

SEVENTH DAY OF TRIAL

Happenings Previous To and Immediately Following O'Brien's Arrest

Detailed—Well Woven Web Unraveled by Prosecution.

From Monday's Daily.

When court convened after recess Saturday afternoon James M. Hilderbrand was called to the witness box. He now lives at Caribou crossing and in the winter of '99 was employed as watchman on the steamer Nora on Lake Marsh, and near the head of Fifty-mile river, two ex-policemen were on the boat with him; one evening early in January of 1900 a man whom the witness identified as O'Brien called at the boat with two horses and a dog and asked to stay over night; he was told he could do so and the horses were put in a building the witness and associates were putting up for a roadhouse; O'Brien had a low sled; next stopping place above was the Indian post about three miles north from Tagish police post; there was a roadhouse at the Indian post kept by Tagish Charley; O'Brien stayed all night in the boat; O'Brien slept on the floor, he had a gun and buffalo robe; he slept in the robe and laid the gun and other stuff on the floor beside him; witness and prisoner chatted during the evening, Chalmers and Austin, the ex-policemen, having gone away after supper, returning about 10 o'clock; O'Brien told witness he had been in Dawson some time; had made money and sent it to his brother in the States, about \$1000; prisoner told the witness that after sending the money to his brother, he (O'Brien) had been in bad luck and got on the woodpile at Dawson; that when he got off the woodpile he got the money back from his brother, having written to his brother so as to have the money when he got out of jail; O'Brien said he had used a part of the money and paid \$100 for the yellow dog he had with him; witness identified the dog when brought into court; O'Brien also told witness he had bought the two horses on Lebarge from a friend at Shoff's; he said he was going to Bennett to freight; O'Brien asked witness about Atlin and witness had said Atlin was a poor place; O'Brien told witness he was not allowed to cross the railroad cutoff, or railroad grade from Whitehorse to Caribou; O'Brien said his partner had gone over the cutoff; witness was up before O'Brien left the boat; while Austin and Chalmers were getting breakfast O'Brien took a small sack from his pants pocket and poured a few nuggets into his hand and asked witness if he wanted to buy them; witness took one nugget in his hand, looked at it for perhaps a minute, then tossed it a few inches on the table at which the concave part of the nugget, it being of peculiar shape, a smaller nugget fell down something like a trap door would fall, but did not become detached from the larger one; witness was surprised and carefully put small nugget back in place and handed it back to O'Brien; witness expected O'Brien to say something about the peculiar nugget; O'Brien looked surprised and put the nugget in the sack and the sack in his pocket, but did not say a word about it; O'Brien acted as though about to speak, but did not. The witness being furnished with a piece of pliable putty, made a representation of the two nuggets in one as they had been seen by him; the peculiar shaped nugget was worth about \$10; witness exhibited the model of the nugget to the jury; O'Brien asked witness to buy his dog during the evening when on the boat; the boat was about 25 miles from Tagish post; in all, the nuggets O'Brien had were worth about \$50; O'Brien also had a small roll of bills about an inch or more thick; O'Brien settled his bill on the boat with Chalmers. Cross-examined, witness said that shortly after he had heard of O'Brien's arrest at Tagish a lady, Mrs. Dr. Connell, or some such name, came along and asked him particularly about what O'Brien had with him and witness had told her about the twin nugget; he was not sure of the date when the woman called; the woman mentioned was Mrs. Luella Day McConnell now of Dawson; witness has been in Dawson since May 23rd; is stopping at the McDonald hotel; witness knows Florence Lamar; met her at the Standard, had a drink with her and talked about the peculiar nugget; did not remember of ever hearing her name until he met her since coming to Dawson; witness went to Standard to pass away time; Capt. Scarth told witness Florence Lamar knew about the peculiar nugget; witness asked Florence Lamar to describe the nugget and she did so, her description tallying with his own; witness said he had met Florence Lamar at Mr. Wade's office and they had again, talked of the peculiar shaped nugget, but nothing additional to what he had already testified to was said; witness said many persons here appear to be familiar with

and none could have told from his looks and demeanor that he was, more than a client in an ordinary case instead of being tried for his life.

Previous to this morning 36 witnesses had been called by the prosecution, leaving perhaps, as many more to be examined before the defense is begun.

Indian Patsy Smith, of Tagish, was the first witness called today. Patsy is not fluent in the use of the English language and Henry Phillips, a member of the Chilkat tribe, who was educated at Carlsyle, Pa., and who is fluent in various Indian tribal languages, was sworn in as interpreter. The witness said he is not a follower of Christ, but is a Presbyterian; he, under the Dominion Indian act, affirmed. The witness said he had never seen the prisoner until he was captured at Tagish; that he was returning from Bennett and stopped at Tagish post and constable Tom Dixon came in and asked witness for a candle and also asked witness to accompany; witness followed Dixon through the darkness until they reached the door of an Indian cabin when Dixon asked witness for a match; the candle was lighted and they entered the cabin which was previously dark; another constable and O'Brien were in the cabin and Dixon arrested O'Brien and took him away. The witness was not cross-examined.

Indian Billy Hansen, another Tagish Indian was the next witness. He is a Christian and was sworn on the Bible. Witness knew the prisoner, having seen him in Tagish; that O'Brien came to Tagish Charley's house one evening and asked to come in; O'Brien went in and witness took his two horses to the stable; later O'Brien asked the charges and witness said meal \$1, bunk \$1 and horses \$1 each; O'Brien complained that witness had not fed his horses and witness gave O'Brien a candle as he said he would feed his own horses; O'Brien did not return to the house for two or three hours and on returning said he had fed his horses; in the house was a glass case where curios were kept and O'Brien pulled out some nuggets, only a few, and said "I have some nuggets;" then O'Brien went to bed; O'Brien started away next morning after 7 o'clock; witness hitched up O'Brien's horses and O'Brien asked him which road to take; witness pointed out the main trail by Tagish post, but O'Brien took a trail that witness had hauled logs across the river on, and that one of O'Brien's horses fell through the ice; the Indians helped the horse out and O'Brien wanted to sell them both horses, harness and sled for \$40, but the Indians had no money; O'Brien then started on the main trail toward Tagish post; one horse was hitched to the sled, the other tied behind; it was the front horse that fell through the ice; O'Brien said the night he arrived he was coming from Dawson. Cross-examined, witness said he told O'Brien the trail across the river was the one to take; at the end of the wood trail was three-quarters of a mile long, when the horse fell in O'Brien was trying to make his way to the trail that led to the police post.

Indian Jennie Murphy of Tagish, was the next witness. She said she has English religion and believes in Christ. The witness now resides in South Dawson but formerly lived at Tagish, having left there one year ago; witness knew the prisoner, having seen him at her house at Tagish; her house was five cabins away from Tagish Charley bunk house, about 100 yards away; O'Brien came to her house about 8 o'clock in the evening from the direction of the police post; three girls were in the house when O'Brien came in and later a policeman, Dixon, came in; witness identified Mr. Dixon as the man who took O'Brien away from her house; it was dark at the time; Dixon came in and took O'Brien by the hand and led him out; O'Brien was not to sleep in her house but wanted to be there because it was dark; a policeman was there and was afraid the dogs would bark at the light and told witness to put it out; the light was put out just before Constable Dixon came; O'Brien saw the constable coming; O'Brien had loaned the witness his dog to work and he had gone to her house that night to get his dog; O'Brien loaned witness his dog at the police post because he said she must be tired; it was 7 o'clock in the evening when witness got the dog; O'Brien approached witness at Tagish station and said "I know you, and saw you at Dawson; witness had not known him at Dawson; O'Brien told witness he was going outside and would come right back to start a roadhouse at Whitehorse; that he had traveled alone all the way from Dawson; O'Brien had given one of the girls at her house a half dollar and told her to buy candy with it; he had not shown any nuggets. On cross-examination nothing new was elicited. On re-direct examination witness could not fix the date when the above occurred, but it was after Christmas.

Recalled, Indian Billy said it was at Tagish Charley's that he was cared for O'Brien's horses; that he was employed to work around the roadhouse. Thomas Alexander Dixon was the next witness. In January, 1900, he was in the police service as constable stationed at Tagish; witness knew O'Brien, having arrested him at the house of Indian Jennie at 7 o'clock one evening about January 7th; witness was ordered from the post to go down to Indian houses and look for O'Brien; as he approached Jennie's house the light went out; witness went on to Tagish Charley's and got Indian Patsy to return to Jennie's house with him and tell Jennie in Indian to light the candle that a policeman wanted to get in; witness entered and arrested O'Brien who asked why he was arrested and witness told him he would learn on reaching the barracks; witness saw O'Brien searched but did not assist in the search. Not cross-examined. O'Brien was not armed when arrested.

Staff Sergeant George Graham was the next witness. He was on duty at Tagish in January, 1900; he saw O'Brien with a team and sled at Tagish on January 7th and recognized a robe on the sled as a government robe and reported to Major Wood who instructed witness to keep surveillance on O'Brien and find out about the robe; he found, as O'Brien had said, that it was a government robe issued to O'Brien on his release from the Dawson jail; later Major Wood instructed witness to have O'Brien arrested and he sent Constables Dixon, Duncan and Joy to get him; they returned with O'Brien and he was taken to the guardroom where, witness conducted a search of his person and clothing, keeping a record of what he found; on reaching the post O'Brien had two horses, a bob sled, one dog and a dog sled; one horse was drawing the bob sled, the dog sled being on it; the sleds were covered with ice; the horses were very poor and had ice on them; O'Brien had asked permission to put his horses in the police stable as he could not leave that night; he was granted the request and they were in the stable when O'Brien went to Jennie's house; after the robe was verified as all right O'Brien was let go about 3 o'clock but still hung around the bunk house; witness positively identified the yellow dog whose name the prisoner had told him was Bruce; witness also identified O'Brien's doled by certain marks, one of which was a chip which had been cut off by the officers as it contained a dark stain; in a gunny sack among O'Brien's effects were two 41-calibre Colt's revolvers; two revolvers exhibited witness said were similar to those found; O'Brien's rifle had been left him that day in the police bunk house; it was in a canvas cover and was 30 calibre Winchester; witness identified the gun exhibited as O'Brien's; ammunition for both the rifle and revolvers was found in O'Brien's effects witness identified the German socks taken off O'Brien when searched; the revolvers were each in holsters in a sack when found; a portion of the prisoner's clothing was returned to him while he was being brought from Tagish to Selkirk, the sled on which he rode having gone through the ice wetting the prisoner's clothes; a pair of black silk mitts were identified by witness as being of O'Brien's effects; the search revealed no gold nuggets; prisoner told witness his name was O'Brien and he came from Dawson; witness was led by O'Brien to infer he had brought the two horses with him from Dawson.

Court adjourned for the direct testimony of the witness was all in. As hearty a laugh as has been heard in the court house since the trial began was taken by the prisoner after court adjourned for recess and before he was taken from the room by the guards, and while in whispered consultation with one of his attorneys.

Staff Sergeant Graham was on the witness stand when the afternoon session opened and his direct examination proceeded. Witness copied the names of all of O'Brien's effects found on him and in his effects after the prisoner's arrest; a copy of inventory of the list was shown witness and identified as being made by him; his first copy was made in pencil and afterwards copied in ink; Inspector Rutledge was present when a portion of the list was made; the provost also took a list of O'Brien's effects. Mr. Rutledge took down some of the things as witness found and called them out. Attorney Bleeker objected to testimony regarding the memorandum for the reason that it was not in the writing of witness. The objection was overruled. Witness said that when O'Brien was taken to Selkirk the effects checked off from list tallying with it; witness itemized the effects, among them being two horses, one dog, two harnesses, two sleds, and numerous other articles including two revolvers, the numbers of which were taken and which tallied with those in evidence, one map of Alaska, one rifle with number filed off, one pair of field glasses, two pairs of black woolen socks, one pair of black mittens, ammunition fitting rifle and revolvers in evidence, needles and thread, razor, shaving brush, ball of black wool, broken mirror, one pair, one curry comb, miners' pick, one set of dog harness, police buffalo robe, cigarette papers, and a number of things not saved for evidence; a receipt for \$500 paid to H. C. Shoff and signed by Shoff was among the effects; also one Canadian Bank of Commerce \$20 bill, one \$10 bill, Bank of B. N. A., United States \$10 silver certificate, one U. S. \$10 bill, national currency, another Bank of B. N. A. \$10 bill, one U. S. 50-cent silver piece; numbers of all the above bills were taken at Tagish and tallied in court with list made by witness; witness was not present when further search was made when two \$100 bills were found. The chips with the stain as taken from the sled was produced and witness identified it and fitted it in where they were chipped from the sled. A portion of the stain on the chips had been scraped off for analysis. Cross-examined, wit-

ness said the nose of O'Brien's sled differed from that of the police sleds; the dog sled was left on the bob sled the night O'Brien was arrested, but was taken off next day and leaned against the stable to dry later. It was taken into the store and the attention of witness was called to the stain on it; O'Brien and all his property was started from Tagish to Selkirk on February 14th, the dog sled being hauled on the bob-sled; at Selkirk witness turned over all of O'Brien's effects to Inspector Scarth who was then in charge at Selkirk; the number had been filed from the Winchester with a flat file; revolver holsters were home made; O'Brien seemed in no hurry to get away from the police post, but asked permission to stay over night and rest his horses; no nuggets were found on O'Brien on search by the witness.

Mrs. Weisman, having arrived by a down river steamer, gave evidence as to identification as to F. H. Clayton's body. She requested through the crown prosecutor that she be protected from insulting language and the court said the witness would certainly be protected.

The witness knew F. H. Clayton very intimately, saw him almost every day when he was in Dawson; witness recognized the handkerchief taken from the neck of the body as similar to one Clayton had worn in life; the bicycle wrench exhibited was similar to one witness had seen Clayton have; witness had identified Clayton's body at the coroner's inquest.

Attorney Donaghy at this point arose and said he wished to resent the imputation about lady witnesses being insulted, and the crown prosecutor said Mrs. Prather had been insulted and he proposed that as a witness had been insulted and a reflection cast on the character of his witness, he proposed to have the character of his witness cleared; she came from a foreign country and must be protected.

Trouble at Skagway.

There were very few developments in the longshoremen's strike Sunday and yesterday. A crew of non-union men was obtained to discharge the cargo of the Danube, as told in Sunday morning's issue, and she was gotten away at 6 o'clock in the evening, which was about the time Agent Dunn expected to get her out before the labor difficulty arose. When the A-I-K-I of the Pacific Coast company, came in Sunday Agent Kelly had a crew ready to proceed with the unloading of her and the cargo, which consisted of lumber, shingles and general merchandise was taken out to good time.

The Dolphin was provided with 22 non-unionists by Agent Frank B. Burns and he says there were more applicants than he could give work to.

The fight, however, is not over, according to some of the union men. They think the surplus labor in the city will be greatly reduced in a few days now that navigation is open, and then they expect the steamship companies, which will be doing a big business in freight, much of which will have to be handled expeditiously, will be more ready to consider a proposition to advance wages to the figure demanded by the strikers. They say the fight is not yet fairly on, and that it will be conducted in an orderly manner. A good deal of missionary work is being done by the members of the union to induce outsiders to abstain from working the boats during the pendency of the strike, and they have had considerable results.

The election is now that plenty of men can be had to discharge the cargoes at 50 cents per hour straight, which has been the ruling price and which the agents are willing to allow. How long this condition of affairs will remain cannot, of course be told, but with talks with some of the agents yesterday it would seem that no great amount of alarm is felt for the future. So far as could be learned not one of them in their communications concerning the trouble to their home offices asked for power to concede the demands or even recommended any concessions.—Alaskan, June 11.

Police Court.

James Matthews was the first name called in Police Magistrate Rutledge's court this morning. James was charged with creating a disturbance while in a state of intoxication on First avenue, to which he pleaded guilty and was fined \$5 and costs.

Donald McDonald was found by Constable Scofield lying fast asleep on the bank of the Klondike in Klondike City yesterday afternoon. When awakened Donald did not know where he was or how he got there or what had happened to him—he was so drunk, and so he was brought to the barracks and this morning pleaded guilty to the charge and was fined \$5 and costs or ten days. Not having the wherewithal to pay the fine he will contribute ten days' work on the royal woodpile.

W. F. Knight also pleaded guilty to being d. d. at the Nugget saloon and was likewise fined \$5 and costs.

Mr. M. C. Brown, of the Melbourne saloon was charged with having the curtains drawn over the windows of his place of business Sunday obstructing the view of the interior from the outside contrary to the new ordinance. Mr. Brown made an extensive explanation of how it happened and was dismissed with a warning not to let it happen again.

Mr. Atwood Returns.

Mr. Fred Atwood, of the firm of Atwood & Cantwell, photographers, painters and taxidermists, has returned from the outside where he spent the winter. He was accompanied to Dawson by his wife who will remain with him here in future. Mr. Atwood is pleased to be back in Dawson.

RECEIVED BY WIRE.

INDIAN ACTORS

Passion Play Produced by Sons and Daughters of the Forest.

TWO THOUSAND INDIANS ENGAGED.

Thirteen Tableaux of Scriptural Scenes Were Presented.

WAS A GREAT SUCCESS

The Red Men Acquit Themselves as Actors in a Planer Considered Almost Marvelous.

From Monday's Daily.

Vancouver, June 11, via Skagway, June 17.—Two thousand Indians participated in a grand production of the Passion Play. Thirteen elaborate tableaux were presented all representing scriptural scenes. The Indians displayed ability as actors which is considered little less than marvelous. The production was a great success in every way.

More About Hill.

Great Falls, Mont., June 11, via Skagway, June 17.—It is reported that Jim Hill has purchased the Great Falls & Canada railroad, the consideration being \$750,000.

Ex-Premier Dying.

Toronto, June 12, via Skagway, June 17.—Ex-Premier Hardy is dangerously ill. His physicians report that he has but a short time to live.

MACHINES MUST GO

Seattle Takes Action Against Slot Manipulators.

Seattle, June 12, via Skagway, June 17.—All slot machines in the city were ordered shut down last Friday. The city was receiving a revenue of \$4000 per month from the machines. Strenuous objections to the closing have been made and the slot operators state that they will close every gambling joint in the town.

Mayor of Eagle Coming.

Skagway, June 17.—Emile Quarre, Mayor of Eagle City, is in Skagway en route down the river.

ROYAL ENGINEERS

Sent to Bermuda to Look After Boer Prisoners.

London, June 12, via Skagway, June 17.—A company of royal engineers has been sent to Bermuda. The mission of the detachment is to look after the disposition of a large number of Boer prisoners who will soon be sent there for detention until hostilities in the Transvaal come to an end.

DISCOVERER OF NOME

Is Returning to That City by Way of Dawson.

Skagway, June 15.—M. Kjelberg, one of the original discoverers of gold in the Nome district is returning to Nome by way of Dawson. He has been on a tour of Europe and brings with him a young bride.

BREAKING THE RECORD

Steamer Dawson Makes Hootallinqua in 72 Hours.

Hootallinqua, June 17.—Steamer Dawson passed this point yesterday. She is beating all previous records, having reached this point in 72 hours from Dawson.