

# PONTON IS NOT GUILTY.

## ROACH GETS THREE YEARS, HOLDEN FOUR, ROACH GOES FREE.

### Head of the Great Napanee Bank Robbery Case—The Jury Out One Hour and Re-opens With a Verdict of Innocence—Strange Leniency to the Chief and Subsequent Criminal.

A despatch from Cobourg says:—After the address by the Crown Counsel, Mr. Osler Holden was called to the stand.

Holden described in detail his scheme to hold up Ledger-keeper Durand and get his combination from him. The ropes and gags that Carter Lafferty found were to have been used for this purpose. Other schemes were also proposed and fell through. Pare gave Ponton many instructions and suggestions about the combinations, and frequently talked to him in his room. Ponton could make nothing of them.

### IN PONTON'S ROOMS.

Here Holden gave some circumstantial detail about the furnishings of Ponton's rooms, intended to show the jury that he knew the place intimately. The affair dragged on until Pare informed him that manager Baines had gone away and that the combination was available. Two or three attempts miscarried because people were in the vicinity of the bank, and finally Pare got into the bank, got the combination and found everything left in shape for him by Ponton. On this occasion Pare took away a few cartridges of coppers. They were arrested next day by the Napanee Chief of Police, and the coppers were found on Pare. They were kept in jail a few days and then let go with a caution to get out of town.

### THE KEYS IN THE JAIL.

While in jail Pare had two keys in his possession, a combination key and the key to Manager Baines' compartments in the safe. This was shortly before the robbery.

Pare informed the witness that Ponton had told him that among other things in the vault were \$10,000 in bonds and \$2,000 in gold in Manager Baines' compartment.

### THE ROBBERY.

Holden then told the jury how the vault was cracked. It was on the night of August 27th that he, Mackie and Pare went to Ponton's room. They waited there from 9.30 p.m., to midnight, and then entered the bank through the rear. Ponton remained in his room while Pare and Holden cracked the safe and stowed away the swag. Mackie stood outside with a telegraph string to warn them of danger. Holden incidentally took the wax out of the old hole in the vault and tightened it up to make it look decent. Pare twisted the lock on Ponton's compartment to make it look as if it had been forced. They all went back to Ponton's room and divided the swag.

### PONTON'S SHARE.

A bundle of \$5,000 was set aside for Ponton and a supplementary bundle of \$5,000 in unsigned notes. Holden advised Ponton to plant his money, so that when searched it would not be found on him, or in his apartments. That very night he and Pare buried Ponton's swag at the first half mile post east of the Napanee station, and in the fence they carved the initials G.T.R., so he could find it when the swag was divided among Robert Mackie, Pare and Holden, \$1,100 being kept out for "Whale" Mackie and \$2 for the board bill of John Mackie. Roach, who was not there, got \$1,100. He had not done any of this work.

### DIGGING IT UP.

Holden and Pare got back to Napanee in April, 1898, and having got Robert Mackie they went out to where Ponton's swag was buried, and resurrected it. They gave Ponton all his money, with the exception of the unsigned notes, which Ponton said he would have nothing to do with. The unsigned bills were damp from being in the ground, although they were enclosed in a tin box and a bag. Holden kept the unsigned notes, and it was this money that Mrs. Holden tried to throw in the fire when the detectives arrested her husband.

### STAINED BILLS FROM PONTON'S FRIENDS.

A. F. Wartelle, teller of the Merchants' Bank at Belleville, testified that he had received about 50 stained Dominion Bank notes from Mr. Hope McGinnis. They were badly dried up, very brittle, hard to handle, and had a rank, musty odor. They were all fives, and had been deposited during a period ranging from Dec. 18, 1898, to about a month ago. Most of the deposits were made by McGinnis, although some of the notes were handed in by a hotelkeeper named Beaton. Acting under instructions from the Dominion Bank, Wartelle had set all these suspicious notes aside. McGinnis, it may be explained, was a friend of Ponton's, and his brother was one of the prisoner's bondsmen.

### ROACH'S EVIDENCE.

Then the Crown played its latest card, and John T. Roach, the mysterious fourth man, took the stand. His statement, he said, was made voluntarily, without promise of reward. Roach began by telling how in 1897, while in Montreal Holden told him about an affair up west, where a man was willing that a bank should be robbed with his help. He was asked to go up to Napanee and after talking

it all over he decided to go. With Holden he went to the Dominion Hotel in Belleville, the proprietor of which was Mr. Mackie. Holden and he went upstairs to a room and there met Robert Mackie and "Whale" Mackie. They talked over plans to rob the Dominion Bank at Napanee by drilling a hole through the safe door. It was understood that the vault door was to be open.

### A KEY FROM PONTON.

With Holden and Mackie, Roach went to Napanee and met Ponton, who gave them a key to the side door of the bank. They went into the bank, but could not get the cap off the vault door, and went out again. They went to the Paisley House, where Mackie had a talk with Ponton. A second journey was made to the bank, Ponton going in first. He reported everything "all right," and the crooks followed him in and tried to drill a hole in the safe, but could not. They then went back to Belleville on a freight train.

### COULDN'T GET IN THE SAFE.

The next day they found Mackie had had his feet frozen. That night Holden and Roach went again to Napanee, and after having trouble, as described by Holden, with the dog, started again to drill the safe, failing again. Then other schemes were thought of, among them the capture of Durand and forcing the combination from him. A decoy letter was written, purporting to be from a girl, to lure Durand to a lonely spot, but before it could be used Mackie found that the Belleville police were suspicious of Holden, and the latter, with Roach, went back to Montreal.

### PARE BROUGHT IN.

Roach spent several weeks in Montreal and then letters from Robert Mackie began to arrive, asking him to come up and to bring Pare with him. "I knew Pare," said Roach, "that is, I had met him, and I went to his sister's house several times, but he was out of town. Finally I found him and told him about the bank, and we decided to go up. At Belleville they came to a quarrel. Pare wanted to see Ponton, and Holden did not want it. He carried messages from Pare to Ponton—messages that told Ponton what to do to gain information of the safe combination. It was finally left to a vote as to whether Pare should see Ponton, and the vote decided that the two men should meet. Roach told of Ponton bringing some wax to Pare and the latter making an impression therefrom.

### DIFFICULTY WITH THE SAFE.

Ponton found it impossible to master the combination, and told the gang during one of his visits to the camp outside the town that he would have to wait till Mr. Baines went fishing. Another attempt was made to get into the bank at night, in which Roach and Mackie were instructed to decoy Constable Perry by acting suspiciously so that he would follow them away off on another street, but they failed in this. They Roach got sick of the job and left. The young crook wound up his story by describing Ponton's room. He told of having written to Ponton demanding a share of money if the bank was robbed. He never got anything of the \$1,000 which Pare left for him.

### THE DEFENCE.

The first few witnesses for the defence were uneventful. C. D. MacAuley, a Napanee barrister, testified that Ponton spent the evening of April 24, 1898, from 7.30 until 10 o'clock at Mr. Davey's house. This is the night on which Holden declares they talked about resurrecting Ponton's buried treasure, and sent John Mackie to fetch Ponton from the party.

### LADIES TESTIFY TO ALIBI.

Mrs. MacAuley corroborated her husband. This lady keeps a dairy, and her husband's movements for that evening—and perhaps for many other evenings—were accurately tabulated. Miss Lulu Davey also had this particular Sunday evening firmly lodged in her mind. She knew that Mr. Ponton left with Miss Newbury at 10 o'clock sharp. That was closing hour at the Davey House, and Miss Newbury always stayed the limit. This witness was very positive.

### PONTON'S GOOD REPUTATION.

Mr. Porter then shifted his case from alibi to character evidence. Mr. J. P. Thompson, City Treasurer of Belleville, said that he had known Ponton from childhood, and that he was frugal and industrious. J. F. Milburn, head master of the Belleville High School, had observed Ponton as a student, and he had a high idea of his character. He was "eminently truthful, conscientious, frank and straightforward."

Rev. Monsignor Farrelly, who has charge of the Belleville parish, testified that Ponton was "a nice boy, gentlemanly, beautifully trained, and as incapable of robbing a bank as I am myself."

### Acting Sheriff John Taylor, also of Belleville, had an excellent opinion of the prisoner.

### A FELLOW CLERK'S EVIDENCE.

Walter H. Green, a junior at the Napanee bank at the time of the burglary with Ponton. He thought that Mr. Durand and Mr. Baines were the only ones who had the combination of the safe. He and Mr. Ponton knew the combination of the vault. On the night of the burglary witness had locked the vault, and he and Mr. Baines were the last to leave the bank. With reference to the book entry of Government securities, Green said that everyone in the bank could know of it, as all had access to the books.

### To Mr. Osler, the witness admitted that there were poker games in the bank premises at night. Ponton and Durand always sat in, and the rest of the game was recruited from outside. He himself did not play the game. It was one-cent ante.

### THE SAFE EXPERT.

Mr. Arthur Gravelle, the amateur safe expert, who has won a deal of notoriety in connection with the case,

was the next witness. He was armed with a four-wheel Sargent and Greenleaf combination lock, whose mechanism he explained to the court and jury. Mr. Gravelle gave the sign that Chancellor Boyd is interested in. Osler's objection to practical demonstration.

"The safe," said Mr. Porter, "was set on the combination 39, 66, 80, 43. How is that combination?" "It's an easy one," said Mr. Gravelle.

"Are there any numbers on which the lock can be opened?" "Do it," said Mr. Porter, and the whole audience watched the operation breathlessly.

Mr. Gravelle set his lock on the Napanee bank combination, and proceeded to open it by his own set of numbers. "To the right, 24," called off Mr. Porter. "To the left, 20; to the right, 80; to the left, 43," and the lock is open."

So it was, but the second set of numbers, 40, 72, 80, 43, Mr. Gravelle failed three times, and finally had to give it up although the wheels were in line, the lever would not drop, and the lock remained engaged.

"Is there another set of numbers that will do it?" "Yes," said Mr. Gravelle. "Take the set 39, 94, 80, 43."

### AGAIN MR. GRAVELLE'S THIN RIGHT HAND

twisted the knob too and fro, and as the last number was called off, Presto! the thing was unlocked. Having remarked that there were thousands of sets of four numbers that would unlock the combination, Mr. Gravelle went on to demonstrate that he could do the trick with three numbers. He took the set 20, 81 and 44, and in a minute the thing was done. This was the end of the object lesson. Undoubtedly it had an immense impression on the jury, although the value of the evidence is not direct.

### PONTON'S COUNSEL SPEAKS.

Mr. Porter's speech for Ponton was much briefer than his oration at Napanee. It was also entirely free from appeals to sentiment, and though the prisoner's mother was present in the court it was somewhat unique that no allusion was made to the fact. Mr. Porter devoted himself entirely to pointing out what, from the defence standpoint, are the weak points in the Crown's case. Though combatting the theory that inside assistance was necessary with the evidence of his safe experts, he practically admitted its possibility in considering their branches of the evidence, but argued that it had not been proven that Ponton was the traitor in question, there being three other members of the staff to choose from. As a rule, he pitted Ponton's general denial against all the allegations of the Crown. The defence tenor, the prisoner being by all odds the most important witness in his own behalf. The defence decided not to call on Pare on the court, ruling that they must take the responsibility for his evidence. Mr. Porter also refrained from calling Hope McGinnis, who, according to the argument of the Crown, handled some of the buried bills which Holden alleged were received by Ponton. McGinnis states that he demanded the right to give testimony and clear himself, and that it was refused him.

### MR. OSLER'S ADDRESS.

Mr. Osler asked the jury to give weight to the outside testimony which fitted into the story they told. Mrs. Hannah McGinnis' story as to the noises she heard on the night of the burglary was the starting point in the Crown's theory. What were these noises? Of shuffling and walking about, that continued from midnight until 3 o'clock in the morning. What was the significance of the expression, "Oh dear! Oh, dear!" which she heard repeated? Was it the

### VOICE OF CONSCIENCE.

at the parting of the ways? Mrs. McGinnis' testimony as to the time the noises were heard and the defence's evidence as to the time Ponton was in or out of his room were not conflicting at all. He disproved nothing the Crown wanted to establish.

### THE KEY INCIDENT.

Another consideration, Mr. Osler continued, was that no breath of suspicion was ever raised against any official of the bank other than Ponton. The possession of Mr. Baine's key by Ponton was conceded. It was also apparent that Pare had made a key from the impression found in Ponton's room, or from one similar. The key was found in Pare's cell and it fitted exactly with the impression previously found in Ponton's room. This key, according to Pare, was dropped down the crack in his cell when he was placed in jail a week before the burglary, because he and Holden were discovered with cartridges of coppers on their person. The key, made from an impression, was dropped by Pare in his cell a month before Detectives Wilkes and Dougherty appeared on the scene.

### THE ROBBERS WERE POSTED.

What evidence is there apart from that of the burglars themselves to indicate that there must have been help from within? A hole was found bored in the side of the safe. That hole indicated that the people who bored it had no knowledge of combinations, or else they would have used it. Subsequently those who bored the hole in the safe got through the combination of the vault, a combination which the prisoner had. They got through the premises of the bank and negotiated a Yale lock in the outer door in getting in. The location of the hole, directly over the bolt, shows manifestly that somebody had told the operator where to bore.

### THEORIES ON THE LOCKS.

Coming to the combination locks, one on the vault, one on the safe and a Yale lock on Mr. Baine's private

compartment, Mr. Osler theorized at some length. Mr. Baine's compartment in the safe was forced. It had been proved by defence witnesses that Pare could not make a key from a hasty impression which could fit the lock. Indeed, Pare had not made one, and that was his reason for using the jimmy. Considering the lack of indications of violence on the outside of the vault and the safe, was it not reasonable to suppose, as the burglars said, that they had got into the vault afterwards to dispel the idea of inside help?

### TOO ABSTRUSE FOR BURGLARS.

Mr. Gravelle's system he dismissed in a few words. It was too abstruse for an ordinary burglar, and he reminded the jury that Mr. Gravelle's ability to open a four-wheel or three-wheel lock by a set of numbers other than the combination was not the same thing as opening a safe or vault without a knowledge of the combination. In all these instances Mr. Gravelle knew the combination, and as a matter of fact, Gravelle had opened only one safe in his life, according to his own story.

### WHAT HOLDEN KNEW OF PONTON.

Mr. Osler laid special stress on those points in Holden's story which were corroborated by outside testimony. If Ponton and Holden were not closely connected, how could Holden know that Ponton was \$100 short in his cash balance, a fact which was proven by Manager Baine's? How did Holden know that Cheesemaker Fraser would take a bundle of money home on a certain day, a fact which the cheesemaker had announced to Ponton, and which was sworn to by Fraser in the witness box?

### PONTON'S HABITS.

The next point that Mr. Osler took up was Ponton's sporting habits, habits which required considerable expenditure of money, and he analyzed the teller's earnings and spending along the line already indicated by the evidence. He emphasized the fact that Ponton kept in his pocket for so long a time the \$80, which accounts for the discrepancy between his resources and his expenditures about the time of the burglary. Why did he borrow money and buy a bicycle on the installment plan, and keep the knowledge of his nest egg even from his mother, if he had this money on other way, that he paid his bills in September and squared his account by means of stolen money.

### THE MCGINNIS MONEY.

Finally, Mr. Osler turned to the evidence of Holden and Roach, and drew those inferences which are already familiar to the public from the previous trial. With reference to the evidence presented by the Crown, the dusty bills that came in through various banks, Mr. Osler pointed out that, although it was not vital, it was a strong contributory circumstance that a big bundle of it was passed by a strong friend of the prisoner, namely, Mr. Hope McGinnis.

### SIR JOHN BOYD'S ADDRESS.

The Judge's charge began by saying that Holden was undoubtedly connected with the crime, a part of the stolen money having been found on some alibi witnesses, he advised the jury to use this test. There were twenty-seven witnesses at the trial. The jurors would doubtless remember the salient points of the evidence in each, but they would differ in particulars.

### HELP FROM THE INSIDE.

His Lordship here reviewed the evidence in the question, how was the burglary effected—outside burglars, or inside help? He thought that the evidence showed inside help and that it pointed only to Ponton, that is, if Holden's story was credible. No evidence had been produced to show that anyone else had given the information.

The Judge took occasion to give the jury a few pointers in the evidence of accomplices, and said that such evidence was valuable in proportion as it was corroborated by outside testimony. He then gave a themological account of the crime, beginning with the inception of the plot in January, 1897, and ending with the burglary, and the subsequent developments.

### UNFAVORABLE TO PONTON.

The Judge's themological account was interlarded with a running comment, and some emphasis was laid on those points in which the burglars' story was confirmed by disinterested people. The cheesemaker's story, and the fact that Ponton was short \$100 in his cash, came in for some elaboration.

### THE BURGLARS ARRAIGNED.

The three burglars, Pare, Holden and Roach were brought in. Holden and Roach were placed in the dock together. The clerk read the charge, and asked the usual question, Holden promptly pleaded guilty, but Pare gave a new turn to affairs. "What do you say, George Edward Pare?" asked the clerk, "Guilty, or not guilty?"

"That depends," said Pare, coolly, "pretty much on whether or not the Crown takes into consideration the terms on which I have been a Crown witness. If I don't get the consideration of the court, I plead not guilty."

"Not to-day, but Monday, if the Crown will allow me a lawyer. I have no money and no friends."

### This was an awkward dilemma, and Detective Greer, after consulting the prisoner, held a consultation with Mr. Osler. The result of this was that F. M. Field of Cobourg, was named as counsel for the prisoner.

### JURY SAYS "NOT GUILTY."

While this was going on a sensation happened. Beyond expectation, the jury came in, after being only an hour out. Ponton came in hurriedly. "Gentlemen of the jury, have you agreed upon your verdict?" "We have," said Foreman Warner. "It is 'Not guilty.'"

### THE JUDGE TO THE PRISONER.

Before leaving the dock he was asked to stand up by the judge, who said to him: "William Hamilton Ponton, it is my duty to inform you that the jury, by its decision, has acquitted you of this charge, and the law has no further claim on you. I do not regret that my connection with this case ends in this pleasant manner, by ordering your discharge."

### LIGHT SENTENCE.

Pare gets three years; Holden four years. Roach gets off on his own recognition to appear when called on, practically a discharge.

### MARKETS OF THE WORLD

Prices of Grain, Cattle, Cheeses, &c in the Leading Markets.

Toronto, Sept. 26.—For an off-day we had a heavy run of stuff in, as 71 loads came to hand, including 1,500 hogs, and a large supply of lambs and sheep.

There was a fair amount of trade, but as far as cattle were concerned the market was featureless and unchanged, with a downward tendency in the prices paid for inferior cattle.

Shipping cattle are quoted at from \$4.25 to \$5 per cwt., with a fraction more for choice selections.

The best butcher cattle sold at from \$3.75 to \$4, and \$4.12-1-2 per cwt., but trade was slow for medium and inferior grades, of which we had no undue proportion.

There is no quotable change in stockers, feeders, and export bulls.

Too many lambs and sheep were here to-day, especially lambs, and prices were quite a quarter per cwt. lower. There is a demand for a few choice milkers, and some good veal calves, but rough and large calves are a slow sale.

Hogs are unchanged. The price to-day was 4-5-8c per lb. for choice hogs, scaling from 160 to 200 lbs., and 4-1-8c per lb. for light and fat hogs.

Following is the range of current quotations:

Cattle.	
Shippers, per cwt.	\$ 4.25
Butcher, choice, do.	3.75
Butcher, med. to good	3.25
Eutcher, inferior.	3.00
Stockers, per cwt.	3.00
Sheep and Lambs.	
Ewes, per cwt.	3.50
Spring lambs, each	2.50
Bucks, per cwt.	2.75
Milkers and Calves.	
Cows, each	25.00
Calves, each	2.00

Choice hogs, per cwt. 4.25 4.62 1-4  
Light hogs, per cwt. 4.00 4.12 1-4  
Heavy hogs, per cwt. 4.00 4.12 1-4

Buffalo, Sept. 26.—Spring wheat—Dull but strong; No. 1 Northern, spot, old, 76 1-8c; new, 75 7-8c; No. 2 Northern, 74 1-8c; No. 1 white, 71 1-2c; Corn—Steady; No. 2 yellow, 39c; No. 3 yellow, 38 3-4c; No. 2 corn, 38 to 38 1-4c; No. 3 corn, 37 3-4c. Oats—Good demand; firm; No. 2 white, 27 1-4c; No. 3 white, 26 1-2c; No. 4 white, 26c; No. 2 mixed, 25 1-2c; No. 3 mixed, 25c. Rye—Dull; No. 2 on track, quoted at 62c. Canal freights—Boatmen holding out for 3c on wheat, flour—Firm.

Chicago, Sept. 26.—Flour—Closing—Cash, North-West, \$1.13; South-West, \$1.12; September, \$1.13; October and December, \$1.10 1-2; Duluth, cash, \$1.12 1-4; bid to arrive, \$1.11 1-4; September, \$1.12 1-4; October, \$1.10 1-4. Detroit, Sept. 26.—Wheat—Close, No. 1 white, cash, 70 1-2c; No. 2 red, cash and September, 71 3-4c; December, 74c.

Toledo, Sept. 26.—No. 2, cash and September, 70 1-2c; December, 78 1-2c bid. Corn—No. 2 mixed, 34 1-2c. Oats—No. 2 mixed, 22 1-2c. Rye—No. 2, cash, 58 1-2c. Cloverseed—Prime, cash, \$5.05; October, \$5.15 bid. Oil—Unchanged.

Duluth, Sept. 22.—Wheat—No. 1, hard, cash, 71 7-8c; September, 71 7-8c; No. 1 Northern, cash, 69 to 69 3-8c; September, 69 3-8c; December, 69 1-4c; October, 69 1-8c; May, 72 3-8c; No. 2 Northern, 66 7-8c; No. 3 spring, 63 3-8c.

Milwaukee, Sept. 26.—Wheat—High—No. 1 Northern, 71 1-2 to 72c; No. 2 Northern, 69 to 69 1-2c. Rye—High—No. 1, 53 to 58 1-2c. Barley—Lower—No. 2, 45 1-2 to 46c; sample, 41 to 43 1-2c.

### SYMPATHIES WITH CANADA.

Mr. Chamberlain's Attitude Towards the Alaska Boundary Dispute.

A despatch from London says:—Sir Louis Davies is closely engaged in consultation at the Colonial Office on the Alaskan boundary dispute. He resolutely refuses to make any public statement to his numberless journalistic callers, but it is understood that Mr. Chamberlain's attitude towards the Canadian case is most sympathetic. There is certainly no ground for supposing that the British Government has been prejudiced by the persistent misrepresentations of the Washington and New York correspondents that Canada was acting as an obstructionist. On the contrary, full knowledge of the facts convinces official circles here that Canada has gone to the fullest lengths of concession in the interests of peace, and the general Imperial desire for Anglo-American co-operation.

### A WONDERFUL OPAL.

The finding of an extraordinary large opal is reported from Winton, Queensland. The value of the opal is between \$35,000 and \$50,000.