

### HARRIS ON TRIAL TODAY

### Charged With Complicity in Robbery

### Assisted Tomerlin and Brophy in Planning for Holdup of Dominion.

The trial of Harris, charged with abetting the Dominion holdup, was begun this morning before Mr. Justice Dugas, the cause being heard before the judge alone without a jury, the prisoner having so elected. Harris is represented by Mr. J. P. Smith of the firm of Belcourt, McDougal & Smith. The first witness for the crown was James Dozier who was present in the gambling room when the robbery occurred. He related the story of the holdup substantially the same as was brought out in the Brophy case yesterday and the day before. Witness knows the prisoner; first saw him a week or ten days before the robbery took place. Had seen him numbers of times in the Dominion where he once or twice had gambled. Also saw him the day after the holdup between 8 and 9 o'clock in the morning.

After Tomerlin was next called to the stand. He again described in detail the circumstances which led up to the robbery, the manner in which the job was done, how he and Brophy were dressed and armed and the way the swag was planted and the disguises gotten rid of. The night the robbery occurred he spoke of Brophy of Harris before they left witness' room and also when they were behind the fence in the rear of the Dominion. Witness first met the

accused in Brophy's cabin, the date as near as he could fix it being about November 6 or 7. On or about November 2 the holdup scheme was first spoken of. At his first meeting with Harris in Brophy's cabin the proposed robbery itself was not spoken of, but some talk was had in reference to a cabin that could be used in case the job was decided upon. After that Harris often came to witness' room, sometimes three or four times a day, the dates being between November 2 and 15. When Harris first came to witness' room he was in company with Brophy and all conversed in regard to the holdup scheme. Brophy had previously recommended Harris to witness, telling him he was all right. Brophy in speaking of taking Harris in on the deal had said that he would bring him to his (witness') room and then would leave him there and witness could size him up and see what he thought of him, remarking that he was a good judge of human nature. After Brophy had brought Harris to witness' room he retired, leaving them together. In the course of the conversation Harris complained of having lost money on some poultry he brought in and in gambling and that he proposed getting it back in some way or other. Said he was keeping his eyes open for some easy money. Witness asked if he knew of any place where some ready money could be picked up, saying he was also looking for something easy. Harris told of a place he knew of on Gold Run, he having at one time worked there. The place referred to was a store where a man named Robinson was in the habit of keeping a large sum of money in a safe. But two persons slept in the store and it would be an easy thing to hold them up. The Gold Run proposition was brought up at a later conversation the same evening and witness had ventured the opinion that on account of the lateness of the season such a large sum may not now be on hand. Then was also discussed the ready money in sight in the saloons about town; the cold storage rooms of Barrett & Hull was also mentioned. All the gambling houses were spoken of including the Dominion, Pioneer, Northern Annex, Del Monte and O'Brien club. The best way of getting in and out was discussed and Harris said he was keeping his eyes open and would keep witness posted as to where the most money could be found. The Dominion was spoken of as being one where the chances of success would probably be greater than any other on account of there being no restaurant opening into the gambling room. Harris demurred at tackling the Do-

minion as the games there were run by friends of his, but witness had remarked that made no difference as it was gambler's money and consequently easy money. Brophy and witness had talked about Harris as to whether or not he would go in on the deal. Harris appeared jubilant about the scheme before hand but as the time drew near he got cold feet. The arrangements were that the three men would do the job, one of whom, Harris, would stand guard behind the screen at the front door. Harris repeated that he was keeping his eyes open, at one time reporting that the Dominion would be good for \$2,000 and the Northern Annex \$2,000. He said the Dominion would be the better place as early in the morning there were rarely over a dozen people in the place, whereas in the Northern there were generally considerably more. Both knew where the bank roll in both places was kept. The matter of a choice narrowed down to the Dominion or the Northern, but the former was not decided upon until the evening of the robbery. The last information witness received from Harris was on either the 13th or 14th, when he began to show signs of weakening, saying he was "afraid it is a little too strong for me" and giving other evidences of his desire to back out. Witness did not insist on him sticking but told him he knew of other highwaymen here besides themselves who were on the lookout for a little easy money. Harris did nothing to restrain witness and Brophy from carrying out the scheme as originally planned. At the time he backed out it was agreed that if anything came of the scheme he would get his share of the proceeds. Upon being asked by counsel why such an arrangement was made witness said that if anything did happen in the holdup line Harris would at once suspect him and Brophy. He said all right and that he would keep his eyes open and his mouth shut. When the robbery was fully decided upon it was determined to carry out the scheme at once. It was then the dark of the moon and the weather was mild so that if serious trouble was had and the robbers had to take the mountains they would not suffer much from the cold. The first witness saw of Harris after the robbery was the same day in front of the Monte Carlo between 9 and 10 o'clock. He appeared nervous and tried to avoid witness, remarking that he had heard the Northern was held up, adding also that it was a nice job. The same afternoon Harris came to the witness' room and said the Dominion had been held up, smiled and looked wise. Said if he had known how easy it would have been he would have been in it himself and was sorry he was not in on the deal. He said no one was suspicioned and that no clues had been found. He mentioned it was too bad as the Turner boys were his friends. As he was about to leave witness told Harris to remember what had been said to him in case anything was done, meaning that he was to get his share of the spoils. He stepped out in the hall and witness called him back, again cautioning him to remember. Witness gave him to understand he would certainly get his share without saying so in so many words or incriminating himself. Also told him that Brophy wanted to see him; he smiled and said all right.

On cross-examination witness said he was suspicious of Harris for the reason that he alone knew of the rifle having been in his room; that Harris also acted weak and spoke of his wife on the outside, finally deciding that the job of holding up the saloon was too strong for him. However, Harris was told by witness and Brophy that he, Harris, would get his share.

Both John and Tom Turner, proprietors of the establishment robbed, gave evidence, the same as that given by them at the Brophy trial on Tuesday.

A. T. Beede, who was proprietor of the Dominion bar at the time of the robbery, was the next witness. He saw Harris around the place a great deal before the robbery occurred. He frequently saw him in the bar room, also in the gambling room. Anyone who lounged around as Harris did would know where the money was kept. Sometime previous to the 15th of November Harris had told witness he had brought a lot of poultry to Dawson from the outside. "For a long time previous to the robbery witness saw Harris at the Dominion almost every morning. He would come in anytime from 7 to 9 o'clock. On the morning of the rob-

bery Harris came into the saloon. They talked about the robbery and Harris said he could put his hands on the men who accomplished the holdup. Witness invited Harris into his office where he insisted that he tell him all he knows, that he need not fear to tell the truth. Harris then told him it was Tomerlin and Brophy; that they had made a proposition to him, Harris, to join them and he had said the job was too big. Later that day Harris had told witness he saw Tomerlin and Brophy and they gave him nothing but told him to keep his mouth shut, and Harris said he told them he would expect his "cut in the swag." At the conclusion of Mr. Beede's evidence an adjournment for Tunch was taken.

John H. Abrams testified that he knew Harris slightly. Had met him first in October. Saw him also on the morning of the 15th at which time he spoke of the Dominion holdup, tapped witness on the shoulder twice and remarked that he could lay his hands on the men who did it.

Sergeant Smith knows prisoner. Had seen him the day after the robbery. Had told him (witness) that he knew who had done the job, but was afraid to tell for fear they would blow his head off if they found it out. Harris told witness of much of the conversation that had taken place between him and Tomerlin relative to the holdup, also that the latter had wanted him to go in on the deal but he had concluded it was too strong for him. At witness' suggestion during one interview Harris went to Brophy's cabin to see if he was there. In speaking of his connection with Brophy and Tomerlin Harris had said he knew the former well and had often been in Tomerlin's room.

Corporal Piper next testified: Met the accused on the 15th in a room at the corner of Second and Third. Went there and was introduced to Harris; went there for the purpose of sizing him up. The accused said he knew who had been concerned in the hold-up and upon being asked to give their names said they were Tomerlin and Brophy.

Detective Welch was next sworn: Has known prisoner since the spring of '98 when he met him on the Dyea trail, where he was engaged as a booster for a shell game. Have seen him often since, first in Dawson in the summer of '98. Saw him first after the Dominion robbery, the morning of the same day, the 15th of November. Had no conversation with him at that time but did have one about the 20th or 22nd. It occurred at police headquarters in the presence of Captain McDonnell, Sergeant Smith, Corporal Piper and others. Conversation was in regard to the Dominion robbery. There were no promises of reward, no threats, or undue terror exercised. Harris remarked that he did not wish to get mixed up in the affair and he was told if he spoke the truth he would not get mixed up in it. Was questioned in regard to the knowledge he had of Tomerlin's connection with the robbery, he taking part in the general conversation. Witness had met Harris on street and he complained that they had not dealt squarely with him. He said he had received a letter at the Forks from Brophy who had told him there was \$500 planted for him under the stairway of the Brophy cabin, that he had gone there, could not find it and knew it was untrue. He again reiterated the statement that he had not been dealt squarely with by Tomerlin and Brophy and if they did not do the right thing by him pretty soon he would cough up what he knew of the affair.

The evidence of Detective Welch closed the case for the crown. Mr. Smith immediately announced that the prisoner would offer no defense and the case was closed.

Crown Prosecutor Congdon addressed the court briefly but earnestly, urging conviction of the prisoner on the evidence adduced.

Attorney Smith made a strong plea in his client's behalf, urging that the evidence before the court was not such as to warrant a conviction.

Judge Dugas reserved his decision until 10 o'clock on Saturday morning at which time the remaining of the Dominion robbery trio, Miles Tomerlin, will be arraigned.

"What makes you so blue. Are you hungry?"  
"Yes, sir."  
"Well, here's er uenny, poor fellow."

### TILL DEATH CLAIMS HIM

### William Brophy Is Sent to Prison

### Short Man of Dominion Hold-up Gets Full Extent of the Law, Minus Flogging.

Today marks the beginning of the sentence passed by Mr. Justice Dugas late yesterday afternoon upon William Brophy, convicted of being the short man in the Dominion robbery which occurred on the 15th of last November. "That you be imprisoned at hard labor for the rest of your life" possesses a more ominous sound than what is generally termed a life sentence, for the latter in Canada may be but 20 years with the usual allowance for good conduct but with the sentence as imposed there is no hope for the prisoner. His good conduct will avail him nothing except as to securing, possibly, more lenient treatment at the hands of his jailers; the length of his term will not be in the least lessened by his implicit obedience of the rigid prison discipline, for by the sentence of the court he is condemned as an expiation of his crime to hard labor for the rest of his natural life.

It was not much of a surprise to those who had attended court yesterday and the day before when the crown rested its case and counsel for the prisoner stated he would offer no defense. Crown Prosecutor Congdon immediately went to the jury and for 40 minutes he spoke in an eloquent manner of the case about to be submitted to their hands, reviewing in detail the indisputable evidence which the crown had presented, testimony so convincing and so irrefutable that in his opinion the verdict could be but one thing—guilty. N. F. Hagel, K.C., counsel for the prisoner, abundantly sustained his reputation as being one of the leading criminal lawyers in western Canada. In his address the accomplice, Tomerlin, the pal of Brophy who had "peached" and made his conviction almost a certainty, was most bitterly excoriated, grilled and flayed in the effort to cast suspicion and doubt upon the story he had told in the witness box. Mr. Hagel's speech to the jury was a masterpiece, an eloquent but fruitless appeal for his client.

The charge to the jury by Mr. Justice Dugas occupied 40 minutes and was most comprehensive. His lordship went over the evidence bit by bit, explaining the law points that had arisen during the progress of the trial. He paid a high tribute to the police and particularly to Constables Egan and McMillan, who effected Brophy's capture, referring to them as mere boys yet brave to a degree rarely seen and conscious only of doing and having done their duty.

The jury retired at 4:39 in charge of Sergeant Beys. At 4:53, but 14 minutes later, a rap on the door announced they had arrived at a verdict. Slowly they returned to the jury box, their names were called by the clerk of the court and in reply to the question asked by him if they had found a verdict, Mr. J. T. Bethune, who had been chosen as foreman, arose and said: "My lord, the jury finds the prisoner at the bar guilty of the crime of which he is indicted." The clerk repeated the verdict as recorded to the jury, asking them if that was their opinion, and each said, "So say we all."

Previous to the return of the jury counsel for defense had asked his lordship for a reserve case on the question of his right to ask the witness Tomerlin whether or not he had ever been guilty of crimes other than that which is now being investigated, a motion which his lordship overruled. Crown Prosecutor Congdon moved that the sentence of the court be imposed at once. Brophy was told to stand up, when he was asked by the clerk if he had anything to say why the sentence of the court should not be passed upon him, to which he

replied in a low voice that he had not.

In passing sentence his lordship stated that after what he had said in his charge to the jury there was but little more left for him to say. Addressing the prisoner, he said that he had had a fair trial, been ably represented by learned counsel and had been found guilty by a jury of his peers. His lordship continued:

"I think you are guilty and I am glad to find the jury has arrived at a like conclusion. Anyone who could commit the crime of which you stand convicted is a dangerous man and a menace to society. You did not commit murder, but were ready to do so if necessary in order to accomplish your purpose. The law gives me the right to sentence you for life and he flogged and I may say if I were obeying my own feelings in the matter I should not hesitate to order you whipped in addition to the sentence you are about to receive. If beasts which possess no intelligence can be whipped and flogged I see no reason why men who do possess intelligence should not receive the same treatment. The sentence of the court is that you be imprisoned at hard labor for the rest of your life."

During the passing of the sentence Brophy's eyes never once were removed from the speaker's face and when the last words were spoken and he knew his fate, he sat down without an emotion being betrayed. Soon after he was helped on with his overcoat, handcuffed and removed to the prison which will be his future home as long as he lives. His lordship made an order restituting the stolen property to the rightful owners and confiscating the guns of Brophy and Tomerlin. The latter will be given a place of prominence in the police museum.

All kinds of game at Bonanza Market, next Post Office.

### FIRST STEPS ARE TAKEN

Elsewhere in this paper will be found a notice calling for sealed bids to furnish 50,000 railroad ties. The notice is signed by Thos. W. O'Brien and can have but one significance, namely: That the ties are for use on a railroad to be constructed between Dawson and Grand Forks.

The advertisement regarding the ties is really the first actual indication the people of Dawson have yet seen that the road will be built although for some time it has been known for almost a certainty that the work of construction on such a road would commence in the very near future. The little notice in today's paper removes any lingering doubt that may have been entertained and in only a few months the shrill whistle of the iron horse will reverberate and reverberate o'er hills and dales that but a few years ago had never been trod by other than the wild animals and red men of the forest.

**Thompson and Bryan.**  
Under date of February 22nd Mr. W. F. Thompson writes from Ithaca, Michigan, to the publisher of the Nugget as follows:  
Visited two towns yesterday along with William Jennings Bryan, and in conversation with him he mentioned the Nugget, the souvenir, yourself and the man who delivered the souvenir to him. He is very much pleased with the bunch of gold—although he talks silver.

He spoke here this morning from the rear end of the train—5 minutes at \$7 a minute. I don't believe it was worth it. I offered to do the work for less, and my quality of "hot air" is as good as his, and fresher—but they didn't entertain my offer.

Send me a Nugget or two of the day before and day after election.  
W. F. THOMPSON.

"The reason he is so irritable is because he is teething," explained the fond mother.

"Indeed!" remarked Mr. Oldbatch, wishing to appear learned. "And the troops occurred, the artillery

Willie (at his lessons)—Say, pa, what's a fortification?  
Pa—A fortification, my son, is a large fort.

Willie—Then is a ratification a large rat?—New York Tribune.

Job printing at Nugget office.

### The Ladue Assay Office

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### Northern Re-Opened! Cafe

### Eagle Cafe

Whitehouse and Golden Gate Coffee At AVERY'S, 5th Ave. cor. Dugas St.

REOPENED HARBOR CAFE R. L. HALL, PROPRIETOR Business Lunch 11:30 a. m. to 3:30 p. m. Dinner 4:30 to 9:00 p. m. OPEN ALL NIGHT. FIRST AVENUE. Next J. P. McLennan's

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