

THE KLONDIKE NUGGET.

VOL. 3 No 7

DAWSON, Y. T., WEDNESDAY, JULY 26, 1899

PRICE 25 CENTS

ED McCONNELL AND CRANE.

How Justice Is Meted Out in the Lower Country.

A FARCICAL TRIAL— LOOKS LIKE A GRAFT.

Crane Acts Both as Judge and Complainant.

The Bear Skin Story Wasn't a Flanker to This Uncle Sam Needs a Little House-cleaning on the Yukon—Looks as Though the Commissioner Was Out for the Coin.

With the return to the city Monday of Mr. and Mrs. Edward McConnell, particulars were obtained of the arrest of the first named at Circle City on June 11, together with a sworn copy of the proceedings of the court in the preliminary examination (if the farce may be so termed) following. They confirm fully the fragmentary reports already received from travelers, and show to serve the existence at Circle of a state of affairs to be found nowhere else outside of Russia and a character having no parallel except in the case of the czar himself or the pool table of mythical Japan. This personage, United States Commissioner Crane, has heretofore been described by the Nugget in connection with "The Trial of a Polar Bear Skin," but the humiliating spectacle he is represented as constituting on that occasion is but a circumstance to the spirit of tyranny and ruffianism which he exhibited toward Mr. McConnell and others on the occasion in hand.

Mr. McConnell, accompanied by his wife, left Dawson on the Sovereign for Cape Nome, and upon arriving at Circle City they went ashore, as did others. It was 12 o'clock Sunday night, and Mr. McConnell was naturally surprised when a man named George Elmes stepped up and told him he was a prisoner. Mr. McConnell demanded to see the warrant, and it was shown him. It proved to be issued by Commissioner Crane, and named that official as the complainant also. Mr. and Mrs. McConnell accompanied the man to the court house, where such farces are held—and were joined there by Commissioner Crane. "Well, McConnell, what have you got to say for yourself?" was the greeting of the official. Mrs. McConnell realized at once Crane's connection with the affair, and demanded to see the complaint against her husband. Crane coolly replied that he didn't have to show it to her, but told her instead that he would see her about the case outdoors. Mrs. McConnell accompanied him outside, and there, she says, he told her that the best thing McConnell could do was to settle the case, and that if he would give him \$500 he could go about his business.

This was reported to Mr. McConnell, and he emphatically refused to give up a cent. "Lock him up, then," said Crane, and walked away. But Ed wasn't going to be locked up, and demanded that he be allowed to see Captain Richardson, commandant of the military force. Elmes accompanied him to Captain Richardson's headquarters, and the captain, after hearing the story, told Elmes to liberate the prisoner. This Elmes did, but an hour later Mr. McConnell, while eating lunch at a hotel, was arrested a second time. Crane again told Elmes to lock the prisoner up, but again it was prevented by calling upon Captain Richardson. Mr. McConnell agreeing to appear at court next morning.

At the appointed time Mr. and Mrs. McConnell were on hand, accompanied by an attorney named Kenward, and many people from the Sovereign and about town. Commissioner Crane was found seated at a large table, from which he had not taken the trouble to remove the "lay-out," while the marshal was installed at a crap table. The proceedings which ensued are told as follows by the official report of a sworn stenographer:

In the United States Commissioner's Court for District of Alaska, at Circle City, June 13, 1899—John E. Crane, U. S. Commissioner, United States of America vs. Edward McConnell.

Court opened by marshal, and commissioner reads warrant of arrest, which is hereto attached and marked Exhibit "A."

J. W. Weaver was then sworn as stenographer to report the proceedings in the case.

Mr. W. Kenward, attorney at law, represented the defendant, and objected to the whole proceedings as being irregular and without proper documents to base an action, and that the court had no jurisdiction.

Objection overruled by the court.

Mr. Wheaton, after being duly sworn, was interrogated by the court as follows:

By the Court—Mr. Wheaton, where were you in December, 1897?

By Counsel for Defendant—Is the case called?

The Court—Yes, the case is called.

Mr. Kenward—I desire to make a statement in behalf of the defendant.

The Court—Does defendant wish to make any statement? [speaking to the defendant.]

It is not necessary for you to make any statement, under the Oregon code. It is not within

the jurisdiction of this court to try this case. This is simply a hearing, and, inasmuch as the court knows more about the case than anyone else, it is not deemed advisable to call all the witnesses. This is unnecessary.

Mr. Kenward—I object to this court hearing this case at all, for the reason, among others, that the court is the complaining witness. It is not only unfair, but wholly illegal for you, judge, to act as complaining witness, judge, clerk and marshal of this court. [As to marshal, see back of Exhibit A.]

Objection overruled by the court.

The Court—Mr. Wheaton, where were you in December, 1897?

Mr. Kenward—This seems to me a very unfair piece of business to proceed with this case, for several reasons. In the first place, it is contrary to the statutes of the United States, under which you claim your purported charge is made, and I suppose you understand that the Oregon code has been abolished in this territory and that you now have a code of your own; and it would be the height of injustice for you, under that, or the Oregon code, or any other code, to sit as judge in a case in which you are the complaining witness, and without a sworn complaint upon which to base your charge. Such a thing as this has never occurred in any part of the United States. This seems to be and is, in fact, a case in which you have already decided defendant to be guilty, before you came here to hear it.

A Citizen—That is right; you are all right.

The Court—Arrest that man for contempt of court, corporal. Mr. Elmes, arrest that man

Q. Where did this so-called miners' meeting take place?

A. At the A. C. Co.'s store.

Q. Were you present at that meeting?

A. Yes, sir.

Q. Did you take any part in the proceedings?

A. No, sir. Was just there; took no part; had nothing to say.

Cross-examined by Mr. Kenward:

Q. You were just simply there?

A. Yes, just there.

Q. At what store did you say this meeting took place?

A. In the A. C. Co.'s store.

Mr. Kenward—I object to this witness' testimony. He was evidently an accomplice. He is a criminal himself if Mr. McConnell is one. Objection overruled.

Mr. Kenward—Have you taken down the testimony in this case?

The Court—No.

Mr. Kenward—Are you going to?

The Court—No.

Mr. Kenward—Did you take the Oregon code for your actions in this case?

The Court—It is prescribed by the Oregon code by the United States statutes, section 2282.

Q. That is the only law such cases are tried under?

The Court—No.

Mr. Kenward—Did you see Mr. McConnell at that meeting?

A. Yes.

The Court—That is all the court desires to prove that Mr. McConnell was there.

Mr. Kenward—Has your honor finished your case? Are you through with your side?

The Court—Yes, I have proved all that I desire to prove.

Mr. Kenward—What! Does this court attempt to send a man over on the sole proof that he was present at a miners' meeting? It could prove that much against every man in the court room. Is that sufficient to place



and lock him up and fine him \$50 for contempt of court. We cannot allow such things in court.

Mr. Kenward—Such a thing as this trial has never been heard in any part of the United States before. The stars and stripes have waved for more than 100 years over a free and independent people, and I don't think ever such another proceeding took place. I will say that I am an attorney, and have in my practice during the past 10 or 12 years listened to the laws of the United States in a very large number of cases, but I must say that this one is the queerest proceeding I have ever seen or heard of, even in Utah, where some queer things are enacted. To bind this man over upon your own statement.

The Court—Oh, we can give you all the evidence you desire in the case.

Mr. Kenward—And yet all the evidence that could be produced to the contrary would never cause you to change your decision, which is already made up. We might produce evidence from sunrise to sunset in this land of six months' sun, and it would not change your decision, which decision was made before the case was called or the warrant issued. Now, let me say right here, the best thing to do, the right and most honest thing, would be to let this man go. You have simply made a mistake. Correct this, and let us have justice for once at least. We object to the whole proceeding.

Objection overruled by the court.

The Court—Mr. Wheaton, where were you in December, 1897, about the time the jail at Circle City was broken down?

Ans. I was in Circle City.

Ques. About what date?

Here the court prompted witness and said: "Some time near Christmas, probably the 23d or 24th of December?" to which witness answered, "Yes."

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DISTINGUISHED VISITORS IN DAWSON

United States Officials on Their Way to the Lower Country.

Alaska Will Soon Be Provided With a Judicial System and Other Needed Requirements of Government.

The judicial party referred to in the last issue of this paper and whose coming was expected last week, arrived on Monday. It is made up of C. S. Johnson, judge of the United States district court for the territory of Alaska; Albert D. Elliot, clerk of the court and ex-officio secretary for Alaska; James M. Shoup, United States district marshal; A. J. Daly, assistant United States attorney, and F. H. Gorham, an attorney. They are a fine lot of fellows socially, and made a strong impression upon the many people who paid their respects to them at the Fairview, where they are stopping.

Marshal Shoup was stung out by the pencil pusher as like to prove outspoken and he proved all that could be desired. "Yes," he said in answer to a query, "there is the best of prospect that northern Alaska will soon have a court of her own. There is a project on to make a distinct judicial district for the Yukon and all the many congressmen with whom I have talked on the subject express themselves in favor of it. With the project goes the full retinue of court officials, the same as at Sitka."

Asked about the boundary dispute he said: "It is now, apparently, in a state of *statu quo*. However, there is no prospect of the United States conceding any more territory, and there is not the slightest probability whatever, that we will give up one of our spots to Canada."

A survey for a railroad between the Alaskan coast at Circle and Eagle City is being made, but the project has gone no farther. No mail has been consigned to the Yukon by that route, but a mail carrier of experience started through two months ago to pave the way for those who will follow upon receiving his report.

Judge Johnson and party will remain in the city only a day or so and will then leave for the American territory, stopping at several places to hold court, if work for them to do can be found. They expect to reach St. Michael by August 15 and there take a revenue cutter for Kuskoogwa, Dutch Harbor, Orea and Sitka.

SUNDAY LABOR IN KLONDIKE.

Col. Steele Defines the Attitude of the Police Department.

Col. Steele, commandant of the N. W. M. P., was invited to a session of indignation by a statement that the police are prohibiting miners from working their claims on Sunday. "The statement," said the colonel to a Nugget reporter, "is not only absolutely false, but work is being done with the consent of the police. Some time ago a number of clergymen wrote me and asked me to put a stop to Sunday work on the creeks and, in fact, Sunday work generally. I took consultation on the subject, and it was agreed that, considering the shortness of the season, the scarcity of water and other drawbacks, the operation of the mines on Sunday was a work of necessity. Accordingly, I notified the police to allow necessary Sunday work in the creeks. That was before the washup, and considering that the police might think the order applied only to that period, I notified them that it was to be continued in force thereafter, as the operation of stepping, cutting wood and other details of a miner's work is quite as necessary as the washup. Of course, it is understood that a workman is not thereby obliged to work on Sunday against his will. The question of building operations being allowed here and at Grand Forks on Sunday also came up, and I held that this work, owing to the shortness of the season, is also one of necessity, and I ordered the police to allow it, with the reservation that it should not be allowed to disturb religious services at the churches. This necessity for Sunday work in building started with the big fire, since which I have allowed the sawmills to operate on Sunday and allowed men to work on their cabins. This is the position of the police on the subject, notwithstanding false statements to the contrary."

In reference to the statement of a local paper that a man had been stopped from fishing in the Yukon with a hook and line and told to take out a license, he declared that, also, to be a falsehood. As heretofore explained in these columns, there is no restriction here on angling, but it is necessary, as in the United States, to have a license to use a net. Several men were arrested this week for violating that law and for angling during prohibited hours, but all of them were released without fine.

Noted Singer in Dawson.

Mrs. C. Binett, a singer renowned in continental Europe, has arrived in Dawson, and on Thursday, August 3, will favor our people with a concert, in which she will be assisted by Mr. Erhardt, the popular basso. The Grand Opera House has been secured for the occasion, the bar will be closed, and a large audience of Dawson's best people is confidently expected.

Mrs. Binett has a soprano voice of fine culture, range and quality. She has essayed all the Wagnerian heroines from Elsa in "Lohengrin" to Brunhilde in "Die Walkure." She has also appeared in the best of the lighter grand opera.

Dawson's people have never had an opportunity of listening to such a musical treat as this concert promises, and it is believed they will turn out en masse to greet this famous singer.

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