

THE KLONDIKE NUGGET.

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TRUMP CARD PLAYED

An Investigation Which is Not Allowed to Investigate.

THE LETTERS PATENT A "SNAP" FOR THE OFFICIALS.

Cannot Prefer Charges Against Officials After August Twenty-Fifth, 1898

The "Nugget's" Leading Charges of Malfeasance Against Mr. Fawcett are Ruled Out of Court, Although Mr. Miner's Testimony May Bring Out Some Interesting Facts—The "Letters Patent" Proves to Be a Delusion and a Snare—No Security for Witnesses—No Compulsory Attendance—No Oath to Bring Out the Truth or Imprison for Perjury.

At last the thunderbolt has fallen. At last the "nigger in the woodpile" shows his woolly head. At last the hidden inwardness of the royal investigation is revealed to the public gaze. When first the fact of a royal commission was made public it met with many skeptical shakes of the head, and it was long before reputable citizens acquired sufficient faith in it to take it up and prefer charges as per Mr. Ogilvie's invitations. Proclamations regarding it made their appearance at frequent intervals from the Yukon commissioner's office, which, with every appearance of sincerity, promised witnesses practical immunity. Those making charges were allowed to name any witnesses they wanted called and the oath was to be administered. All were to be required to tell all they know regardless of self-incrimination. In an interview with this paper, and afterwards published in these columns, the commissioner assured us that he would "probe this matter to the bottom." Relying upon his assurances, charges were filed and witnesses subpoenaed. Just when the machinery was being properly started; just when the Nugget's straight-from-the-shoulder charges were to be heard upon a mutually agreed upon date, the lawyers discovered that the commission of inquiry is limited to the few cases—petty as chicken stealing compared with what has since arisen—which the miners' committee had mentioned in their memorial to Sir Wilfred Laurier last summer, six months ago. This instantly ruled the bulk of the Nugget's charges out of court, and nearly all the charges which are yet unfiled though drawn up and pigeon holed in our office. We ever such a travesty of an investigation—perpetrated upon a helpless people. It is simply a stupendous hoax; a wily trick of ward politicians; a ringstruck strategy; a soporific picture; a hoodwink for the blind; a plausible picture for the delatation of the childish-minded; a pretense at doing what the honest people of the empire have demanded; an encouragement of malfeasance; a pandering to accused officials; a blind to the accusing press of the world. This precious document entitled "Letters Patent," actually confines the inquiry to a newspaperless period before most of the present population had arrived in Dawson or had been made familiar with the methods of Dawson officials; to a period when people were leaving in thousands every day and carrying their secrets with them; a time when to "stand in" with the ring and become familiar with official secrets and methods was to come into possession at the same time of ground, the title of which cannot help but be shaken by a genuine investigation which should genuinely investigate.

The governor is not at all to blame for his decision which puts us out of court, for he could not well decide otherwise when both Mr. Clement and Judge Dugas and the best legal talent of the city agreed that his commission of investigation was really limited by the date of August 25. But read how the case started out and how the proceedings were upset just 24 hours before our own charges were docketed to be heard.

On Wednesday morning at 11 o'clock the royal commissioner reconvened his court at the court house in Dawson to investigate the charge of the public paying money to get in to the gold commissioner's office. Dr. Percy McDougall, who with Mr. Geo. J. C. Armstrong, represents the miners' committee which sent the memorial to Sir Wilfred Laurier upon which this investigation is supposed to hinge, asked for the committee that the commissioner make some ruling whereby penitents witnesses from the creeks could be maintained in town during the investigation if they happened to have neither cabin nor food in the city.

The commissioner replied that he had no authority to do that. If he did so, he might be held personally responsible for the bills. Wit-

nesses might put in their bills and they would be forwarded to Ottawa.

Dr. Brown and Mr. Davis were sworn in as court stenographers and then a Mr. Merrett was called to the stand by Dr. McDougall. After being duly sworn the witness testified that he came to Dawson June 11, 1897. Yes he had paid money to get into the gold commissioner's office. Paid to get in about last July. The witness described the various doors to the establishment. Tried for 10 or 12 days to get in at the public entrance and failed. Though he saw lots of people get in on other business, there were but few got in to record. There was always a large crowd waiting to get in. At last an old partner, Otto M. Ellison, told him that he could pay his way in at the side door. He went around and watched for a time and saw men talking with the door tender (Villeneuve) as though they might be passing money to him. He gave the door tender a \$5 bill, and was told to wait five minutes. At the end of that time he was let in from among the crowd and succeeded in transacting his business. The commissioner called Villeneuve forward and asked him if he heard what was said and if he wanted to ask any questions. He replied no, though he had been identified by the witness as the man who had received the money.

McGILL COULD FIX IT FOR TEN DOLLARS.

Thomas Marwick was called and sworn. He had come to Dawson June 11, 1897. Last August he came in to renew his lease to his claim. It was about the 14th or 15th. Couldn't get in, decided it would be better to pay, so after three days he paid Joe McGill and was given a pass, which admitted him as soon as presented. Joe McGill was a clerk in Burritt and McKay's law office. McGill met him in a saloon that evening, and said he believed he could get him a pass for \$10. He agreed to pay it. Went down to the gold commissioner's office together in the morning. McGill left witness standing at the corner of the next building, while he himself entered the office through Fawcett's door. Presently McGill came out with a piece of paper which he gave to witness. Witness saw it said "admit bearer at one o'clock," and was signed, but neither he nor others could read the signature. The door tender (Villeneuve) accepted the pass and he passed in. Went down town with McGill and paid him the ten dollars. At the time he presented his pass he saw a number of other men presenting papers and getting in, but did not know what the papers were.

Witness further testified that the next day he went to McGill again to get a pass for his partner, Mardock. McGill again went down to the office with him. Let him outside, went in himself through Fawcett's private door, and came out again with another pass which admitted Marlock. The pass was given to Marlock, and Marlock went down town with McGill and paid him another \$10. The handwriting looked like the writing on the pass given him the day before.

John Marlock testified to trying to obtain entrance to the gold commissioner's office for a number of days. Tried to pass through the side door with the crowds that went in that way. Saw men all about him passing in bits of paper which admitted them, but was himself refused as he had no pass. Decided it was better to pay the \$10 than lose so much time. Agreed to McGill's offer. Saw that gentleman go into Fawcett's office, and come out with a pass which was given him, and which admitted him to the office.

Thomas Fawcett protested that all this did not concern him in the least, as he had nothing whatsoever to do with the office.

WILEY A FULL HE MUST HAVE HAD.

Joseph McGill was called. He testified that he was a stenographer at Burritt & McKay's law office. Asked if he had any explanations to offer concerning the passes he replied "No!" By cross-questioning it was drawn out of him that he had given the passes as described and

had received the \$10 apiece as claimed by the witnesses. He offered in explanation that he had written them himself in the gold commissioner's office. He was asked to write one in court and did so. Upon recalling Marwick it was found that he could read the present pass, signature and all, while the records showed the one given him in August to bear an illegible signature. McGill explained that he might have written the former passes more illegibly. Upon cross-questioning Marwick it developed that he and others had tried to decipher the signature and failed. Quite unwillingly he swore that there was no similarity between the writing on the pass in hand and those he paid \$10 apiece for, that "it doesn't resemble at all." McGill gave as his reason for giving the passes that Marlock was "a particular friend of his."

HE WAS APPROACHED.

Mr. Gibson, an ex-employee of the gold commissioner's office, was sworn, and proved to remember nothing voluntarily. Questioned by Dr. McDougall he remembered letting his question in on one occasion. Yes, he had passed him by the door tender. No, he had not suggested to the door tender that he had better pay the door tender some money, for he always, while in that office, made it a rule not to mention money. Might have suggested that he give him a drink or something. Yes, he had been approached himself with offers of money to secure admission to the office. Yes, had been so approached quite often. No, he could not remember a single man who had offered him this money. Didn't know how the door was operated, nor who was responsible.

Dr. McDougall stated that he had waited around the office several days trying to get in, and at last had approached his friend Gibson. Gibson passed in, and a few minutes before the opening of the door to the public he had been admitted. Gibson then demonstrated with him, in that he had not paid the door keeper anything.

"THEY" WERE IN CHARGE.

Thos. Fawcett again got up and wanted to know what all this had to do with him. He contended that he had absolutely nothing to do with the men at the doors. They were in charge of the door. He did not know whether Villeneuve could or could not read, but believed he could tell more by men's faces than by their passes as to who he admitted.

HURDMAN DIRECTED IT.

Villeneuve, the swarthy special constable who acted as door keeper last summer, was sworn and proved a very dull witness. He didn't know anything at all, except that he had never received any money for admitting people nor had been offered money, nor had admitted friends, nor whose authority he was under, nor who was supposed to give him his instructions. Did not know who invented or introduced the system of numbering. Could not read and could write only his own name. Admitted all passes at the door, as he knew no difference in them. Had been directed to do so by Hurdman. When the people with passes got too numerous had barred them out in favor of the waiting crowd of miners outside.

A. F. Hurdman was sworn and testified he knew nothing about the door, and how people were admitted. He only knew that he gave "over dinner" and "over night" passes to people who were in the office at his window when the closing hour arrived. Knew nothing of Villeneuve and his doings and did not know who the man was responsible to.

Attorney Tabor, for Hurdman et al, had interposed many objections during the foregoing examination which had drawn out vigorous protests not only from Messrs. Armstrong and McDougall who were conducting the case, but from the Nugget representative also who had nothing to do with the case. The particular proposition which drew out the protest was a ruling which Mr. Tabor asked for that in case a witness implicated anyone in his testimony, the testimony should be stayed until that person was summoned to court, and should not be heard at all unless formal charges were preferred in writing before the commissioner. The commissioner ruled that the evidence should be stayed until the persons mentioned incidentally could be present. He did not, however, require that charges should be preferred against every man whose name a witness might mention.

CONFLICTING TESTIMONY.

Villeneuve was asked if he remembered taking \$4 from one John Donnelly and admitting him therefor. No; he had never received the money. No; he had not been before Captain Starnes for his offense. No; he had not been suspended.

Starnes was sworn and testified that he had not had any money from Villeneuve. He had seen the account in a newspaper and Constable Ferris had come to him with the statement that he had been on duty there the day mentioned and had not received the money.

A. F. George was sworn and testified to publishing the signed statement of one John Donnelly who stated that he had tried for many days to secure admission at the office and had finally done so by paying \$4 to the policeman

at the door. Captain Starnes had called witness attention to the statement and had explained Ferris' position and had also explained Villeneuve's position in the office. That he was not a policeman, though wearing N. W. M. P. brass buttoned, canvas clothes. The regular policemen were detailed for the duty each day, but the special constable, Villeneuve, was there regularly. Villeneuve had practically admitted the offense and had been off duty for some time, in consequence, which amounted, in fact, to a short suspension. In conformity with the captain's statement John Donnelly had been induced to sign a statement exonerating Constable Ferris and implicating special constable Villeneuve. This signed statement had been published broadest and had never been denied by anyone.

Villeneuve's sworn statement that he never wore the uniform—always wore civilian dress such as he had on at that moment in court, was then attacked, and he finally admitted that he wore the brass buttoned clothes which had so many to think him a policeman.

THE SECOND DAY.

On Thursday morning the proceedings were opened by the recall of Villeneuve, the door tender of Fawcett's office last summer. He was asked by Dr. McDougall "Do you still wear that you never received any money from people whom you admitted to the gold commissioner's office?" The witness replied "Yes; I do." He was then allowed to sit down.

The second witness called was William J. Rigby, who said he had paid \$2 to the doorkeeper to get in. Asked if the said doorkeeper was in the room, Rigby pointed out Villeneuve and positively identified him. Witness said he had been trying to get into the office for several days, getting numbers with others in line; but always finding them dated two or three days behind those being called while he was there. He noticed that while one person was admitted by the front door, ten were admitted by the side door. He asked Villeneuve if he could go in that way, too, and Villeneuve told him he could in the morning. Next morning he saw a man refused admission by that door; but as soon as witness gave him the \$2 he was admitted. His partner, Daniel Holtenbush, he said had paid \$5 to get in, and Mr. Armstrong asked Governor Ogilvie to have the man subpoenaed, which he promised to do.

Recorder Bolton was called and given an opportunity to explain how miners gained access to the office. He had nothing to do with it himself, nor with the man in charge of the door. He had never given passes to friends; but it was the custom to give "over dinner" and "over night" passes when people had not completed their business. He was shown the pass in evidence and identified it as having been issued by Clark. Mr. Armstrong then asked Mr. Bolton if he did not think it ridiculous that a man should be appointed to receive such passes at the door who cannot read or write.

Mr. Ogilvie asked the witness if he had any knowledge of anyone paying the doorkeeper to get in and he said he had not, though he had heard it talked of outside the office. He knew McGill; but did not think he had access to the books of record. Dr. McDougall here called the witness down for testifying that he had heard these was trafficking in passes, whereas he had said the day before he had not. "This is a serious thing, Mr. Commissioner," he said, "to have a witness swear one thing at one time and the opposite at another." The official report of the proceedings was referred to at Dr. McDougall's request, and it proved that his former statement was that he "had no knowledge of it," which the commissioner explained was very different to not having heard of it.

HE PAID ONE DOLLAR TO GET IN.

Mr. Robert Robinson was the next witness called. Villeneuve's statement that he had not taken money to admit people was untrue, he said, for he had given him \$1 himself. Witness had found a large crowd waiting before the front door and going to Villeneuve he asked him if he could admit him by the side door. Villeneuve replied that he would if Robinson would send his name in. Witness thereupon wrote his name on a piece of paper, folded a dollar into it and handed them to Villeneuve. Next morning he was admitted to the office at 8 o'clock with others. The hour for the office to be opened to the public is 9 o'clock; but, up to 10:30 o'clock no one had been admitted by the front door, though a large crowd was waiting. There was also a policeman on duty at the side door that morning when he was admitted.

Here Ex-Gold Commissioner Fawcett took a hand in the inquiries and got a piece of information he did not relish for his trouble. He had recalled to witness mind his last statement, upon which he seemed to desire further information; when Robinson broke out with: "Your own son was with me at the time, Mr. Fawcett. I had wanted to get a friendly tip to you as to the way things were going, so I told him to go to the office and do as I had done." Mr. Fawcett's only remark to this was that he would have to put his son on the stand and see what he knew of the matter.

THE TROUBLE STARTS.

Henry W. Cobb testified that he had been serious of getting into the gold commissioner's office, but heard that it was practically impossible to do so. As it had been intimated to him he could secure access by the payment of money, he asked the side doorkeeper if he would let him in. The latter refused, but said

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