







The Weekly Colonist

Tuesday, December 30, 1868

THE IDAHO STAGE ROBBERY

Lawrence Dulligan (alias Broeky Jack) and George Smith, the two men whose capture under the extradition treaty upon a charge of robbing the Idaho stage, on the highway between Virginia and Salt Lake cities, has already been recorded, were brought up yesterday before A. F. Pemberton, Esq., stipendiary magistrate. The case awakened considerable interest, and the proceedings were listened to with marked interest by a large number of spectators.

Mr. Bishop acted for the prosecution, and Mr. Cary, instructed by Mr. Courtney, conducted the defense.

Mr. James H. Fisk, Sheriff of Lewiston, Idaho Territory, was in attendance, and produced certified copies of the depositions taken before the proper authorities in Utah and Colorado.

The information against the defendants is as follows: From information I have received I have reason to believe that on or about the 29th day of August last past a highway robbery was committed between Virginia and Salt Lake cities, and that Broeky Jack, Geo. Smith and two other men, who are herein after described, were the perpetrators of the robbery. Property to the value of \$22,000 and upwards was stolen. I am credibly informed and believe that the robbers are in the colony of Vancouver Island and its dependencies, and pray for warrants for their arrest. Broeky Jack and George Smith are known to the police officers here. The two other men are described as having each heavy black whiskers, but short black hair, dark complexion, being between 25 and 30 years of age and medium size. I make this application by virtue of a regulation to the Governor of this colony signed by the Governor of Idaho Territory, U. S. of America, under the Extradition Treaty between England and the U. S. of America.

Sworn before me, Jas. H. Fisk, Sheriff of Idaho Territory, U. S. of America.

John Hughes, of Denver, in Colorado, deposed that he was a citizen of Denver, in the Territory of Colorado, and that on the 30th April last he left Denver for Virginia City in Montana by Salt Lake City, and that he arrived there on 24 May. He remained in that city until 28th August, when he left in company with three other passengers for Denver in one of Oliver's coaches, a stage line plying between Idaho Falls, on arriving at a point some 20 miles east of Snake river, on the mail route, the coach was stopped by four armed men, and all the passengers were ordered by the leader of the party to get out, which request was complied with, and all the said passengers were robbed of all their money in gold dust. The deponent was asked by the captain of the band to hand out all the valises and esparto sacks, which he refused, and the driver was asked a similar question and replied that he would rather not do it. The leader of the band then ordered the robbers and took out all the baggage belonging to the passengers and carried it a short distance from the coach and laid them on the ground. He then demanded the keys and forced the owners of the valises to open them, and from which he abstracted all the contents except about 100 ounces in gold dust belonging to one Stanley, amounting to the aggregate of twenty-three thousand eight hundred dollars, consisting of United States coin and gold dust. The deponent further states that he was a leader of the band, and that the leader of the band is well known on the mail route in question as "Broeky Jack, the Highwayman," that he is about 30 inches in height, heavy set, weighs from 140 lbs. to 150 lbs., and is from 40 to 45 years of age. At the time of the robbery he wore heavy whiskers. He is evidently a foreigner, and is believed to be either a Scotchman or Irishman.

John Conover, deposed that he resided at a station called Port in Idaho, he was a driver of one of Oliver's coaches, containing coaches, consisting of four horses. On the 20th August the conveyance contained four passengers, and when about 800 yards south of a place called Dry Creek he saw four men coming up to the coach, when he supposed to be packers, as they were driving two loose animals, all the men were armed with double barreled shot guns, except one who had a revolver. When the men came up to the Express they turned out two and two on either side, and when opposite the leaders leveled their guns at the deponent ordered him to halt. Finding resistance useless, he dismounted. The robbers then insisted on the passengers walking away a short distance, each one leaving his gun in the coach, the guns being leveled at them all the while. Deponent further states that one of the men whom he supposed to be the captain of the band, because he did all the talking, giving orders and searching, after the driver declined to fetch out the treasure, got off his horse, personally searched the passengers and made the respective owners unlock their trunks, and he abstracted all the gold coin he could find. The money and dust was in small packets, and the robbers placed the same in the Captain's saddle bag. The passengers then asked the captain to return them enough funds to take them to the Missouri river, which request was at once conceded; the robbers then departed in the direction north towards Snake river, the leader of the gang remaining on his victims that if ever they saw them again (meaning the robbers), perhaps it might be possible to see them, and they (the robbers) would help them, and they (the robbers) would help them, and they (the robbers) would help them. The robbers further appointed, two shot guns and three revolvers. The supposed captain of the gang deponent took to be an Irishman, about thirty years of age, light brown hair, blue eyes, sandy whiskers, and five feet six inches in height, he would give a more particular description as they generally stood behind them, with their guns leveled while their chief did the plundering, thus preventing him concealing them satisfactorily. When the depositions were read over, the prisoner Smith, who is a tall, raw-boned, un-

usually looking man, with a forbidding expression, appeared as a man, made an unpolite remark in respect to the description given of one of the robbers, "that's me, sure!" Mr. Fisk did not catch his words, and Smith said he would repeat the observation, but on being cautioned by the Bench, said he did not care about repeating it, as it was a matter of indifference to him what the depositions contained, and there was no use in his saying anything. The depositions gave the fullest and best account of the affair he had yet seen, but it was all new to him. John Hughes, of this city, engaged to assist in the arrest, was placed in the witness box and said: "I was sworn in special constable to arrest the accused. I took Dulligan in custody on Oregon Island on Sunday morning between 9 and 10 o'clock. I found in his trunk the revolver professed, I also found the traces which contain cartridges, and a written document on a shell in the room."

Mr. Courtney asked Dulligan, who is a middle-aged, stoutly-built Irishman, said he wished to ask witness if he ever saw him (Dulligan) at any time previous to seeing him on Vancouver Island.

Witness: "I do not recall seeing him previously, but I identified you from the description furnished me."

Prisoner: "Did you ever hear any one call me by the name of Broeky Jack?"

Witness: "No, I do not think I have, and I do not know any one by that name."

Prisoner: "Did you ever hear of more than one called Broeky Jack in the country?"

Witness: "Yes, I believe I have heard of two, but I do not know any more of them."

Prisoner: "Do I answer to the description of either of them?"

Witness: "I do not know either of you, and I do not know any one else by that name."

Prisoner: "How do you know it is not the description of the other man?"

Witness: "Because I happen to know that he is dead (laughter)."

Prisoner: "Well, I have either of you any further questions to ask?"

Smith: "No, I have not."

Dulligan (apparently quite imperturbed): "Well, I don't see it any use. He swears for the man, and I'm ready to go with him. He seems a very decent sort of man, but I don't want him to perjure himself. Why doesn't he bring some one to identify me because it puts me to great inconvenience, I shall already lose two or three hundred dollars in this affair, and I don't know whether you are aware of it, Judge, but they have seized my sword."

Mr. Pemberton: "You will have your property if you have been wronged."

Prisoner: "I can do nothing here where I am. The Government of Vancouver Island won't assist me; my sloop has been seized and they have turned out all the crew, and who I put in her, because the vessel was empty, and played her out, at least I do, it's all the same, and they are respectable and innocent young men as I am myself. (Laughter.)"

Mr. Pemberton: "Did you ever issue a warrant for the arrest of Keen and Smith?"

Mr. Pemberton: "Let the trial proceed in its regular course, if you have any application to make to me I will hear it at the proper time."

Mr. Bishop then applied for a postponement of one day for further evidence.

Mr. Cary objected to the court granting the application unless the name of the witness was mentioned.

Mr. Bishop stated on oath that he could not produce the required evidence, material and believed the judge of justice might be gratified by divulging the name.

The further investigation of the case was then postponed for one day.

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Lawrence Dulligan alias Broeky Jack and George Smith were brought up on remand yesterday before A. F. Pemberton, Esq., Police Magistrate. The prosecution and defense being conducted by the same counsel as on the previous day. The following witnesses were called:

Frank Meyer was called and examined. He knew the prisoner Dulligan, I purchased a watch and chain from him about 16 or 12 days ago, I now produce the watch in question; he had other articles of jewelry in his possession. I saw him once before in Portland; I have heard him called "Broeky Jack" for \$80 for the watch; on the first occasion \$60, and subsequently \$20.

Mr. Bishop: "Are there any particular marks, or anything peculiar, in the construction of the watch?"

Mr. Cary: "You have been in the Police Court pretty often, I think?"

Philip Fisk requested that they should remain in safe custody until the departure of the Mail Steamer, which Mr. Pemberton at once conceded.

Tas Macintosh of "Vancouver" Ben Johnson justly remarks of this play that "the comic part fails laughter and the serious free expectation." This was pre-eminently the case last night. Mr. Keen, as the villain, recognized in our law Shylock, not only failed the expectation to the highest pitch of intensity, but contrived to rivet the attention of every glance of his malicious eyes, and every utterance of his inhuman tongue until the close of the trial scene in the fourth act.

The most forcible part in Mr. Keen's delineation last night was in our opinion when Shylock receives the news from his Hebrew servant, Tubal, that his daughter has been betrothed to the son of the apostate, and the loss of his money and jewels, Shylock is in a roaring mania. When he discovers in his company, however, that Antonio, his son-in-law, has been so unadvisedly taken into the snare, he falls upon his feet with a kind of frenzied sobbing, and the iron-sided earnestness with which he clutches the arms of Tubal and cries, "I thank God, I thank God!—is it true? Is it true?" was so grand a specimen of the power of human expression as could be conceived. The trial scene was, if we may be allowed the term, almost intolerably effective. There was a devilish malignity in the eye, in the posture, and in the action of Shylock when he snatched his murderous-looking knife along the floor, that the scene seemed to create a shudder in the breast of the audience.

Mr. Keen's acting, and the scolding wrought were the feelings of the apostate, that when Portia (Mrs. Keen), as Doctor of Law, turns the tables on the Jew and releases Antonio, the audience seemed completely carried away, and the house rang again and again with the loudest demonstrations.

Nothing could speak more plainly of the character of the acting than this. When we look upon Shylock at this point, with his countenance which was just previously the air of exulting malice and remorseless power, blanched and vacant; his eyes, which were so full of fire, and his selling pictures of sanguine villainy foiled and faded against itself. Altogether, we think, Mr. Keen as Shylock very little if at all inferior to his great character of Louis XI.

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Various small notices and advertisements at the bottom of the page.





