

# ELEVENTH DAY OF TRIAL

(Continued from Page 1.)

When court reconvened at 2 o'clock yesterday afternoon there was the usual rush for seats and standing room outside the railing, many people standing before the locked door and in the hallway for nearly an hour before the door was opened.

Capt. W. H. Scarth was still on the stand under direct examination. He conducted the inquest on the body of Reife, also on the body of Olsen; he assisted in weighing three bullets the other day and the mushroom bullet weighed 3 drachms and 15 grains; the other bullets were the same weight as the Colt's revolver bullets. Cross-examined, witness said he had with him a list of the effects given O'Brien when he was arrested in Dawson in '98 and which were given him on his discharge from jail in September, '99; witness produced the list; a few of the articles were missing when the time came to return the effects to O'Brien; witness did not remember the kind of ax delivered to O'Brien on his discharge; the mushroom bullet was handed to witness as the one taken from the frozen ground beneath the pool of blood where Clayson is supposed to have fallen; among the articles missing from O'Brien was released from jail in '99 was a violin and a stove; a new stove and the one in evidence was purchased for the prisoner from D. A. Shindler September 18, '99.

Constable Arthur Herbert Hales was the next witness. He was present at the scene of the murder in March of 1900 and received from Constable Pennington and Detective McGuire three outfits of blood and had delivered them to Capt. Scarth at Selkirk. Capt. Russell of the Minto roadhouse being recalled, testified that on the morning of December 26th, '99, he saw a big smoke rolling up in the neighborhood of the Powell trail which would be in range with O'Brien's tent; witness was going to a water hole for water when he saw the smoke; later witness pointed out to McGuire the direction whence he saw the smoke; regarding the lime juice bottle formerly introduced as found near the scene of the murder, Capt. Russell said he sold a similar bottle filled with Canadian Club whisky to Olsen the night of December 24th, '99.

Detective McGuire was recalled to identify Arctic socks of O'Brien's which were searched by witness and Major Strickland at Tagish February 14th, 1900; two \$100 bills of the Canadian Bank of Commerce were found between the leather pad on the bottom of the sock and the sock itself; the bills were in the toe of the sock, both bills being in the same sock. No cross-examination.

George Apple, the pioneer tinsmith of Dawson, was the next witness. He has manufactured thousands of Yukon stoves; he examined the stove in evidence and explained how the double damper holes were punched; it was a peculiar way to punch damper holes. Witness was not cross-examined.

Daniel A. Shindler was the next witness. He is a hardware dealer in Dawson and has been since '98; witness sells many Yukon stoves but never saw a double punched damper hole like the one in the stove in evidence. Cross-examined, witness said he did not remember ever selling the stove in evidence.

William Henry Perry was the next witness. He is a foreman in tinshop of McLennan & McPeely; he is familiar with Yukon stoves; the damper hole in the stove in evidence was made in an unusual way; witness had never seen a damper hole like it. No cross-examination.

George (Kid) West was the next witness. He is confined in the barracks here and has been for three months; he knew the prisoner, saw him in 1898 when witness was on the woodpile for five months; got in jail in October, '98; witness had seen O'Brien out on the street before he got in jail, then they were not intimately acquainted; while the two were in jail witness and O'Brien had many talks; their talk was all about stealing; they also talked about holding up people on the Yukon river trail; O'Brien made proposition to witness to meet him when they both got out; witness having five months to serve and O'Brien six; witness agreed to meet O'Brien at Skagway in the fall of '99 and they would come down the river and meet people, hold them up and take their coin; witness got out of jail and left for down the river as he did not want to be ragged; while on the woodpile witness, O'Brien and a man they called "Cockney" frequently worked together; "Cockney" was what is called a "mover" outside; a "mover" is a tramp; witness served time in Dawson under name of Welser; witness came to Skagway two or three weeks before Christmas intending to join O'Brien; while in Skagway witness received a letter from O'Brien some time in January; witness expected to meet O'Brien on the trail between Skagway and Dawson. Cross-examined, witness said he was 27 years old and before coming to Dawson in '97 worked as a decorator in Salt Lake; while here and before

he got in jail he fooled around town and played faro; witness said he stole what money he had in Dawson; prisoners on the woodpile talk when the guards do not see them; O'Brien's cell was back of witness' and they could talk in the evenings; witness got out of jail in March, 1900; he stole money to play bank and won enough to go to Circle City in a small boat; when O'Brien escaped and was recaptured he (O'Brien) said he would have to kill and rob to get even; they would go out on the trail and when a person came along that looked as though he had a piece of coin, they would throw a gun on him and take it away; witness came back from Circle City to Dawson, but as there was nothing doing in his line, he went to St. Michael and from there to San Francisco; came to Seattle and was twice arrested on false charges and released; he came on to Skagway arriving before Christmas; was arrested at Skagway on charge of stealing; was released; he went from Skagway to Seattle where he was arrested for burglary and convicted; at Seattle he met a friend and they were talking about the murders on the Yukon and by that talk the friend found out witness knew O'Brien; it was his friend who convicted witness of burglary; witness told his friend about knowing O'Brien and the authorities found it out and arranged to bring him to Dawson; Detective Burkman at Seattle told witness he might get off easy outside if he came in here and told the truth about O'Brien; witness did not talk about the O'Brien case on the way in; after reaching Dawson witness talked with Capt. Scarth and Major Primrose about what he would testify to when called; witness never saw Detective McGuire; one day in jail witness got a note from O'Brien which said his (O'Brien's) counsel was going to get witness out on a writ of habeas corpus and O'Brien wanted his help; witness would get out of jail if he could; witness would not swear but that in a note to O'Brien he did not tell him he knew nothing that would hurt him; witness told O'Brien he knew nothing of the murder charge against him; witness said O'Brien was taking a chance on the trail; witness told O'Brien he was not going to give evidence for the police; he told him that to deceive him. West was released from jail March 3, '99. West said he is 27 years; lived in Southside Chicago before coming west; he said he has not been in jail all his life; he knew O'Brien was an "ex" and he handed him some "con" in jail. This closed the evidence of "Kid" West, a man who has much more the looks of a criminal than has Prisoner O'Brien.

William Edward Sutton was the next witness. Witness first saw O'Brien at Circle City the fall of '99 when he (O'Brien) was a deck hand on the steamer John C. Barr; witness read of the Minto murder and that O'Brien was connected with it; witness knew a man named Graves, a short, rather stout man, who was fair and wore a light mustache; Graves walked with a roll like a sailor and had "Cockney" accent; he first saw Graves around Dawson about March of '99; he next saw him when he (Graves) came aboard the steamer Yukoner for a job and got a job as fireman; witness was also a fireman on the Yukoner; in October of '99 witness saw Graves and O'Brien together at Circle City. At that time witness had a conversation with Graves but was not allowed to relate in court.

Sergeant Tweedie was the next witness. He was in charge as quartermaster when O'Brien was released from jail in '99 but knew nothing of the items which were said to be lost; "Kid" West and O'Brien were in jail at the same time in '98 and '99. Cross-examined, witness identified the robe given O'Brien in lieu of a quilt lost. After Sergeant Tweedie's evidence the crown rested its case. This was 3:45 o'clock on the afternoon of the tenth day of the trial.

When called upon for its evidence, the attorneys for the defense, after a whispered consultation with the prisoner, announced that it would submit no evidence and his lordship declared the case closed. Not wishing to begin his address to the jury at once, the crown prosecutor requested that an adjournment be taken until 10 o'clock today. The court so ordered.

**One of Nature's Wonders.**  
At the sacred village of Totatri, about 40 miles from Tinnevely, India, there is one of the most wonderful natural curiosities in the world. It is an oil well containing inexhaustible quantities of the liquid. The well or spring is situated within the celebrated temple of Narayan, said to be about the largest sacred edifice in India. At Baku, in the southeastern part of Caucasus, there are also wonderful oil wells that spout petroleum high into the air. In September, 1886, a well tapped in the ordinary manner began to spout with such extraordinary force that it deluged the whole district. For eight days the outflow continued, finally reaching an output of 11,000 tons. Another fountain broke out in March, 1887, and rose to a height of 350 feet, leaving an enormous petroleum lake.

# SPORTS TO BE ENCOURAGED

## Chicago Alderman Will Look After Athletics.

Chicago, June 8.—Municipal supervision and encouragement of athletic sports is proposed in Chicago. "In order to create a sound moral tone and enhance the general health of the community." The council committee on license recommended ordinances based on the governmental theories of ancient Sparta. Under the plan athletics is to be taken seriously, like the traction question, municipal art and street cleaning. Sports are to have a commission of aldermen devoted to their interests. Prize fighting will be tolerated. Other sports will be fostered and a tax laid on prizefights for the support of athletics in general.

In the resolution the council is asked to withdraw its disfavor from prize-fighting and to instruct the mayor and the superintendent of police not to interfere with prize contests given by any regularly organized athletic association. Before such a contest can be held it will be necessary for the promoters to appear before the athletic commission, from which permits for the fight must be secured. The commission will have the power to place the limit of rounds and make other regulations to govern the contest. The mayor must then sign the permit and the fight may be held. Ten per cent of the gate receipts must be turned over to the city. This money will constitute an athletic fund to be used only for the promotion of athletic sports, for the equipment of gymnasiums and play grounds, athletic fields, swimming tanks and ball grounds.

### "THEY SAY."

Have you heard of the terrible family, "They," And the dreadful venomous things they say? Why, half the gospel under the sun, If you trace it back, you will find begun In that wretched house of "They."

A numerous family, so I am told, And its genealogical tree is old; For ever since Adam and Eve began To build up the curious race of man Has existed the house of "They."

Gossip mongers and spreaders of lies, Horrid people whom all despise! And yet the best of us now and then Repeat queer tales about women and men— And quote the house of "They."

They live like lords and never labor, A "They's" one task is to watch his neighbor And tell his business and private affairs; To the world at large they are sowers of tares— "Those folks in the house of "They."

It is wholly useless to follow a "They" With a whip or a gun, for he slips away And into his house, where you cannot go, Is he locked and bolted and guarded so— This horrible house of "They."

Though you cannot get in, yet they get out And spread their villainous tales about. Of all the rascals under the sun Who have come to punishment never one Belongs to the house of "They."

—Ella Wheeler Wilcox.

### Ate Course Dinners.

A woman just arrived from Australia was recently negotiating with an agent in London for a house in one of the newer districts of Kensington. She asked if it was a nice neighborhood. "It is thoroughly desirable, madam," replied the house agent. "They are without exception soup and fish families."

It is not correct to say that a girl "renders" a song. If she lives long enough to become of some use in the world, she may some day render loud, but she can't render a song.—*Atchison Globe.*

### What Hurts.

"The other side," observed the candidate in much apprehension, "are putting some damaging reports in circulation."

"But no money to speak of," rejoined the chairman of the campaign committee complacently.—*Detroit Journal.*

Oregon cheese and Canadian Full cream cheese. Selman & Myers. Shoff, the Dawson Dog Doctor. Plo. near Drug Store.

**An Impudent Fraud.**  
An impudent fraud was perpetrated upon a Manchester bank by one of its customers, who opened an account with some few hundreds of pounds. The man, after a few weeks, drew two checks, each, within a pound or so of his balance, and, selecting a busy day, presented himself at one end of the counter, while an accomplice, when he saw that his friend's check had been cashed, immediately presented his own to a cashier at the other end. Both cashiers referred the checks to the ledger clerk, who, thinking the same cashier had asked him twice, said "right" to both checks. The thieves were never caught.

### Nye's Introduction.

When James Whitcomb Riley and Bill Nye traveled together giving a joint entertainment, the humorist had great fun with the poet. Once, in introducing Riley and himself to an audience, Nye remarked, "I will appear first and speak until I get tired, then Mr. Riley will succeed me and read from his own works until you get tired."

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**SOCIETIES.**  
THE REGULAR COMMUNICATION of Yukon Lodge (U. D. A. F. & A. M.) will be held at Masonic hall, Mission street, monthly, Thursday or on before full moon at 8:30 p. m. C. H. WELLS, W. M. J. A. DONALD, Secy

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. Woodworth & Black, rooms 3, 4 and 5 Victoria building, Dawson, Y. T. c7-6

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