# TRIAL OF BROPHY BEGUN

### Charged With Being a Principal in the stantly said, "Hands up." One was considerably taller than the other and Dominion Holdup-Evidence Is Outlined—The Trial Will Last Three or Four Days.

sel for the defense in the case of the you what the robbers did after the King against Wm. Brophy, charged robbery, their mode of escape, the with being ore of the Dominion route taken, where they cached their ness thought the guns were the same, highwaymen who on the morning of plunder and how they disposed of November 15 held up the gambling their disguises. After leaving the rear smaller man wore a long coat, cap, department in the latest and most door of the Dominion they pulled the black mask and carried a rifle. When approved style, relieving it of near- masks down off their faces, made they entered witness was sitting at a ly \$1400 in currency, gold dust and their way to the new residence of E. table with his back to the walf, with nuggets, upon the case coming up for B. Condon on Seventh avenue, where hearing this morning did not ask for they removed their disguises and dia continuance. At 10 o'clock the vided their booty. Tomerlin it will within 10 or 15 feet of the table and court room was crowded by the mor- be shown burned his mask while bidly curious, the prisoner Brophy Brophy concealed the one worn by "hands up, Jack." The porter was surrounded by guards on all sides himself. The different articles of brought from the front of the house sitting in the box apparently unaware wearing apparel they had used for and also made to hold up his hands, that he was the cynosure of all eyes. purposes of concealing their identity The key to the money drawer was de-Since his last appearance in court his they disposed of at various places beard has been shaved off, leaving piece by piece. One of them was a only a stubbly, reddish mustache United States army blanket, which went to the office and upon not findwith a very perceptible droop. His was hidden under the snow; then the face has lost the paleness of a week rifle was concealed; other things were said "give me that key, Jack, or I'll ago and he looks the picture of thrown under a cabin constructed of make a slaughter house out of this his nature.

the progress of the trial. One of never done before. Possibly a half them showed the interior of the Do- hour later Tomerlin again returned minion saloon, the three departmen's, to the cabin, the other occupants the position of the office where the were gone, the coast was clear and till is located from which the money he entered. After being there some was taken, the front and rear en- time Tomerlin returned to his own trances. Another showed the locality room on First avenue, smoking a of Tomerlin's rooms over the Comet pipe which he had borrowed from

prosecutor said the morning of November 15 at about were thoroughly familiar with the 5 o'clock two men masked entered the rear door of the Dominion saloon not determined until that night and performed the act which consti- whether it was to be the Northern tutes the subject matter of this Annex or Dominion that was to be charge. Some 10 or 15 men were ir robbed. When Tomerlin was arrested the room at the time, some engaged Brophy's clothes were found in his in card playing, others in general room. The evidence will show that conversation. The larger of the two the rifle carried by the smaller man For a men carried two revolvers, one in was the property of Tomerlin and one each hand, while the smaller, which of the revolvers belonged to Brophy. we allege to have been the prisoner The crown prosecutor in conclusion at the bar, carried a rifle. They were briefly reviewed the story of Brophy's dressed in a manner as will be de- arrest as a vagrant, his discharge for scribed to you fully and many of want of sufficient evidence to convict their articles of clothing worn will be and his re-arrest some time ago at Upon their entrance to the saloon the last November; remembers the night larger man demanded that all throw of November 15; was there in the up their hands, after which the small- gambling department the fore part er man covered the inmates of the of the night, leaving between midroom with his rifle. Before proceed- night and 1 o'clock, when he turned discovered the night porter in the Turner. front part of the house and ordered

to whom had been given the key to gold dust and \$46 in silver; there the money drawer by his brother, was also \$510 in currency on a shelf Thos. Turner, the change being made in another locker, which as well as having fought an eight-round draw shortly after midnight. Both of these the silver was not touched. He iden-with Tom Sharkey in Henolulu. He gentlemen will state to you the tified three of the nuggets shown but has defeated Goddard, but gone down amount of money in the drawer which could not swear as to the identity of before McKay. For some time he was subsequently robbed to have the bills.

From the room can be seen across a porter at the time was in the bar That Alex Pantages will make the should repeal all ordinances conflictvacant space in the rear of the Bon- room. Some six or eight were playanza saloon through a window into ing blackjack, the others were sitting without saying.

Contrary to all expectations, cour- the Dominion. We shall further show health. During the trial Brophy fol- scow lumber; on the roof of another joint." lowed intently the evidence of the different witnesses, but never orce was leggings was thrown and after everythere any change in his countenance thing had been disposed of which or general actions. Tomerlin was on might lead to their identity and the hand as a witness but was not called booty had been cached they at last during the morning session. He sat secreted the revolvers beneath a scow behind the rail under guard with his cabin. As they passed along Second eyes cast down, his face ard actions avenue a man whom we shall produce showing clearly the yellow streak in saw them running. Shortly after caching their revolvers they separat-The calling of the jury occupied but ed, Brophy returning to his cabin at little time, the crown exhausting on- the corner of Steele and George ly three peremptories and the defense streets and Tomerlin following some two. The jury as chosen and sworn distance behind. Shortly after Broconsists of J. M. Carson, H. E. Han- phy's arrival at the cabin Tomerlin well, Emanuel Frank, J. T. Bethune, came up, but was warned by the for-J. P. McLennan and Arthur Boyle. mer that the coast was not clear. The opening statement was made by We will produce a witness who will Crown Prosecutor Congdon who made swear to having seen them in that via brief outline of the evidence the cinity. The cabin that night was occrown proposed to introduce. The ser- cupied by one Harris and also one iousress of the crime committed was Beeler with whom Brophy usually dwelt upon at length. A number of slept. Brophy upon his arrival at the plans were submitted to the jury cabin told Beeler it was time for which were to be introduced during him to go to work, something he had

barber shop, the rear entrance to the Brophy. We expect to show, gentlesame and its position relative to the men of the jury, that this robbery Dominion. Continuing the crown was the result of a conspiracy. Both Tomerlin's rooms, the crown stating Brophy and Harris had been boosters "The evidence will show that on in the Dominion saloon where they later upon other points in the case.

submitted here in evidence. The the Stockade hotel on Bohanza creek. masks employed were made from a Thos. Turner was the first witness black handkerchief or some black called for the crown: Is one of the cloth and when worn disclosed only Turner Bros. who had the gambling the eyes and forehead of the wearers. privileges in the Dominion saloon

ing with the robbery the smaller man over the business to his brother John Witress was shown the plans of the him to the rear, compelling him to saloon building which he identified as stand with his back to the wall and correct. At the time he went off shift with his hands likewise in the air. there was in the drawer where the "The gambling department was at cash was kept \$841 in currency, \$106 that time in charge of John Turmer, ir nuggets, \$35 in gold coin, \$373 in

was sunsequently roused to have John Turner was next sworn. Is sparring partner. One thing which men demanded of Mr. Turner the key brother of preceding witness and a to the drawer, who replied to him business partner; on the morning of ess is that it took thirteen rounds for that the key was in the drawer. Up- November 15 he went to work be- him to defeat "Curley" Carr. Burley on repairing to the office he found it tween 12 and 1 o'clock and rememis 5 feet 111 inches high, weighs 170 was not there, whereupon he again bers what was handed over to him by pounds and is very quick on his feet. demanded the key, secured it, took his brother; the money was in the He is said to be a very fair and clean the money and put it in his pocket cash drawer, which he locked, putting ring opponent. He is 30 years of age. "The other plan which I have shown you will disclose the apart- o'clock. At that time there were 13 meet. The man who can get the best the key in his pocket. The robbery Local sports are divided in opinion ments of the man Tomerlin, which or 14 men in the room, among whom of Slavin in a ring is yet to be seen to do with the slaughter-houses. A were in the actual possession of him were Dozier, Phil Wrenn, Jerry Winn, in Dawson and the "old man" will few remarks apropos of the question and on the night in question were occupied by both him and Brophy. White and the "Carolina Kid." The this time.

around in hunches talking; a Jaj was asleep on some chairs a table. At about five o'clock two men entered through the rear door, one of whom instantly said, "Hands up." One was ing. He was dressed in a derby hat, black coat, wore a mask, and carried a six-shooter in each hand. One of the guns appeared to be of about 45 calibre and the other smaller, the larger one being carried in his right When asked to identify the hand. guns counsel for defense jocosely suggested that it might be necessary for

him to look at them from the other end in order to recognize them. Witwas in the drawer. The tall man Witness then gave him the to the contents. After the himself the two men went out robbery through the rear door, the small man making his exit first. The tall man stepped out but returned and said if any man raised an alarm within a

half hour he would be killed. The smaller man during the proceedings had his rifle to his shoulder keeping witness covered constantly. Nothing was said or no words exchanged between the robters. The amount stolen was the \$1401 less the \$46 in silver and \$50 which witness had taken out of the till that evening. Some of the nuggets were identified but the bills could not be sworn to positively. Witness has known the accused since last, fall. He was doing nothing then, but later worked three or four shifts in the house as a boost-Witness also knows Harris, who worked on the swing shift a couple of times several days before the rob-

Upon cross-examination witness declared he could not identify the prisoner. In re-direct he stated that-Tomerlin and Brophy in point of size and height would correspond with

the tall and short man. Corporal Piper's evidence was confined principally to identifying plans Co., N. A. T. Co., and Dawson Elecsubmitted of the Dominion and of tric Light and Power Co., being a it was their intention to call him

Ten Round Go rect. They include: With Slavin

Alex Pantages Who Is Backing Burley Received a Signed Contract Yesterday.

now in Seattle.

The go will be for \$5,000, or \$2,-500 a side. Pantages, acting for Burley, and Slavin have each posted arrives.

Burley has something of a record, toured with Bob Fitzsimmons as his

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COUNCIL MEETING

FINED \$1. AND COSTS

Routine Business.

Was Devoted to General For Peddling Without pose a fine of \$1 and costs, with a License

ently Been Honest In His

Intentions.

In the continuation this morning of

amined as witnesses for the defense,

and each testified that the defendant

had approached him in the matter of

obtaining a license and that he seem-

anxious to fulfil the requirements of

the law, only he did not seem to

should be. None of them, however,

out having a license. Mayor Macaul-

Magistrate Macaulay in summing up

he case said : "Some people get the

idea into their head that when a city

nands and the old regime is over-

case, because it takes some time for a

not called to the stand.

Road Will be Constructed Around Martain Trowbridge Had Apparthe Bluff Above St. Mary's Hospital.

The city council met again last the case against Martin Trowbridge. night in regular session, there being. for peddling fruit without a license present Mayor Macaulay, Aldermen Alderman Jas. F. McDonald, Richard Macdonald, Murphy, Norquay, Adair and Vachon, City Clerk Smith and City Attorney Donaghy. But little was done other than the regular rou-Several committees time, business. submitted reports, one of the most important of which was that on public works, of which Alderman Norquay is chairman, recommending the early construction of a road along the water front from the foot of Eighth street to the bluff below the hospital, and a pier from which to dump the city's garbage.

John E. Ross filed his application for the city clerkship. W. R. Sherman would like to fill the first vacancy that occurs on the fire department. An inventory of the equipment of the fire department made by Seymour Knight was submitted and read. In his report the present system of fire alarm boxes was severely criticized as being wholly unreliable and almost next to worthless. Bills were read from McLennan & Mc-Feeley, O'Connor, Dawson Hardware portion of the February expenditures. By motion the bills were referred to the finance committee and the communications were ordered placed on

Upon the reports of standing committees being called for, Adair of the finance committee begged to recommend that the accounts submitted at the previous meeting be paid, they having all been found cor-

\$1192.80 Electric Light Co .... 15.00 Water Co. 20.00 Standard Oil Co ... 225.00 Yukon Saw Mill 30.60 N. C. Co .... 25.00 McDonald Iron Works .... Alderman Norquay, chairman of the

committee on public works, submitted a report recommending the road previously referred to, an improve-Yesterday evening mail brought to ment which will meet with the heart-Alex. Pantages a contract signed by lest approbation of everyone in the Nick Burley for a ten-round glove city. In the absence of a regularly contest with Frank P. Slavin, the appointed city engineer Alderman affair to take place in Dawson, prob Norquay asked for instruction as ably in April, or as soon as Burley to whom should be consulted relative can rest up after the trip in from the to the cost of the road. The mayor outside, which will be made in order replied that the appointment of a that he may reach here between the city engineer was a matter that first and tenth of April. Burley is would doubtless come up at the next meeting of the council, and in the meantime, if there was any consultation the committee might desire to have on the matter such could doubt-\$100 to bind the agreement. The re- less be secured from any ol the enmainder will be put up after Burley gineers in the city. Alderman Murphy moved that the matter be left to the committee which was agreed to.

Alderman Vachon, chairman of the committee on printing and bylaws, filed a report in which was contained a number of recommendations of the city attorney relative to new and hadly needed legislation. It is desired that the city attorney confer with the legal adviser of the territory respecting the amending and repealing of certain ordinances previously passed by the Yukon courcil. Among them is one dealing with the licensing of billiard and pool rooms,

ganization, and although the un will have complete control of he affairs in a short time, the old parernment is still in full authority. the present case it seems that the & fendant was desirous of obeying to law but that he was mistaken in the meaning of the gentlemen who have testified for him. I will therefore a

Mrs. James Dougherty arrived ... the stage last night," having be summoned from California by wine the bedside of her husband, "N Jim." The latter has been quite but is now reported on the real w

HOTEL ARRIVALS

Regina Hotel, March 11, 111 -Mrs. Preido, Hunker, Miss bear San Francisco, Hiss Reportes Cowan and Alex. McFarlane were ex- Francisco; R. C. Davis, Quebe, 14 Pattullo, Dawson; N. Drevin, he. son; W. C. Leak, Dawson;

ed to be acting in good faith and was Grand Forks; Bob Tate, Bale Casper Ellinger, No. 2 Dombin 1 Yeager, Dominion; S. Proknow just what his proper course San Francisco; D. E. Brown, he son; E. Hartman, Bonana; I c Dehn, Fort Reliance, M. C. Fant had told him that he could sell with-Fort Reliance ; Gus Peterson, Ital ay was present in response to the Gulch; F. E. Sims, Dawson ha M. Richardson, Dominion D. I. summons issued yesterday, but was Dick, Grand Forks.

Empire Hotel. - H. N. Colons Dominion; J. H. McNeil, Dominion Alex Johnson, Hunker, M. Const. becomes incorporated and elects its Eldorado; D. P. Lewis, Victoria, F. own mayor and council that the gov-W. Douglass, Dominion, D. C. & ernment immediately passes into its Kenzie, city; Thos. Campbell, la I thrown entirely. Such is not the Eldorado.

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of How He Dominion Hand Sol

the trial of Will

med yesterday

Borier being the He was engage los as a blackja ing of Novem M-up took place ery of the holdme as told by his er examination or pietly charge se Magistrate M. ed the two rev w larger man, t be shorter man, my coats and O cross-examina er explained the at booster, but may was in no Ries Tomerlin, ms witness a be time of the ho with Brophy as ta me, was the ne or months of pri as lost much of n when arrested

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\*\*\*\*\* EMPIR

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