TENTH DAY OF TRIAL

(Continued rom Page 1.)

When court re-convened at 2 o'clock Wednesday Witness McGuire was called on re-direct evidence. Regarding the dog Bruce, witness said Constable Pennycuik had charge of him at Selkirk before he was brought up to where the search was being conducted; witness identified the dog. McGuire said when he first saw the prisoner at Tagish about the 13th of February and after the arrest he asked O'Brien if he had been around Dyea; also what he was arrested for; prisoner said he was arrested on suspicion; Major Wood had supplied witness with pass to visit the prisoner in the guard room; witness said he offered no bribe, threat or promise to prisoner to get him to talk; O'Brien did not then know witness was connected with the police; witness had been engaged by Will Clayson at the time. Defense objected to evidence of the witness being given as to what the prisoner then told him. The court ruled that as the evidence did not bear on the case in the form of a confession it was admissible. McGuire said O'Brien told him he came from Dawson; left Dawson early in December; the trail was bad and prisoner had lingered around Selkirk and the beef cache; that he had last stopped on Lake Marsh; O'Brien said he had got beef at the cache and sold things he had taken out of scows; when asked if he had a partner and his partner's name, O'Brien said his partner's name was not Graves but Hastings; that his partner had left him on the trail and gone back.

August Mouquin, a Frenchman, was the next witness, his lordship acting as interpreter. Witness lived in Dawson winter of 1899 and had seven dogs, among them a large yellow St. Bernard and a smaller black one; yellow dog had game eye he got in fight; the yellow and black dogs disappeared one night early in November of that year; witness identified the big yellow dog; he never sold the dogs to O'Brien or anyone; they were stolen; witness never saw the prisoner; witness never saw his yellow dog again until he was brought here a year ago. The witness was not cross-examined.

Corporal Patrick Joseph Ryan was the next witness. He was stationed at Bootchiku in December of '99; on December 30th he learned that Lineman Olsen was missing and went out on the line to look for him and found a trail leading off from Powell's Pork trail; he followed the trail back about a mile and came to a tent; witness explained a map of the trail leading to the tent to the jury; witness had asked Olsen to eat Christmas dinner at the post at Bootchiku and expected him; when he did not come and later did not report at Five Fingers witness' suspicions were aroused; Special Constable Young was with witness when he visited the tent on the 31st; he found several packages of goods in the tent marked "McLay Bros., Dawson;" witness disturbed nothing in the tent; he saw a .38-82 rifle which he found hanging to the ridge pole; witness identified the rifle in court. The end of the rifle stock was repaired with a piece of underclothing sewed with black thread; a stove was in the tent, the oven lying beside it; witness kept a watch on the tent until January 2d, expecting the owners of the tent would return to it; no one came and on January 2d witness took the rifle away and sent to Selkirk for Constable Pennycuik to come and assist in solving the mystery; the canvas of tent was a tarpaulin or sail.

Corporal Ryan continued his direct evidence. He identified a number of photographs taken by himself of the cache, tent, scene of the murder and the bank; witness took and developed the pictures, having them printed by Gutwell; witness never saw O'Brien previous to his arrest; the witness was around where the investigation was going on until some time in March; Detective McGuire, Capt. Scarth and Constable Pennycuik were there when witness was; he was present when a number of articles formerly identified were found in and around the tent; witness was not present when the experiment was made with the dog Bruce, no one ever claimed the stuff in the tent except McKay who claimed the goods. Cross-examined, witness did not learned on December 30th that Olsen was missing; Olsen had promised on the 31st to take dinner at the police post Christmas.

The crown called for the third time for the names of the witnesses which the defense will introduce and the demand was again refused. The court said when the time comes it will be seen whether the action of the defense in withholding the names of its witnesses is in good or bad faith, the defense having stated previously that it did not then know the names of any witnesses it would have, if it has any.

Harris B. Welch was the next witness. He resides 22 miles above Selkirk and is a wood cutter. The witness saw O'Brien at Anderson's beef cache in December of 1899; another man was with O'Brien at that time; they had two dogs; witness identified the dog Bruce as one of the dogs he saw; the man with O'Brien wasender and taller than the prisoner and had lighter complexion; the two men called at the beef cache about 9 o'clock at night and wanted to stay all night; the request was granted; they had supper and breakfast and then said they had no money and wanted to pay with goods they had on the sled; the bill was about $5 and seeing he could get nothing else, witness took stuff from the two men in trade.

Constable Sergeant Edward Tuffy of the N. W. M. P. testified that he yesterday weighed three bullets given him by Captain Scarth, among them a mushroom flattened bullet which was found in the ground under the pool of blood where Clayson is supposed to have been murdered it weighed 195 grains; the others weighed 260 grains each.

Thos. Firth being recalled, identified the pearl handled knife found in O'Brien's tent as having been won by Will Clayson at a bowling contest in Skagway in September, 1898 in the presence of witness and then presented by Will Clayson to his brother Fred H. Witness was not cross-examined.

Chris Williams of French Hill, was the next witness. He knew the prisoner, having met him at the Treadwell mine on Douglass Island in '98; witness next saw O'Brien on the Skagway trail in '98; he afterwards met O'Brien in Dawson in August of '98; it was in May when he first met O'Brien on Douglass island; O'Brien had suggested to witness a business enterprise, but the defense objected to the answer as to the nature of the enterprise being stated on the ground that it was irreleyant. The jury was withdrawn while the question on which the objection was based was being discussed. The crown opened the discussion and said it intended to prove by witness Williams that at Juneau O'Brien told Williams he was just from London, had beat his way from there to Juneau and he proposed to Williams that as there were many people traveling out from Dawson with long pokes of gold that they two (O'Brien and Williams) come to Dawson, find out when people with money were about to start out, precede them one day up the river and waylay and murder travelers, then rob their bodies and later put the bodies and all evidence under the ice. The defense cited law as to the inadmissibility of the evidence. Decision was reserved by the court until this morning.

The jury was brought back and Will Clayson was called to the witness stand. He positively identified the knife found in O'Brien's tent as having been given by him, the witness, to his brother Fred H. Clayson; he identified it by a file mark on the large blade; witness identified two keys, one as the duplicate key to the upper drawer of his safe in Skagway, the other to a lower drawer in the same safe; witness produced duplicate keys from his own pocket; letters, marks and numbers were identical; one brother carried one set of keys the other brother the other set of keys; witness produced the drawers from his safe in Skagway and the keys found near O'Brien's tent opened the respective drawers; witness also identified one of the black silk mitts found on O'Brien's hands at Tagish just after his arrest; the mitts were from Clayson's Skagway store and the invoice of their purchase by the firm from the wholesale house was produced; the mitts produced in court were not mates but represented two different pairs; witness explained to the jury the marks or threads around the wrist by which he identified the mitt; as one side of the mitt appeared more glazed than the other, witness said it had been worn on the left hand more than the right, the mitts being reversable on either hand. Cross-examined, witness thought the glaze on the mitt had been made from contact with a bicycle handle. It was noticed that the prisoner never looked at Mr. Clayson while the latter was giving his evidence. Court adjourned until 10 o'clock this morning.

The Platt Amendment.

Washington, June 7.—During the conference between Secretary Root and the Cuban commission, the secretary wrote a letter to Senator Platt, of Connecticut, who introduced the Platt amendment, asking for his views relative to intervention, as mentioned in the third clause of the amendment. Senator Platt replied, and his letter was furnished to the commissioners, confidentially, by the secretary of war, and was incorporated into and made a part of the acceptance of the Platt amendment by the constitutional convention. The letter, however, appeared in a Havana paper, and today was made public by the war department. Following is the text of the letter:

"I am in receipt of your letter of this date, in which you say that the members of the commission of the Cuban constitutional convention fear that the provisions relative to intervention in the third clause of the amendment which has come to bear my name, may have the effect of preventing the independence of Cuba, and in reality establish a protectorate or suzerainty by the United States, and you request that I express my views of the question raised.

"In reply I beg to state that the amendment was carefully prepared with the object of avoiding any possible idea that by the acceptance thereof the constitutional convention would thereby establish a protectorate or suzerainty, or in any manner whatsoever compromise the independence or sovereignty of Cuba, and, speak for myself, it seems impossible that such an interpretation can be given to the clause. I believe that the amendment should be considered as a whole, and it ought to be clear on reading that its well-defined purpose is to secure and safeguard Cuban independence, and set forth at once a clear idea of the friendly disposition of the United States toward the Cuban people, and the express intention on their part to aid them, if necessary, in the maintenance of said independence. These are my ideas, and although, as you say, I cannot speak for the entire congress, my belief is that such a purpose was well understood by that body.

"Very respectfully yours,

"O. H. PLATT."

Wood Favors Amendment.

Washington, June 7.—The cabinet was in session over two hours today, discussing the Cuban and Philippine situation. A communication has been received from Governor General Wood in regard to the prospect of the unconditional acceptance of the Platt amendment, but its contents are not made public. It can be stated, however, that there is a hopeful feeling in administrative circles that after the first soreness wears off the convention will see the wisdom of accepting the terms of the amendment. The answer to Gen. Wood to be sent and the language of the communication was under consideration today. Meanwhile, the status in Cuba is to be maintained. No action looking to the calling of another convention is contemplated if the present convention should decline to accede to our terms.

The program looking to the establishment of civil government in the Philippines is being formulated in the shape of an order which is to be promulgated shortly. It is said that there is no definite conclusion as to whether the powers of the civil administration will be exercised under the general war powers of the president or the power vested in him by the Spooner amendment. That, however, is considered a matter of detail. The main point is that the civil administration, which will be confined largely to the municipalities, will be vested in the head of the Taft commission and such other officials as may be designated, and that they will exercise their functions subject to the direct authority of the secretary of war, to whom all reports will be made. Civil administration under military supervision, such as is contemplated, is said not to be anomalous and the civil government in New Mexico and the Southern states during the early stages of the reconstruction period are pointed to as being substantially analogous to what is proposed in the Philippines.

New P.-I. Agent.

Mr. Quinn, who will be the Dawson representative of the Seattle Post-Intelligencer, arrived in the city yesterday and is around cultivating the acquaintance of his paper's large clientage. Mr. Quinn is a pleasing young man and is destined to make friends not only for himself but for the great journal which he represents.

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C. H. Wells, W. M. J. A. Donald, Sec'y

In the Territorial Court of the Yukon Territory.

Between

ERNEST LEVIN, Plaintiff,

And

FRED TRUMP, PATRICK MARTIN and ANNIE MARTIN, Defendants.

To the Above Named Defendant, Fred Trump:

Take notice, that this action was on the 13th day of June, 1901, commenced against you, and that the plaintiff by his writ of summons claims: An accounting of all partnership business; partition or sale of said partnership business; such other and further relief as the nature of the case may require; costs of this action.

And take notice that the court has by order dated the 13th day of June, 1901, authorized service of the said writ of summons on you by the insertion of this notice for three weeks after the date of said order in the Nugget newspaper.

And further take notice that you are required within 40 days after the last insertion of this advertisement inclusive of the day of such insertion, to cause an appearance to be entered for you in the office of the clerk of this court, and that in default of your so doing the plaintiff may proceed with this action and judgment may be given against you in your absence.

W. L. PHELPS,
Advocate for Plaintiff,
Whose address for service is at the offices of Messrs. Woolworth & Black, rooms 3, 4 and 5 Victoria building, Dawson, Y. T. 67-6

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