

THE KLONDIKE NUGGET.

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THE DEATH OF COWIE WAS DESERVED

Thomas Burnett is Cleared From the Charge of Murder.

A Jury Decides That the Killing at White Horse Rapids was Justified by the Circumstances. The Trial Marked by Much Amiability.

Thomas C. Burnett, the slayer of James Cowie, at White Horse Rapids on August 27th last, was on Monday honorably acquitted of the charge of murder by a jury of acknowledged intelligence, in the Territorial court. The act was freely admitted by the accused, but his plea of self-defense, or justification, was so strong and his character evidently of such a high standard, that not only were the jurors convinced that his act was a natural one, but even Judge Dugas tempered his interpretation of the law with marked amiability, and the crown prosecutor, Mr. Wade, was moved to acts of generosity to his conduct of the case. The verdict was quite largely anticipated and is undoubtedly popular. The accused, however, will be obliged to share the congratulations of the approving public with his bustling, hard-working attorneys, Messrs. Clement, Patullo & Ridley, in whose conduct of the defense not a fault could be found.

Mr. Burnett was placed on the stand late in the afternoon and after all the other material evidence was in; but his testimony is presented, first, because through it only appears the animus which actuated Cowie in his assaults and it tells the story of the whole affair in a connected manner. Burnett, during the summer, engaged with the Bennett Lake & Klondike Navigation Co. to cook on their boats—the Ora, Nora and Flora, which were plying between Bennett and Dawson. He made one round trip to Dawson in that capacity, during which, he stated, he incurred the ill-will of Cowie, who was a steward on the Nora, by discovering him engaged in transactions of a dishonest nature and allowing the other to believe that he had reported him to the company. Upon returning to Bennett, Burnett was appointed purser of the Ora, plying between Bennett and the White Horse rapids, and it was his duty to walk to the foot of the rapids, where the Nora connected, to see to the transfer of the mail, moneys, freight and passengers, and it was while so doing that he met Cowie under the circumstances which led to the shooting.

The Nora lay tied to the bank a short distance below the rapids and opposite two large tents used by the company for protecting goods. Burnett went to the first to see the purser and was there apprised by one Freas, a member of the boat crew, of the ill-will on the part of Cowie, as well as himself, toward Burnett. The latter named left the boat without completing his business and went to the tents to get a mail sack which he was to carry to his boat and leave at Tagish. Looking out he saw Cowie and Freas together on the boat, engaged in violent conversation and gesticulating in a way that Burnett knew boded him harm. Not wishing to engage in trouble, Burnett stayed in the tent, hoping thus to evade the men, but he was followed there by Cowie. Burnett described that happened as follows:

"Cowie came in and said, 'Here you are, you ———.' He then knocked me down and beat me unmercifully. He put his fingers into my eyes—so—and tried to gouge them out. I only saved them by turning my face downward. He then took to pounding my head, cursing me most vilely all the time, and while so engaged several people came in and took him off. As I turned away from him, Cowie jumped on my back, bore me down and began to beat me again. The men again took him off and he said, 'I ought to kill the ———.'"

Freas then said, "Don't hit him any more, Jim; I've got a crack coming out of him, but I will drop it if you will." The men then passed into the other tent, and after I had partially dusted and cleaned myself I took up my mail sacks and went on the boat, believing Cowie to be with the men in the tent. But as I entered the boat I saw him standing inside with his back toward me. I tried to pass unobserved but he discovered me, and made a rush in my direction, as he exclaimed: 'You ———, you have come back on the boat, have you?' I retreated, but he sprang upon me, grasping my right arm and striking me repeatedly in the face. He was gradually forcing me back against either the boilers or a pile of wood, where I knew I would become powerless and probably be killed. I had called to him to stand back and drew my revolver as he caught me. I placed the barrel against his body, intending to shoot him, if possible, in the leg or some other non-vital point, for I believed I was in danger of being killed or receiving great bodily harm. Seeing I could not escape, I pulled the trigger just before he had crowded me against the boilers." This and much more was told by Burnett in a rapid, nervous but apparently straightforward way.

Morse Papper, one of the boat's hands, testified that he happened to go into the tent to get some canned goods for the boat, and saw the assault. Cowie was on top, begging the other on the face. He also heard Cowie say, with an oath, "I've a good notion to kill you." Papper, being a discreet man, left Cowie at his murderous word work without interference, deliberately turning away and going to the

boat with his cans. He saw the two leave the tent later on, Burnett with his face horribly bruised, but he paid no attention to them, being too busy mashing the cans. This evidence of cruel indifference aroused Crown Prosecutor Wade to fire a volley of withering sarcasm at him and to finally say, sotto voce, "He is a coward."

Wm. E. Siegel, the United States mail carrier, was standing close by the tent and saw the two men leave. As Burnett walked on the boat after Cowie, Siegel stepped forward to see what the trouble had been about. He was just in time to see Cowie's legs—the upper portion of the boat shielding the balance of his body from view—and hear Burnett cry, "Stand back!" Upon Burnett entering the boat Cowie's legs had at once moved in his direction, and a few seconds later witness heard a pistol shot. Siegel then ran into the compartment and, with the aid of another, wrested the revolver from Burnett, while others picked Cowie up and carried him away. While he was standing by Burnett, Freas ran up and struck at Burnett.

Mose Hamburger, a Victoria merchant, happened to be seated on the tramroad near the boat when the men left the tent and entered the boat, and could also see into the boat. Burnett's face and head was horribly bruised, resembling a mass of jelly, and looked as if it had been pounded with something else than a man's fist. He saw Cowie jump at Burnett, catch him by the arm and shoulder and force him against a post in the center of the boat. They struggled thus until the revolver went off. Witness said Cowie weighed about 190 to 195

pounds, was very powerful, and that Burnett was powerless in his grasp.

Dr. Leonard S. E. Sudge testified that he was called to attend Cowie at the boat, also at the Canyon hotel, where he was taken on a stretcher. The wound was in the abdomen, two inches below the right point of the breast bone. The bullet had passed down and back towards the spinal column. Cowie died the next day from the effects of internal hemorrhage. Cowie must have had his arms raised at the time he received the wound, as was unmistakably indicated by the position of some of the muscles. The doctor said that Cowie was abnormally developed and powerful in the upper portion of his frame. Witness had also attended Burnett, whose face was cut, bruised, bleeding and puffed most terribly, one of his eyes being almost sightless.

Constable Lindblath told of putting Burnett under arrest, and described his wounds as being terrible.

Other witnesses testified that at Sumas, Wash., where Burnett had been postmaster, he was considered a most exemplary man and citizen, and was held in the highest esteem.

Mr. Hamburger, a crown witness, then testified that he knew Cowie in Victoria, where he kept the Beehive saloon, and that his reputation was very bad. Attorney Aightman testified that he also knew of him in Victoria, where he was known as a bully and a drunken ruffian.

While the evidence was being taken it was noticeable that even the crown witnesses were showing a marked kindness to the prisoner, and Crown Prosecutor Wade was moved to rebuke one of them.

One of the witnesses, too, created a ripple of excitement by stating, after he had been sworn in, that he was opposed to capital punishment, and the dramatic scene was further intensified when Crown Prosecutor Wade withdrew the charge of murder against the prisoner, with the statement that he would not care to



TO GO OUT WITH THE ICE IN THE SPRING.

of seventy-five citizens to patrol the streets and was armed with a gun. The situation is believed to be practically under control owing to the work of Mayor Arnold.

The mob was composed of 150 men. Where they came from is a mystery, so far as the people of the town know. That some of the people of Palmetto, but not the better class, were in the mob, goes without saying. Every face was masked and when the warehouse was reached, the special guard of five men were covered without a word. In a minute the mob was in the big warehouse and the fusillade opened. The frightened negroes sent up yell after yell, begging for mercy, but it had no effect on the mob. When the work was finished the masked mob turned and quickly disappeared as it had come, on horseback.

Two fires of incendiary origin have occurred here this year—one on February 23 and the other five days later. Fourteen business houses in all were destroyed. Nine negroes were arrested on suspicion and taken to Johnson's warehouse to await a preliminary trial, which was to have taken place this morning. Yesterday the leader of the gang, Bud Cotton, is said to have made a written confession of the guilt of himself and associates. He was the first to die in the mob's bloody work.

Seattle Explosion.

SEATTLE, March 22.—An explosion yesterday underneath the sidewalk at the corner of Washington street and Second avenue which has resulted in the death of D. W. Jacobs, a traveling salesman of Chicago, and Alfred Saittel, a traveling salesman of New York, while Louis Manuil lies at the point of death at Providence hospital.

B. W. Beal, a traveling salesman of St. Louis, was walking between Jacobs and Saittel over the spot in the sidewalk underneath which was the boiler which exploded, and how he escaped with just a few injuries while his two companions were killed is a mystery. He was seen to have been blown high into the air, the telegraph wires overhead preventing him going higher than the building. He was turned over and landed on his feet after which he ran a few steps and fell down unconscious and apparently dead. However his big Klondike oster had saved him from serious injury and he is recovering rapidly.

The property is owned by Van de Van, who leased it to Dase Blake two weeks ago. Blake moved the "Faultless Furnace" boiler underneath the sidewalk, unbeknown to the city authorities, when he leased the building, and now the question agitating the minds of the people is whether the city or Blake is responsible for damages. Whether the boiler went dry or exploded from too great a pressure of steam, the result of a faulty safety valve, is not known. Had the boiler been in the building the loss of life and damage would have been heavy. As it is the sidewalk is demolished and the front of the building blackened and slightly damaged.

Seventy-five cents buys the best meal in Dawson, Rainier House, water front, opposite A. C. Co.

TWELVE MONTHS AT HARD LABOR.

Armstrong is Convicted on the Charge of Simple Robbery.

Conducted His Own Defense, and Did It Poorly Enough—Judge and Jury Evidently Moved to Feelings of Pity.

John R. Armstrong, former proprietor of the Pullman restaurant, was found guilty on Friday of robbery before the territorial court. The crime occurred so recently that it will be unnecessary to republish the details at this time; it will suffice to say that on March 20 Armstrong entered the cabin where Dora George, his former mistress resides, and by threats of violence, she alleges, secured a pair of diamond earrings and a fur cloak, which he had given her, and made off with them. At the trial Friday, Armstrong conducted his own case, and again illustrated the truth of the old axiom that "a man who is his own lawyer has a fool for a client," for he succeeded in convincing the jury only that he was a poor, foolish, misguided man, who had been brought to ruin through his infatuation for a pretty woman. His line of defense was evidently intended solely to blacken the character of the woman who had been his friend, but it was of such a dirty nature that the court was doubtless pleased to be able to bar it out as being immaterial. With that disposed of Armstrong had no case whatever, only denying the assault in toto, claiming that the articles he had taken were his, and that she had told him to take them. He also told the court how he had given Dora a bill of sale for half of his business, and ordered \$2,500 shipped to him from Skaguay in her name. "She has cost me \$5,000," he said pathetically. Several witnesses, including Miss George, told what they knew of the occurrence at the cabin on March 20, while the evidence of others was made unnecessary by Armstrong admitting this testimony at the preliminary examination to be true.

The charge upon which Armstrong was indicted was that of assault with intent to rob, which is attended with most serious consequences; and the jury, evidently entertaining a feeling of sympathy for him, returned a verdict of simple robbery.

Judge Dugas proved lenient as well as the jurors, the sentence he gave Armstrong being 12 months at hard labor.

Case of Rody Connor.

At the conclusion of the Armstrong case, that of the Queen vs. Roger Connor was taken up. This was a case wherein Connor was charged with having fraudulently sold a cabin belonging to George McCord, located at Grand Forks, while McCord was out of the country last winter. The defense showed that Connor and McCord had been partners in several mining deals, and that he had reason to believe, from the friendship existing between them, that the sale of the cabin would be approved by McCord, if being Connor's intention to fix the matter up at the time of the washup this spring. The jury, after being out a long time, reported their inability to agree, and the case will be tried again this (Wednesday) morning.

A Race From Bennett.

E. Larson Blank, one of the Nugget Express couriers, arrived in Dawson Saturday forenoon, 16 days from Bennett. His time will be recognized as extremely good when it is understood that he carried 600 pounds of freight, 500 letters and two passengers. These latter were Frank Granston and Grace Drummond, both well-known here. Mr. Blank reports the trail still in good condition, except at the head of the Thirty-mile river and says that the number coming in this spring will be small.

Mr. Blank's good time was due to the fact that he purchased at Seattle a stock of newspapers for the Dawson market. Upon arriving at Bennett he found that Alex. Ranke had left two days before with a stock of papers of the same date. This meant that Blank had to beat him in or the market for his papers would be lost, so he girded up his loins and prepared for the long stern chase. Gradually he gained upon his adversary and finally overtook him at sixty-mile. Feeling confident of his progress, he offered to bet Ranke that he would beat him in. Ranke proved that he wasn't of the kind to take a bluff and the money was put up in Granston's hands. Away they went down the home stretch and when Blank pulled up before the Klondike hotel with his two passengers he was six hours ahead of Ranke. The latter took his defeat with good nature and the stakes were turned over to Blank.

The Nugget Express business entrusted to Mr. Blank was all cared for with a scrupulous fidelity characteristic of the young man and of the express company.

Rosebud Stamped.

A reported find on Rosebud, a tributary of the Yukon, near Indian river, started a stampede last Thursday and the creek was pretty well staked. From 90 cents to \$1 is said to have been taken out at a point above discover, and bedrock is very shallow.

A. S. Club.

The members of the Arctic Ski club met on the 15th and elected the following officers: Capt. H. E. Bursall, president; Tom Chisholm, vice-president; Stanley Hudson, secretary; John H. Lampe, treasurer; A. M. Moberg, captain; John Anne, 1st lieutenant; Lorentz Larsen, 2nd lieutenant; Dr. J. S. Odgaard, chairman of trustees; Ole Finstad and J. T. Daly, trustees.

ARCTIC SAW MILL

UPPER KLONDIKE FERRY.

Saice and Flume Lumber a Specialty.

ALL KINDS OF DIMENSION LUMBER. LOWEST PRICES IN THE KLONDIKE.

City Agents: Stauf & Zilly. Office at Mill BOYLE & SLAVIN Prop.

er the ice on the 12th, points on the 14th. As Captain George Tyler, party; Chas. Smith, collector, and George J. ... concern upon the ... in shipping circles on ... on the Yukon waters ... and fully equipped ... gentleman, Mr. Norris ... and is wide awake to ... which may offer ... with traffic affairs ... company.

Sack."

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a fine line of clothing.

& Co., two doors north

Public.

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RCIAL COMPANY.

ventilation, Rainier ... A. C. Co.

le Jos. Mayer & Bro ... full assay value. F ... P-I. building, Chery

Good meals 75c at ... opposite A. C. Co.

Dawson Social Dancing ... of the season on Mon ... theatre. It will be a ... r to remember.

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SPATES I

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& RIDLEY—Adve ... raries, Conveyancers, ... ces, McDonald build-

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GINEERS.

Se, F. G. S., Consulting ... years geologist on the ... Dawson.

D FOUND

ABOUT \$300 IN DUST, BE ... 12 below on Bonanza ... by leaving at Cafe ... Forks. C. E. JOHNSON.

theatre, Monday night, ... et; initials "M. J. O." ... d will be given. In-

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HENRY HUGES.

on First avenue, be ... St. Mary's hospital a ... b. With a medical at ... Finder handsomely ... at Dr. Macfarlane's

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ALE.

ery and Coffee House, ... old establishments busi ... ing property. Reward.

Owner of health. A snap for ... bet. 7th and 8th Sts.

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FINEST

K CAFE

opp. A. C. Co.

ice Unexcelled.

MRS. SHAW, Mgr.