

THE GREAT YUKON MURDER CASE

by

Major Henry Woodside ^X

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The Great Yukon Murder Case.

BY MAJOR HENRY WOODSIDE, CENSUS COMMISSIONER OF YUKON, AND MANAGING EDITOR OF THE "YUKON SUN."

Seldom has a cold-blooded murder been planned with more deliberate forethought or carried out more methodically, and seldom has the grim adage, "Murder will out," been more completely exemplified, than in the case when George O'Brien and his partner in crime, Graves, shot down three inoffensive men on the Yukon trail, south of Fort Selkirk, Yukon Territory, on Christmas Day, 1899. Even the swift, treacherous river, which seldom gives up its dead, did within a few months of the tragedy cast up one by one the bodies of the murdered men, so that vengeance might be executed upon the murderers. The total cost of the case to the Crown aggregated 100,000dols., but no one will deny that the money was well spent. The narrative is illustrated with special photographs and facsimiles of the plans used at the trial.



HE autumn of 1899 was short, and many scows loaded with supplies for Dawson and the Klondike mines were stranded on sand-bars or caught by the early ice towards the end of October. The steamers had ceased running, so most of these goods were placed on safe ground and "cachéd," or surrounded by log walls and covered by tarpaulins to keep the snow off. A watchman was in most cases left in charge, but in others the caché was left to the care of the nearest detachment of the North-West Mounted Police. These detachments—of two or three men only—are scattered along the trail at intervals of about thirty miles, and patrol to and fro between their posts. The cachés were a great temptation to the few bad characters who frequented the trail, and in spite of the efforts of the police much stealing took place.

At intervals of from five to fifteen miles along the whole of the winter road are scattered comfortable road-houses built of logs, while here and there along the bank of the river are to be seen the camps or cabins of the wood-choppers who cut wood for the steamers. Minto road-house is twenty-four miles south of Fort Selkirk, and Hutchi-ku post of the North-West Mounted Police is about fifteen miles farther south of Minto. When the river closed up in November a Mr. Powell and party began to take freshly-killed pork from his scows at Lake La Berge by sled down the river towards Selkirk and Dawson. Between Hutchi-ku and Minto he found an open place in the

river, and was obliged to abandon the ice for three miles and cut a trail overland. This trail was call the "Pork Trail," and ran in places close to the Dominion Government telegraph line between Whitehorse and Dawson.

On Christmas Day, 1899, three men, Clayson, Relfe, and Olsen, started about eight o'clock a.m. from Captain Fussel's road-house at Minto, to go to Mackay's road-house, some miles past Hutchi-ku. Clayson was pushing a bicycle, which he had ridden from Dawson nearly to

Selkirk, having then broken a pedal. Bicycles, by the way, are much used on the hard snow trails in Yukon. Clayson and Relfe had come from Dawson. Olsen was the line repairer for that section of the Government telegraph line, and was expecting to have his Christmas dinner, by invitation, with Corporal Ryan, who was in command of the detachment at Hutchi-ku.

None of the three men were ever seen again alive. When the mail convoy reached Minto about 2 p.m., coming down from Mackay's, they had not met the travellers, much to Captain Fussel's surprise. The territory had been remarkably free from serious crime, and trail robberies were unknown, so that travel-

lers seldom reported before reaching their destination. In this way the disappearance of Clayson and Relfe would not likely be noted by their friends at Dawson until they were due at Whitehorse.

Olsen's non-arrival at dinner somewhat surprised Corporal Ryan. His non-appearance during a couple of days made Ryan decidedly



THIS PHOTOGRAPH OF CLAYSON WAS TAKEN JUST BEFORE HE STARTED ON HIS ILL-FATED TRIP.
From a Photo.

On nearing the town one comes across the "cemetery of the demijohns," a curious inclosure, literally paved with broken glassware. It is here that the natives throw the huge vessels in which liquids are transported. Two demijohns constitute a man's load, each one weighing from 55lb. to 66lb.

On entering the market, which nestles in a little valley surrounded by cottages, one is struck by the extraordinary quantity of mats, on which are spread the various products of the country. One of my photos. shows two young Malagasy bearing on their heads enormous bundles of sugar-cane and baskets woven out of dried herbs, likewise containing sugar-cane.

Farther on wood for building purposes is being sold. Planks and beams are valuable assets in Madagascar, owing to the difficulties of transportation, hence the lumber trade is in a flourishing condition, and the native disposes of his indispensable merchandise at a rather lucrative figure. All this wood is carried on men's backs, and in the accompanying photo. we see a number of Malagasy carrying loads of wood to the upper portion of the town. The horse seen in the picture is an exceptional sight, and constitutes in itself a small fortune, as horses are very scarce.

As the traveller strolls through the streets of Antananarivo he sees almost at every step European houses luxuriantly decorated with orchids, and perchance he may come across a wedding procession, which will cause him to smile by reason of its absolute grotesqueness. He will not be the only one moved to hilarity by it, since it is difficult even for the Malagasy themselves to preserve a serious demeanour. It must, however, be borne in mind that carriages are few and far between at Antananarivo, and that the sole medium of transportation is the filansana. It is, therefore, not a matter for surprise that the married couple and their friends should have recourse

to this somewhat antiquated means of locomotion.

In my next photograph we have a forest scene outside the city. Some thirty Malagasy are carrying off a tree which they have felled for the purpose of building their log cabins. A European directs their efforts. It is extraordinary how they handle their heavy burdens.

While on an excursion through the interior I secured a photograph showing rice-fields intersected by numerous little canals which fecundate the national plant and give a most curious appearance to the landscape. The next picture shows natives washing gold by "rocking the cradle" in primitive bowls, which do not seem well adapted to such a purpose.

This magnificent island, which is greater in extent than the country which has annexed it, has undoubtedly got a great future before it. In order to develop the colony roads, canals, railways, a network of telegraphs, and a submarine cable girdling the island are still required.

Such is the work of the future now that the country has been completely pacified and the people's minds have quieted down.



F. B. Horsman
 "THE RICE-FIELDS, INTERSECTED BY NUMEROUS LITTLE CANALS, GIVE A MOST CURIOUS APPEARANCE TO THE LANDSCAPE."

From a Photo. by the Author.



NATIVES WASHING OUT GOLD FROM THE SAND IN THE RIVER-BED.
From a Photo. by the Author.



From a

THE DESERTED CAMP DISCOVERED BY CORPORAL RYAN.

[Photo.]

uneasy, and fearing that the repairer had fallen from a pole and injured himself, he determined to search for him. In his search for Olsen on the 31st December Ryan traversed the "Pork Trail." About midway along it he noticed a trail leading off over the flats towards the hills. Connecting this with certain disappearances from cachés on the river, he followed it for some six hundred yards, and found a camp composed of low log walls, covered with a canvas roof, the whole about 8ft. square. It had evidently been occupied by two men, for there was a double bunk, and outfit of dishes for two. He noticed a rifle in a case suspended to the ridge-pole.

He reported his discovery at the post that night, and there learned that it was feared that two other men, named Clayson and Relfe, had also disappeared. A watch was set on the tent, but no occupant showed up. A further search in it revealed a small pile of canned goods marked "McKay Bros., Dawson," evidently taken from a caché on the river near the northern end of the "Pork Trail." The Win-

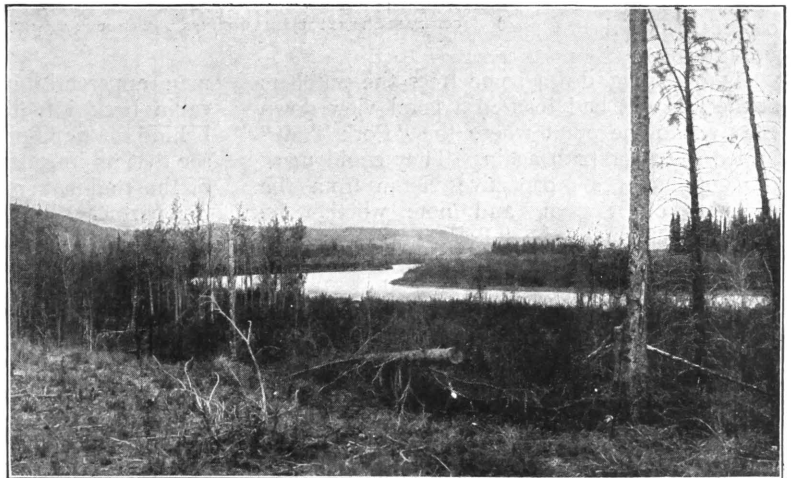
chester rifle was found to be 40-calibre. A bag of ammunition for it was also found, and a pair of pincers or telegraph pliers, with a file and knife. These were afterwards identified as being the property of Olsen.

And now began a search which lasted for many months. News of the mysterious disappearance of Clayson and his companions was wired to his brother at Skagway, on the Lynn Canal, and in February, McGuire, a St. Paul, Minnesota, detective of note,

arrived to assist the police. Inspector Scarth, a clever young officer of the North-West Mounted Police—who has since received a captaincy in the South African Constabulary—was sent from Dawson to take charge of the search, which was prosecuted most actively during the months of March and April.

Day after day the searchers crept about on their hands and knees around the deserted tent, sifting the fine snow between their fingers. They also examined a trail near the river bank, where evidence of shooting had been found.

The ashes of the sheet-iron stove were found



"BY CHOPPING DOWN SOME TREES THE WATCHERS HAD INSURED A GOOD VIEW DOWN THE RIVER." [Photo.]

to contain moccasin eyelets and buttons. Among the ashes of a bonfire outside the tent were found charred pieces of clothing, iron buttons, etc. Around this fire, in a semi-circle, at varying distances, as if a man had stood by the fire and thrown them, were found buckles, keys of safe-drawers, an oil-bottle, pieces of an electric belt, and a pearl-handled penknife. The buckles were found among the *débris* of a windfall, some forty yards from the fire. The oil-bottle and electric belt were identified as the property of Olsen, while the pearl-handled knife and safe-drawer keys were easily proved to have belonged to Clayson. One of these little articles was found in a clump of tangled grass.

In the meantime the detectives had discovered a system of trails cleverly marked so as to attract no attention from anyone except those familiar with their whereabouts. One led back from the river-bank at a point where the ice-trail ran within 30ft. of it to other intersecting paths, leading in one direction to a look-out point and in the other to the top of a bank 40ft. high, where there was an open place in the river, into which tell-tale objects could be thrown.

By chopping down some trees the watchers at the look-out had insured a good view down the river to the point where the "Pork Trail" joined the river path again. They could mark the coming of a prospective victim from the direction of Dawson, and note whether he branched off on to the "Pork Trail" or came along the ice. In either case he had to pass close to one of the concealed paths. It was a clever arrangement, and no doubt the mysterious occupants of the hut had looked forward to a good winter's business, with no tell-tale evidence left around.

But the North-West Mounted Police did not devote themselves exclusively to the search on the trails. During December suspicion had fallen on a man named O'Brien and his partner

with being concerned in some *caché* robberies, but they bolted just before the date of the disappearance of the three travellers. They had been seen several times in the vicinity, however, and it was thought that they might know something about the business.

They had been seen on the trail south of Fort Selkirk, during the months of November and December, singly or together, and at different times had taken other names, O'Brien passing as Miller, and his partner, Graves, as Ross. They were always hard pressed for money, and had a varying tale as to what they were going to do, from trapping on the Pelly River to mining in the Big Salmon country.

For some time they occupied the little Arctic Express cabin on the east side of the Lewes River,



From a CONSTABLE PENNYCUICK EXAMINES THE HIDDEN TRAILS. *[Photo.*

nearly opposite the Minto road-house. When Mr. Powell and his men were cutting out the "Pork Trail" Powell happened to cross the river to the cabin from which he had seen smoke rise, but was met on the ice by O'Brien, who, with a rifle thrown across his arm, gave him a veiled warning to keep away from the cabin. Later on one of Powell's men noticed a

man apparently carrying something from the cabin back into the bush, while another man behind the wood-pile watched with field-glasses to see that no intruder surprised them. A couple of the trail-makers visited the cabin and found the partners there, when they told them that Graves had injured himself by a fall. A policeman also visited the cabin and took stock of the occupants. He and the other two visitors were later on able to identify a stove seen there, with a peculiar vent-hole shaped like a figure 8, as the one issued to O'Brien when he was released from gaol some time previously. This was the stove which was found in the deserted camp by the North-West Mounted Police. The field-glasses were also identified later on, as they were found on O'Brien when he was arrested.

Mrs. Prather was one of the best witnesses for the Crown at O'Brien's trial. She and her husband were going from Dawson to the "outside" towards the end of December, 1899. On the 27th December, two days after the tragedy, Mr. and Mrs. Prather left Minto and turned off at the "Pork Trail" by mistake. After going a mile or more, until they came to where a camp had been, they came to the conclusion that they had gone astray, and Mrs. Prather announced her intention of going back, her husband following a little later with the dogs and sled. On running down the bank to the main trail again Mrs. Prather saw O'Brien, who had a big yellow dog hitched to a sled. He was not on either trail, but had evidently come down the bank. O'Brien volunteered the information that he, too, had been lost, and had camped out in that vicinity.

Although O'Brien's dog and sled were turned towards Minto, or down the river, when first seen, yet that night he joined the Prather party at the next road-house up the river, with his big dog and outfit. For several days he travelled the same distance as the party did, spending the nights at the same road-houses. O'Brien at first cooked his own meals, as is the custom with travellers with slender purses, but later he paid for his meals, which showed he had money. On the last morning they were together Mrs. Prather, from her bunk on one side of the sleeping-room, distinctly saw O'Brien counting a large roll of bank-notes by the light of a lamp while sitting in his bunk.

He next developed into the owner of two horses and a pair of bob-sleighs, and gave out that he was going to freight goods across the lakes from Bennett to Whitehorse. He tried to sell his big dog, but was not successful.

When he reached Whitehorse he asked for permission to follow the track of the railroad then being built across country from Bennett to Whitehorse, which would save him about fifty miles of a roundabout journey by way of Tagish

Lake. But he talked too much, and the superintendent of works, thinking there was something wrong, refused it to him, although permission had been given to many other teams. That act of Mr. William Robinson secured the arrest of O'Brien on British soil. Had he been allowed to take the "cut-off" he could easily have crossed Lake Bennett and the White Pass into the strip of Alaskan territory at the head of the Lynn Canal.

Nothing daunted, however, O'Brien moved swiftly around by the Tagish route. At one of



From a] THE SCENE OF THE MURDERS. ALL THREE MEN FELL CLOSE TO THIS SPOT. [Photo.

the road-houses he asked the landlord, an ex-member of the North-West Mounted Police, if he wished to buy some gold nuggets, and poured about fifty dollars' worth of them into his hand. The landlord's eye lighted on a curious pear-shaped nugget, containing in its larger end a smaller nugget, which, although loose, would not drop entirely out of the crevice which held it. The landlord examined it closely, and then handed it back to O'Brien with an inquiring look. A change came over the latter's face, and without a word he put the nuggets back into the bag and paid his bill out of a big roll of notes. When he was arrested a few days later he had no nuggets and no roll of bills. But the astute landlord, as well as others who had seen that curious nugget in the possession of the unfortunate Relfe, made models of it at the trial, and their testimony as to its peculiarity agreed.

When within three miles of Tagish post



THE LARGE TREE IN THE CENTRE MARKS THE SPOT WHERE THE "MURDER TRAIL" BRANCHES OFF
From a TO THE RIVER. *[Photo.]*

O'Brien stopped overnight at a road-house kept by some Indians. With one of these he had a quarrel about feeding his horse, and was well remembered thereby. Next day, in spite of a warning, he crossed the river on a wood trail, hoping that by following it he might get past the police post unseen. He turned back, however, and in doing so ill-luck dogged him, for one of his horses fell into the river and was only extricated with the help of the Indians.

Having lost so much time O'Brien was compelled to stop at the police post, where he received permission to put his horses into the unfinished police stable. The robe on his sleigh attracted the attention of the police, and by order of Major Wood he was placed under surveillance until Dawson was communicated with and his story of its issue to him on his release confirmed by wire. But O'Brien's name was familiar at the police headquarters, and a few

hours later a telegram came to Tagish that O'Brien was wanted on a charge of stealing—the object of the authorities being to detain him.

When O'Brien's effects came to be searched a considerable list of articles was found in his possession. Among them were a 30-calibre Winchester rifle, two 41-calibre Colt revolvers, and plenty of ammunition. On his person was found a pair of silk gloves belonging to Relfe, which Clayson was known to have worn on the morning the ill-fated

trio left Minto. The money found on him only amounted to fifty dollars. It was during a later search of his effects, after the arrival of Detective McGuire, that two 100-dollar bank-notes were found in the heels of his socks. What became of the roll of bills and the bag of nuggets which the landlord saw can only be conjectured. The prisoner, to account for the money, claimed that it was part of a sum of a



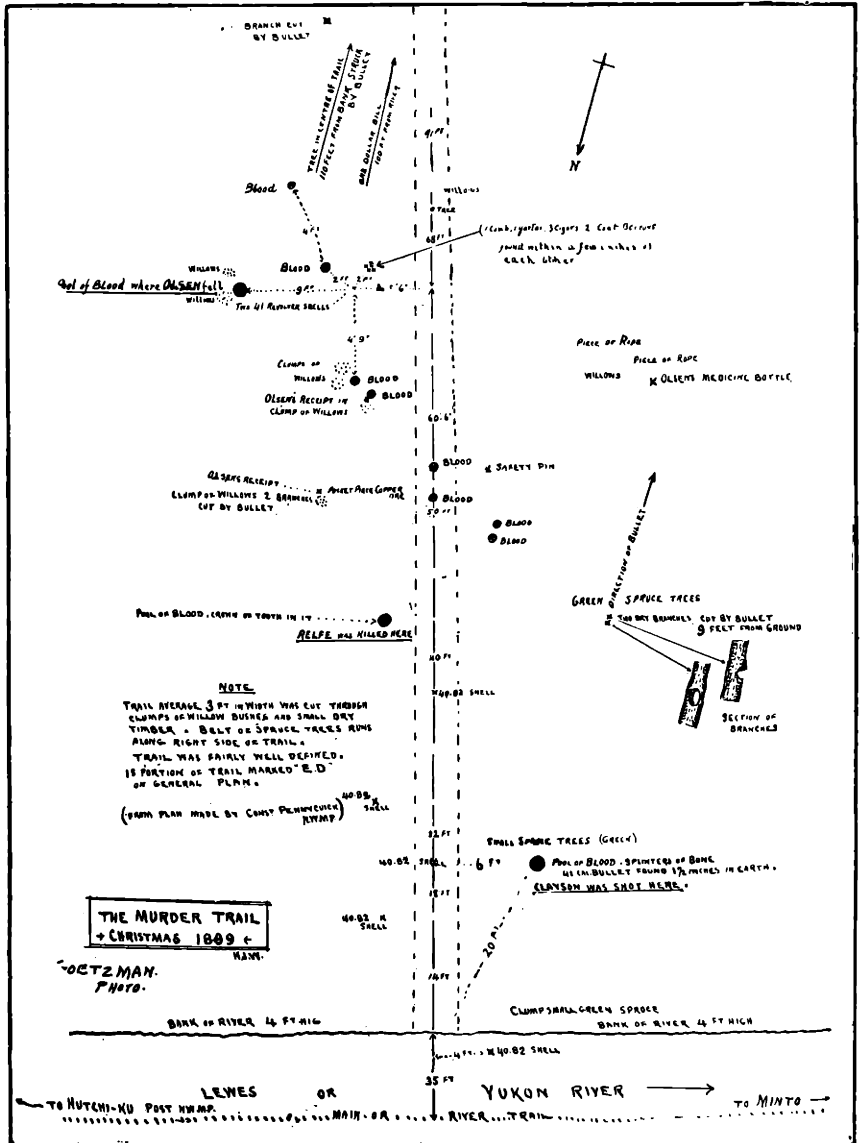
From a THE BODIES WERE BROUGHT HERE PRIOR TO BEING THROWN INTO THE RIVER. *[Photo.]*

thousand dollars which had been sent him by his brother. He also admitted having taken some goods from cachés. He was taken under strong guard to Fort Selkirk, where after a preliminary hearing on the charge of stealing he was sent on to Dawson.

All this time the search for the three missing men went on, in spite of the intense cold. Inspector Scarth conducted it in a systematic manner. Day by day the police searched for the slightest clues around the deserted tent. Working on their hands and knees, sifting the snow carefully between their fingers, the keen-eyed detectives found buckles, keys, etc., and cartridge shells fitting the different weapons in O'Brien's possession. It was clearly proved that clothing had been burnt in the bon-fire, which was made on the 26th December. Captain Fussel, from his road-house, had seen smoke rise from that unwanted place on that day. He remembered the incident because that was the first day he had seen the low winter sun after the shortest day, and the smoke was in a direct line with the sun. It rose straight up, showing white and clear in the calm, frosty air of Yukon.

But it was on the short trail, 125 yards long, running back from the low bank of the river, that the police made their most gruesome find. Here, under the upper snow, they found pools of frozen blood, where the travel-

lers had fallen when shot. As near as one can gather from the evidence and a study of the maps, the following would appear to have been the manner in which Messrs. Clayson, Relfe, and Olsen came by their deaths. It would appear that, after sighting the approaching party from their look-out and having got into place on the short trail, one of the murderers remained concealed, while the other, presumably Graves, went down on the river trail and compelled the three, at the point of his rifle, to climb the bank. Then one of the party must have given the word to run for



THIS IS THE OFFICIAL PLAN OF THE "MURDER TRAIL," SHOWING THE DISCOVERIES MADE BY THE POLICE.

it, or else the murderers opened fire, because the unfortunate men started to scatter in different directions. But their flight was short. Graves, standing midway up the low bank, put a bullet from his 40.82 Winchester through Clayson's body before he got 20ft. from the edge of the bank. It was known that Graves stood midway up the bank, because an empty shell from his rifle was found where he stood, and the mark of his bullet was found in a tree, 9ft. from the ground, some distance beyond and in line with the spot where Clayson fell. Experiments with a rifle and target proved this fact.

Relfe got about 40ft. away on the opposite side of the trail when he fell with a bullet through his heart. One bullet was fired at someone on the trail, as its mark was found on a tree in the middle of the trail, over 100ft. from the edge of the bank. Traces of other bullets were found in the thicket, showing that the shots did not all reach their mark.

Olsen, a powerful Swede, was evidently met by O'Brien, who used his revolver on him, at first without effect. The traces of a terrible struggle were followed for some little distance on each side of the trail. Blood-spots were found amid the marks of the struggle. Eventually Olsen was shot or beaten down, as, when found, he had a bullet wound through his head, which was terribly crushed, the skull being fractured. Several of his ribs were also broken.

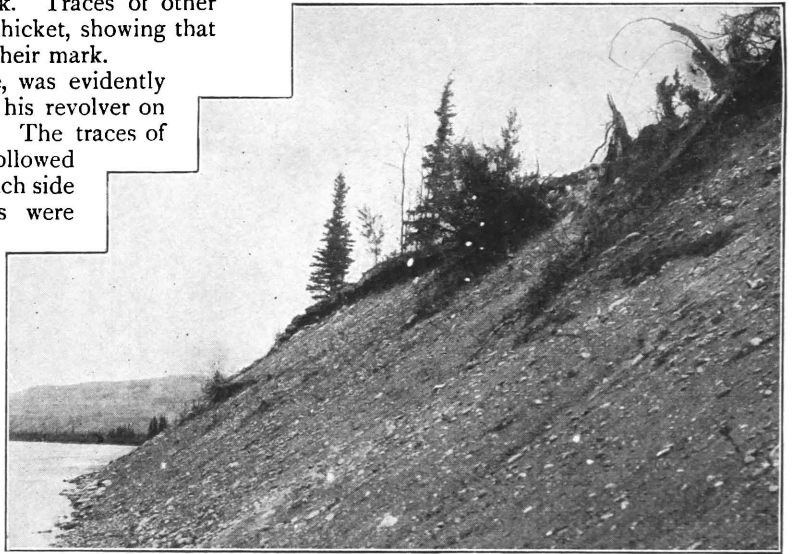
To make sure of their work the murderers shot Relf and Clayson through the head as they lay on the ground. This led to the identification of the spot where Relfe was killed. Where Clayson fell some splinters of the skull were found, and the "mushroomed" bullet was dug out of the earth, and on being weighed corresponded exactly with a bullet used in the 41-calibre revolvers found on O'Brien at Tagish.

Olsen's flight and struggle were traced by several objects. Near where the struggle began they found a receipt given him that morning for payment of his meals at Minto. Farther on a piece of copper ore, identified as belonging to Olsen, a comb, a cigar, and other articles were found. Some short distance along the trail a one-dollar bill was picked up.

Constable Pennyquick, the able North-West

Mounted Police detective, drew a set of plans of the river and trails and the location of the finds, which were much praised for their clearness, while Corporal Ryan, a clever amateur photographer, made a beautiful set of views of the locality. By means of these and the accompanying plans the judge and jury were able to understand the locality as well as if they had been over it.

It soon became certain that the bodies had been thrown into the river at the place where the bank sloped steeply to the river. Inspector Scarth, therefore, set a force of men to work to cut the ice over some shallow places below the scene of the tragedy, hoping to find the bodies lodged there. The bottom of the river was also examined by means of a water-glass, but without avail. Blood-spots, however,

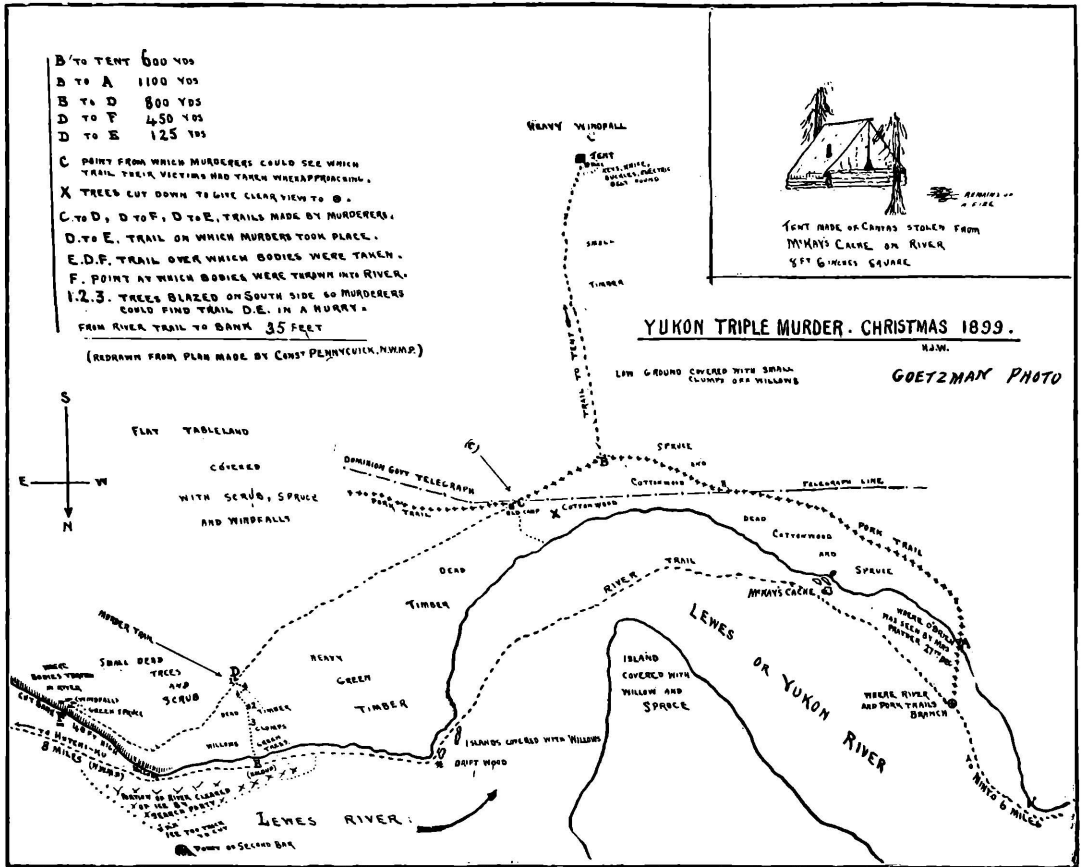


DOWN THIS SLOPE THE BODIES OF THE THREE MEN WERE THROWN INTO THE YUKON.

From a Photo.

were found beside the open place, and also on O'Brien's sled.

During the month of June, or a few weeks after the ice had gone from the river, the Yukon at last yielded up her dead. The bodies were found one after the other at different places below Minto, in shallows and on gravel bars. The ice-cold water had preserved them remarkably well, and the friends of the murdered men were easily able to identify them. Clayson and Relfe were found to have been shot through the breast and head. Olsen was shot through the head and had his skull crushed. His body was the last recovered, and the face was terribly disfigured, but he was identified by the formation of his teeth and the fact that he never had



THIS PLAN WILL GIVE AN IDEA OF THE WHEREABOUTS OF THE DIFFERENT POINTS MENTIONED IN THE NARRATIVE.

more than fourteen teeth in each jaw, instead of the regulation sixteen — a curious fact which he had discussed with a policeman.

The clothing of each man had been carefully rifled by the murderers. The police came to the conclusion that the confederates drew the bodies to the bank after nightfall and threw them into the water. The extra clothing carried by their victims was taken to the tent, and after being carefully searched and the lining ripped open was burnt at the bonfire outside.

What became of
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Graves after the murder is not known. He, together with a black dog, disappeared. Some think that in the struggle with Olsen he was badly wounded, and that his callous accomplice, O'Brien, put him out of the way, while others believe that he escaped down the river into Alaska.

Detectives who have visited various Alaskan camps, however, have found no trace of him.

During the long interval between his arrest and trial O'Brien was held first on the charge of stealing and later on on the



THE OLD LOG COURT-HOUSE AT DAWSON WAS JAMMED TO SUFFOCATION DURING THE HEARING OF THE CASE. [Photo.]

charge of murder, being up for examination several times. But neither he nor the general public learned of the proofs in the possession of the police, except some that developed at the inquest on the bodies, until at last the guilty man was confronted with an overwhelming mass of circumstantial evidence.

O'Brien made little or no effort to hasten the trial. He thought, no doubt, that time was in his favour, as it would be almost impossible to keep the witnesses together, while Nature herself was every hour obliterating the traces of his crimes. As a matter of fact, the impossibility of keeping the witnesses together was the chief difficulty the prosecution laboured under. Witnesses were averse to be bound over for an indefinite period. Mr. Prather had business at home and went down the river in a small boat, but Mrs. Prather was not so fortunate. She had taken her passage on one of the lower river steamers, but the police became aware of it, and she was taken off the vessel under a formal summons as a witness. She was kept in Dawson during the summer, but on giving her word of honour to return when required was allowed to spend the winter in her Californian home. She was to be a valuable witness for the Crown.

The trial opened on the 10th of June, 1901, and lasted for twelve days. In Yukon territory only six jurors are necessary to try a case, and an excellent jury was selected in a couple of hours. Mr. Justice Dugas, Chief Justice of Yukon territory, and a Montreal jurist of repute, presided over the court, and the prisoner was defended by Mr. Bleeker, an able advocate from Ontario. Mr. Fred C. Wade, one of the brightest lawyers in Western Canada, acted for the Crown, and marshalled his evidence with great skill.

The case attracted tremendous interest. Unfortunately the new court-house at Dawson was not completed, and the old log one was accordingly jammed to suffocation, while the open windows were filled with listening heads. The proceedings were conducted with the quiet but impressive dignity of a British court of law.

There were nearly one hundred and fifty exhibits arranged on a table, which looked like

a combined museum and arsenal. Some seventy witnesses had been gathered, but as the court sustained the objection of the prisoner's counsel against being tried for all three murders at once only half of them were available, or those who could give testimony regarding Relfe, whose case was selected by the Crown as the one to be gone into. As the three men travelled together on the day of the murder, however, and were presumed to have been killed together, it followed that most of the evidence collected by the Crown was used.

"Kid West," a young burglar serving a five years' sentence in the Washington State Penitentiary, was, perhaps, the most interesting witness. He was lent by the Washington authorities, from which state Clayson hailed, to the Canadian Government. He had served a sentence in Dawson for stealing during the winter of 1898—99, and had met and talked with O'Brien while there. O'Brien made a proposition to him to establish a hut on the winter trail, "hold up" people, and throw their bodies into the river. West was opposed to murdering people, as he held that it jeopardized the burglary and highway robbery business if one were discovered.

After all the evidence for the Crown had been given the defence had no case to offer. After the addresses by the opposing counsel and the judge's charge the jury spent two hours in carefully going over the evidence, and then

brought in a verdict of "Guilty." O'Brien did not manifest any apparent concern, and he remained impassive when the judge sentenced him to be hanged on the 23rd August, 1901.

O'Brien was hanged on that date. He made no confession before his execution, and died reviling the sheriff and hangman. From first to last the case cost the Canadian Government over £20,000. Close on eighty witnesses were collected to give evidence for the Crown, some of them being brought 5,000 miles in order to do so. There can be no doubt that the great tragedy brought to an end by the death of O'Brien on the scaffold will long stand as a record in the annals of Canadian justice.



THE MURDERER O'BRIEN, PHOTOGRAPHED AT FORT SELKIRK. [Photo.]