardson to fulfill his contract.

LUCILLE ELLIOTT GETS HER CLAIM.

The appealed case, locally known as the 34-17 Dominion affair, has been settled at last and a decision handed down which gives the disputed piece of ground to Andrew Nelson and Lucille Elliott, as against Andrew Donnelly, H. A. Fairchild, Alex. McDonald and R. Morrison, who appealed against Mr. Fawcett's decision in the case. The decision appears to us to give substantial justice to all concerned, though at the same time very much in the nature of a compromise, for the defeated claimants are given a first lien upon the claim for \$8,000.

The facts as given in the review of the case by the minister of the interior appear to be that one Blade staked No. 34 below the upper discovery, on Dominion, on June 12th, 1897. Nelson and Elliott are the assignees of the said Blade. Under the regulations then in force Blade was secured in possession of the ground for 60 days before he need record. Before the expiration of the 60 days, however, Donnelly came up from the lower discovery and staked the same ground as No. 17 above lower discovery and proceeded to record it, the certificate of record being granted in all innocence at the gold commissioner's office where there was of course no record yet of Blade's doings on the creek. At the expiration of 61 days Blade appeared and recorded, the oneness of the ground not appearing owing to the dissimilarity of the numbers. In the suit which ensued before the gold commissioner, Mr. Fawcett, held that Donnelly secured his certificate while the ground, under the regulations was not open to location, being held under the 60-day exemption clause, and therefore awarded the claim to the assignees of Blade. In the decision just received from Ottawa the ground is taken that Donnelly's staking while the ground had actually been staked by another, was illegal; that the certificate of record obtained by him was obtained by false representations—though probably unintentionally—as before securing that certificate the applicant had to declare that it was vacant Dominion grounds at the time, which the evidence shows it was not. This is declared to adversely dispose of the case of the appellants.

As for the matter of Blade not recording for 61 days when the limit of the regulations was 60 days, the minister decides that that is a matter purely between Blade and the crown. Mr. Fawcett, as the representative of the crown, had decided to overlook that slip of one day, and the minister saw no good reason to overrule him as the appellants would receive no additional rights thereby. However, as this irregularity in the recording had evidently encouraged the appellants into the prosecution of this expensive suit, they are given a first lien upon the ground as staked, for \$8,000, which will be seen to be in the nature of a penalty to Blade, or his assignees, for that one day's slip in recording.

WHY CAPITAL LEAVES US.

It seems somewhat odd that the boats last summer should have taken at least seven millions of dollars out from Dawson where money is scarce at from five to ten per cent a month, and have taken it to the states and provinces where money rules at from four to eight per cent per year. There will be no need of inviting foreign capital if we can ever persuade the capital already here to remain with us. What moneyed men think of Dawson opportunities is well exemplified by the rapidity with which every man removes his last dollar from here just as quick as the river opens. It appears as if he were afraid his money was not safe from over taxation until he had reached civilization with it, either in the states or the eastern provinces of Canada. Capitalists will fight shy of a

section which blatantly invites them to come and invest when at the same time the laws are so unstable and oppressive that the height of every man's ambition is to get out of the country with his money as quickly as he can. In a country like this one would expect a kindly government to do all in its power to make up by gracious legislation for the hardships we endure and the deprivations which are ours. The policy which has made England the greatest colonial power on earth is one of concession of authority to and maternal concern in those colonies. Their prosperity is reflected in her own mercantile greatness and any unrest and dissatisfaction she regards as a sore spot upon her own body politic to be treated at once with remedies as heroic as the case warrants.

A SUGGESTION.

The decision in the Lucille Elliott case, given elsewhere, raises the question in one's mind whether or not a claim should be recorded for anyone until the expiration of the full limit of time allowed by the regulations between staking and recording. The law, as it stands, is well known to all; ten days and an additional day for each ten miles the ground is from the recording office. For illustration we will take a supposititious piece of ground at a distance which would allow a man 13 days before recording became necessary. The prospector stakes it and takes the privilege of the full 13 days before applying for his certificate. Six days after being staked by the first man it is staked by a second individual who proceeds at once to obtain a certificate and gets it. As we well know, in innumerable cases the first staker is met at the office with a blank refusal to record, as the ground has already been secured to someone else, and goes away from the office a sadder and a suspicious man. Were the full limit of time enforced, as suggested, the first staker would have put in his appearance at the office six days before the second.

The decision of Captain Starnes in the recent case of a miner shooting a dog escaping from his cache with a side of bacon was undoubtedly correct, yet it opens up quite a vista of possibilities and questions. It will be remembered that the testimony was that the miner was being annoyed by the thefts of a strange dog. The dog chewed a way into his cache and was shot dead as stated. The man was fined \$25 and costs besides paying \$75 for the dog, and received a lecture about taking the law into his own hands, etc. A point we would raise is that if a man was shot under the same circumstances the shooter would probably be justified under the law, a great difference in favor of a dog. A man caught burglarizing after dark can be shot if he fails to drop his plunder at command, but not so a mongrel malamute. A malamute is just as "foxy" in his thefts as a pickpocket and gives every evidence of being morally conscious of the wrong he is committing so that it cannot be argued that he doesn't know any better. Of course a man can hang his bacon beyond the dog's reach for we have yet to hear of the native canine which can climb a pole.

THERE are an increasing number of children in Dawson of school age, and though it does one good to observe them playing in the snow and growing fat as pigs from the fresh air and exercise, the fact remains that as far as education goes, most of them are growing up little heathens. The coming summer will see a large increase in our juvenile population and we hope to see due provision made for their schooling. There are plenty of trained teachers in our midst and it is just a matter of will or won't with our rulers.

Yukon Hydraulic Mining.

OTTAWA, Dec. 2. The government has issued new regulations governing hydraulic mining in the Yukon country. The conditions upon which concessions of territory carrying alluvial gold will be granted are these: Provided, first, that concessions shall

be in extent from one to five miles along the valleys and beds of creeks or rivers, and shall not exceed one mile in length.

Concessions which may be hereafter granted under these regulations shall be allotted under certain set conditions and only after due advertisement and public tender. Exception is made, however, in the case of those parties who have already made application to the minister of the interior for territory which they have prospected and proved in Yukon. Concessions granted to such parties are exempted from the foregoing requirements, as well as from the regulations as to fees to be paid thereon to the government.

Fees which must be paid upon concessions hereafter granted are at the rate of \$150 annually per mile frontage. A royalty upon the output is also to be contributed the same as is required of the ordinary placer miner (at present 10 per cent.), but the royalty is only assessable upon so much of the output as may be in excess of \$25,000.

Holder of concessions will be required to do work upon their properties equivalent to an expenditure of \$5,000 per year.

Another clause provides that upon issue of a grant, the party to whom it is given must undertake to commence mining operations within one year.

An applicant for a hydraulic mining grant must establish that he has actually been upon the ground applied for that he has prospected it, and that he is a bona fide miner. These facts are to be set forth in a certificate to that effect, signed by the administrator of the Yukon district. A further certificate is required stating that the area applied for has not already been taken up, and is of such a character that it cannot be profitably worked by the ordinary methods of placer mining.

Would Stop the Sale.

VANCOUVER, B. C., Oct. 25. Proceedings in a suit which involves a million dollars were begun here today.

Robert Anderson and Samuel Lichtenstadter, South African miners, started to the Klondike as partners in 1897. Anderson reached there first and secured a hydraulic lease for a strip of land two and a half miles in length beside Hunker creek. When his partner, who was delayed on the Yukon river, appeared, Anderson refused to recognize his claim to any share of it. Anderson floated a company in London with \$2,500,000 capital, and was to receive a million when the deal was closed.

Lichtenstadter arrived here yesterday, having come down on the City of Seattle. He applied for an injunction to restrain Anderson from receiving any money on the property. The application was refused.

Lichtenstadter leaves on Saturday with his solicitor, D. G. MacDonnell, to fight the case out in London, where Anderson now is.

50c Buys the BEST Meal in Dawson AT THE Rainier House Clean and Commodious Bunk House in connection. Water Front opp. A. C. Co. F. W. Arnold, Manager.

THE Nugget Express

E. C. ALLEN, Mgr.

Dog Teams Leave Daily For Eldorado and Bonanza Creeks.

Next Trip

to the Outside

On or About March 1st.

For Hunker, Dominion and Sulphur on every Wednesday Morning.

ORDERS may be left at the Forks Office, or at Main Office in the Phoenix.

THE WATER-FRONT

A Letter From C. Convey

The Case of Dr. Evidence—Well The Case not a Re

The trial of the case Bourke vs. Morrison, water front was concluded on Thursday. Woodworth—opening torney's Pattullo and the testimony show last, leased a portion feetwide and extended river bank. There h three feet of which bank, the balance b the river bottom beic until November and Mr. Grottschier with the lessees, executed nected to Frank Ha given to Constable S

seized plaintiff's bu pile. About seven d distress; however, as as the former had Plaintiff thereupon a distress and argum was to this effect: T is no land there and the ground to the m made while the sun was during the sho the back part of the the wood were not o the building is a fix that the re had been second distress was officer threatened to appraisal by t selected an excessi did not give suffice the banks of the riv the purposes of navi

The attorney also letter from Comm Bourke, written. W original survey of t 1897, which is claim bearing on the who in that it specifies o avenue, according the river bank, reg point. After explai to make the survey streets not less than Ogilvie said in the l

"In making my su formed in connectio mark First avenue, was found necessary, avenue to make it n on account of the river, as it would be street line conform river front. For a opposite banks B than 66 feet in widt 30 feet. * * * * * operations were do I apprehend, but m of that portion of t ever ground that I my points where th

On the basis of th subject, Attkney V nson & McDonald l the water front, as cannot be leased, hearing of the lett versy of last sum

Messrs. Pattullo o objected to the in evidence, as a tena the title of the lan cepted, subject to held that it would employ in this cou year when there is libiting seizures b and sunrise.

At the conclusio took the matter un

Creek Coll

Colonel Steele is popular member of the view to improving to establish wha "lection" on the cre be issued notifying they can now cons as mailing offic stamped or unstan stated times by th 27th of each mont licensed houses on on the 12th and 28t vicinity on the 10t will bring the let the post-office—wi in time for the re 1st and 15th of e

Oath

Judge Dugas ga the territorial cou right of a witness form of oath pres out of the case of Plaintiff had refus ground that he is inclined to believe mistaken and a mad pertinent on e making an clearer of conscience. A Judge Dugas anno

THE WATER-FRONT LEASE VOID

A Letter From Commissioner Ogilvie Conveys That Idea.

The Case of Dr. Bourke Brings Out Important Evidence—Well Argued By the Attorneys—The Case not a Representative One.

The trial of the case of Dr. Isidore McWm. Bourke vs. Morrison & McDonald, lessees of the water front was concluded in the Territorial court on Thursday afternoon, Attorney C. M. Woodworth opening for plaintiff, and Attorney's Pattullo and McKay for defendants. The testimony showed that plaintiff, in June last, leased a portion of the water front ten feet wide and extending from the street to the river bank. There he erected a building, only three feet of which, however, rested on the bank, the balance being on piles driven into the river bottom below. Plaintiff paid his rent until November and then refused to pay more. Mr. Grottschier with a power of attorney from the lessees, executed a warrant of distress, directed to Frank Harper, as sheriff. This was given to Constable Stewart, who, at 7:15 p. m., seized plaintiff's building and also his wood pile. About seven days later he abandoned the distress, however, and made a second seizure, as the former had been found to be illegal. Plaintiff thereupon set up his action for illegal distress and argument by his counsel Thursday was to this effect: That the records show there is no land there and that the street takes in all the ground to the river bank; that the seizure, made while the sun was below the horizon (it was during the short days), was illegal; that the back part of the building seized and all the wood were not on the leased premises; that the building is a fixture and not distrainable; that there had been a former distress and a second distress was therefore illegal; that the officer threatened to sell the goods without an appraisal by two appraisers; that they seized an excessive amount; that they did not give sufficient notice of distress; that the banks of the river belong to the public for the purposes of navigation.

The attorney also introduced as evidence a letter from Commissioner Ogilvie to Dr. Bourke, written Wednesday, describing his original survey of the townsite of Dawson, in 1897, which is claimed to have an important bearing on the whole river front controversy. In that it specifies that all of the present First avenue, according to the survey, extends to the river bank, regardless of the width at any point. After explaining that his commission to make the survey directed him to make the streets not less than 66 feet wide, Commissioner Ogilvie said in the letter:

"In making my survey, the first operation I formed in connection with the townsite was to mark First avenue, or front avenue. It was found necessary part of the length of First avenue to make it more than 66 feet in width on account of the curve in the bank of the river, as it would be impracticable to make the street line conform with the curvature of the river front. For a short distance, therefore, opposite blocks B, C & D, First avenue, is more than 66 feet in width, at one point being about 80 feet. * * * Mr. Gibbons' subsequent operations were done under instructions also, I apprehend, but mine was an original survey of that portion of the town, as he simply went over ground that I had laid out and remarked my points where they had been obliterated."

On the basis of this letter and the law on the subject, Attorney Woodworth held that Morrison & McDonald have no ground leased on the water front, as the ground is all street and cannot be leased. If this view is correct, the hearing of the letter the water front controversy of last summer will be apparent.

Messrs. Pattullo and McKay, for defendants, objected to the introduction of the letter as evidence, as a tenant has no right to question the title of the landlord, but the letter was accepted, subject to their objection. They also held that it would be manifestly improper to employ in this country, at the season of the year when there is no sun visible, the law prohibiting seizures being made between sunset and sunrise.

At the conclusion of the argument the court took the matter under advisement.

Creek Collection Post Offices.

Colonel Steele is destined to become a most popular member of the local government judging by the recent orders he has issued with a view to improving the mail service. His latest is to establish what may be called a "box collection" on the creeks. Printed notices are to be issued notifying miners to the effect that they can now consider all licensed road houses as mailing offices where they may leave stamped or unstamped letters for collection at stated times by the police. On the 11th and 27th of each month the police will collect at licensed houses on Hunker creek; on Dominion on the 12th and 28th; at Grand Forks and that vicinity on the 14th and 29th. The constable will bring the letters to town and deliver to the post-office without charge to the miners—in time for the regular outgoing mail on the 1st and 15th of each month.

Oath Not Essential.

Judge Dugas gave an important ruling in the territorial court on Monday relative to the right of a witness to decline to take the usual form of oath prescribed. The question grew out of the case of Leon vs. Schwartz and the plaintiff had refused to take the oath on the ground that he is an atheist. The court was inclined to believe that the gentleman was mistaken and a lengthy discussion, learned and pertinent on each side, ensued. Mr. Leon making an eloquent plea in behalf of liberty of conscience. As an upshot of the affair, Judge Dugas announced that he would adjourn

the case and give a ruling on the question, Monday. At the latter time he held the evidence might be accepted without an oath on an affirmative, when the presiding judge is satisfied, and he would permit Mr. Leon to testify in the case in hand. The Nugget man was watching the face of the plaintiff during the reading of the opinion and is sure that he saw the gentleman wink at a friend to signify the pleasure his victory afforded him. Mr. Leon is the brewer at West Dawson.

Strike Near Chilkat.

Another party of old timers arrived in from the outside on Thursday evening, leaving Bennett on January 20. They were Frank Bach, John Baldof, William Thomas and Thomas Davis. Like most other late arrivals, they report the lakes in bad condition, but a good trail from Thirty-mile down. The first named gentleman, when interviewed by a Nugget reporter, said that there has recently been a rich strike on Porcupine, 20 miles from Chilkat, in southern Alaska, resulting in a great stampede. He thinks the Atlin country will never be better than \$10 a day diggings, but that the field is large. Times are good in the states, he said, the exports for last year exceeding the imports by over \$700,000,000. The Skagway railroad has been completed over the White Pass summit and is a great engineering feat; he thinks it will tend, when completed, to make the trip to Klondike a favorite summer route for tourists. The railroad has made Skagway a booming city and killed Dyea. All the south-eastern mining camps are flourishing. Mr. Bach reports meeting Nigger Jim near Selkirk and that Robert Duncan is seriously ill at Phoenix, Arizona.

H. B. Levy, who went out last summer, also arrived in on Wednesday.

How They Go.

Have you seen them come down the mountain back of town on skis? It makes you think of the Chinaman's description of his experience upon a toboggan: "Yup-pi! Walk back lee inile." The feat which all attempt is to come down the hill standing up on skis and they succeed in doing so quite often. When they fall, they come down head first or any other convenient way so they get down. Sunday afternoon quite a gathering assembled to watch the fun, and among the prominent citizens there could be seen Mr. Ogilvie. The prize runner of the crowd, H. M. Henning, was unable to make the run as he had made the trip on his shoulder in the forenoon. A dislocated arm is one of the drawbacks to the sport which some of us don't appreciate. After the run a meeting of the club decided upon a tournament in the near future. Messrs. J. L. Peterson and Thos. Chisholm guaranteed \$300 as a starter for the prizes. It will probably be open to anyone to enter, and a guarantee will be given all that not over a 150-foot jump over a house will be given to test your skill.

Trouble for Carr and Bates.

The examination of J. L. Bates was held last week and he was put on trial before the Territorial court. Bail was allowed.

Henry M. (Curley) Carr was also arraigned on two charges—that of vagrancy and theft. On the second specified offense it was shown that he had entered into an arrangement with Frank McArthur to represent a claim on Remington creek, McArthur furnishing the grub and Carr doing the representing. The latter evidently felt the oppressiveness of isolation from his old town associations most grievously for, it was set up, he sold the grubstake and returned to town in a short time. The owner of the claim lost his property through unrepresentation, McArthur was out his grubstake and much money and the arrest followed as a natural sequence. Attorney Pattullo induced the court to look with some favor upon his contention that the grubstake was Carr's to do with as he choose, and the action was dropped. However, he was found guilty on the charge of vagrancy and sentenced to six months at hard labor.

Postage Reduced.

Postmaster Hartman is in receipt of instructions from headquarters to the effect that, commencing with January 1st, the rate of postage for all mail addressed to Canada and the United States has been reduced from three to two cents per ounce and fraction thereof.

The postmaster's receipts for the registered mail which left here on Nov. 2d, which arrived in this week, show that it must have been badly damaged, as the receipts are water-stained and torn. The registered mail which left here on December 15th arrived in Victoria on January 12th—less than a month's time. Mail will leave Dawson for the outside on Wednesday, 14th.

Court Improvements.

When the Territorial court-room was thrown open this morning a vast and imposing improvement in its arrangement was seen to have taken place since Saturday. The desks provided for the judge, clerk, attorneys and stenographer had been stained and covered with red felt and the whole enclosed by a wooden railing. A dock was also constructed for the witnesses. The effect of the whole is quite imposing and reflects credit upon Sheriff Harper, by whose directions the improvements were made.

Claims Bought and Sold.

By Louis Couture, North West House, two miles above mouth of Hunker.

Three Cheers and a Tiger.

The fifth dog team to be dispatched for the outside by the Nugget Express left Dawson at noon on Monday in charge of Ernest Blank. He had a generous load of letters and express matter, which he will land at their destination with the dispatch which has characterized the

THE PULLMAN BAR AND CAFE.

J. R. ARMSTRONG, Proprietor. D. K. HOWARD, Manager. 202 1st Ave., opp. Oatley Sisters.

A. Lewin Groceries, Cigars, Tobacco and Cigarettes. WHOLESALE AND RETAIL. IMPORTED CIGARS A SPECIALTY. OPP TIVOLI THEATRE.

North American Transportation & Trading Co. MERCHANTS AND CARRIERS

Miners' Supplies a Specialty. Jobbing Trade Solicited. ALL OUR GOODS GUARANTEED

THE PHOENIX BAR, RECEPTION ROOMS AND DANCING.

P. A. McDONALD, Proprietor.

"YOU KNOW THE REST"

The Fairview DAWSON'S FINEST HOTEL

MISS B. A. MULRONEY, Proprietor.

AMERICAN AND EUROPEAN PLAN. STRICTLY FIRST CLASS.

All Modern Improvements.

S.-Y. T. CO. SEATTLE-YUKON TRANSPORTATION CO.

W. D. WOOD, Pres., Seattle CARRIERS AND TRADERS

CARRY CHOICE STOCK OF

STAPLE AND FANCY PROVISIONS, WHOLESALE AND RETAIL.

For rates, prices and other information call on

H. TEROLLER, AGENT, S.-Y. T. Building, Water Front, West of A. C. Store.

previous deliveries. A large crowd was congregated about the express office as the team started on their long trip and Blank was encouraged with a hearty round of cheers and a "tiger." The regularity observed in the dispatch of teams by the Nugget Express and the care devoted to all business entrusted it, has not failed to impress the public and the business entrusted to it has steadily increased as a consequence. This has also justified the management in making plans to continue the service during the coming summer.

Doings at Circle City.

Messrs. Henry Raymond, Dell Clark and W. H. Parsons arrived up from Circle City Sunday and will proceed to the outside after a rest of two or three days. "Cyclone" Hanson, another well known resident of the place and a representative of the N. A. T. & T. Co., is also here. Mr. Raymond, with whom a Nugget man conversed, reported affairs as very quiet at Circle City, though the mining country tributary is being actively worked. The best creeks now under operation, he says are Independence and South Harrison, the first named being now in advance of Mastodon, which had formerly been the leader. Independence is turning out an average of 35 cents to the pan with a pay streak four to seven feet in thickness. South Harrison is not a new creek but had not been developed until this winter. The pay streak has been located under a slide at one side of the gulch and is known to be 90 feet wide. In the neighborhood of Eagle Mr. Raymond reports practically no mining except on American creek. Naturally, Mr. Raymond expects a bright future for Circle City, and claims that it will continue to be the second city on the Yukon.

A \$3,000 Blaze.

Monday afternoon the fire boys had an opportunity of testing their steam engine, some thing they have not done for some months. An usual fire was in the quarter of town devoted to the demi-monde—and French, at that. The building is situated in a row of similar cabins on Second avenue, between Third and Fourth, opposite the Pioneer drug store. A little after one o'clock the two girls occupying the place lay down to sleep, the large heater being left full of wood. They woke up in time to save themselves, but little else. With the opening of the door the flames burst forth in great masses. The alarm brought out the fire boys and the chemicals; but the flames had too great a start and the steamer had to be brought into play. The building was falling in when the hose was turned on and the next one south was in a fair way to become involved, but a very few seconds sufficed to kill the flames and make the neighboring buildings safe. Investigation reveals the fact that the same building has been a source of danger for some time, owing to ineffectual fires and the only wonder is that the building has not burned before. The total loss can be roughly estimated at \$1,000 for the building and some \$1,900 in clothing, jewelry, money and dust.

Hockey Club.

On Feb. 10th the Dawson Hockey club was organized, with the following officers: President, Dr. Richardson; vice-president, Dr. Norquay; secretary-treasurer, Maurice Marsden; captain, C. J. K. Nourse; executive committee, Messrs. Stevenson, Hardisky and D. McMurray.

The Merchants' Lunch at the CAFE ROYAL, Second Avenue, starts from 11:30 a. m. to 3 p. m. \$1.25

A nice line of stationery, time, pass and memo books, tablets, paper and envelopes at Pioneer drug store.

ELDORADO SALOON

HALL, MCKINNEY & YOUNG, Proprietors.

KLONDIKE CITY.

Finest Brands of

Wines, Liquors and Cigars

THE PIONEER

DINSMORE, SPENCER & McPHER, Proprietors

BEST GRADES OF

SCOTCH AND CANADIAN WHISKIES

And the Old Favorite Brand of

JACK McQUESTIAN CIGARS

THE AURORA

TOM CRISHOLM, Proprietor

COR. FRONT AND SECOND STREET

Headquarters for

BEST OF WINES, LIQUORS AND CIGARS

Mixed Drinks a Specialty

J. D. JOURDAN & CO.

THE BODEGA

223 First Avenue.

Most Elegant Gentlemen's Resort

in Dawson.

CIGARS AT WHOLESALE.

THE OPERA HOUSE

BARRE, WILSON & PETERSON Proprietors

DAWSON

Headquarters for Best of

Wines, Liquors and Cigars

Mixed Drinks a Specialty

The "Monte Carlo"

FINEST BAR IN DAWSON

QUALITY OF WINES AND LIQUORS THE HIGHEST

Mixed Drinks a Specialty

HIGHEST GRADES OF CIGARS

THE NORTHERN

HARRY ASH & CO.

Choicest Wines, Liquors and Cigars

Expert Mixologists

MINING HEADQUARTERS

FRONT STREET DAWSON

Alaska Exploration Co.

Operating the elegant river steamer

LEON, LINDA AND ARNOLD

Connecting with Paialal Ocean Steamers

At St. Michael, Direct for San Francisco, Cal.

We are in the field for business. Our stores and warehouses are now in course of construction at Dawson and other points along the Yukon river.

J. R. FULDA, Agent.

YUKON SAW MILL CO.

MANUFACTURERS OF

First Quality Matched, Dressed, Rustic, Roofing, and Rough Lumber!

House Logs Furnished, Cordwood &c.

Orders filled promptly.

five miles along creeks or rivers, one mile in length. may be hereafter regulations shall in set conditions and tion is made. If those parties application to for territory cted and proved ns granted to pted from the , as well as from fees to be paid ent. paid upon con- are at the r mile frontage. out is also to be s is required of ner at present royalt is only of the output 25,000. ns will be re- their properties. ture of \$5,000

ides that upon ce to commence in one year. draulic mining at he has actu- and applied for it, and that he these facts are tificate to that administrator of further certifi- that the area ady been taken character that it rked by the or- er mining.

Oct. 25. Pro- involves a mil- here today. Samuel Lich- african miners, as partners in ad there first and se for a strip of es in length be- his partner, e Yukon river, used to recog- are of it. Any- any in London and was to re- the deal was

ed here yester- on the City of for an injunc- on from receiv- property. The s on Saturday . MacDonnell, London, where

s the BEST al in Dawson AT THE er House e Bank House opp. A. C. Co. Arnold, Manager.

ave Daily o and creeks Trip

March 1st. Dominion on every Morning. left at the Forks in Office in the

