WM. BROPHY BOUND OVER

On Evidence of His Pal, Mart Tomerlin

Who Again Gave in Detail the Story of the Dominion Holdup.

The announcement of the trial of the redoubtable Brophy caused a large gathering at the police court this morning. The whole of the clerk's office, the gangway and the particular space railed off for the general public was crowded, and in the number of people present could be counted four who wore linen collars. From the moment Brophy's name was called until he was committed, the attention was breathless.

Yet it was a foregone conclusion that Brophy would be committed for trial, and that was all there was to it. But there was a hope that the story of the capture would be told from the witness stand; the history of his wanderings before the police actually located him, and his last brave stand—one unprotected villain against two honest policemen fully armed. None of this came out; Brophy was committed upon the sole and unsupported evidence of his equally redoubtable accomplice, Tomerlin.

But though Tomerlin had told his story twice, it was listened to with breathless attention, and, in fact, upon many minor points in the conspiracy to rob the Dominion saloon, it was a new story. Brophy having been duly charged with the Dominion hold-up, in company with one Tomerlin, and Mr. Hagel having stated that he appeared for the prisoner, Tomerlin was brought from the prison and placed upon the witness stand. Brophy was then in the pen of the accused, but Judge Macaulay, with a kind thoughtfulness for his comfort, said he might sit outside. He did so, with a smile of thanks. He looks well, and says his wound is rapidly healing.

Tomerlin, with his clear complexion and his rounded and dimpled features and pretty blonde hair, reminded one of a choir boy as he stepped into the witness box. Certainly there was nothing about him to indicate the bad man until he opened his mouth, and ever then the speech was mild and soft, and gently hesitating, as would be the evidence of some young person before a court of justice for the first time. Appearances are generally deceptive in a police court.

A number of new features were introduced in the case by Detective Welsh, who heaped upon the table occupied by the counsel the clothes worn by the burglars on the night of the hold-up, and also the weapons they used. There were two revolvers, one a 44 Frontier Colt, and another a long Smith & Wesson; also a short rifle, a 44 Marlin Safety Carbine. In the course of his evidence Tomerlin identified the pistols as the weapons he had held up the dozen men in the Dominion saloon with, and the rifle as the weapon with which Brophy had covered them while he had laid down his revolvers to rifle the cash box of the concern.

Then came the clothes, the black fedora worn by Tomerlin and the ribbed cloth cap worn by Brophy, and the mask of one of them, that of Tomerlin having been burnt in Brophy's cabin. One of the most interesting features of this collection of the disguises worn by the robbers, was an undervest that had once been white, tied at the wrists with some black material twisted into a sort of rope to tie it to the body. This, said Tomerlin, had been stuffed with rags and other material, "to make Brophy look stout and short."

Before Tomerlin took the stand James R. Dozier, who was in the saloon at the time of the hole-up, was called, but his evidence was such an exact repetition of what he has already given that it would have made no difference if it had been overlooked altogether. It did not touch Brophy in any way. He thought the "short man" was about the height of Brophy, and this was all. He had not heard the voice of the short robber, and bearing this out, when Tomerlin followed him the latter testified that Brophy had said he (Tomerlin) had better do all the talking as his (Brophy's) voice would be recognized, he having worked in the saloon as a booster.

Another new point in Tomerlin's testimony was as to the woman Lou Tomerlin, whose name has never before been officially mentioned in connection with the case. Tomerlin said that as he, followed by Brophy, was coming down the back stairs from his room to hold up the Dominion saloon, he said to Tomerlin, "I will go good for the woman." What he actually meant by this was not brought out by Crown Prosecutor Congdon, nor yet by Mr. Hagel, who appeared for Brophy. But in the cross-examination of the latter, Tomerlin said Lou Tomerlin had no part in the conspiracy, as they separated the day before these conspiracies began, and she knew nothing of the crime except what he had told her a few hours before he was arrested. "She knew nothing of my past," he added, "but she might have suspicioned or suspected something."

"You had a past, then?" asked Mr. Hagel.

Mr. Tomerlin paused for a moment, while the criminal lawyer held him with his glittering eye, and he softly sighed "Yes."

Mr. Hagel was Tomerlin's lawyer before the arrest of Brophy and has never been discharged. It therefore took a number of questions and one or two explanations from the court to clear witness' mind as to the rights of this cross-examination. After Tomerlin had conceded that Mr. Hagel had betrayed no confidence in the questions he had put the latter asked what was witness' occupation before the hold-up. Mr. Tomerlin, after taking time to consider, said he was an electrician.

"At the time of the hold-up?"

"Well, (smiling) I was practicing the science of astrology then."

"You call it a science, do you? And you pretended to read hidden things? I don't want to go into this deeply, but—"

"But I would rather you would," interrupted Mr. Tomerlin. "By planetary influences I did and can foretell fortunate periods and unfortunate periods, but cannot go into details."

"Did you ever go so far as to instruct people how they could win at black-jack?"

"No, sir; only this far, that there were certain days better for certain things than other days were; some days were fortunate for gambling and some for something else."

"Some who came under a certain star could win if they kept sober and played with judgment and discretion?"

"No, sir; it was not only by the planets but by trigonometry and the science of numerals."

"That beats me," said Mr. Hagel.

These questions were leading up to what Mr. Hagel wanted to prove, that Brophy had been so often in consultation with Tomerlin for the purpose of having his fortune told. In regard to this the witness said: "I told William Brophy the night of the 15th would be a favorable one for him, but he could not give me the exact hour of his birth, and so my cast was just a random shot, as, not knowing the true time of his birth we had to proceed by siderial time."

After Tomerlin's evidence that the prisoner was undoubtedly his accomplice in the hold-up, and no one else, Crown Prosecutor Congdon said he would call no more witnesses. Mr. Hagel said there was undoubtedly sufficient evidence for a commitment and he would therefore reserve his defence. On the trial there would, of course, be some corroboration needed.

Brophy was then committed for trial, and the police having him in charge took great pains to see that he was securely handcuffed before removing him from the court room back to the jail.

For Richard Griffin.

A letter has been received in Dawson in which Mr. and Mrs. Rochefort, of Lead City, South Dakota, made inquiries for one Richard Griffin, whom they believe to be in the Klondike. The letter says:

"The wife deserted by Richard Griffin three years ago is dead and her insurance money awaits her husband's disposal. Mr. and Mrs. Rochefort would be pleased if he will remit to them the cost of the casket in which his wife was buried."

If Richard is in the country and should see this, he will probably know what to do.

Williams Will Go.

A. D. Williams said this afternoon that he would leave for Ottawa on Wednesday morning if there was a stage, and the White Pass people say there will be a stage on that morning.

For Life

Special to the Daily Nugget.

St. Louis, March 3.—Thos. Johnson has been given life imprisonment for the murder of James Riburn.

'Rah for Carnegie

Special to the Daily Nugget.

Wooster, Ohio, March 3. — Andrew Carnegie has given $100,000 for restoration of the library recently destroyed by fire.

ROAD WILL BE BUILT

Winter Overland Route a Necessity

Opinion of Mr. Bertrand, Local Superintended of Federal Improvements.

Mr. S. A. D. Bertrand, local superintendent of federal improvements, accompanied by Mr George Wood, returned Saturday afternoon from a six weeks' trip up the river extending as far as Whitehorse and Skagway. The return was made leisurely, the gentlemen traveling in their own conveyance and making frequent stops in order to consult with the numerous steamboat captains engaged during the closed season in operating road houses as to what is most needed in the way of improvements in the Yukon river. Mr. Bertrand had also in view particularly the proposed new overland road between Dawson and Selkirk. In speaking of it and the apparent necessity of its being built, he said:

"Everything this year seems to have conspired in making the overland road to Selkirk imperative. As you remember the river last fall was slow in closing, during which period we were weeks at a time without mail, and then when it did freeze it was so rough that little could be accomplished in the way of fast time until considerable work had been done on the road. The ice this year, too, is not more than half the thickness it was last year and the same trouble we experienced at the close of navigation will be repeated this spring. In reference to the building of the new road, I am reasonably sure the appropriation we have asked for will be granted. Commissioner Ross has the matter in hand, is entirely conversant with the need of the road, heartily approves of it and I am quite confident it will be built this summer.

"There has been no work done on the river this winter though I anticipate some will be done before the ice goes out. Mr. P. E. Mercier, assistant to Mr. Taches, and Mr. David R. Minor arrived in Whitehorse from Ottawa a day or two before we left. As I said before, I think they have some river work laid out, but just where it is or what is the nature I do not know."

Both Mr. Bertrand and Mr. Wood are considerably bronzed up as the result of their lengthy ride. During their absence the weather was excellent, which added not a little to the pleasure of their trip.

Chloroformed

Special to the Daily Nugget.

Clinton, Iowa, March 3. — James Farrell and sister Gertrude will probably die as the result of an encounter with burglars. They were gagged, bound and beaten into insensibility, being left with choloroform-saturated sponges tied to their noses.

Deal Is Off

Special to the Daily Nugget.

Detroit, March 2. — The intended sale of land by the Erie and Detroit Ry. Co. to the Pere Morquette Company has fallen through.

Quarter Centennial

Special to the Daily Nugget.

Baltimore, March 3. — The John Hopkins alumni and friends celebrated the quarter centennial of the university Saturday.

Bad for Moose

Special to the Daily Nugget.

Winnipeg, March 3.—Wolves and snow storms have entirely wiped out an immense herd of moose north of Mattewan.

Psalm 133.

Special to the Daily Nugget.

Berlin, March 3. — Steps are being taken here to form a German society for fostering German-American friendship.

Father LaCombe

Special to the Daily Nugget.

Vancouver, March 1. — Father Lacombe, the pioneer missionary of the west, celebrated his 75th birthday today.

Too Much Chicken

Special to the Daily Nugget.

Far Rackaway, L. I., March 3. — Rev. John Armstrong, pastor of the Methodist church, has been committed for trial for improper conduct toward a fifteen-year-old girl.

Her Conscience Must Ache

Special to the Daily Nugget.

Pittsburg, March 3. — Mrs. Soffel, who liberated the Biddell brothers, murderers, and fled with them, has completely recovered from the wounds she received in their last fatal stand. She has completely recovered her mental equilibrium and is out on $5,000 bail.

Wade Talks

Special to the Daily Nugget.

Toronto, March 3.—F. C. Wade last week delivered a lecture at the Toronto University on the Klondike in '98, and now that has set Canada talking. It was a most enthusiastic tribute to the enterprise and self reliance as well as to the wealth of the Canadian Yukon.

Expanding

Special to the Daily Nugget.

Ottawa, March 3. — The St. Lawrence and Adirondack Ry. Co. is applying to Parliament for power to control "any other railway" which is understood to mean the Canadian Atlantic.

Sad Accident

Special to the Daily Nugget.

Halifax, March 1. — James G. Harris, manager of the Nova Scotia Nursery, was today instantly killed by being cut in two by a tram car.

Premier Injured.

Special to the Daily Nugget.

Paris, March 3. — Premier Waldeck Rousseau was seriously injured by his carriage colliding with a car.

By Acclamation

Special to the Daily Nugget.

Ottawa, March, 1. — Hon. H. G. Carroll has been unanimously returned to parliament from Kamouraska.

BUT LITTLE NOW DOING

Territorial Court Is Extremely Quiet

Motions in Only Two Gases Up Today Before Justice Dugas.

Only two motions came up before Mr. Justice Dugas in chambers this morning. One was in the case of Monroe vs. Morrison et al in which counsel for defendant McDonald moved for an extension of time in which to file an appeal. Upon the showing being made that McDonald is expected back over the ice the latter part of the present month, his lordship granted an extension of one month with leave for further time should it be found necessary.

In the case of Hegler vs. Bank of British North America, the motion for security for costs stands until the second Monday in April unless the plaintiff should return to the city in the interim, proceedings being stayed until that date in the meantime.

The case of Ike Rosenthal vs. Edward Conlon is set for trial on Wednesday, March 5.

To Meet Henry

Special to the Daily Nugget.

Winnipeg, March 3. — Speaker Hesplar of the Manitoba legislature has been invited, as German consul, to Niagara to assist in welcoming Prince Henry.

Kelly & Co., Leading Druggists.

ANOTHER OPINION

N. A. T. & T. Co's Agent at Fort Yukon

Says Koyukuk Will Give Dawson a Close Race if Strikes Continue to Be Made.

Through the kindness of Local Manager Te Roller of the N. A. T. & T. Co., the Nugget is enabled to publish the following encouraging news to intending Koyukuk voyagers. The letter is from the company's Fort Yukon agent, who has visited the country concerning which he writes:

The N. A. T. & T. Co.,
Dawson, Y. T.

Koyukuk:—We have great pleasure in reporting favorably of this country and have every confidence in supposing that it will be the best camp on this side of the line outside of Nome, according to the present amount of good ground, and should strikes continue to be made as they have been during the past 7 months, it should give Dawson itself a close race. It is situated in the centre of the Gold Belt, and every strike has been better than the previous one. There are now quite a number of creeks on which good pay has been located and include Emma, Union ($600 nugget), Hammond, Vermont, Swift, Gold, and several others, the names of which have slipped us. These, however, are the principal ones on the middle fork. Then, too, Gold Bench on the south fork is a valuable piece of property, and when it is considered that the country is new and practically unprospected, it must be admitted that the prospect of its successful future is only a matter of time. The great difficulty seems to be the "supplying of grub," and some better and cheaper means than at present adopted will enable ground to be worked, which at present is, overlooked.

Hoping this will be of some interest, we remain, dear sirs, yours respectfully,

N. A. T. & T. CO.,
per H. R. Mountifield, Agent.

Now He Can Whistle

Special to the Daily Nugget.

New York, March 3. — Virginia Earle has secured a divorce from Frank Lawton, the professional whistler.

DICK LOWE RETURNS

And Will Go to Work on Hunker

He Met All the "Boys" at San Francisco—Many Will Come In Soon.

R. R. Lowe, better known as "Dick" Lowe, arrived on the White Pass stage yesterday afternoon. He proposes to put on a force of men and operate No. 38 Hunker. He had left it again prospected during the fall winter and says that he has now been in it for four years and thinks that is enough without getting anything out of it.

He left Mrs. Lowe in San Francisco to come in at the opening of navigation. Her health has not been good during the winter, or she would have had a much gayer time of it. As it is he saw most of the old timers who are gone out, and knows that many of those who bought themselves places on which to work will drift back again this summer.

Down at Pasa Robles he met Billy Moran and Jack Gregory who were taking the baths there and enjoying life generally. In San Francisco he met whole hordes of Klondikers—Billy McPhee, Bill Logan, Harry Smith, Frank Phyndter—will be here shortly, and a number of others. At Los Angeles he met Carper, who has a fine house there, and also James Rogers who used to have the Monte Carlo here. Also J. J. Healy, who is now with the capitalists and talking Valdes railroad strongly to them.

Stages In and Out.

The White Pass stage arrived at half-past five yesterday afternoon with seven passengers, five sacks mail, and some express and freight. The passengers were: R. R. Lowe, Mrs. Ash, Mrs. D. Bargeon, Mrs. Bargeon, Mrs. Leonard, A. G. Smith of Smith & McCrae, who has been the winter in Victoria in the case of appeal of T. G. Wilson vs. the Co., and Mrs. Pithian, who came from Thistle.

The passengers out this morning were: Henry Graham, John H. Mrs. John H. Scott, wife of cashier of the White Pass Co., who has gone to Tacoma to mamma; J. Coyle and Mrs. Harmon.

Job Printing at Nugget office.

TIME GOES BACK

But We go Ahead With Our Discount Sales. This Month We Offer the FINEST ASSORTED STOCK OF UNDERWEAR in the City at a Discount of 20 Per Cent.

Dolge's Felts At $5.00 — Macaulay Bros. FIRST AVENUE

DAWSON HARDWARE CO. Second Ave. 'Phone 34 | Pan-American Wheel Barrows Wood Frame, Steel Tray. Steam Fittings, Etc.

NEW GOODS! We Have Just Received a Full Line of Ladies' Suits, Silks, Supplies, Etc. JOHN McDONALD FIRST AVE., Opp. S-Y. T. Dock

DAWSON LIQUOR CO CHEAPER THAN EVER! FRONT STREET, Opp. L. & C. Dock. TELEPHONE

GENUINE LUBECK SLICED POTATOES 28 POUNDS TO CAN, $10.00

As good as fresh and cheaper. No freezing. No Waste. No heavy freight bills.

- N. A. T. & T. COMPANY