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MR. HAGEL'S ADDRESS AT CRANE-GALPIN TRIAL

The address delivered by N. F. Hagel, K. C., who appeared in behalf of Captain William Galpin in the late litigation instituted by Mrs. Crane, was considered by the jury to be the most able address ever delivered before a Yukon court. The address is herewith produced.

Worship -

While ordinarily a charge of this description is not considered of any great moment, yet in this instance to Captain Galpin it is a matter of exceedingly vital importance, and he cannot permit merely because it would be easier for him to do so, to be bound over to keep the peace unless he had actually committed the offense which is charged against him, and he denies the commission of that offense and says that the proof of its commission is not made here, such as to warrant his conviction, as it were, in being bound over to the peace. This is not a proceeding under section No. 958, after conviction, as a matter of course, he may be bound, but it is the second part of No. 959, which upon substantive charge of crime, if they be made out of the evidence, the complainant has reasonable grounds for his fears - or her fears in this instance - that you might bind him to the peace. It is a substantive case. It must be made out of the beginning as any other case must be made out. Now, I submit that it is not made out. First the charge is that he would assault her face and that he would kill her. The witness Crane, if she comes to each of those, and I think she does as my recollection goes, is not wrong, but even by the Duke or Count or whatever he may be. This person who is brought to corroborate it does not say one word about "that he would kill her." Now, that is the grievous part of the charge. That is the rule "gravari" of this charge, and yet there is not one word in the evidence of this Count suggesting that he would kill her. All the Count says is - and that was after the process of extraction by my learned friend from the witness, which would not have been necessary if the willingness of the witness itself had been taken into account, but was only necessary as I said because the witness had refused to make a statement, and it is easy that he should forget if the picture of what took place there did not bring to his mind such a statement made by Captain Galpin. My learned friend, however, with much skill still which he deserves to be complimented for - in the discharge of his duties, and which if it had only existed in this one instance would settle him to a great deal of credit - but he has exerted it through the whole of the case and I have no doubt he will to the end do so - a skill which one can only regret had not taught him to see, but perhaps he had not then the opportunity of seeing through the reliability or unreliability of the evidence in support of his case. He had not seen then that this charge was laid by a female adventurer, and is a charge which is not borne out by even the evidence of the Count, is not borne out by her own evidence. That throughout she has contradicted and she has contradicted in such manner as to make their evidence absolutely unreliable. Now, let us take the Count and deal with him by the process of elimination. The Count on the first visit, the 30th or 31st of March or beginning of April, the Count then, as Captain Galpin says, was the other way inclined. He thought the witness Crane was a dangerous person, and she is a dangerous person if this letter is to be believed, and if the attitude of the Count now is to be looked upon with suspicion. There is some power which the woman Crane possesses which has overcome this man from the north and has caused him instead of writing for protection against her - because I submit that is the only meaning of this letter coupled with all the circumstances and that it is absurd for the Count to endeavor to shield himself by saying that he was sending this letter by the very hand of Captain Galpin being down the police some 40 miles or so to protect him against the person who had carried the letter to them asking that protection, and who had presumably gone on to Dawson. That is the explanation that the Count makes. What I submit is that this contradicts the Count flatly, that it shows him unworthy of credit. That, coupled with the admission, denial, or refusal to answer if he is a refugee from justice in his own land. That kind of a man is a dangerous man there is no question, because a traitor is a dangerous man anywhere. He declines to answer the questions, and if he declined to answer I have a right to remark upon it and say it was for some good reason he declined to answer, and for the reason that he could not deny it, he would have been glad to seize the opportunity to deny it, for he cannot be unaware that that is the general impression of him in this territory. His having become an

home. I take all your things except a change of clothing" - and the villain still pursued her. He was seeking to marry her! She, for 13 months preceding that letter and ever since, she had endeavored to escape him, and yet she took all his apparel and all his things except a change of clothing and the papers, except "the claims in the boys name," and she took those too. "Do not think you are neglecting duty - come with me - you can do more for them." It is the power which these women have, or think they have (sometimes they are mistaken but they think they have) over men. "You must send them through the mail - do not under any circumstances write to or go to them - you must remember that you will have some expense and difficulty to reach us as it is - you must not tell a soul."

Now here is the suggestion - Captain Galpin had to go - there was nothing left for him. Whatever their trouble he forgave her. "Or make one move to wind up any business - not even go over town. I shall send an order to the postoffice when I reach Eagle to have my mail sent. You can do the same - send it from down the river, so as to give you time to get across the line. I have all my things consigned to Mrs. Keller to be delivered to me when I reach Rampart, where we are going to spend the winter and make some money." And speaking then of the men whom she got to take the things down, and then "we sent all the big things on the Leah last Saturday, etc.," and "I shall take good care of your things my dear and I know if you will follow this you will be glad. Let everything take its chance - do not feel that you are running from duty." Here is the suggestion of the woman who lives by exerting her power over men - over this man in this instance. "Do not feel that you are running from duty or that you will loose. If you stay here in this hell hole this winter you will die and I shall die wherever I am thinking you are suffering. You do not give me credit I know for having the depth of character, honor and love for you I have. You know I am almost distracted, as well as you," etc., etc.

All these affectionate expressions absolutely contradict the woman when she says he was pursuing her, and show that she is utterly unworthy of credit. On her own statement in writing within six months she has been using not only every reasonable effort but every possible effort to keep this man in the toils. "Forget the cruel words we both have uttered. I do not believe you meant them more than I did, and I know I did not mean them. I have perhaps done wrong to take all your things, but you could not get over the line if you were cumbered and the time is so short you have to get there in - it will take two weeks hard rowing as it is and it will be dangerous to wait. Just do as I did as much as I regret to do it."

Have cried three days because you did not come so that I might see you and feel that all is right between us. What is your sorrow mine. Your joys I rejoice in also. I do not write idle words." My learned friend has suggested, and the witness herself has suggested that this might be a literary dream. If so, it is a literary falsehood. "I do not write idle words," she says, and then she proceeds to describe how a falsehood (trifling I admit) must be adopted by Captain Galpin.

He did not adopt them at all. He did not take the course which is suggested, but this is filled with suggestions of falsehoods, and the person who can suggest falsehoods and tell just how they can be carried out, will use them, and it is clearly done. "Just write our lawyers that you are called out of the country on account of important business, etc., and that you find it impossible to attend to that law suit until next spring after navigation opens, and take chances on their attending to it. Under no circumstances mail the letter of any description until you get to Fortymile or Eagle." She must tell him his very steps. It is not enough for this woman to say to this man "make up some cock and bull story and get away," leaving him the master mind, but she is, as she says, the genius. There is a genius of literature which is glorious and a genius of fabrication which is less glorious and a genius of crime. They all have their geniuses, and they all differ. "Now you will have to be as wise as a serpent and as silent in your actions as a snake or some demon will stop you." What need of counseling this man in these terms, except she knew him to be within her control, or felt him to be so, and knew he was not well enough versed in such evil ways as to do the thing himself. He had to be taught like a child and had to be taught by the master hand, or the mistress. He must be told to sleep again, as Delilah told Sampson when they bound him with the 7 green withes which he rent asunder, but this Delilah had forgotten to cut the locks which took the strength and Sampson is himself again.

"Then if you meet anyone say you have promised to meet some moose hunters, and if you could make arrangements after seeing them you might stay after the ice freezes over and hunt big game and return over the snow. Do not set any particular time or they might have some hold on you." If there be a desire in this letter, a willingness to suggest falsehood, I suppose a person who could suggest a falsehood like these to a friend could do it herself. "Do not attempt to get clearance papers here or that Waterfront Brown or some other shark might get on to it, might have a hold on you. Act innocent and stand up for your story." What need of all this except she knew the man. "Row like Satan is after you and reach us." Then she proceeds to say she has

been telling falsehoods and practicing deceptions and begs her "dear" to come along. "You must get away from here for this winter, you can return any time after the ice comes if you wish. One of the men who is taking us has carried the mail over the route with dogs and he says it is not such a bad trip. I can see where we can make money and have a chance to get a start quickly, if you will only not desert me. I only fear that you are ill. If it were not for that awful dread which makes my heart and head ache at the thought I could go with a light heart believing that you will not lose an hour in starting after me. Do come. Please listen to reason. You will be doing right." Now, here is the hand of the woman who feels she has the power and control over a man. "Listen to reason; you will be doing right," and if they have that power they can make men make bloody fools of themselves.

I forbear reading the rest and forbear reading the last slanderous attack on a gentleman, showing that slander is in the line of the accuser of my client. He has denied this charge and he is a man of reputation and character. There is a line in the letter which I would like to point out. It is as to the duty. She suggested to him that he could avoid the payment of duty on his canoe, "if you can swear it is American made and whom you bought it from - you would have to do that too." A suggestion - no more than a suggestion, but it is the mode in which the designing woman will suggest to the man the doing of something which is underhand and dishonorable, and even if a man of honor listens too frequently on the face of such deceptions it grows familiar to him - that which was once abhorrent to him, he can embrace it. Fortunately he did not embrace it. He went openly away. He came up here and met this woman. He was incensed. He went to the post office and got the letter. He was incensed but he met her and Delilah again exercised her influence over him and he forgave and forgot and went with her, but now he is awakened and now the withes are broken and he is charged with this grave offense. I submit he must not be convicted of it. The woman laying this charge who is literary, as she says she is, will herald not only over this Dominion, but this continent, the civilized world, the old country, the statement that Captain Galpin has been bound over to keep the peace for threatening to kill, - and that is the reason he has been compelled to make this strenuous defense, and to put himself before you with such witnesses as he has called to show you that it is impossible that he could have done this thing - to show it is a design of this woman who has sickened of her love she felt six months ago and who can now live without him, and who is now in partnership with the count or living with the count or in the road house

with the count, living in the road house with the count - at any rate a count who two or three short weeks ago thought her a dangerous woman and needed protection against her. She has become Delilah to the count and lost control over the captain. I ask that Captain Galpin be discharged from this offense, and there are hundreds of other reasons and they are here in Dawson, and not on a lonely trail. There have been no evidences of a likeness to a dangerous man on the part of the captain here, and there is no reason why this court should be brought into requisition for the purpose of enabling this woman - this accuser - to get possession of property in dispute, and get the captain bound by withes which will not break and detained perhaps even in custody - at any rate get the captain bound and safe while she may get the advantage with respect to the property. That, I suggest, is the real motive the woman had in view, and under the circumstances I ask that the captain be discharged.

A Memorial

The monument in the historic churchyard of Newbattle to William Creeche, the distinguished Edinburgh publisher and lord provost, the friend and patron of Burns, to whom he addressed his poem "Willie's Awa," being now almost obliterated, a movement was set afoot some time ago by the Rev. J. C. Carrick, B.D., Newbattle, for a suitable permanent memorial. Accordingly a handsome brass tablet has been erected in the parish church, and it is intended to have the memorial stone in the churchyard put into a proper state of restoration. The father of William Creeche was minister at Newbattle from 1739 to 1745. There are a good many letters of Burns to Creeche preserved.

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