

### MAZAMAS OUT LAST NIGHT

Hundreds of People Climb Up the Mountain.

But Failed to Gaze on Sol at Midnight—Set at 11:30, Rose at 1:45—Many Going Tonight.

Last night there were nearly 300 people gathered around the flagstaff and along the ridge of the hill back of the town in the hopes of getting a glimpse of the wonderful midnight sun.

Early in the evening the crowds could be seen climbing the hill up the various trails and presented the appearance from a distance of flocks of sheep. They were disappointed in not seeing the sun at midnight for it had the unkindness to go behind the mountains at about 11:30 and did not reappear until a quarter of two.

The view from the hill of the surrounding landscape fully repaid the mountaineers for their trip. The snow capped Rockies in the distance which throughout the period the sun was invisible still showed its reflection above, giving them a roseate hue. The river below with its curves and turns the hills and valleys for miles around being laid before the eyes like an open book. The crimson sky in the background with its ever changing tints made a picture which impressed itself on the minds of the beholders which will remain for a long time.

Unless the rain should interfere a number of parties contemplate making the trip tonight and in all probability fully as many people will climb the hill as did last night.

### RECEIVED BY WIRE. RIVER STEAMERS

News of Their Movements Reported Today. Hootalinqua, June 22.—Steamer Dawson passed this point going down at 3 o'clock this morning. Steamer Sybil followed at 11:30 this morning.

Selwyn, June 22.—Steamer Zealandian passed down this morning at 9:10. Steamer Canadian also passed down at 7:30 this morning.

Big Salmon, June 22.—Steamer Whitehorse passed this point going up at 7 this morning. Steamer Dawson passed down at 7:45 this morning.

### OFF FOR THE KOYUKUK

Party of Three Leaves Tomorrow for Koyukuk. Harold and James Shneck of Salt Lake City, arrived in Dawson yesterday afternoon en route to the Koyukuk. From this place they will be accompanied by Mr. Chas. W. Bechtel son of Mr. John Bechtel of the Regina.

### HOTEL ARRIVALS.

METROPOLIS. D. A. Cunningham, B. Anderson, E. Webster, Mr. and Mrs. Voegel, J. Cyrus, R. Richardson. REGINA. Harold and James Schneck of Salt Lake City. M'DONALD. J. F. Williams, at below Bonanza, Dr. McLeod, Grand Forks. FAIRVIEW. J. Sergeant, Wm. Campbell, East Chance, J. N. Lemell and wife, E. Hanson, Capt. McIntosh, Whitehorse, George Hanney, Whitehorse, Honore A. Lemons.

### COMING AND GOING.

Frank Lewis, a former business man of Selkirk, arrived in Dawson with a new load of furniture and intending to remain here in that business. The case of Mrs. Berckenside charged with living in carnal relations with the deceased Klondiker, which was heard before Magistrate Howard yesterday morning was dismissed on the afternoon the charge not being substantiated. The Standard Library standard meals to be served at the hotel of perfect quality. The new and stylish dress suit made by Mrs. West.

### O'BRIEN TO HANG.

(Continued from page 1.)

same as your life belonged to you; yet you and your partner, for I believe you were not alone, murdered them in cold blood.

"Therefore, George O'Brien, you are ordered to be taken to the place where you have been confined and there kept until the 23d day of August when you will be brought to a place within the walls of the jail and hanged by the neck until you are dead. And may God help you."

During the passing of the sentence O'Brien kept his eyes riveted on the judge, his fingers twitched somewhat nervously and a hectic flush appeared on either cheek. Otherwise, there was no sign of weakening on his part.

On motion of Mr. Wade, all the exhibits in the case just completed were ordered by the court to be turned over to the police for safe keeping. Court then adjourned until Monday morning at 10 o'clock.

On the reconvening of court yesterday afternoon Crown Prosecutor Wade continued his address to the jury. He dwelt with considerable stress upon the fact that O'Brien carried field glasses when on the trail, an unusual thing to do if he had not particular use for them, the particular use being to spy on travelers as they came up the trail. O'Brien had the same field glasses on him when arrested. The brush was cut away from the vantage point on the bluff in order that the glasses might be successfully used on travelers coming up the trail. No one could say they witnessed the actual killing, but the circumstances surrounding the murder are fully as convicting as would be the evidence of actual eye-witnesses. The silent evidence given by sticks, trees, the ax, stove, field glasses and the hundred other exhibits told a story that can not be disputed.

The evidence of the Prather party and especially of Mrs. Prather as to their missing the trail and going more than a mile out of their way, of their retracing their steps and of her coming face to face with the prisoner when he had come from neither up or down the trail, but from some intermediate point. O'Brien then told Mrs. Prather he had been camping there for a few days and if the statement was true then he would certainly know of the murder. The same day, December 27th, O'Brien told A. R. Gibson he had been two days coming from Minto. This of itself was practically a confession from O'Brien taken in connection with what came out later. The conduct of the prisoner and conversations with him along the trail were reviewed. At that time, having passed Big Salmon, O'Brien changed his story and said he was going to Atlin. There was a vast change in the condition of O'Brien then from what it was down the river. With the Prathers he had plenty of money to pay his bills. He no longer slept on floors and cooked his own grub, but lived on the best to be had, paying cash therefor. At Shoff's roadhouse prisoner paid \$300 in cash for a team of horses which he tried to get permission to take over the railroad grade from Whitehorse to Caribou, the ostensible purpose being to evade the Tagish police post.

Unsuccessful in his efforts to go over the cutoff, O'Brien next turns up with Witness Hilderbrand on the steamer Nora on Lake Marsh and there, instead of being a pauper, explains why he has so much money by telling of \$3000 he had sent out to his brother in the States and later when misfortune overtook him in Dawson and he got on the woodpile for vagrancy his brother returned him the \$3000, hence the presence of money on him at that time. The twin or "trap door" nugget was dwelt upon at length and from it was made an irrefutable point. The three witnesses regarding the nugget, Hilderbrand, Noble and Miss Lamar, was not surmountable; it was convicting.

Next the prisoner was found at Tagish Charley's roadhouse and at which place the prisoner disappeared for some hours during the evening of his arrival. He disappeared during the evening, returning some hours later when he displayed some nuggets for the benefit of an Indian boy. Next the prisoner was traced to Tagish post which place he entered with the apparent innocence of a lamb; but he did not go there until he had failed after mighty effort to evade that post, one of his horses having fallen in the river the same morning while he was endeavoring to get around the post. The fates were against him and he was forced to go to Tagish post. He was arrested and searched, but no nuggets were found, they had been cached. American bills which Murray Rads had presumably given Relfe were found on his person; later, on the arrival of Detective McGuire, two \$100 bills were found concealed within the lining of the arctic socks worn by the formerly poverty stricken man. The story of the silk mitts, not mitts, but one of which was identified as Clayton's was related. The stain on the sled—stained with blood—was another point vividly brought out. The blood on the chip was the same as that taken from the pools at the scene of the murder.

The accuracy of Mr. Penney's maps and diagrams was indisputable.

sustained by the evidence of many witnesses. The same double-bitted ax that cut the 27 trees from the circle on the river was the same ax as cut the logs used in the tent and was O'Brien's ax, recognized as the one he had with him on his escape from jail in '98 and when captured by Constables Lynn and McBeth.

The story of the conversation of Witness Williams and O'Brien the day they went hunting from Douglas Island; of O'Brien's proposition to Williams that they procure rifles and proceed to the Yukon and hold up, murder and rob travelers on the trail. It was in O'Brien's mind then and he came to Dawson where, after being one year in jail, he got out and carried out the program he had outlined to Williams. "Kid" West's testimony corroborated that of Williams in that while West and O'Brien had both been in the Dawson jail, O'Brien had proposed to him the same business he had to Williams and West had agreed to join O'Brien in the work of holding up and robbing on the trail. The crown prosecutor said he had been doubtful about introducing such a witness as "Kid" West, a convict borrowed from another country, yet, on the ground that it takes a thief to catch a thief, in this case the evidence of "Kid" West, substantiated by other witnesses, could be taken as the truth. Again thanking the jury and cautioning its members against being taken in by thunderous tones and misrepresentations of the defense, the crown prosecutor closed his address, having spoken three and a half hours.

Attorney Bleeker for the defense opened his address with a plea for his client on the ground that he was one man against two governments which for a year and a half have been collecting evidence against him and "his client with no money and no friends had been forced into the trial with but only three week's notice and in which to prepare for trial. While the prisoner was charged with but one murder three murders had been brought into the case and had to be defended. There was no evidence that a murder was committed on December 25th, and no evidence as to anyone who committed a murder that day; that it was only circumstantial and circumstantial evidence can not be relied upon. Joseph's case was stained with blood and carried to his father Jacob and the latter laments his son's death but later Joseph turned up alive and well and ruler over all Egypt. The attorney for the defense cited several cases where innocent men had suffered through circumstantial evidence and pointed out that circumstances should be inconsistent with innocence before conviction is made. Mr. Wade objected to Mr. Bleeker quoting from Mark Twain and not mentioning Puddin' Head Wilson and other American humorists.

The speaker cited the Dreyfus case, but the court called attention to the fact that true details of the Dreyfus case have never yet been settled. Mr. Bleeker said the very fact that at Tagish Charley's O'Brien turned back from the river trail and went towards the police post was the act of an innocent man. His client's actions at Whitehorse were those of an innocent man because he could, by hitching his horses abreast, have traveled over the trail road grade from Whitehorse to Caribou.

The attorney explained O'Brien's having changed his name on the trail as due to his having but recently been discharged from prison where the name O'Brien was known and he did not wish to be known along the trail as an ex-jail bird. Fiddling an ax or a stove belonging to a particular man in a tent does not signify that the man owns the tent or ever lived in it. Regarding O'Brien's partner on the trail, the man supposed to be Graves there was nothing about their being together that would indicate that they were partners more than that they may have traveled together for a few days. The stories about O'Brien's partner's "Cockey" accent disagreed, and there was nothing to show O'Brien had anything to do with the woodpile camp where Pennycook saw the peculiar glove.

There is no caste in the Yukon and it was not strange that O'Brien wore black silk mitts. He had a right to wear them if he wanted to. There was no evidence to show but that the prisoner was making misrepresentations when he told on the trail he had no money in order that he might dispose of by barter and trade some supplies which he had with him. The hiding of large bills in his arctic socks was natural on the part of the prisoner or any other man who was making his way to Atlin.

It had not been proved that more than one man occupied the tent. The matter of the dog Bruce going to the tent when told to go home was not unusual as the dog lived at camps and on trails and would naturally follow any trail and stop at the first camp reached. No weight should be given the testimony regarding the peculiar nugget as the testimony of two of the witnesses did not agree. The evidence of Chris Williams was unworthy of credence as it was unlikely O'Brien would make such a proposition to a man he had known less than a week. The talk about holding up people on the trail was idle and harmless. Many people make such remarks are frequently made in levity and mean nothing. Mr. Bleeker did not think Mr. "Kid" West worthy of belief or credence. Mr. "Kid" admitted he was a burglar, thief and gambler and appeared to have lost all honor and was not worthy of belief. West had entered the court with a lie on his lips, a coward and a heart.

Mr. Bleeker said the reason the defense submitted no evidence was because there was no proof to refute, no evidence to rebut; the crown had failed to make a case and there was nothing for the defense to counteract. Mr. Bleeker said Olsen could have committed the crime as well as O'Brien and yet he was not suspected. "What about his teeth?" asked Mr. Wade, and the attorney for the defense said Olsen's body and teeth had not been positively identified. He had mentioned Olsen as an illustration more than anything else. Mr. Bleeker paid a noble tribute to the police who have so thoroughly investigated the case, special reference being made to Capt. Search for the fair and broad manner in which he conducted the matter of securing evidence for the prosecution. Mr. Bleeker insisted that it was better than 99 guilty men go free than that one innocent man suffer. A false step by the jury might make its members practically the murderers of the prisoner and the speaker guarded against that step being taken. On behalf of the prisoner he asked that the evidence be carefully considered and that right and justice would be done. Thanking the jury for its attention, Mr. Bleeker closed his address, having spoken two hours and twenty-seven minutes.

When court reconvened at 8 o'clock last night Mr. Justice Dugas delivered his charge to the jury. He said that having paid remarkably close attention to the evidence and to the able addresses of the learned counsel, it would be unnecessary for him to go into detail in his charge. He counseled the jury that all it had to do was to consider the evidence relative to the murder of Relfe, on which charge the prisoner was being tried. There are various degrees of murder, but the case at hand was not of the kind known as justifiable. There are, said his lordship, cases where circumstantial evidence is probative, while there are cases where circumstantial evidence is really better and stronger than is direct evidence. You must judge this case from the facts which have been brought before you. You must judge between this man at the bar and the crown as to his guilt or innocence of the murder of Relfe. Do not in arriving at your verdict, take into consideration the previous life, character and history of the prisoner. You should not have known that he was ever arrested until on the present charge. It is lay in the Dominion of Canada that a murder may be committed but not until the body of the victim is recovered and identified can a verdict be returned against the suspected person. In this case you must be satisfied that the body recovered and identified as Relfe's was really his.

His lordship narrated the history of the journey of the three men on and along the journey up the river and until the fatal spot was reached and a tragedy was committed. Then began a search, the eminent success of which his honor took occasion to thank and compliment the crown's prosecutor, Wade, Capt. Scarth, Constable Pennycook, Corporal Ryan and Detective McGuire. The search was unremitting and many and valuable were the evidences collected long before the ice went out, after which, considering the history of the treacherous Yukon, it looks as though the hand of Providence was visible in bringing to light and into the possession of the authorities not one, but all three of the bodies, and as to the identification of Relfe and Clayton there could be no doubt. As to the body of Olsen—the identification was not so clear, but the evidence of witnesses regarding his teeth made it almost sure that the third body found was that of Olsen.

As to Relfe, could there be any doubt as to his having been murdered? There were bullet marks in his breast, another in his head; both wounds were pronounced by the doctor conducting the autopsy as fatal. As to the question of Relfe and Clayton being murdered and as to the identity of the bodies there was no doubt. That was certain.

As to whether or not O'Brien was the perpetrator of the crime, the evidence must be examined. Beginning at Juneau, his lordship reviewed the conversation of O'Brien with Witness Williams and his proposition to buy rifles and come to the Yukon and go into the holding up of people on the trail. This evidence was admitted for the reason that it was relevant to the case. The prisoner came to Dawson in '98 and a few months after his conversation with Williams. Early that fall and before the river was frozen O'Brien was incarcerated and was confined in jail until in September of the following year when he was liberated. Later he is seen at Circle City but two months later he was on the Yukon and at the Orange Grove Hotel with a character whom evidence showed was another man of probably similar character as O'Brien. The movements of the two men on the river, in the neighborhood of Hellgate and the beef cache were narrated by his honor. Their meeting with Pennycook as detailed. The two men spoke of one another as "my partner" and the evidence regarding the actions of the men, the dogs always with them, was conclusive that the two men were companions and partners. The two men told various stories regarding their intentions sometimes going to Pelly and sometimes to Big Salmon. The evidence showed that the two men were penniless, that all they had was a few articles and the evidence also showed that they were stealing from scows and caches. His lordship detailed briefly the actions and probable purposes of O'Brien in warning in a threatening manner the Witness Powell away from the Arctic Express cabin and the actions of the prisoner and his partner, one in watching in front of the cabin and the other in carrying repeated loads of something from the express cabin back into the woods.

It was fully established by evidence that the murders took place within a short time, an hour or two, after the victims had left the Minto roadhouse. The missing of the proper trail by Mrs. Prather and her husband, their following the wrong one some distance, the retracing of their steps and the sudden coming upon O'Brien by Mrs. Prather and the prisoner's story to her of his having missed the trail at the same place two days before and laying up the two days to rest his dog's feet. This is the first time O'Brien was seen alone and with but one dog. For three or four days he traveled with Prathers, but never once mentioned his partner or the fact that he had but recently had one. Then O'Brien had plenty of money. Later and after being refused to cross the railroad grade, he appeared at the steamer Nora on Lebarge and of his actions there, of the display of the peculiar nugget and of his apparent surprise at seeing that the nugget was an oddly formed one. O'Brien's arrival at Tagish Charley's, later his visit to Dawson Jennie, his subsequent search and the discovery of money upon him.

U. S. bills similar to those paid Relfe by Murray Rads, the rifle and revolvers in which shells afterwards found on the scene of the murder fitted, all these facts taken together went to make a strong chain of circumstantial evidence. For a man to say "I will not find a man guilty of murder unless seen by an eye-witness" is wrong and not according to the laws and to the teachings of experience. But his lordship was certain the present jury contained no such prejudiced members.

As to the keys and knife found some distance from the tent back from the trail, there was not a particle of doubt but that they were the property of Clayton and that the persons who threw them there were the same as murdered Relfe, Clayton and Olsen. As to who owned the tent was a very important one. The identity of the stove with the double punch for a damper hole was a compromising feature. The finding of the double-bitted ax and its identification later by Constable Lynn and ex-Constable McBeth as the one found on O'Brien when he escaped jail and which was his property on his release from jail in '99 was not successfully contradicted and was a very strong indication that the tent in question

was owned and occupied by the prisoner and his partner. The action of the dog Bruce when turned loose on the trail and told to go home, and when he followed along the Pork trail until he reached the tent trail, then turned off and went back to the tent, was not of itself convicting testimony, but it was a strong link in the chain of evidence against O'Brien who was unquestionably one of the owners of the tent.

After briefly and neatly summarizing the foregoing for the benefit of the jury, his lordship left the case and the fate of the prisoner in their hands, the delivery of the charge having consumed one hour and fifty-eight minutes. At 10:15 the jury filed out and to its room upstairs to begin the work of preparing a verdict.

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Special A. B. Meeting. A special meeting of the Arctic Brotherhood will be held at McDonald's hall on Monday night. Important business will be transacted and all members are urged to be present. Candidates for initiation will please present themselves on time. Notice. Owing to other important meetings tonight the meeting of the executive committee of the Fourth of July celebration, called for this evening at the Board of Trade rooms has been postponed until Monday evening at 8:30 at the same place. E. B. CONDON, Chairman. J. NEWTON STORRY, Sec. Latest Kodak finishing at Goetzman's.

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or any such tommyrot which every sensible person instantly recognizes as FAKE OF FIRST WATER. We have arranged to close out the remaining suits of a number of lots—four or five of each lot—nearly 250 suits to select from. We are going to put on sale these

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Plain and fancy worsted blue serges, etc.

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