The Weekly Colonist.

Tuesday, October 11, 1864.

THE BANK ROBBERY CASE.

Josiah Barnett, arrested on suspicion of being implicated in the robbery of Macdonald's bank, appeared on remand yesterday in the Police Court. Mr. Drake defended the accused, and Mr. Sebright Green watched the proceedings for Macdonald & Co.

Mr. Green applied for a summons to be issued against the proprietors of the *Evening Express* to compel their attendance in court.

Mr. Pemberton—On what grounds?

Mr. Green stated that they had made public statements which led to the inference that they were aware of certain circumstances connected with this matter, and as Messrs. Macdonald & Co. were anxious that every thing should be brought forward that could throw light upon the affair after the insinuations which had been thrown out, he thought their evidence should be forthcoming. An article which appeared in a copy of the evening paper in question, which he held in his hand, contained sufficient to justify the application. Messrs. Macdonald had no wish to screen the accused, who if guilty of the offence charged, should be rigorously punished.

The Magistrate said he had already refused a similar application as he did not wish to act too hastily, but the police would be directed to institute inquiries, and the application might be renewed, though he did not see that any good could result from it.

The inquiry was then proceeded with.

Mr. Waddell being sworn, confirmed his deposition made Sept. 23d, which was as follows: I am manager of Messrs. Macdonald & Co. Bankers, Yates street. Yesterday afternoon the sum of three thousand five hundred pounds sterling in sovereigns, and seven thousand five hundred dollars in notes of the British Bank of North America, in all making twenty-five thousand dollars were received at the bank from the Bank of British North America. This money was originally intended as a remittance to Cariboo. I afterwards decided to reduce the amount of such remitance by the amount of one thousand sovereigns and requested Josiah Barnett, cashier and book keeper employed at the bank to take that thousand sovereigns from a bag containing two thousand and he did so. About ten o'clock at night I saw Josiah Barnett with what I believe was a bag of sovereigns, and he was going to put them in the outside safe, what we call the paper safe; I never recollect money having been put in that safe. I remarked usually had you not better put it in the vault. He said something to the effect that the outside one was the better safe of the two. The safe to which I allude as the "outside safe" is situated in the central room, and the vault is in the bank. I believe he put the bag of money referred to in the vault, and the balance of the twenty-five thousand dollars was all put in the vault. Just before finishing my correspondence, Barnett remarked something to the effect that there was some kind of combination about the lock of the vault safe which he wished he understood, and which he said Mr. Macdonald had once shown and explained to him, but that he had forgotten the explanation, and he thought that if he took it out he could not put it back again. I believe he has mentioned that to me before. After my correspondence was finished and I was about to leave in company with Barnett, Mr. R. T. Smith came in. After arranging with Mr. Smith to meet at the office at nine o'clock prompt the following morning, we all three left the office and went to the Colonial Restaurant. It was ten minutes past ten o'clock when we arrived there. Mr. Barnett closed the whole of the premises with the exception of the front door, which I locked. Barnett gave me the key of the vault safe before I left. I was going to put it where it is usually kept, but he said I had better put it in my pocket. I did so. I have this morning discovered that the bank has been robbed during the night and a certain sum of money stolen therefrom; to wit, seventeen thousand five hundred dollars and upwards in gold coin, seven thousand five hundred dollars in British Bank of America notes, and about three thousand dollars in Macdonald & Co's bank notes, besides a small quantity of gold dust.

Cross-examined by Mr. Drake—I took the management of the Bank in June last; Mr. Barnett was book keeper and cashier, and had everything under his management except correspondence and general finance. The key of the vault was hidden in 5 or 6 different places, sometimes in a drawer. On one occasion we had about $160,000 in the vault; I locked the vault myself and put the key in my pocket; I never saw the rings with the keys on (produced) until they were in the hands of the police. One of the keys resembles one of our keys that used to hang on a brass nail; we had several keys; another key resembles the key of the back door which has been lost for some time; another which is bent, looks like the key of the vault. The lock of the door leading from the back office I think bears marks of violence. I cannot say that the ketch produced was taken off after the door had been opened; it is my opinion that crow-bar had been introduced through a hole; I first heard of the robbery about half-past 7, from the old man who cleans the office; I got down about 8 o'clock and found a policeman in charge; I then left to find Mr. Smith, who I knew was in town; the safe in Mr. Macdonald's room is considered a good one, it has a combination lock; I have heard that the lock of the vault is a combination one, but don't know much about it; Mr. Smith and Mr. Barnett had not left the Colonial the previous night when I left; I believe they were taking oysters when I left.

By the Court—We do not keep much money in the Bank of British North America for any length of time. We keep large sums usually in the vault. The safe lock is easily opened; so easily, in fact, that I have seen Mr. Barnett open it with the handle of a knife. It required to be turned several times. I think it likely I may have opened it the same way myself when somebody had taken the key away. I don't remember doing so. We kept various balances in the bank for our own requirements—generally $5000 and $6000. There was no difference whatever in the bank on the night of the robbery to any other night. The safe could just as easily have been robbed on any other night. On the day before the robbery I think we paid away about $18,000 to $20,000. Mr. Barnett paid the drafts on us. On the previous night we had about $3000 or $4000.

By the Court—Then how could $25,000 be stolen and about $20,000 paid away without leaving a balance of about $5000. Where was that?

Witness—We had about $45,250 in the Bank of British North America; I had arrangements with them. There must have been about $27,000 stolen besides Macdonald & Co.'s notes. Not a dollar was sent up to British Columbia after the robbery that I am aware of. There was nothing in the bank resembling the rope produced unless it was attached to the ladder.

By Mr. Green—It was always usual to pay out large sums of money after the arrival of the Cariboo Express. If we receive a remittance we are sure of heavy drafts, and make arrangements accordingly. The $20,000 paid out was considerably larger than usual to be paid in one day, so much so that it induced me to lessen the amount I was sending to Cariboo by $1000. The remittance was heavier than usual.

By the Court—I expect Mr Macdonald on Saturday; I urged him to come down immediately. The Bank of British North America sometimes paid our agency drafts.

By Mr. Drake—I always understood, Mr Barnett's character to be very good and very correct.

By the Court—I do not know in what way the money was abstracted from the bank.

James Dogherty, sworn—I was in the habit of opening the iron door, sweeping out the bank and lighting the fire. I have the key of the door. I used to leave the key next door till the Cheap John left (Sharpser's his name) laughter. I was then told to keep the key myself. On the Friday morning I went there about half-past seven. I saw the things knocking around on the floor. I saw the vault and safe doors open but did not think much of it as the safe had been left open once before to be swept. I saw the door leading to the inner room open and found the skylight open. I saw the ladder but did not know what it meant. I saw something wrong with the handle of the door, and then I thought something wrong had been going on.

By the Court—One of the rings produced with keys on I think hung on the lock of the vault. I never saw either of the rings in the bank before. The small crow-bar produced used to stand by the fireplace in the back room. The other instruments I never saw before. The iron shutter of the back window had not been opened for a week. It was very hard to move.

Police officer North proved the condition in which the premises were found on the morning of the robbery; Dogherty told him the back window had been opened, but it was then shut; ascended the ladder and saw the bucket produced on the roof; observed a saddle bag and other things scattered around; one of the keys produced was on the ring and was in the lock of the vault; the other ring had no keys on it and was lying in the vault; two or three keys were lying on the mantel piece; the old man (Dogherty) took them and placed them on the floor, saying that he had found them in that position; Mr. Waddell came in and showed witness some other keys in a drawer; he said he thought those keys which I had picked up were not in the place before; the frame of the lock on the inner door had been cut by violence.

Dogherty, recalled—Said the bucket produced had contained ashes and stood outside the door.

Serjt. Wilmer, sworn—I was in the bank on the morning of the robbery, when Mr. Barnett came there and said to young Waddell (?) "What a strange thing I wanted to place the money in the combination safe and your father told me I had better put it in the other one." On Friday morning when I examined the premises, the door leading from the outer to the inner office was uninjured, and on Saturday I noticed a piece had been cut out.

By Mr. Drake—The piece was cut from the edge of the door opposite the lock. Did not see the keys and other things there except the rope. I was the first officer down. I was in the cell with Sergeant Blake and will swear that he asked Barnett no questions in my presence. I heard him ask questions in the yard. It was nothing material. I heard Blake warn him. Don't remember the exact words of the warning. It was a caution.

Mr. Drake—That will do; there's a pair of you.

Mr. Pemberton—What's that?

Mr. Drake—I say there's a pair of sergeants; one swears one thing and the other the opposite.

Mr. Pemberton—Can you point out anything in which they contradicted each other?

Mr. D.—Certainly. One swears that Blake asked no questions when he was in the cell. Blake swears he did. Wilmer swears Blake cautioned Barnett. Blake swears he didn't.

Guy Huston—I saw the key in the hands of the policeman. Tried it in the vault lock, and it fitted so well that I remarked it must have been made for it. The lock of the middle door when I first saw it seemed in good repair. It is now in bad repair, I made it so myself in making experiments in the presence of Mr. Alport, to show that in my opinion the bolt could not have been forced with the poker. I can detect no brass on the end of the poker produced. The hasp produced has been abused, it may have been done while the door was shut. If the wood-work was sufficiently cut away, there would be no occasion to force the bolt. The The wood-work is cut away.

M. Feuillet, locksmith, of Johnson street, was examined, and confirmed the information laid by him on the day of the robbery, to the effect that Barnett had ordered him, about 10 months ago, to make a brass key for the vault in place of one he said he had lost. He made the key, and was paid for it. Also made two iron keys previously for the bank, but could not swear to any of the keys. He thought one of the iron keys produced was made by him.

By Mr. Drake—Have made several keys for McDonald & Co.; kept no books; bill produced is the bill for the key of the vault ordered by Barnett; it is receipted and might have been paid 15 months ago. (The bill bears date 15th April, 1863); took the lock off with a sledge hammer and took the lock home.

Mr. Drake here produced three accounts for keys previously made by witness for Macdonald & Co., which witness said were his. He would not swear to the keys produced, but believed the one key joined with brass was made by him. There was no secrecy about the making of the key. It took about twenty minutes to remove the lock and longer to replace it. It was done in open day.

This concluded the evidence for the prosecution.

Mr. Drake said he had a number of witnesses to call, and could satisfactorily account for Mr. Barnett's proceedings on that eventful night, but unless Sergeant Blake had other witnesses to call there was not a tittle of evidence against Barnett.

Mr. Pem.—I shall of course hear any witnesses you may call. It may be necessary to remand the accused until Mr. Macdonald's return.

Mr. D.—He cannot be down for two weeks, but it would take a pair of very strong spectacles to see one word in the evidence against Barnett.

Mr. P.—That's not for you to say. I will hear your witnesses.

Henry Rushton, sworn—About half-past ten on Thursday night I saw Mr. Barnett at the door of the Colonial Hotel with Mr. Smith. I was in Barnett's company till nearly one o'clock, and he was never out of my sight.

William Charles Robinson, sworn—I met Mr. Barnett and Mr. Rushton at the Occidental at about half-past 11 o'clock, and was in their company until nearly one o'clock. I left Rushton at the corner of Bastion street and left Barnett at the corner of Fort street going home at about one o'clock.

Charles Clark, sworn—Said Barnett lived with him and had to pass through his room to reach his own bed room. Remembered Barnett passing through to his bed room about one o'clock on the morning of the Bank robbery. Saw him get into bed. Saw him in bed at half-past 3 in the morning. No person could have passed through without witness being aware of it, nor could any movement have taken place in Barnett's room without his hearing it. The rooms led into one another and the door was always open.

By the Court—Could not swear to the time within quarter of an hour but judging from the time I went to bed myself I should say it was about one o'clock when Barnett went to bed.

By Mr. Green—Don't think he could have got out without passing through my room. He might be rash enough to attempt the window which is about twenty feet from the ground. There is a back door but it was locked, and the wash-stand stood against it. It could not have been opened without my knowing it.

Mr. Waddell, recalled—Said Barnett locked the back door of the bank when they were leaving. Witness locked the front door himself; sure the inner door was locked because he tried it himself. Never heard or saw the key before which was found in the vault lock. We left the bank about 10 o'clock.

Mr. Pemberton said he would call attention to the fact that prisoner had not accounted in any way for the key which was traced to him.

Mr. Drake—The key has not been traced to Barnett. The only evidence is that a key was made. The manager or any other person might have been taken up in the same manner, because they could not trace a lost key, but Barnett, because he was a clerk in the bank, was seized upon and suspicion fastened upon him. He called upon the court to discharge Barnett, but if the Court was of opinion that the slightest shade of suspicion rested upon him, he (Mr. D) wished to address the Court.

Mr. Drake was told to proceed and did so, commenting strongly on the testimony of Sergeant Blake, whose evidence he said must be entirely discarded since it was contradicted by a brother officer. The eyes of the police he said had been blinded by the $1,000 and he asked that the character of Barnett should not be impugned by them. He went over the evidence adduced for the prosecution, and compared it with that for the defence, asking where was the imputation upon which Barnett was to have his character blackened by being charged with so serious an offence They had got hold of the wrong man. Mr. Drake on concluding his remarks was applauded.

Mr. Pemberton said he should be sorry to make any remarks which might reflect upon the young man's character, but he thought the ends of public justice would be better served by the accused being remanded until Mr. Macdonald's return.

Mr. Drake—Mr. Barnett's character is above imputation.

Mr. Pemberton—You have accounted by your evidence fully for the accused on the night of the robbery, but you forget that such a thing as an accessory exists as well as principal. However I do not wish to say anything to injure the character of the accused who is now remanded for one week, and I will fix the bail for his appearance at $20,000.

Mr. Pemberton at the conclusion of the case informed Mr. Drake that from what had dropped at the last hearing of the case and the present, he (the magistrate) gave him notice that he should not again sit in any case in which Mr. Drake appeared before him professionally unless he tendered a suitable apology.

Mr. Drake justified the part he had taken and complained of the manner he had been treated by the court on the last occasion when dealing with the police. The magistrate however of course had the right to preclude him if he thought fit from appearing before him.

OUR LONDON LETTER.

London, Aug. 15, 1864.

LONDON OUT OF TOWN.

The dull season has indeed set in with great severity, and like Peter Pindar's knife-grinder, it has come almost literally to pass that

"Story I have none to tell, sirs!"

London is always a poor place in the dog-days, that is for those who love show, and life movement, and gaiety. For the quiet souls, it is comparatively a paradise. The noise is less, the dust is less, the pavements everywhere, except in the city, are passable, and the roads may be navigated in cab or carriage more speedily and safely. But when everybody is not only "babbling of green fields," but actually hurrying to enjoy them, the recent much wanted fall of rain having brought back something of their natural verdure, there is an irksomeness about the London pavement which is painful and irritating; you want to be out of it and away from it. In the full rush of London life, there is a glory about its turbulent energy which compensates for much of the discomfort. The atmosphere is charged with intellectual as well as physical light. People have a purpose. Everybody has his emotions of pleasure or pain. We all live fast, faster I imagine than you do in Vancouver, though happily, not all of us in a bad sense. Now the speed is slackened, the great machine comes to a stand, except so far as the material supply of wants goes. The glory of this headlong existence has passed away, to be renewed only with the spring of another year. The very subjects which chiefly occupy the daily papers are the great bathing question, and such like vexatious things, vexatious to mortals condemned to undergo the dullness of August and September in town. All this must make our country cousins happy, at least, by contrast. They have the glories of open fields and hill tops, the ripening or ripened harvest, and pleasant glades watered by clear streams. As for news, of the grand exciting sort to which we are accustomed for nine months of the year, don't expect it. Our political life is extinct, our social life has fallen into the dullest current of routine, our shows are over, our glory is departed. We are forced to be content with small scraps, and you must for a fortnight or so be the same, since I do not intend to fill your columns with reference to the sordid annals of crime, or the more sordid annals of fraud; the loathsome stories of evil—plentiful as blackberries in October—and the paltry frequencies of mere scandal. Even Europe, wide as it is, furnishes scarcely anything new. The wild babble from Germany, where the ravens are croaking and quarreling over the carcase of a plundered realm, sounds hoarse and flat to our ears. The grating noise of the working of imperial machinery in France, where even Cocker is conquered by Louis Napoleon, and lawyers bring law to prove that thirteen equal twenty-one, which they have just done by condemning M. Garnier Pages and his friends to pay a fine of 500f. with costs for consulting together on electioneering business, does not rouse us from the torpor of these sweltering August days. The incidents of the American war, of which you hear much sooner than we do, grow more perplexing to the weary sojourner in dead alive London, just as he requires they should have developments of unusual interest. Nay, we have reached the depth of our hopelessness of a sensation, when what is left of the fashionable world, not to speak of ordinary mortality, takes refuge from the *ennui* that prevails in a monster mule and donkey show! But what is the use of complaining. After all, a great deal of our discomfort is fictitious, invented by the mind itself, and not needing "a sensation." For the true lover of London sees the charms of his mistress whatever may be the time of year. She is always dear to him—the one peerless city in the world. Just now one feels keenly the contrast between the London of this past most brilliant spring and summer and the London of to-day; and the keenness of the feeling is sharpened by a dash into the country now and again. Something too much of this, you may say, and perhaps you are right; but I hope to be forgiven, and to let my tiny exhalation of discontent serve as the expression of what thousands feel. It is, at all events, as true as most of the news of the day, and it is to be hoped as interesting.

MINISTERIAL HOLIDAY MAKING

The ministerial method of relaxation from the cares and responsibility of office is to make a rapid plunge into extra parliamentary utterances. It was but a day or two since I last wrote that I was gazing wearily at the long columns of small type in which parliamentary as well as ministerial eloquence is matutinally served upto us, and now, the old familiar names are again before us. Whilst they have hurried the poor Duke of Newcastle away to his country seat, more dead than alive, and from which he will, in all human probability, never return to London, the Duke of Argyle, the canniest of the canny Campbells, has been spouting at great length at Stirling on agriculture in general, and not saying much that is new. Lord John Manners, too, just to keep his hand in and his name before the public, has also been saying something more than usually striking for him, at Market Narborough, about the cultivation of flax, which by his account would be a very profitable industry for the farmer, yielding as he says it would, £9 per acre profit. He says, and there is much truth in what he says, that the demand for flax far exceeds the supply, and we are running to Archangel and "Heaven knows where," for a material that might easily be supplied at home. His Lordship's political "little game" is to get at the good opinion of the farmers of England, and to secure their suffrages at the election of next year by an appeal to the breeches pocket! Lord Palmerston has had heavier demands upon him, making no less than four public appearances in a few days, first at the Mansion House, then at Fishmongers' Hall—not an out of the way *locale* to dine at after a session which has been pronounced very "fishy" more than once, twice or thrice—then in Northamptonshire, where his active and ever attentive—to the interests of her "lord and master"—*cara sposa* cut the first sod of a new railway line; and "though last, not least," at Bradford, where he laid the first stone of the New Exchange—all heavy demands upon a man of eighty years of age for speeches. At the latter place a row was contemplated. The working men recommended that his lordship should be received with dignified silence, because he had ignored reform. A town councillor or two repudiated his visit because he had nothing to do with trade in general or that of the town of Bradford in particular. No riot, however, took place, and those who attempted their best or worst to start such a reception for the Premier were not only humiliated by their unworthy conduct, but have humiliated themselves still further by making an effort to explain and excuse their conduct. The prospects of a row seems to have warmed the old Irishman's blood, for he never was more jaunty, and never held his head higher. The dash and vigor of the man carried all before him, and although his speech was the veriest clap-trap that he ever uttered, it took the Bradfordians by storm and not only made him more popular than ever with those who had invited him down, but popular, too, even with those who had objected to his reception.

ELECTION PROSPECTS.

Next year a general election must come. Counties and boroughs are therefore already beginning to be lively in the prospect. Pot Wallopers are looking out for "a consideration," and buyers of votes are already "rigging the market." If the truth be told, Ministerial prospects are not of the brightest. The elections which have recently taken place have gone against the Government. Even Exeter was last week wrung from them by Lord Wartney, eldest son of the Earl of Devon, against Mr. Colende, the Ministerial candidate, a gentleman of accomplished talent and position in his profession as a barrister and with good Devonshire blood in his veins to recommend him. One or two more elections are coming off and the general impression is that in every case the Conservatives will win. Yet, whenever there is a division on any important question in the House of Commons like that of the other night, involving a vote of no confidence in the Ministry, the numbers remain just about where they were when Parliament first met six years ago. The cause of this is the division in the Tory camp. Mr. Disraeli is distrusted and disliked and Lord Derby will do nothing without him. The ultra Tory party want to drive Mr. Disraeli down, but they have no one, not even "a coming man" capable of wresting the leadership of the Opposition from him. They, therefore, vent their spite by leaving him in the lurch at every opportunity, and prevent the return to office of their party by their independence, the meaning of which is nothing more nor less than to try and force back the progress of the country into times when civilization and progress were looked upon as the surest produc's and indications of revolution and rebellion.

THE LATE DANISH WAR.

The telegraph has of course told you long ere this can reach you that Denmark has been compelled to make the best terms she could to save herself from being blotted out of the map of Europe. The accounts from Copenhagen, however, relative to the terms of peace are anything but encouraging. The Danish people greatly disapprove of the recent acts of the Government, and cannot be made to comprehend that it could be reduced to the necessity of accepting the hard conditions to which their plenipotentiaries have agreed. Above all they especially complain that the evacuation of Jutland during the continuance of the armistice was not insisted upon by their Government. As a kind of concession to the unblushing extortion which Austria and Prussia have made of Denmark, it has been agreed that the latter is to keep all the vessels seized by her cruisers as a compensation for the horses put in requisition by the Germans for the war contributions and the losses suffered by Jutland. It is also currently reported that M. Bille the Danish Minister in London, has been recalled. The post when vacant will not be filled up, the reason assigned being that the Government do not think it sufficient to maintain more than one first class mission. In that case the Representative at Paris will be entrusted with the charge of any important business which may arise in London. This determination, if it only prove true, will indicate plainly enough the indisposition of the Danish King and his Ministers to come in contact with Lord Russell any more. After the tour the Prince and Princess of Wales are making in Scotland, they are to go to Copenhagen. Whether anything will come of that visit towards reconciling differences, which are known to be vastly unpleasant, remains to be seen. As far as some court influence can have any sway, it is not very probable that any place will be given to Denmark which would prove offensive to Russia.

THE IRISH VICEROYSHIP.

Earl Carlisle, worn down by ill health, retires in a week or two from the Lord Lieutenancy of Ireland. The office goes a-begging, Lord Wodehouse is the last of about half a dozen noblemen who have been named to succeed to this high post and dignity. There are, however, family reasons which will most likely prevent that young aspirant after position accepting the office. A firm hand, a strong head, and an amicable demeanor are just now indispensable for any one who is to be her Majesty's Representative in the vestibule. The question of the Irish church is looming in the distance. There will be a fight or a struggle to wrest the possessions of the established church from her and to give them to the Roman Catholics. Already half members, influential members too, mooted the subject in public; but nothing so positively antagonistic to the existing system has taken place, as what occurred in the Viceroy's private chapel on the 7th inst., when Mr. Brady, a nephew of the Irish Lord Chancellor spoke from the pulpit not only upon the necessity, but the duty of distributing the ecclesiastical property amongst those who were the teachers of the majority of the people. The rancor between Protestants and Roman Catholics is becoming more and more deadly every week. At Belfast there has been another riot, and in Dublin a great manifestation has taken place upon the laying of the first stone of a monument to the memory of Daniel O'Connell. Ireland has indeed of late years been too quiet much longer to remain so.

VANCOUVER FISHERY COMPANY.

Of this speculation I have nothing more to relate. The advertisements have been withdrawn from the public prints during the last fortnight, probably on account of the tightness of money, for with discounts at 6 per cent., new undertakings of the class to which those belong have difficulties to contend with that are all but insuperable. We shall not lose sight of the matter, nor of the proposed Railway communication, on which silence is equally well preserved.

A Rich Item.—The following, which appears in the answers to correspondents in the *Dispatch* of August 7th, needs no comment. The absurdity of the information vouchsafed speaks for itself:

"British Columbia is found to be habitable in some parts in the winter. Many people live now through the winter at New Westminster; but there are places where the rivers freeze to the depth of twelve feet, and brooks turns to solid ice."