

TRIAL OF BROPHY BEGUN

Charged With Being a Principal in the Dominion Holdup—Evidence Is Outlined—The Trial Will Last Three or Four Days.

Contrary to all expectations, counsel for the defense in the case of the King against Wm. Brophy, charged with being one of the Dominion highwaymen who on the morning of November 15 held up the gambling department in the latest and most approved style, relieving it of nearly \$1400 in currency, gold dust and nuggets, upon the case coming up for hearing this morning did not ask for a continuance. At 10 o'clock the court room was crowded by the morbidly curious, the prisoner Brophy surrounded by guards on all sides sitting in the box apparently unaware that he was the cynosure of all eyes. Since his last appearance in court his beard has been shaved off, leaving only a stubbly, reddish mustache with a very perceptible droop. His face has lost the paleness of a week ago and he looks the picture of health. During the trial Brophy followed intently the evidence of the different witnesses, but never once was there any change in his countenance or general actions. Tomerlin was on hand as a witness but was not called during the morning session. He sat behind the rail under guard with his eyes cast down, his face and actions showing clearly the yellow streak in his nature.

The calling of the jury occupied but little time, the crown exhausting only three peremptories and the defense two. The jury as chosen and sworn, consists of J. M. Carson, H. E. Hanwell, Emanuel Frank, J. T. Bethune, J. P. McLennan and Arthur Boyle. The opening statement was made by Crown Prosecutor Congdon who made a brief outline of the evidence the crown proposed to introduce. The seriousness of the crime committed was dwelt upon at length. A number of plans were submitted to the jury which were to be introduced during the progress of the trial. One of them showed the interior of the Dominion saloon, the three department's, the position of the office where the till is located from which the money was taken, the front and rear entrances. Another showed the locality of Tomerlin's rooms over the Comet barber shop, the rear entrance to the same and its position relative to the Dominion. Continuing the crown prosecutor said:

"The evidence will show that on the morning of November 15 at about 5 o'clock two men masked entered the rear door of the Dominion saloon and performed the act which constitutes the subject matter of this charge. Some 10 or 15 men were in the room at the time, some engaged in card playing, others in general conversation. The larger of the two men carried two revolvers, one in each hand, while the smaller, which we allege to have been the prisoner at the bar, carried a rifle. They were dressed in a manner as will be described to you fully and many of their articles of clothing worn will be submitted here in evidence. The masks employed were made from a black handkerchief or some black cloth and when worn disclosed only the eyes and forehead of the wearers. Upon their entrance to the saloon the larger man demanded that all throw up their hands, after which the smaller man covered the inmates of the room with his rifle. Before proceeding with the robbery the smaller man discovered the night porter in the front part of the house and ordered him to the rear, compelling him to stand with his back to the wall and with his hands likewise in the air.

"The gambling department was at that time in charge of John Turner, to whom had been given the key to the money drawer by his brother, Thos. Turner, the change being made shortly after midnight. Both of these gentlemen will state to you the amount of money in the drawer which was subsequently robbed to have been \$1401. The larger of the two men demanded of Mr. Turner the key to the drawer, who replied to him that the key was in the drawer. Upon repairing to the office he found it was not there, whereupon he again demanded the key, secured it, took the money and put it in his pocket and left the room.

"The other plan which I have shown you will disclose the apartments of the man Tomerlin, which were in the actual possession of him and on the night in question were occupied by both him and Brophy. From the room can be seen across a vacant space in the rear of the Bonanza saloon through a window into

around in bunches talking; a Jai was asleep on some chairs under a table. At about five o'clock two men entered through the rear door, one of whom instantly said, "Hands up." One was considerably taller than the other and it was the tall man who did the talking. 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 hand. When asked to identify the guns counsel for defense innocently suggested that it might be necessary for him to look at them from the other end in order to recognize them. Witness thought the guns were the same, but could not swear positively. The smaller man wore a long coat, cap, black mask and carried a rifle. When they entered witness was sitting at a table with his back to the wall, with Phil Wren on his right and "Duke" on his left. The tall man walked to within 10 or 15 feet of the table and with his guns pointed at witness said "Hands up, Jack." The porter was brought from the front of the house and also made to hold up his hands. The key to the money drawer was demanded and witness replied that it was in the drawer. The tall man went to the office and upon not finding the key returned to the table and said "Give me that key, Jack, or I'll make a slaughter house out of this joint." Witness then gave him the key from his pocket, with which the drawer was unlocked and he helped himself to the contents. After the robbery the two men went out 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 robbers. 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 booster. Witness also knows Harris, who worked on the swing shift a couple of times several days before the robbery.

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 submitted of the Dominion and of Tomerlin's rooms, the crown stating it was their intention to call him later upon other points in the case.

..A POINTER..

We Do Business With Nearly Every Claim Owner and Worker in the District.

MORAL: THAT MEANS OUR GOODS AND PRICES MUST BE RIGHT

CALL ON US, "WE WILL SHOW YOU"

..N. A. T. & T. COMPANY..

COUNCIL MEETING

Was Devoted to General Routine Business.

FINED \$1. AND COSTS

For Peddling Without a License

Road Will be Constructed Around the Bluff Above St. Mary's Hospital.

Martin Trowbridge Had Apparently Been Honest in His Intentions.

The city council met again last night in regular session, there being present Mayor Macaulay, Aldermen Macdonald, Murphy, Norquay, Adair and Vachon, City Clerk Smith and City Attorney Donaghy. But little was done other than the regular routine business. Several committees 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 & McFeeley, O'Connor, Dawson Hardware Co., N. A. T. Co., and Dawson Electric Light and Power Co., being a portion of the February expenditures. By motion the bills were referred to the finance committee and the communications were ordered placed on file.

In the continuation this morning of the case against Martin Trowbridge for peddling fruit without a license Alderman Jas. F. McDonald, Richard Cowan and Alex. McFarlane were examined as witnesses for the defense, and each testified that the defendant had approached him in the matter of obtaining a license and that he seemed to be acting in good faith and was anxious to fulfill the requirements of the law, only he did not seem to know just what his proper course should be. None of them, however, had told him that he could sell without having a license. Mayor Macaulay was present in response to the summons issued yesterday, but was not called to the stand.

Magistrate Macaulay in summing up the case said: "Some people get the idea into their head that when a city becomes incorporated and elects its own mayor and council that the government immediately passes into its hands and the old regime is overthrown entirely. Such is not the case, because it takes some time for a new municipality to perfect its or-

NICK BURLEY IS COMING

For a Ten Round Go With Slavin

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

MUST BE SOLD

A 60-Ton Consignment of Best East of the Mountain HAY

...5 1/2 c. Per Pound!

Macaulay Bros. Third Avenue

Yesterday evening mail brought to Alex. Pantages a contract signed by Nick Burley for a ten-round glove contest with Frank P. Slavin, the affair to take place in Dawson, probably in April, or as soon as Burley can rest up after the trip in from the outside, which will be made in order that he may reach here between the first and tenth of April. Burley is now in Seattle.

The go will be for \$5,000, or \$2,500 a side. Pantages, acting for Burley, and Slavin have each posted \$100 to bind the agreement. The remainder will be put up after Burley arrives.

Burley has something of a record, having fought an eight-round draw with Tom Sharkey in Honolulu. He has defeated Goddard, but gone down before McKay. For some time he toured with Bob Fitzsimmons as his sparring partner. One thing which does not speak volumes for his prowess is that it took thirteen rounds for him to defeat "Curley" Carr. Burley is 5 feet 11 1/2 inches high, weighs 170 pounds and is very quick on his feet. He is said to be a very fair and clean ring opponent. He is 30 years of age.

Local sports are divided in opinion as to what will be the outcome of the meet. The man who can get the best of Slavin in a ring is yet to be seen in Dawson and the "old man" will not fail to give an account of himself this time.

That Alex Pantages will make the affair a success in every way goes without saying.

DAWSON LIQUOR CO.

CHEAPER THAN EVER!

FRONT STREET, Opp. L. & C. Dock. TELEPHONE

S. S. NEWPORT

Leaves Juneau April 1st and 1st of each month for Sitka, Yakutat, Nutchek, Orca, Ft. Licium, Valdes, Resurrection, Homer, Seldovia, Katmai, Kodiak, Uyak, Kerluk, 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

Mrs. Daugherty Arrives.

Mrs. James Dougherty arrived on the stage last night, having been summoned from California by the bedside of her husband, "Big Jim." The latter has been quite ill but is now reported on the road to recovery.

HOTEL ARRIVALS

Regina Hotel, March 11, 1908.
Mrs. Prejido, Hunter, Mrs. San Francisco; Miss Replogle, San Francisco; R. C. Davis, Quebec; A. Pattullo, Dawson; N. Dreyfus, Dawson; W. C. Leak, Dawson.

Hotel Flannery - M. C. Casper, Grand Forks; Bob Tate, Hatcher, Casper, Ellinger, No. 2 Dominion; T. Yeager, Dominion; S. P. San Francisco; D. E. Brown, Nelson; E. Hartman, Bonanza; J. Dehn, Fort Reliance; M. C. Fort Reliance; Gus Peterson, Fort Gulch; F. E. Sims, Dawson; M. Richardson, Dominion; D. D. Dick, Grand Forks.

Empire Hotel - H. N. Columbia, Dominion; J. H. McNeil, Bonanza; Alex. Johnson, Hunter; M. Bonanza; Eldorado; D. P. Lewis, Victoria; W. Douglas, Dominion; D. C. Kenzie, city; Thos. Campbell, No. 2 Eldorado.

Job Printing at Nugget office

6 PAGE

Vol. 3 - No. 61

TOMERLIN

Of How He Dominion Hand I So

The trial of Will Tomerlin was resumed yesterday. Brophy being the defendant. He was engaged as a blackjack player in the morning of November 15, 1907, and took place in the hold-up of the Dominion saloon as told by his examination of the evidence. He was charged with being a principal in the robbery. The trial was held in the morning of the 11th inst. and was presided over by Magistrate Macaulay. The two robbers, the larger man, the shorter man, the man with the yellow streak, and the man with the yellow streak, were all present at the time. The trial was held in the morning of the 11th inst. and was presided over by Magistrate Macaulay. The two robbers, the larger man, the shorter man, the man with the yellow streak, and the man with the yellow streak, were all present at the time.

The trial of Will Tomerlin was resumed yesterday. Brophy being the defendant. He was engaged as a blackjack player in the morning of November 15, 1907, and took place in the hold-up of the Dominion saloon as told by his examination of the evidence. He was charged with being a principal in the robbery. The trial was held in the morning of the 11th inst. and was presided over by Magistrate Macaulay. The two robbers, the larger man, the shorter man, the man with the yellow streak, and the man with the yellow streak, were all present at the time.

The trial of Will Tomerlin was resumed yesterday. Brophy being the defendant. He was engaged as a blackjack player in the morning of November 15, 1907, and took place in the hold-up of the Dominion saloon as told by his examination of the evidence. He was charged with being a principal in the robbery. The trial was held in the morning of the 11th inst. and was presided over by Magistrate Macaulay. The two robbers, the larger man, the shorter man, the man with the yellow streak, and the man with the yellow streak, were all present at the time.