

TO RELEASE KID WEST

Windy Skagway Lawyer Longed to Make a Reputation.

Below is the account as published in the Skagway Alaskan of the 11th of the attempt made there to release "Kid" West from the Canadian police who were returning him to the U. S. officials. The Lawyer Barnes mentioned is a newcomer in Skagway and evidently made the play as one effort to bring himself into prominence. The lawyer and the "Kid" seem to have been the only two people anxious for the latter's release. The article from the Skagway paper is as follows:

Yesterday noon Attorney Barnes demanded of Marshal Snook a copy of the writ upon which "Kid" West had been committed to his charge.

The marshal asked for time in which to copy the writ. West, who was advised by the marshal of Barnes' action, disclaimed having employed the latter, nor did he want to institute any proceedings in the courts. He desired to go to his destination quietly and not create a scene.

Constable D. Mayne, of the mounted police, however, tells a somewhat different story. The constable asked "Kid" West out of the jail for an airing and they together sauntered to the Fifth Avenue hotel. Here the bus was in waiting. When requested to enter West demurred but was jostled inside by the constable and they were rapidly driven to the steamship Hating, at the Moore wharf. West, according to constable Mayne, had certainly conferred with Attorney Barnes, who had been recommended to him by prisoners in the jail. Constable Mayne advances the theory that West had been planning to get away on some legal technicality when he arrived at Skagway. When they reached the Hating West was hustled aboard. Attorney Barnes, shortly afterwards, came upon the wharf and demanded to see the warrant or legal document empowering the mounted policeman to restrain West of his liberty. The constable accuses Barnes of using very lurid language. Barnes then attempted to board the Hating for a conference with his client, but desisted when told that if he boarded the boat he would be arrested and taken to Vancouver. The constable states that he, at this juncture, felt compelled, on account of Barnes' abuse, to tell the attorney that "if he opened his yap again he would slug him in the jaw." Barnes hereupon retired, threatening

to arrest the constable for kidnapping. The next act of the "Kid's" attorney was to file a petition for a writ of habeas corpus with U. S. Commissioner Schilbrede. The petition read at the title: "In the District court of the United States for the District of Alaska," and was "In the matter of the application of E. J. Barnes for a writ of habeas corpus in behalf of "Kid" West." It went on to say that "Kid" West was illegally restrained of his liberty on board the steamer Hating by one Jo Goss, an alien subject of Great Britain. The steamer Hating was tied to the wharf at Skagway, within three miles of shore. That "Kid" West is an American citizen and is not imprisoned or restrained by virtue of any order, judgment or process specified in section 967 of the code of civil procedure and that he is being forcible taken through American territory into British territory. Petitioner is an attorney regularly employed by "Kid" West. A demand by petitioner for warrant or process from these aliens was met by a threat that if petitioner set foot on the steamer he would be arrested and taken to Vancouver. That the legality of "Kid" West's restraint has not been adjudged by any habeas corpus proceedings and that it was the intention to take "Kid" West out of the district.

The petitioner finishes with a prayer that a warrant be issued to the marshal commanding him to produce West before Judge James Wickersham at Eagle to investigate the cause of West's restrained liberty.

The constables in charge of "Kid" West say that he made the play that he had a good sack in order to excite the cupidty of the legal fraternity and thus procure an attorney. As a matter of fact West has but little money.

While in the jail West behaved very jauntily and was sippant and mouthy. He seemed to thoroughly enjoy playing the grandstand act to the few people who watched him in the jail. Judge Schilbrede refused to act upon Mr. Barnes' petition, holding he had no jurisdiction in matters addressed to the district court.

Marshal Snook had placed the jail at the disposal of the mounted police pursuant to a letter from Major P. C. A. Primrose, commanding B. division at Dawson, notifying the marshal that "Kid" West was coming out in charge of constables of the force pursuant to an agreement between the two governments. A E. Snyder, commanding the police at White Horse, advised Marshal Snook when the prisoner would arrive, so that everything was in readiness for his reception.

Protest Sustained.
The following is the final decision of the judges re the protest of Mr. C. McLeod against Mr. Flannery's "Kid," for second place in the pony race. It will be remembered that "Kid" was second at the post, McLeod's "Barney Jean" being third but a protest was entered by McLeod stating that "Kid" was above the height scheduled in the program.

Decision.—We are of the opinion that the protest entered by Mr. McLeod against Mr. Flannery's "Kid" will have to be sustained. We think that "Kid" was improperly entered in the pony race, being above the schedule height, 14.3 hands. We do not believe, however, that Mr. Flannery entered his horse knowing that he was not eligible and we therefore hold:

1. That the entrance fee of \$10 paid by Mr. Flannery be refunded.
2. That second money be awarded "Barney Jean" the entry of Mr. McLeod.

(Signed) THOS. A. M'GOWAN,
E. S. ORR,
H. G. WILSON.

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