

The Great Train Robbery

The bullion robbery on the south—eastern railway. 1855.

Transcribed from THE TIMES newspaper

By

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The Bullion Robbery on the South—Eastern Railway. May 1855

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THE BULLION ROBBERY ON THE SOUTH-EASTERN RAILWAY. May 1855.

An account of the trial as reported in the TIMES Newspaper

14th - 16th Jan 1857

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CENTRAL CRIMINAL COURT

Day 1, Tue. 13th Jan. 1857.

The trial of the prisoner's Pierce, Burgess and TESTER, who are charged with committing the extensive bullion robbery upon the South-Eastern Railway in May last, having been appointed for this morning, the court was early besieged by applicants for admission. Excellent arrangements, however, had been provided by the under Sheriff, Messrs. Crosley and Anderton, and hence, although the trial evidently excited great interest, owing to the daring nature of the robbery, the ingenuity with which it had been planned and executed, the largeness of the sum involved, and apparent respectability of some of the persons implicated, the court was at no period of the day inconveniently crowded, and the proceedings were conducted without the slightest interruption or confusion.

At 10 o'clock Mr. Baron Martin and Mr. Justice Willes took their seats on the bench, accompanied by the Lord Mayor, Alderman Humphery and Sir F. G. Moon, Mr. Sheriff Mechi, Mr. Sheriff Keats, Mr. Under-Sheriff Crosley, and Mr. Under-Sheriff Anderton.

The prisoner, William Pierce, aged 40, described in the calendar as a grocer, and as imperfectly educated, James Burgess, aged 35, railway guard, well educated, and William George TESTER, aged 26, clerk, also well educated, were then placed at the bar. Burgess was dressed in the uniform of a railway guard, and the other two prisoners were in plain clothes. TESTER, who is much the youngest of the three, and who wears a moustache and large black whiskers, evidently felt the nature of his position much more keenly than his comrades. Burgess and Pierce, indeed, to view their position with the perfect unconcern, but the indifference of the latter seemed rather of a sullen character, while the unconcern of the former was attributable probably to a natural gaiety of disposition which never allows itself to be long depressed. All these prisoners during the whole of the day kept up a pretty constant communication with their advisers.

There were four indictments against them; the first charged them with stealing 200lb. Weight of Gold, value £12,000, the property of their employers, the South-Eastern Railway Company; the second charged them with stealing a number of Gold bars and some Gold coins, the property of the same prosecutors; the third charged them with stealing the same property in the dwelling house of the prosecutors; and the fourth charged them with the feloniously receiving the property, knowing it to have been stolen.

The prisoners pleaded "Not Guilty" to the whole of the charges.

Mr. Serjeant¹ Shee attended specially, Mr. Bodkin and Mr. Monk, of the Northern Circuit, to conduct the prosecution; Mr. Serjeant Ballantine attended specially with Mr. Sleigh, to defend TESTER; Mr Serjeant Parry also specially retained, with Mr. Ribton, appeared for Pierce; and Mr. Giffard, Mr. Pollard, Mr. F. H. Lewis defended Burgess.

¹ Serjeant means Barrister

Mr. Serjeant Shee, in opening the case for the prosecution, said, — Gentleman of the jury, — It is scarcely possible that you should not have learnt, through the usual channels of information, the general history of the gold robbery committed upon the South—Eastern Railway Company. It is my duty to caution you, however, not to pay the least attention during the course of this inquiry to any information, which you may have acquired, from that or any other source. I shall confine myself carefully to a statement of that only which I believe myself to be in a position to prove, and I think that you will best consult your own convenience, as well as the justice of this case, by endeavouring altogether to dismiss from your minds everything which up to this period you may have heard relating to the robbery. The prisoners are charged with having committed a robbery, on the night of the 15th of May last, of a large quantity of gold entrusted to the South—Eastern Railway Company for the conveyance from London to Boulogne. Upon that night three boxes containing gold were delivered by their owners to Messrs. Chaplin and Co., the carriers by whom they were taken to the offices of the South—Eastern Railway Company, at London Bridge. One of those boxes contained gold, the property of Messrs. Abell and Co.; another contained gold, the property of Messrs. Spielmann; and the third contained gold the property of Messrs. Bult. Those boxes were bound with iron hoops or bars; they were sealed and weighed before they left the premises of Messrs. Chaplin; and they were placed, as in the ordinary course of business, by the South—Eastern Railway Company, in iron safes, secured by Chubb's patent locks, keys of which were in the possession only of confidential servants of the company. There were keys in London, there were keys in Folkestone, and there were keys also in the custody of the captains of the several boats, which were the property of the South—Eastern Railway Company. Those iron safes were usually sent to Folkestone in care of the guard, who took them down with him in the van in which he went himself. On the arrival of the safes in question at Boulogne, and on the boxes being taken out, it was found that one of them, which belonged to Messrs. Abell, weighed 40lb. Less than it had weighed in London. The box containing Messrs. Spielmann's gold weighed rather more than it had weighed before, and Messrs. Bult's box was also a trifle heavier than before. The boxes were all weighed again in Paris, and the weights there corresponded with the weights at Boulogne. At Paris it was ascertained that a quantity of shot had been substituted for the gold, which those boxes had originally contained, and it was clear, owing to the weights at Boulogne and at Paris corresponding, that the robbery could not have been committed between those two places. Every inquiry was, of course, instituted, as soon as the fact of the robbery was made known by communication from Paris, to satisfy the directors and the professional advisers of the South—Eastern Railway Company as to the place where the robbery must have been perpetrated. After a full investigation they came to the conclusion that it could not have taken place either at Folkestone or on board the boat, prior to the delivery of the boxes by carriers at the offices of the South—Eastern Railway Company at London Bridge, and they arrived at length at the reluctant conviction that the robbery must have been affected on the night of the 15th of May, 1855, in the van of the train of which Burgess, the guard, had charge. The prisoners at the bar have all been in service of the South—Eastern Railway Company. Burgess was in their service on the night of the robbery, and had been so for 13 years before; Pierce had also been in their service, although he was not so at that date of the robbery. Up to 1850, he had been in their employ as a ticket printer; but in that year he was dismissed from that engagement. He was, however, well acquainted with the officers and servants of the South—Eastern Railway Company. TESTER, at the date of the robbery, was a clerk in the office of the superintendent of traffic, and he had ample means for obtaining knowledge and information as to the traffic that was conveyed upon the line. Now, on the 15th of May, when the robbery was committed, TESTER, lived at Lewisham, Pierce at Crown Terrace, Hampstead Road, and Burgess at New Cross, near the South—Eastern Railway Station; and at the same time a man named Agar, whom we shall call before you, and whom we believe to have been one of the planners and participators of the robbery, resided at Cambridge Villas, Shepherd's Bush. Agar was never in service of the South—Eastern Railway Company, and he is now a convict, having been arrested in August 1855, and convicted in the following October following of uttering a forged check, knowing it to be forged. He comes before you from Portland Hulks, where he is undergoing a portion of his sentence of transportation for life. I need hardly tell you, gentleman, that a witness presenting himself before a jury under such circumstance, and acknowledging himself to be guilty of the crime with which other prisoners are charged, is a person whom a jury ought not to believe without strong corroborative evi-

dence. You will find, however, in this case, that the statement which the approver will make to you in a clear and distinct manner will be confirmed by the evidence of a great number of respectable witnesses. Indeed, I can't help thinking that you will be of the opinion that the circumstantial evidence against the prisoners is so strong that it would be sufficient to convict them of the offence with which they are charged even if Agar's evidence were not before you. However, that may be, I warn you, as it is my duty to do, not to believe Agar until you find that he is confirmed in all the important portions of his testimony. I cannot tell you what the pursuits of Agar had been previously to the planning and perpetration of this robbery. It appears, however, that he had been frequently to America, and that in May 1854, he had been at home in England about 12 months, having at that time returned from America. He had been previously acquainted with Pierce, and some short time before this occurrence they met in the neighbourhood of Covent Garden. They conversed together as to the probability of obtaining possession of some of the gold bullion, which was known to be in frequent course of transmission along the South-Eastern Railway. Pierce, I rather think, first suggested the thing, but Agar thought it impracticable. Pierce said that he had no doubt he could obtain impressions of the keys of Chubb's locks, by which the iron safes were secured. Agar said if that could be done he thought that the rest might be managed; and they resolved, in order to ascertain what would be the best means of obtaining possession of the keys, that they should both go down to Folkestone apparently as casual visitors to a sea-bathing place, and that should take lodgings there and employ themselves in watching the arrival of the tidal service trains and the delivery of the luggage from the trains to the boats. They accordingly went down in the second week in May and took lodgings at the house of a person named Hooker, a fly driver, between the station and the town of Folkestone. The lodgings were taken in the name of Adaing by which name Agar passed during their stay in Folkestone. They remained there together a week, and Mrs Hooker, their landlady, was under the impression that they went every day to the pier, going down to enjoy the fresh air, and to amuse themselves much in the manner that persons at sea-bathing places usually do. There is no doubt, however, that they went down to watch the arrival of the tidal service; they went down to watch the arrival of the tidal service trains; they were seen in constant communication together, hanging about the station at Folkestone, loitering about the pier, looking at the booking offices, constantly with their eyes upon booking clerks; and to such an extent they were observed both by the police of the town of Folkestone and by the railway police. In fact, it became clear to them that they were watched by, and were objects of suspicion to, Hansell, the inspector of the railway police; Steer, the superintendent of the borough police; Sharman, a police constable at Folkestone; and Chapman, an officer in the service of the South-Eastern Railway Company. This was so clear to them that on one occasion they separated and went in different directions, and after a week's residence in Folkestone, Pierce went to town, leaving Agar behind. Agar continued his observation for another week, employing himself as he had done while Pierce was there, and he had unquestionably opportunities of observing what took place on the arrival of the tidal service trains, and what Chapman, who had the custody of the key of the iron safe, did when the trains arrived and the luggage was removed to the boats. By these means, Agar ascertained eventually where the key was kept, the impression of which it was so important for his purpose to obtain. Having ascertained that, however, he despaired of obtaining possession of the key, and after staying another week at Folkestone, he returned to London and told Pierce that he thought the thing was impossible. But Pierce was not so easily disheartened. He seems to have known, in the last resort, by what means he might succeed in effecting his object, and he said that he was not only quite certain that he could, but that he would obtain possession of the keys whereby the robbery might be perpetrated. He said that he knew a young man named TESTER, the prisoner at the bar who was in the office of the superintendent of the traffic on the line and that no doubt TESTER could get possession of the keys for them. Agar remained for some time in London, in constant communication with Burgess and Pierce, and at length, somewhere, probably, about the month of July or August – for Agar is not perfectly clear as to the date – Pierce informed him that it had come to his knowledge that the locks of the iron safes were to be altered, that one of the keys had been lost on one of the boats, that the company were resolved to have the locks recombined, and that the safes were to go to Chubbs in order to have a recombination of the locks, an alteration of the tumblers, and the fitting of new keys. He also said that TESTER would have the new keys in his possession after the locks had been altered and that he could get impressions of them from TESTER. That being mentioned to Agar, he replied that he would rather take the impressions himself, and he

said "let TESTER come to me with the keys and I will take the impression." TESTER accordingly took the new keys to a house kept by a person named Wallace and handed them to Agar, who went upstairs with them and took an impression of them in wax. That done, it seemed probable to Agar that they might succeed in the robbery, which they had planned. Having now, gentlemen, gone so far and having stated the case to you, as Agar will prove it, let me in order to assist you in forming your opinion upon it, briefly recapitulate the evidence, which I shall call to confirm the statements of Agar up to this point. I shall prove to you by Mrs Hooker, the landlady, that Agar went by the name of Adams while lodging in her house at Folkestone, that he and Pierce went down to the pier together every day when the tidal train arrived, and that at the end of the week Pierce went to London, while agar remained behind. I shall also prove, by evidence of Hazel and Steer, that their suspicions were excited by the conduct of Pierce and Agar, who were always loitering about the pier and station at the time of the arrival of the tidal trains. With respect to the impressions of the keys, I shall prove that TESTER, being then in the office of the superintendent of traffic, wrote, or conducted, the correspondence with the Messrs. Chubb relative to the alterations of the locks. That alterations commenced in June, and was continued down to October when the new keys were made; and there can be no doubt, I should think, upon your minds that that was a fact with which Pierce could not have acquainted unless someone in the confidence of the company had informed him of it. Having thus obtained the impression of one key, the question arose how were they to obtain an impression of the other, for there were locks upon every safe, and they thought that probably both locks might be used when gold was being transmitted. They, therefore, set themselves to work to obtain an impression of the second key, and this was the ingenious plan which they devised; - Agar appears to have been a man who had money at his command, for when he arrived in this country from America he had somewhere about £3,000 of his own, or, at all events, a sum which was no part of the produce of this robbery. He arranged, therefore, that there should be sent down to Folkestone a box of bullion of the value of £200, which should be conveyed by the railway in the iron safe in the same way as the bullion of Messrs. Abell and others were conveyed, and that it should be delivered to him (Agar) at Folkestone as in the ordinary course of business. That box was prepared by Pierce in the month of October, 1854; it was directed to C. E. Archer, care of Mr Ledger or Mr Chapman, two of the officers of the railway company at Folkestone. Agar having gone down to Folkestone, as arranged, called the office of the company, and said that he expected a box of bullion, and asked if it had arrived. It happened that upon the day that he called Ledger, whose duty it was to have delivered the box, had been married, and that in consequence, he had gone away from the office for a few days. Agar, therefore, found Chapman, one of the booking clerks, there. He applied to Chapman upon a Saturday, but the box had not arrived; on the Sunday still, it had not arrived; on Monday it had arrived; and Chapman, before Agar's eyes, opened the safe with a key, which he took from a cupboard in the office. He brought out the box directed to Archer, gave it to Agar, and took a receipt from him for it, the body of which was written by Chapman, Agar excusing himself from writing more than a signature on account of his having a sore hand, - a suggestion which borne out by two of his fingers being in a finger stall at the time. The box, as I have said, was delivered to him; he saw the key, which opened the safe replaced by Chapman. He thus obtained accurate information where key No 2 was kept, having obtained it he went up to London to communicate with Pierce. Now, in all these particulars I shall corroborate Agar by the evidence of Chapman. Ledger was away on the day in question, but Chapman was there, and he remembers the circumstance of the box perfectly well. He remembers the sore hand and the black silk finger stalls, and he remembers Agar representing himself as Archer, receiving the box from him, signing his name as Archer to the receipt, and taking the box away. I shall further prove to you that Ledger, having in a day or two returned to his duty, saw Agar at Folkestone; and I shall prove also that Agar shortly after was at Folkestone with Pierce, and that about that time he dined at the Pavilion Hotel with TESTER. Agar, as I have told you, having made this discovery, went to London and communicated to Pierce the information which he had obtained, and was resolved that they should at once set to work to obtain an impression of key No. 2. Accordingly, at the end of October, they went down to Dover, where they put up at the Dover Castle, and having inquired the way across the heights to Folkestone they walked over and arrived at the railway station at Folkestone before the tidal service train had come in. Now, when this train arrived, owing to the hurry and confusion consequent upon the embarkation of the luggage and of property, which was known often to be of great value, Chapman and Ledger were frequently for a short time absent from the office. Agar and

Pierce watched these two persons and saw them both leave the office. Pierce there upon walked boldly in; he found the key in the door of the cupboard, which contained the key to the iron safe, he unlocked the cupboard, took out the key and brought it to Agar. Agar instantly took an impression of the key, and Pierce then again entered the office and replaced it. Having thus obtained impressions of keys Nos. 1 and 2, they had surmounted, in great part, the difficulties, which had occurred to the mind of Agar when the robbery was first suggested to him. The next thing was to make the keys from the impressions; and Agar and Pierce immediately set about it. Pierce at the time (October, 1854) having removed to Walnut Tree Walk, Lambeth, and Agar to Harleyford Place, Kennington. They began by filing a blank key, or two blank keys, which they endeavoured to bring into correspondence with the impressions on the wax; and you will find that while residing at Walnut Tree Walk Pierce, being a man of comparatively light complexion and light hair, applied to a hairdresser in Lambeth Walk to dress up for him a black wig, and you will also find in the course of the evidence that he was disguised in a black wig during a part of these transactions. They continued filing the keys at Walnut Tree Walk until the month of December, when Pierce removed to Crown Terrace, Hampstead Road, the place where he lived when the robbery was committed, and Agar removed to Cambridge Villas, Shepherd's Bush. They continued the filing of the keys there also, and I shall call witnesses who will prove to you that they were so employed for a considerable time, and I believe that I shall be able to produce before you the very tools with which they worked. At length the keys were completed to a probable correspondence with the impressions and with the locks, which they were intended to open, and it then became necessary to try them. Pierce and Agar up to this time were in constant communication with Burgess, and they met at various public houses, including the Marquis of Granby in Lewisham Road, the Green Man in Tooley Street and at Mr. Stearn's house, the White Hart, in St. Thomas's Street, adjoining the South-Eastern Railway Station. Well, the keys were made, and they had now to be fitted. Agar will tell you that he went down to in the van with Burgess several times to Dover in order to fit those keys. They did not fit at first, nor until some time after. They fitted more nearly, however, every time he went. At last they fitted completely, and the robbery was resolved upon. Having made up their minds to try nothing until it would be worth their while to do so, and having ascertained that gold to the value of £12,000. Sometimes went down the line, they determined not to attempt the robbery until a very large amount of gold should be in course of transmission to Folkestone, and they prepared themselves for a quantity equal in value to £12,000. They ascertained that £12,000. in gold would weigh about 2cwt., and they resolved that they would go to the shot tower on the Surrey side of Hungerford Bridge, and purchase 2 cwt of lead shot. They went together on the first day, and each got 56lb of shot, which they carried over Hungerford Bridge to an omnibus, and thus preceded to Cambridge Villas, Shepherd's Bush. The next day or the day after Pierce went alone, and he bought 56lb of shot; and on another day he went again and purchased 56lb more. Having thus provided themselves with the lead, they considered what it would be necessary to procure in order to carry the lead, so as to effect their purpose. They had the lead divided into a number of parcels, which they put into small bags made of the check cloth, which is used for dusters, and they bought that cloth, as Agar thinks at Messrs. Shoobred's in Tottenham Court Road. They made up some of those bags at Pierce's house, and others at Cambridge Villas where Agar lived with a young woman named Fanny Kay. Having thus divided the lead, they next proceeded to purchase some large carpet bags and some small carpet bags, which might be placed in the large ones; and they then ordered, at a shop at the corner of Great Queen Street, Drury Lane, some courier bags made of leather, which fit with a strap close to a person, high up, and which may easily be concealed by a cloak or a cape. I shall prove also that at the same time TESTER purchased in Drury Lane a small black leather bag, large enough to carry a bar of gold. Being thus furnished they removed all the shot that was there at Cambridge Villas to Crown Terrace, Hampstead Road the residence of Pierce where it was more convenient for them to set out on the errands of plunder, I shall satisfy you by the evidence of others whose testimony is entitled to every belief night after night for nearly a fortnight Agar and Pierce left the neighbourhood of Crown Terrace, Hampstead Road in a cab, never leaving the house itself at which Pierce lived in the sight of the cabman, but calling the cab in Hampstead Road; and that thus equipped with their courier bags and carpet bags they proceeded to near St. Thomas's Hospital, to a spot a little beyond the road which leads up to the station. I shall show you that at that spot one of the two men always got out, and that night after night they both returned, having done nothing beyond what I have described to you, to near the place whence they started. I shall prove,

moreover, that on one occasion the cabman heard Agar say to Pierce or Pierce to Agar he dose not know which, "it's not going down to-night." At last the 15th of May arrived, and Agar met TESTER at the station. TESTER told him that it was "all right," and he and Pierce drove up to the station. They handed their carpetbags to a porter, who gave them to Burgess, the guard, and Burgess put them into his own van. Agar watched his opportunity, and when the station master's head was turned, and just before the train started, he jumped into Burgess's van, while Pierce took his place in a first class carriage, both having provided themselves with first class tickets. Agar was furnished upon this occasion with a mallet and a chisel, and he at once opened, with his false key, the safe which contained the boxes of Messrs. Abell, Messrs. Spielmann, and Messrs. Bult. He wrenched the iron clamp off the box of Messrs. Abell, with his mallet and chisel. He took out the gold bars which it contained, substituted for them some of the small check bags filled with shot, replaced at once the iron fastenings and nails which he had removed, lit some wax with a taper which Burgess provided, resealed the boxes with an ordinary seal which Pierce had purchased in Fetter Lane, and had the box all secured and the greater part of the gold safe in his courier or carpet bags before the train arrived at Redhill. It had been arranged between Agar and TESTER and Pierce that at Redhill TESTER should relive Agar and Pierce of a portion of the gold; and in the black bag which TESTER had bought, and which he had left in Burgess's keeping, one of the bars of gold was for that purpose deposited before the train arrived at Redhill, where it was given to TESTER. Remember, gentleman, I am now telling you what Agar states; but I believe that I shall be able to corroborate Agar as to this fact in a manner which shall leave little doubt on your minds. TESTER lived at Lewisham, and his duties kept him late at the office of the South-Eastern Railway Company. He did certainly go to Redhill about that time in the month of May, and he did bring back with him a black bag, which was observed to be heavy by those who saw him on his return; and I shall prove by Jones, the guard of the up train upon that very night, and by other persons in the service of the company, the way in which TESTER returned to his home upon that occasion. At Redhill Pierce got into the same van with Burgess and Agar, and the train had no sooner started than the safe was again opened, and Messrs. Spielmann's box was attacked. They took out the whole of its contents, and disposed of them in the courier bags and carpet bags as they thought most convenient, Lastly, they attacked Messrs. Bult's box, which they found to contain much smaller bars than Messrs. Abel's, being Californian gold. It was not convenient for them to take the whole of that. They abstracted therefore as much as they thought they could manage, and they replaced it with what they conceived to be a corresponding weight of shot. The boxes were all carefully re-adjusted, the van was swept up, and everything was apparently quite right when the train arrived at Folkestone. The iron safes were there given out in the usual way, and the train, with Burgess and Pierce and Agar, went on to Dover. At Dover they got their carpetbags as first class passengers from Burgess, and went into Dover Castle public house, where they, somewhat inconsiderately, relived themselves of their courier bags in order to take refreshment, and they afterwards found it difficult to replace them without observation. However, in order to do this, they sent the waiter out to get a soda water bottle filled with brandy, and during his absence they put on the courier bags again, so that they were ready to start once more when the waiter returned with the brandy. The train started at 2 o'clock in the morning. Pierce had provided return Ostend tickets, which franked the holder of them from Ostend to London. The porter at the station observed that no luggage had passed from Ostend that night. "Oh, no," was the answer, "it came the night before," and, giving the man a few shillings, their bags were put into the train, and, without further questioned, they started for London. Arrived in London, they immediately hailed a cab and directed the driver to take them to the Great Western Railway Station. When they were nearly there, however, they countermanded that order, as if they had made a mistake, and directed him to drive to the North Western Station, and before they got there they told him to stop at a public house. There they alighted, but, instead of going into that particular public house, they entered another, where they remain a very short time, and thence they proceeded to Pierce's house in Crown Terrace, Hampstead Road. They had not been there long when they determined to go down to the Borough market, where they were to meet TESTER, and were to obtain from him the bar of gold, which he had brought up from Redhill on the previous night. They met him on the steps of the market, and, having obtained from him the bar of gold, they next proceeded to the shop of a silversmith in Leadenhall Street, near the India House, and they there disposed of a portion of the American coin, which had been in Messrs. Spielmann's box, for which they obtained £213.10s. in cash. They then proceeded to the shop of

Messrs. Prommel, Rudolf, and Co., moneychangers, in the Haymarket, where they sold another portion of American golden eagles, for which they received a check² for £203. 6s. 8d. having done this, they returned to Crown Terrace, Hampstead Road, and thence they conveyed the greater portion of the gold, which had been stolen to Cambridge Villas, the residence of Agar. The first thing that they did there was to endeavour to cut off a portion of gold from one of the bars, which they succeeded in doing, to the extent of about 100 ounces, by means of a hammer and chisel. That gold was given to Pierce, and it will be proved that he sold it for about £3 an ounce. Pierce had also the greater part of the cash, which was the produce of the American eagles, and he was in possession altogether at that time of a sum amounting to £716. 16s. 8d. And I beg your attention to the fact that as early as the 28th of May Pierce had the means, by the sale of the American coins, and of the 100 ounces cut off one of the bars of gold, of obtaining, as you will find that he did obtain at the Bank of England on the 28th of May, six £100. Bank of England notes in exchange for 600 sovereigns. I shall call your attention to this fact again presently. The rest of the gold being now at Cambridge Villas, it was a question how it should be disposed of. Agar was there living under the name of Adams with Fanny Kay, who passed as his wife, and he lived next door to a gentleman named Bessell, whose wife died about that time. Agar had in his service at that time a girl named Charlotte Baker, and Mr. Bessell had a servant named Wild, both of whom we shall call. It was determined that the best way to get rid of the gold was to melt it into smaller pieces, and accordingly iron ingots or moulds of about a foot in length and two inches in breadth, tapering down to a point underneath (so that the transverse section would be nearly an equilateral triangle). Were obtained at a shop in Clerkenwell, and they then proceeded to erect a furnace at Cambridge Villas. The house consisted of two rooms on the ground floor, and a kitchen, two rooms above and a dressing room, and a washhouse behind. It will be shown that they purchased a number of fire bricks, and that they took out the stove of one of the bedrooms upstairs and put up the furnace in its place; and I shall prove by Agar and by Fanny Kay, who, though carefully excluded from the room heard and saw enough to enable her accurately to confirm the evidence of Agar, that they were there engaged day after day for a considerable time working in tremendous heat while melting that gold. I shall satisfy you, moreover, that in the course of the work one of the crucibles was broken and that the molten gold falling upon the floor burnt it, and that some of the marks of the burning remain still; and more than this, I shall produce some of the bricks, with pieces of gold still adhering to them. The gold which was thus melted at Cambridge Villas remains there for some time, until, in consequence of a quarrel between Agar and Fanny Kay, Agar left Cambridge Villas and went and took lodgings at Kilburn; and about that time the ingots of gold were removed to Pierce's house. Shortly after this Pierce gave up his residence at Crown Terrace, Hampstead Road and took a house in Kilburn, which they called "Kilburn Villa;" and there Agar went to live with him as a lodger. I shall prove that, at Pierce's suggestion, a hole was dug near the pantry of Kilburn Villa, and that the gold be deposited there. Portions of it were taken out from time to time, however, and given to a person named Saward, who lived in that neighbourhood, and who said that he had opportunities of disposing of gold. It appears that gold of the value of £2,500. was sold to Saward by Agar and Pierce, and that the produce was distributed among the three prisoners and Agar. Now, I beg your attention to the fact, which I told you I should advert to again – namely, that before the melting of the gold began the sale of the American eagles and of the 100 oz. of gold had placed Agar in possession of at least £600. and I shall prove to you in such a way as to leave no doubt upon your mind the produce of the 600 sovereigns to which I have before advised was divided between the prisoners of the bar. On the 28th of May a person – I can't say who it was – went to the Bank of England with 600 sovereigns and gave his name as Edgington asked to have six £100. Bank of England notes given him in exchange. I shall call before you a person from Messrs. Edgington, whose name was no doubt familiar to the servants of the South-Eastern Railway Company, they being large tarpaulin manufactures in the neighbourhood of the station, and he will tell you that he had no knowledge whatever of such a transaction. The six £100. notes, however, of course, had numbers, which were taken down at the Bank, and I shall prove that is the September following two of those notes went back to the Bank of England with the name of the prisoner TESTER on them, and I shall also prove that the signature is in his handwriting. Another of the notes went back to the Bank in November, 1855, with the name of "Baffan" upon it, Mr. Baffan being a respectable fruiterer near Fitz-

² Cheque

roy Square, who will swear that he put his name on it, having received it from Pierce and changed it for him. The history of the other three £100 notes is a little complicated. They were paid into the Bank of England by Messrs. Robarts, Curtis, and Co. in the month of January, who had received them from Messrs. Hutchinson, the stockbrokers, who had purchased for Burgess by direction of a person Lee, the notes in question. Lee had received them from Burgess's wife. And it is remarkable that, in addition to the three £100 notes which will thus be traced from Burgess to Lee, from Lee to Hutchinson, from Hutchinson to Messrs. Robarts, and from Messrs. Robarts to the Bank of England, there were also paid into their account at Robarts's by Hutchinson and Co., eight £10 Bank of England notes, which were given by the Bank of England in exchange for the second £100 note, which had the name of TESTER on it. There can be no doubt; therefore, I submit to you, that the prisoner shared that £600. I shall further prove that after having held those Turkish bonds for a time Burgess employed Lee to sell them. Lee sold them accordingly, and wrote the name of Burgess upon them. Having sold them Burgess deposited the proceeds in the hands of Mr. Stearn, the landlord of the White Hart, in St. Thomas's Street, who suggested that he should be allowed to place the money with his brewers, the Messrs. Reid, who would take charge of it, and allow interest upon it. I shall prove to you that Mr. Stearn's advice was adopted, and that he took the money, which was in notes, to Mr. Smith, the cashier of Messrs. Reid, who wrote upon them the name of Stearn. I have told you that of the gold melted at Shepherd's Bush. £2,500's worth was sold by Saward, and divided among the prisoners and the approver. Now, I shall prove that in August 1854, Agar had purchased, through a stockbroker named Young, two Spanish Active bonds of the nominal value of £700. and that when the division of the £2,500. took place it was arranged between Agar and TESTER that TESTER should take those two Spanish bonds as his share and that he did take them accordingly. I shall also prove to you that shortly after that TESTER, through his father sold those Spanish bonds; that he bought with the proceed two other Spanish bonds; and that he sold those two other Spanish Bonds, and bought with the proceeds one other Spanish Bond which is now held for him by a relative of his own, whom I shall call before you. I have thus, I believe, gone through the whole of the substantial part of the evidence which it will be my duty to lay before you; and you will observe that although the whole of the facts will be deposed to by Agar, the proof by no means rest entirely with him. Far there is a very strong circumstantial case against the prisoners altogether independently of the evidence of Agar. You may ask how it happens that Agar after this robbery should be induced to come forward to make statement. The facts are these: - Agar was arrested in August 1855. At the time he had deposited in a trunk at Pierce's house a considerable portion of the produce of the robbery. He had also property of his own, and having been reconciled to Fanny Kay, or entertaining still a kindly feeling for her as the mother of his child, he arranged, when he was arrested that Pierce should take possession of all his property, and should provide for Fanny Kay and his child. Pierce for a time did contribute something to her support, but afterwards he desisted from doing so, and the result was that Fanny Kay was reduced to the greatest distress.

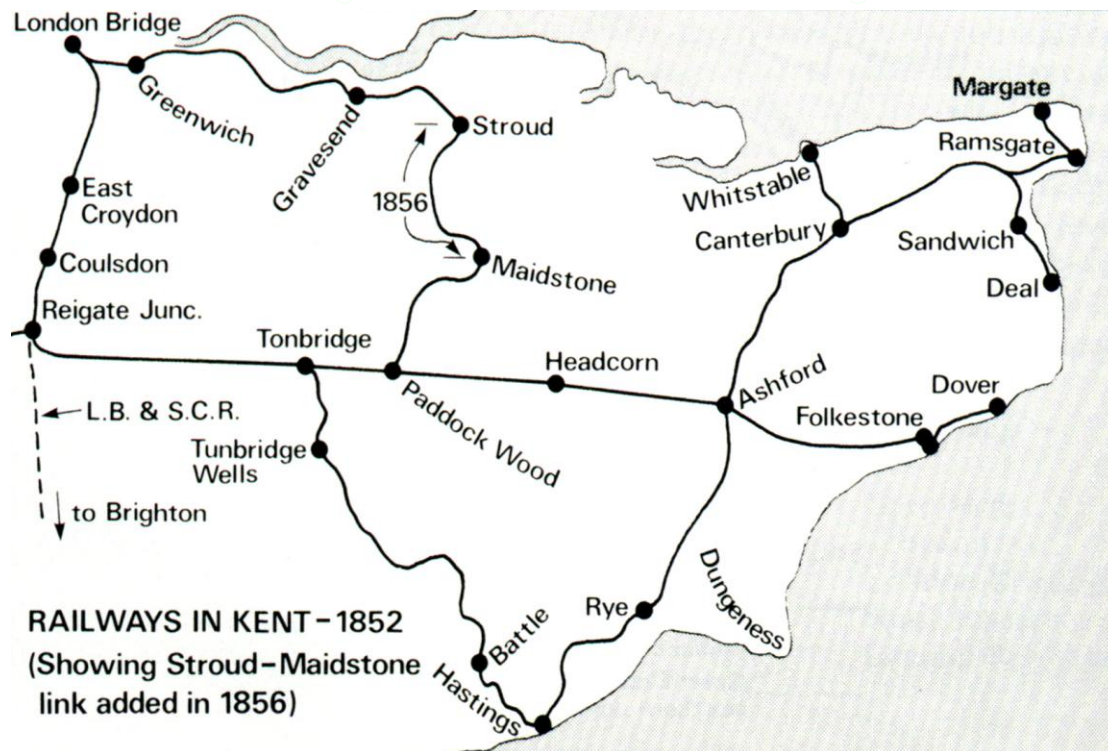
Mr. Serjeant Parry (for Pierce), - Really that has nothing to do with this enquiry even if it be true.

Mr. Serjeant Shee, - Fanny Kay made a statement to the solicitor for the prosecution, and I stating what it was.

Mr. Baron Martin, - It is quite legitimate; the learned counsel is explaining how Agar came to make this statement.

Mr. Serjeant Parry, - Surely the motive of a man under such circumstances cannot be evidence! However, if your lordship thinks otherwise, I have not a word to say.

Mr. Serjeant Shee continued. - I will not dwell upon the subject. Suffice it that the fact of Pierce's conduct came to the knowledge of Agar, and that Agar then made known all the circumstances of the robbery. This is the whole of the case on the part of the prosecution, and it really is lamentable to reflect upon the amount of skill, dexterity, perseverance, and ability exercised upon the execution of a criminal design, which this robbery displays. Employed in a better cause how different might have been the results! In justice to the prosecution I must add that had not an equal or a greater amount of skill, dexterity, perseverance, legal knowledge, and discretion been evinced on the part of the professional advisers of the railway company it is hardly possible that theses men could have been brought to justice. I now leave the case, gentlemen of the jury, in your hands, feeling confident that you will give to it that candid and patient consideration which its importance demands.



The South-Eastern Railway in Kent - 1852

Day 2. Wed. 14th Jan 1854

THE EVIDENCE

Edward Agar, the approver, was then called, and examined by Mr. Bodkin. He said, - I am at present a convict under sentence of transportation for life, having been convicted of uttering a forged check. I am one of the persons by whom a robbery of gold was committed in May 1855, on the South-Eastern Railway, and I know the three prisoners at the bar. Pierce I know for five years or more. He was not in the employment of the South-Eastern Railway Company when him. Burgess and TESTER I have known between three and four years. They were both in the employment of the railway company. I conversed with Pierce on the subject of this robbery about four years ago. That was after my return from United States of America, but I had spoken to him relative to it before I went to America. At the time I speak of he was clerk at Clipson's betting office, in King Street, Covent Garden. I met him upon that occasion accidentally; but, as I have said, I had spoken to him on the subject of the robbery before I went to America. He had proposed, it but I had declined, as I thought that the thing was impracticable. I thought it could not be done. When I met him in King Street he asked if I had thought any more of the robbery, and I said that I believed it would be impossible to do it unless an impression of the keys could be procured; and he then said that he thought he could get an impression if I would undertake the business. We had several meeting after that, at all of which the conversation turned upon the subject of obtaining the impression. He repeated that he thought he could get them; and I said that if he did I had no objection to undertake to complete the robbery. He then said that he would endeavour to get the impressions, and he would let me know the results. I asked him if he got the impressions how many persons were to be connected with the affair, and he said "four," naming Burgess, TESTER, himself, and myself. About 12 months before the robbery I went down to Folkestone, having in the interval had numerous interviews with Pierce. I had also conversed with him respecting the robbery in the presence of Burgess. TESTER I had not spoken to before, but I knew him. He was a stationmaster at Margate at the time, and I went down to Margate to see him. Pierce wrote to him to tell him that I was going. And said that TESTER could show me an impression of the cash box key, if that would be any criterion for me to go by in making the keys of the bullion chest. I accordingly went, and saw TESTER at Margate. I went to his lodgings, took some tea with him, and stopped there that night. He showed me an iron safe in the office at Margate, and the key belonging to the cash-box, and asked if that would be any guide to go by in making the keys for the bullion chest. I told him, "Not the least." He said that it was a great pity that Pierce had not mentioned the matter to him before, because when he was a clerk at Folkestone he had the keys in his possession. I then returned to London, and in consequence of that last observation of TESTER's Pierce and I were induced to go down to Folkestone. It was about six or seven months after I had seen TESTER at Margate that we determined to go to Folkestone. The way it came about was this: - After I returned from Margate I saw both Burgess and Pierce, and I told them my opinion and reported what I had learnt from TESTER. They then asked what I thought ought to be done, and I said that the best thing would be to go to Folkestone, to take apartments there, watch the trains in and out, and so discover whether the keys of the bullion chest were there, and how they were to be got at. It was arranged therefore that that should be done, and Pierce and I went to Folkestone accordingly. That was about a year before the robbery. At Folkestone we hired apartments consisting of two bedrooms and a sitting room. I don't know the name of the house, but it was on the right hand side going towards the up station. I went by the name of Adams, but I forgot the name Pierce adopted. We stayed there a fortnight, and went down constantly to the harbour on the arrival of the train from London and the boat from Boulogne, and we carefully watched the iron safe to see whether it was unlocked, and what was done with the keys. Owing to our being there often, I suppose, the police took notice of us, and the police inspector of Folkestone followed Pierce, I told Pierce that very likely the inspector was looking after him, suspecting that he was there to pick pockets, or something of that sort. Pierce "took him through the town," and got away somehow. In consequence of that, however, Pierce returned to London, but I remained in Folkestone some days longer. Before Pierce left we had noticed generally all the circumstances connected with the arrival and

departure of the bullion chest, and upon one occasion we had seen it opened. It was placed on the platform, and a man named Sharman came and locked it with one key, which was attached by a loop to a label, from which another key was suspended, which I suspected to be the other key required for the safe. I watched Sharman deposit those keys in the cash till. During the few days that I remained at Folkestone after Pierce left I frequented a public house which was kept by a person named Meadows, I think in the upper part of the town, and where Sharman, and Ledger, and others in the employ of the company used to go to play billiards. At the time Pierce resided in Walnut Tree Walk, Lambeth. It was arranged by him that I should go to Folkestone, and TESTER would introduce me to a person named Sharman, a clerk in the company's employment there, who would show me the keys. I went down accordingly, and TESTER was to meet me there as though by accident. This was about eight or nine months before the robbery. I stopped at the Pavilion Hotel. I saw Pierce and TESTER at the up station on a Sunday, and we then walked down to the harbour arm in arm. TESTER introduced me to Sharman. It was then proposed that we should go to the Pavilion. We went there and had some refreshment. TESTER and I dined together that day, and he asked me my opinion of the robbery. I replied that I thought I should be able to manage it now that I knew Sharman. TESTER left for London, and I remained behind with Sharman, from whom, he being a very sedate young man, I could not, however, get much information. I went subsequently to London, and told this to Burgess and Pierce, and then suggested that the matter should be allowed to rest for a time. I afterwards learnt from Pierce that he had received a letter from TESTER, stating that one of the keys of the bullion chest was lost, and that the chest would be sent to Messrs. Chubb's to be repaired. It was then proposed that TESTER should be supplied with wax to take an impression of the keys when the bullion chest came up, but I objected, saying that I must take the impression myself. By appointment I afterwards met TESTER at the Arcade, near the London Bridge station. He informed me that he had not got the keys. We met several times with out success, not liking to stand long together in the arcade; but we agreed to see each other in a beer shop, at the corner of Tooley St, kept by a person called Wallace. I accordingly met TESTER and Pierce there, when the former produced the keys, I said, "I must go into another room and take the impression." TESTER hesitated to part with them and asked me if I could not do it there. I said, "No." I then rang the bell and was shown into a bedroom on the pretence that I wanted to wash my hands. I there took the impression of one of the keys, after which I returned the key to TESTER. I knew the train to which Burgess acted as guard. We were in the habit of meeting Burgess at Stearn's public house, which the railway officials frequented. I there informed him how the matter was progressing. I then went for the first time to Pierce's house. It was arranged we should again to Folkestone, so as to be able to obtain the impressions of the keys kept there. I went to Pavilion Hotel. While I was there Pierce forwarded to me a box containing 200 or 300 sovereigns, which I had advanced for that purpose. I received a letter from Pierce, by post, informing me that he had sent the box by rail to me, that it was insured in the usual manner, and was addressed to me in the name of Archer, at Folkestone, under the care of Chapman or Ledger. On the receipt of that letter I went to the railway office and produced it there. The box had not then arrived. I called again on the Sunday, on which day the box reached Folkestone. I saw it taken out of the iron chest in the usual way, and then forwarded to the lower station. I also then saw the chest opened by Chapman; it had two locks upon it. I noticed that he took the key from a cupboard in the office. He brought out the box that I expected and gave it to me, with a form to fill up with my signature. I signed the form, "E. R. Archer." The document produced is the one that I signed. I took the box to the Pavilion Hotel. I then returned to London and had an interview with Pierce and Burgess, when I told them where the key of the bullion chest was kept. It was arranged that I and Pierce should go down to Dover, and we went down accordingly by a train that arrived at midday. We put up at the Rose inn, close to the church. We walked over to Folkestone, and got there before the Boulogne boat came in. We were walking about the harbour when she arrived. In a few minutes we saw Chapman and Ledger leave the railway office; upon which Pierce went in there, while I remained at the door. Pierce passed on to the cupboard, from which he took the key, and brought it to me. I then took an impression of the key,

and returned the latter to Pierce, who replaced it in the cupboard. The door by which we entered the office was shut, but not locked at the time. Don't know whether the cupboard was locked, but I suppose it was not. We returned to Dover on the same day and had tea; after which we came back by train to London. I then met Burgess and told him I had got an impression of the key. He said, "It is a good job, and I will do my best to assist you." I saw Burgess at the Marquis of Granby, New Cross, several times about the business. I next had some blank keys made, and filed them to the size of the impression that I had taken at Folkestone. This was done at Pierce's residence, Walnut Tree Walk. Fanny Kay had been living with me as my wife before this, and she and her child were then staying at the Harleyford Road. She and I had some differences about this time, but we made it up, and came together again. I took a house for her and me at Cambridge Villas, Shepherd's Bush. I finished filing the keys there. Pierce then left Walnut Tree Walk, Lambeth, and took a house in Crown Terrace, Hampstead Road. It was next arranged that after I had completed the keys I should go down by train and try them on the bullion chest. This arrangement was made between Burgess and me. I went seven or eight different times by rail with him to try the keys upon the lock before they would answer. We succeeded at last in opening it. Burgess always acted as guard of the train when I travelled for this purpose, and he saw the chest opened. I afterwards went to Burgess's house to talk over matters. When the tidal train left early in the day any bullion that came too late for it had to go by the mail train. It was the mail train that was robbed. We calculated that we should get about £12,000. worth of gold, that being about as much in weight as we should be able to carry. Pierce and I accordingly went across Hungerford Suspension Bridge to the shot tower, and there purchased and carried away each half a cwt. of lead, which we put in bags and conveyed to my house at Cambridge Villas. We went to the same place again and got another cwt. between us, to make up the required 2 cwt. The shot was then placed in 8lb. and 4lb. check bags. Fanny Kay and her child, and a servant named Painter, were at home when this was done. My house has three rooms on the first floor. Don't think Fanny Kay saw us transfer the shot from the large to the small packets. We found that we had more shot than we wanted, and we threw the excess away in some fields situated in the neighbourhood. The small packets of shot were put into four courier bags, which were made to order at a shop near the corner of Drury lane. The strength of the bags was tried at Cambridge Villas, when some of the stitching gave way, and I repaired it. They were made of drab leather. The shot was put in carpet bags and removed in a cart to Pierce's house in Crown Terrace, Hampstead Road. A black leather bag was also made for TESTER, who consented to go to Reigate and there take part of the gold and convey it to London, so as to relieve us of a part of the burden. All the bags were taken to Pierce's house. Everything being in readiness for the robbery, arrangements were made when Burgess got on the mail train that Pierce, I, and TESTER should meet at London Bridge. I and Pierce were to go in a cab with the courier and carpet bags to St. Thomas's street, near the Hospital. Pierce wore a black wig and whiskers, and had on a cloak, under which he carried two courier bags, with a courier bag in his hand. I also had on a cloak and carried the other two courier bags and a carpet bag. I took off my cloak when we got to St. Thomas's street and left it and the courier bags with Pierce in the cab while I walked up to the station and met TESTER. TESTER told me that no gold was going down that night. This proceeding was repeated five or six times before the robbery was actually committed. On some of these occasions TESTER came to the cab and had a conversation with Pierce relative to the robbery. Once Pierce had a carpet bag on his shoulder, which he left with me at a coffee shop near the Eagle, College street, while he went home and dressed himself up. On the night of the robbery Pierce and I were at a public house together near the turnpike gate, Camden town, whence we took a cab and proceeded with our bags to St Thomas's street. I got out there and went to the railway station as usual. Burgess then came out of the station and wiped his face. This was the appointed signal by which he was to indicate to us when the bullion was going down by train. Burgess then went to his train, when I returned to Pierce in the cab, and told the cabman to drive us up to the Dover railway office. I had previously seen TESTER on the insline near the terminus, when he said to me in a hurried manner, "All right." I went to ticket office and procured two first class tickets. We kept our courier bags on, but gave the carpet bags to the por-

ter. I handed Pierce his ticket, and he entered a first class carriage. I walked up and down the platform till the train started, and saw the bags given to Burgess, who placed them in the van. The small black bag was in one of the carpet bags. Having watched for my opportunity, I at last jumped unobserved into Burgess's van when I crouched down in a corner and Burgess threw his apron over me. I was in the guard's portion of the van until the train had started after which I got up and saw that there were two iron safes in it. I opened an iron safe and took from it a wooden box. The box now produced is the one in question. It was fastened by nails and iron bands, and was also sealed. I had a pair of pincers with me for raising the iron, and also box-wood wedges with which to force open the lid. I took out from that box I believe four bars of gold. One bar I placed in TESTER's bag and gave it to Burgess, and then heard TESTER say "Where is it?" I saw no more of it till the next morning. I did not see TESTER at Reigate, but only heard his voice. When the train again started Burgess joined me in the van, and I opened another box in the same safe, containing American gold coins. I don't know the amount of those coins, but I put them into a bag and substituted shot for them also. I then fastened down both of the boxes – the one that had the American gold coins in it with a screw – and I sealed them again with some seals and a wax taper, which I had purchased for the purpose. I then locked the one chest and opened the other, in which there was a box, which I found to contain small bars of gold. I took out as many of the small bars of gold as I thought I had shot sufficient in weight to replace, and then I fastened up the box again. The safes from which I took the gold were removed from the train by the railway company's officers at Folkestone, and we went on with the train to Dover. I and Pierce took the courier bags and the carpet bags with us. We put up in the Dover Castle Hotel, near the railway terminus. This was about 11 o'clock at night. We entered the coffee room, where we placed the carpet bags under the window, and then ordered our supper. During the absence of the waiter we took off our courier bags. The waiter asked whether we wanted beds, and we answered "No;" observing that we had driven in to town, and were going back to London by the 2a.m. train. I left Pierce at the inn, and went myself to the pier and threw my mallet, chisels, and other tools into the sea. When I returned to the hotel we paid our bill, and then sent the waiter for some brandy in a soda bottle, in order that we might take advantage of his absence to put on our courier bags again before leaving. We next walked to the railway station to return to town, and on a railway porter asking for our carpet bags I refused to him, but the man persisted in the request, and almost forced the bags out of my hands. The porter inquired whether we had tickets, when I replied that we had Ostend ones, upon which he asked to see them, stating at the same time that had been no luggage passed through the Custom house that day. I answered "No; we came yesterday;" and at the moment slipped some silver into his hand. The porter then left us, and we went into a first class carriage, in which Pierce and I travelled alone. Burgess was the guard on this train. On our way up we opened the large carpet bag, which were "dummies," and threw out the hay which they contained; and at one of the stations at which we stopped Pierce got out and placed the empty bags behind the door of the waiting room. The gold was then in the small carpet and courier bags. On arriving at London Bridge we took a cab, and ordered the driver to take us to the Great Western Railway, but before reaching that place we told the cabman he had made a mistake, and desired him to driver to Euston Square Station. When we got out there we discharged the cab, but Pierce engaged another, in which we were conveyed to the neighbourhood of Crown Terrace. We there dismissed the second cab, and took the bags to Pierce's house. Thence we proceeded to London Bridge in a cab, with the American gold coin; and I met TESTER with a gold bar, as had been previously arranged. TESTER gave me the bar of gold, and then went, as I believed, to his office. I and Pierce again took a cab and drove to the vicinity of the East India house. Pierce got out there, taking with him part of the American coins, and sold them at a shop at the corner of St. Maryaxe. I remained in the cab, and when Pierce returned he said he had to wait till the moneychanger could go to the Bank for gold; but he obtained upwards of £200 for the American coins. We then went to another money changer's near the Haymarket, where Pierce sold the remainder of the American gold coins for another £200, which was paid in a check on the Union Bank. The check was then taken by us to the bank and cashed. We afterwards returned to Pierce's house. Pierce had the whole of the

proceeds derived from the sale of the American coins. At this time, I was not in want of money, but Pierce was, he having been obliged to pledge his things to obtain the means of support. Pierce and I afterwards hired a horse and cart, and conveyed the bars of gold to Cambridge Villas, where I then lived. Fanny Kay was at home when we arrived. The bags were first put into the parlour, but were afterwards removed to a trunk in my bedroom. Pierce took back the horse and cart, and I saw no more of him that day. A day or two later Pierce came to my home and cut off 100oz. of gold from one of the bars and sold it for £3 per ounce. I had the proceeds of that—namely, £300 we then determined to make a furnace, and melt the gold. This was done in my first floor back room. We took out some of the stones of the floor for the purpose, and replaced them with firebricks. The brick now produced is one of them, and on it small particles of gold can now be detected, from the running over of the melting pot. The melted gold was poured into an ingot, prepared to receive it. In removing one the crucible from the fire I met with an accident. The crucible broke, and the gold was scattered about the floor, which was burnt. While we were thus occupied Fanny Kay on one occasion complained of the great heat, and asked what we were about. I told her never to mind, as we were engaged about our own business. Pierce stayed all day and took his meals with me, but he went home to sleep. When we had melted the gold and run it into ingots I began to sell it I first sold 200 ounces to a man named Saward. I had known him for some years. When I first knew him he had chambers at No. 4. Inner-court, Temple. He was a barrister, I understood; indeed, I have seen him pleading in Westminster Hall as a barrister. I first saw him about this business at a public house near Ball's pond. He gave £3. 2s. 6d. an ounce for the gold, and I gave him 6d. or 1s. per ounce commission. After the 200 ounces I sold him another parcel of 500 ounces. About this time, I had a quarrel with Fanny Kay in consequence of which I left her and took lodgings at Kilburn. I went there under the name of Adams. We had previously removed all the gold to Pierce's, who also went to live at Kilburn. I lived with him a short time there, and afterwards I took lodgings at Stanley Grove, Paddington Green. While I was at Pierce's for a short time Burgess and TESTER came up, and we divided the proceeds of the robbery as far as they had been realised. Pierce, TESTER, and I had £600 each, and Burgess had £700. The money was in notes, which I received from Pierce in exchange for the gold, which I received from Saward. My notes were in a trunk at my lodgings at Stanley Grove, Paddington Green, where I was arrested. The rest of the gold, which was unsold, was buried by Pierce in a hole, which he dug in his pantry, under the front steps of his house. When the robbery took place I had in my possession seven Spanish bonds for £100 each, which I had bought through Mr Young, the stockbroker, five of which I sold to TESTER on the night of the division at £48 per £100. On the morning I was arrested I had been with Pierce to Shepherd's Bush to fetch my child thence. After that I went to keep an appointment with a man named Humphreys, and it was then that I was arrested on the charge on which I was convicted, I have never seen Pierce again till he was arrested, but I made arrangements with him through Mr Wontner, the solicitor, as to the investment of £3,000 which I had I funds for the benefit of my child and its mother. Mr Wontner had the money, and handed it over to Pierce's wife.

³Cross-examined by Mr Serjeant Parry (for Pierce). - I am now 41 years of age, and the only employment I have ever been in was that of Mr Davis, of Chiswell Street. That is about 14 years ago, or it maybe 20-I won't swear which. I don't know that there was ever any robbery there while I was in his employment. Since then I have got my living by speculating and various things. I have been in the United States, where I speculated a good deal. It was perhaps about five years after I left Mr Davies that I first went to the United States, but I won't be sure as to the time. During that five years I lived how I could; by what I could get. In fact, I decline to say how I lived.

Mr Serjeant Parry. - Were you not engaged in forgery?

Witness. - No. I never was engaged in a forgery in my life.

Mr Serjeant Parry. - What was it?

³ These are the answers given by Agar. We don't know what the questions were.

Witness. – I decline to say.

Mr Baron Martin. - I don't see why you should not answer the question. You can't put yourself in a worse position than you are now, except you did something, which would render you liable to be hanged.

Mr Serjeant Parry. – Did you do anything during that time which would render you amenable to punishment?

Witness. – I decline to answer any question as to what I did.

Mr Serjeant Parry. – Were you engaged in crime? Did you not commit robberies while you were in America?

Witness. – No. Neither did I pass forged checks there nor elsewhere. I did not know Saward at the time you mentioned, nor have I ever been concerned with him in the way of checks. I have discounted bills for him. He was generally called "Barrister Saward." I was never accused of forgery, nor did I ever commit a forgery. I am entirely innocent of the charge for which I am now suffering punishment. I have received the proceeds of several forgeries. The £3,000 in the funds had been there some time. The £600, which I got from this robbery, your client Pierce had along with my other things. It was in my trunk at my lodgings when I was arrested. The charge I was convicted of was uttering a forged check for £700 I was caught with a bag of farthings in my possession, running away. I don't know that Pierce was ever a betting man; indeed, I never knew him have any money to bet with. The robbery was perpetrated while the carriages were in motion.

Cross-examined by Mr Serjeant Ballantine (for TESTER). - it is not because I am afraid of the consequences that I decline to answer Mr Serjeant Parry's question as to how I got my living, but simply because I do not choose to oblige to tell all. I am not afraid of a prosecution. I have known TESTER between three and four years. I saw him at Margate about this business, and I saw him also at Folkestone. The division was about two months after the robbery. TESTER offered to buy the Spanish bonds from me. He asked me what was the best way of investing his money, and I told him I had some Spanish bonds, which were paying 7%, which I would sell him for what I had given for them. The other bonds were in my trunk when I was arrested, and Pierce got them. The only evidence against me when I was convicted was a man who called himself my accomplice, but his story is all lies. You were my counsel at the time, and you told him so. Mr Mullens also stated that he saw me outside the bank, when in fact I was at Shepherd's Bush at the time. I travelled a good deal up and down the line. I represented myself as a commercial traveller but TESTER knew I was a thief. I was introduced to him as such.

Cross-examined by Mr Poland (for Pierce). – I have gone by three or four names in my time, but Agar is my real name. I told the story of this robbery down at Portland first. It was to Mr Rees. I never told him that Burgess had nothing to do with this robbery, nor have I ever said so to any one. I had made false keys before. I made some for Pierce to commit the robbery on the South-Eastern station with. I did not see Burgess between the robbery and the division.

Re-examined by Mr Bodkin. – It is not because I am afraid of a prosecution that I refuse to answer as to my mode of living. While I was at Mr Davis's I saved about £50, and on this I lived and by pawning my clothes till I went to the United States. I had a cousin who was a boot closer, and I assisted him. Then I went to the United States, where I made money by speculating. While I was a Kilburn I was living with a woman named Emily Campbell. She had formerly lived with Humphreys, and it was out of revenge that he got me arrested. I had lent him £200, and was going that afternoon by appointment to receive it back. He lived a door or two from the corner of Bedford Row, and just as I got to the corner I met a man who said to me, "Bill has sent me to tell you not to come in, There's a screw loose." He pulled out a bag at the same time, which he said contained £200. Just then I saw somebody coming behind us, and the man (who called himself Smith) said "You'd better run," and I did so; and he immediately called "Stop thief!" I stopped and the police officers took me into custody. I gave up the bag, which was found to be full of farthings, but Smith pretended to know nothing of it. That is all I had to do with the charge on which I was convicted.

The Bullion Robbery

By Mr Baron Martin. – It was about two or three years after I left Mr Davis that I first began to live by crime, and I have been more or less engaged in the commission of crime ever since.

To Mr Serjeant Parry (through the judge). – I have never boasted that I did the robbery single-handed and went over to Boulogne. Mr Rees was the first person to whom I ever mentioned the share I had in the robbery, and I have never told any one at Portland that I had anything to do with it. I had heard that Pierce had sent back my child to its mother, Fanny Kay, and that she was in a state of great destitution.

James Saltings, bullion porter at Spread Eagle, Gracechurch Street, proved the delivery of the bullion boxes at the railway station on the night of the robbery.

Mr John Chaplin, the carrier, also gave evidence to the same effect. In answer to Mr Serjeant Ballantine, this witness said that no one at the railway station would know that bullion was being sent over to Boulogne that night until he arrived there with it.

Edgar Cox, a clerk in the office of Mr Wetherall, the station master at London Bridge station, examined by Mr Bodkin, said, - I received the boxes of bullion from Mr Chaplin on the night of the robbery, and took their weights before they were put into the train. TESTER was in Mr Brown's the superintendent's office, but I don't know that he would have any means of ascertaining when bullion was going down.

Cross-examined by Mr Giffard. - When the bullion boxes went down they were generally put outside the superintendent's office with time of the train by which they were going marked in chalk.

Mr Abell examined by Mr Monk. - I am a bullion merchant. On the 15th of May 1855, I despatched a parcel of gold by the South-Eastern Railway, weighing 2,125 $\frac{1}{4}$ ounces, which was part of the gold stolen.

To Mr Serjeant Parry. – The railway company resisted my claim against them until December 1855, on the ground that the robbery had been committed in France.

John Bailey. - Porter at the London Bridge station, examined by Mr Monk. - I carried the boxes of bullion into the van on the night in question. I put them into the iron chest, and Mr Wetherall locked it.

John Kennedy, examined by Mr Bodkin, said. - I am a guard in the employ of the South-Eastern Railway. I was under guard to Burgess on the night of the 15th May by the 8.30 train. Shortly before the train Burgess asked me to look round the train to see that all was right, as he was going away for a little while. I have seen Agar and Burgess together several times; once at a public house near the station, and two or three times on the platform, generally about 8 o'clock, just before the 8.30 train started.

Cross-examined by Mr Serjeant Parry. – I went down with the 8.30 train that night, but never saw Burgess from the time the train started till we got to Dover.

Cross-examined by Mr Giffard. – It was not my duty to go to Burgess's, save in the course of the journey, nor was it my practice.

Richard Hart, porter at Folkestone, examined by Mr Monk. – On the night of the robbery I assisted to take the bullion chests out of the 10.30 train, and to take them down to the harbour, where I delivered them down to the harbour, where I delivered them to Spicer, the watchman. Burgess was present.

John Spicer, a night watchman at Folkestone, examined by Mr Bodkin. – I received the chests at the harbour from the last witness, and kept watch over them till morning.

Robert Mackay, telegraph clerk at Folkestone. - I was up all night at the station, and the chests I know were never moved.

James M'Knight, a police officer in the employ of the company, said. - I relieved Spicer in charge of the bullion chests on the morning of the 16th of May, 1855, and did not lose sight of them until they were placed on board of the boat.

James Golder, mate of the Lord Warden steamer. - I remember the bullion chests coming on board on the 16th of May 1855. They were placed on deck, and I had my eye on them the whole time. When the chests were opened at Boulogne I noticed that one of the boxes was damaged at the sides. There was a hole that I could have put my finger in.

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Jacques Feron, examined by Mr Bodkin (through an interpreter). – I am a porter in the employ of the customs at Boulogne. On the arrival of the Folkestone boat on the morning of the 16th of May 1855, I assisted to land the bullion boxes. I took one of the boxes out of the iron chests myself, and I noticed that it was open at the sides, so that I could have put in my finger. I noticed through the opening that there was a little bag moving about inside. The boxes were placed on the quay, and they were never out of my sight till they were taken to the railway.

James Major examined by Mr. Serjeant Shee. – I am agent of the Messageries Impériales at Boulogne. I took charge of the bullion boxes on their arrival. I saw them weighed at the Custom-house, and then I had them taken to my office, where they remained until they were taken to the railway. I weighed them myself before they went from my office. I was in Paris when one of the boxes was opened. It was full of lead shot. I had it weighed first, and it corresponded almost exactly with the weight, which I had taken at Boulogne.



Folkestone Harbour Station. April 2000

Mrs. Hooker examined by Mr. Serjeant Shee. – I live at Folkestone, between the upper and lower stations. In the month of May, a man who called himself Adams took lodgings at my house for himself and another man. Agar is the man who went by the name of Adams. I saw him at the Mansion-house, and recognised him. The man who was with him at my house was Pierce, who I see now, and recognise in the dock.

Mr. Ledger. Customhouse agent at Folkestone, examined by Mr. Bodkin. – I remember seeing Agar at Folkestone several times during the year 1854. I have seen him at the Rose Inn, kept by Mr. Meadows, and on one occasion he supped with myself and another person there. I saw him at Folkestone in the spring and in the autumn. I had a key of the bullion chest, which I sometimes kept in my desk or in a cupboard, which was behind me as I sat at my desk, but generally in my pocket. I generally used to go down to meet the boats when they came in, but I left other persons in the office. Sometimes, however, I have known the office to be left empty – perhaps a dozen times.

Mr. Chapman examined by Mr. Serjeant Shee. – I was in the employ of the South-Eastern Railway Company at Folkestone in the years 1854 and 1855. In the spring of 1854 I remember seeing Agar at Folkestone, and again in the autumn. He came to me and inquired whether a parcel had arrived for him. Shortly afterwards a parcel did, directed to him, and I gave it to him out of the iron safe when he came for it. He signed a receipt for it in the waybill, for he said he could not write a receipt in full, as his finger was wounded. He had it bound up in a black silk stall. If he had chosen, he could see where I took the key of the safe from.

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After the examination of this witness the Court adjourned until 10 o'clock to-morrow morning, the jury being conducted to the London Coffee house under the charge of the proper officers of the court.

Day 3. Thur 15th Jan 1854

The trial of the prisoners Pierce, Burgess and TESTER, charged with committing the extensive bullion robbery upon the South–Eastern Railway in May, 1853, was resumed before Mr. Baron Martin and Mr. Justice Willes, at 10 o'clock this morning. The interest excited by the proceedings continues without much abatement, but at no time throughout the sitting was the portion of the court allotted to spectators filled to inconvenience. The demeanour of the prisoners was the same as on the previous day, TESTER, the youngest of the three, seeming to be more concerned about his fate than his older accomplices. The communication between the accused and their legal advisers was also kept up to-day, the prisoner Burgess, however, taking by far the greatest number of notes, and handing them to his counsel.

The first witness called was M. Everard, who, in answer to question from Mr. Monk, stated; - I am a member of the firm of Everard and Co., of Paris. I received a bullion box from Messrs. Abell and Co., on the 17th of May last. I saw the box opened. It contained nothing but a quantity of shot and some shavings.

Thomas Sharman, examined, - I keep the Torrington Arms, at Mereworth, Kent. I was booking clerk at Folkestone, in May 1855. I saw Agar at Folkestone in October 1854. I know Ledger, and recollect when he was married. His marriage took place about the period when I saw Agar. I saw TESTER – a clerk on the line – with Agar. They were walking about the pier. I was on speaking terms with them. I went in their company to the Pavilion Hotel, and had some refreshment. A friend of mine, named Grimstead, was also there with us.

Cross-examined by Mr. Serjeant Ballantine. – I don't know when TESTER was married. Don't recollect whether TESTER introduced Agar to me. Hazel had told me that Agar was a suspicious person before I went to the Pavilion with them. I went with TESTER, whom I believed to be respectable, and I afterwards remarked to Hazel that I thought he had been misinformed regarding Agar.

Mr. G. D. Hazel, examined. – I am inspector of police to the South–Eastern Railway at Redhill. In October 1854, I held the corresponding situation at Folkestone. I saw Pierce and Agar at Folkestone harbour in May 1854. They were looking at the boat, which ran in connexion with the tidal train. They remained at the pier about a quarter of an hour, and then went towards the town. I had a reason for watching Pierce at that time. Saw them both about 10 or 12 times after this at the arrival and departure of the boats. I made communication to Mr. Steer, superintendent of the town police of Folkestone. In October 1854, I saw Agar loitering about the booking office for about 10 minutes. He was watching the proceedings of the clerk, Sharman, who was making up his money. I saw Agar talking to TESTER by the pier on the following day. The boat was getting ready. They afterwards walked towards the Pavilion Hotel. TESTER went up to London the same night.

Cross-examined by Mr. Serjeant Ballantine. – Cannot tell whether TESTER was married before or after the robbery. He held his situation in the employment of the company some time after the robbery. He left it for better employment; and subsequently he surrendered to take his trial. I cautioned Sharman against Agar, whose appearance I did not like. I did not say anything about him to TESTER, who seems to know him well.

James Steer, superintendent of police at Folkestone, deposed, - I was at Folkestone in May 1854. I saw Pierce half way between that town and Hythe, in company with a man named Adams. In consequence of something that had been said to me I noticed them. They were at Folkestone in the spring for about a fortnight, and walked a good deal on the pier. When they saw that I had observed them they separated and walked away. In October I again saw Agar, near Folkestone harbour.

Henry Williams. – Booking clerk to the South–Eastern Railway Company, examined. – I was formerly a night porter and watchman at Dover. I was on duty when the 8 o'clock mail arrived at Dover on the 15th May 1855. Burgess and Kennedy were the guards of that train. I did not notice the passengers who came down with it. I attended the departures of the 2 am up train the next morning. Saw two passengers who travelled first-class by it. They carried bags

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with them. I noticed them pass through the office while Burgess, Kennedy and I were standing there together. A porter asked to carry their bags for them. One of the two men was taller than the other; the one was of light complexion and the other dark. I issued two tickets only for that train, but not to the two passengers I have described, who did not apply for any tickets.

Joseph Witherden. – I am a porter, in the employ of the South-Eastern Railway Company, at Dover. Was on duty on the night of 15th May. Before the 2 am train went up two, carrying carpetbags and wearing short clocks, came on to the platform without taking tickets. The bags they carried appeared heavy, from the way in which they carried them. Spoke to them about their tickets. They produced two Ostend return tickets. I asked whether their luggage had passed the Customhouse. They replied, “No; it came over the previous night.” One of them gave me some money; I don’t know which of the two it was who did so.

Mr. Walter Clark, examined. – I keep an inn called the Rose, nr St. Mary’s Church, at Dover. Two men, one of whom was tall and dark, and the other short and fair, came to my house one evening in the early part of 1855 and had some refreshment. They stayed at my house all night, and went away next morning. They asked the way to Folkestone and I directed them to the road thither by the cliffs.

Robert Clark. – I am a waiter at the Dover Castle Hotel, Dover. Two men came to that house one night shortly after the date of the arrival of the French Emperor. One of them was considerably shorter than the other. The complexion of the short man was fair; the other was dark. They asked for some brandy and water, which they wished to be put in a sodawater bottle. I got it for them. They left the hotel late the same night, carrying their own luggage. They said they were going by the 2 am train.

W. Dickinson, police man at the company’s terminus London Bridge, deposed, - I recollect the 2 am train arriving from Dover on the morning of the 16th May 1855, about 4 o’clock; only about four passengers came by it. Two of them came out of the carriage that I opened. One of them was taller and darker complexion than the other. The man who first left the carriage had a bag with him, and wore loose caps. I did not notice the dress of the other man. I offered to get a cab for them. They declined my offer. An officer is always stationed at the door of the station to take down the numbers of the cabs as they go out, and their destinations.

William Woodhouse, another porter at the time of the robbery, deposed that there was no luggage in the van of the early up train on the morning of the 16th May.

Stephen Jones stated, - I am a guard in the service of the South-Eastern Railway Company. In May 1855, I was guard of the 7.30 pm train from Dover. We were due at Redhill at 9.25. The 8 pm train from London was due also at 9.04. TESTER came up by my train. Saw him come out of the refreshment room at Redhill before he got into the train. He had with him a black leather bag, of from 12 to 15 inches in length. He entered a first-class carriage. The train did not stop till it reached London. Did not see TESTER again that night. I saw Pierce and another man on the pier at Folkestone antecedent to the robbery. I had also seen Burgess, Pierce, and other persons at a public house in Tooley St. I was guard of the 7.30pm up train in April, as well as in May.

Cross-examined by Mr. Serjeant Ballantine. – The guard don’t often have charge of the same trains for more than one month; but there are some exceptions to this rule, such as when the service was special. Can’t swear whether or not I mentioned anything about TESTER having a black bag before I heard that Agar charged TESTER with being an accomplice in the robbery. Swear that I saw TESTER with the black bag at Redhill in May. In the June following the robbery I was examined by the company on the subject, but I did not then mention anything about this black bag. I was not questioned on that point. I see nothing unusual in TESTER’s having the black bag with him.

Cross-examined by Mr. Ribton. – Never saw Pierce while he (Pierce) was in the service of the company. Pierce left the company’s employ before I was engaged on the line.

Fredrick Russell, examined. – I am a booking clerk at the London station of the Greenwich Railway. I know TESTER, and recollect his coming to the office, about 10.10pm,

one evening in May 1855. He told me he had come up from Reigate by the Dover line, and had been there and back since office hours. TESTER then lived at Lewisham, and so did I. The last Greenwich down train left at half past 10 o'clock. TESTER asked me if I was going down to Greenwich. He had a black leather bag with him, which he set down in the booking office, and then went out for a little time. The bag looked new, and about 15 inches long. While TESTER was out Perry, the night porter came in and looked at the bag, remarking that it was heavy. TESTER returned, took up his bag, and went into a carriage. I travelled in the same carriage with TESTER that night. He was not in the habit of going down by the half past 10pm Greenwich train.

Cross-examined by Mr. Serjeant Ballantine. — The bag was shiny black leather one. TESTER was away for seven or eight minutes, during which time the bag was left in a corner by the fireplace of my office. TESTER was married about two months before the robbery.

John Perry, night watchman at the London and Greenwich terminus, deposed, -- I know TESTER. Remember seeing him in May 1855. He was then entering the Greenwich booking office. This was shortly after 10 o'clock pm., and the last train was to leave London at 10.20pm. In shifting the position of some luggage in the office. I took up a black bag, and observed to Mr. Russell that it felt heavy and "lumpy," just as though a stone was in it. Mr. Russell said that it was TESTER's bag.

Cross-examined by Mr. Serjeant Ballantine. — The bag produced is like the one in question. It might have been a little larger. When we read Agar's evidence the circumstances connected with the bag recurred to our memory.

Mr. Chubb, the eminent locksmith, was next examined. He stated. — I belong to the firm of Chubb and Son. We made four bullion chests for the South-Eastern Railway Company several years ago. There were two locks to each safe. The superintendent of the company applied to us to make several alterations in the locks of the chests between the months of June or July and September or October 1854. The orders for these alterations were given by letters written in the handwriting of TESTER, and signed by Mr. Brown. The correspondence now produced is that which our firm received from the company on the subject. The No. 1 locks of two chests were altered, and the keys from time to time returned to the superintendent's office. When I first heard of the committal of the robbery I communicated with the railway company on the subject. I subsequently inspected the chests. The whole of the No. 2 locks were so corroded that the keys would not open them. They appeared to have been in that state for some time, and to have become so for want of use.

Mr. J. B. Knight, examined. — I succeeded Mr. Brown as out-door superintendent of the South-Eastern Railway. In 1855 I was Mr. Brown's deputy. TESTER was a clerk in the superintendent's office. He left that situation in September 1855. In April and May 1855, TESTER had to regulate the rota of the guard's duty. The paper produced gives the names of Burgess and Kennedy as the April guards. The words "and May" are added after the names in TESTER's handwriting. TESTER gave us a reason for making this alteration that it was not an unusual thing; and I did not think it necessary to interfere further. I recollect no occasion on which TESTER's presence was required at Folkestone on the company's service, except in September 1854.

Cross-examined by Mr. Serjeant Ballantine. — In one or two instances during the year the guards were continued on the same train beyond their prescribed month. I was present when TESTER altered the list.

Cross-examined by Mr. Giffard. — Kennedy's name appears in the list of guards of the mail for March, so that Kennedy acted for the same train for the three consecutive months of March, April and May.

John Matthews deposed — I assist in the business of Mr. Massey, goldsmith, St. Mary Axe, Leadenhall Street. On the 16th of May 1856. I bought 210 American gold coins. I gave the sum of £213. 10s. in gold for them. The man who brought them asked to be paid in gold. Did not know the man, and could not now identify him. I had not sufficient money in the shop to pay him with, and I therefore went out and sold the gold in the trade. I got banknotes for it,

which I went and cashed. The man stayed in the shop until I returned. I was absent about half an hour.

Rudolf Prommel examined. — I am a moneychanger in the Haymarket. On the 16th of May I bought 200 American eagles, for which I gave £203. 6s. 8d. in a check on the Union Bank, payable at 4, Pall Mall, east. This is the entry of the transaction, which appears in my book. I recollect nothing more about it beyond the particulars I have stated. I cannot recall the personal appearance of the man who brought the coins to me.

The cashing of the check at the Union Bank was proved by Mr. Alexander White, a clerk in the establishment, who deposed that he gave English sovereigns in exchange for it.

Mary Ann Porter, of Harleyford Road, Vauxhall, examined by Mr. Bodkin, proved that she had seen Agar at the Mansion house, and that she recognized him as Adams, he having taken apartments from her in that name in October 1854. He had a woman with him at that time (Fanny Kay), who passed as Mrs. Adams. She also knew the prisoner Pierce under the name of Peckham. He frequently visited Agar at her house, and remained often for half a day at a time or longer. Agar and the woman lodged with the witness about seven weeks, and removed a week before Christmas. Pierce assisted them to remove.

John Honner, hairdresser, of Lambeth Walk, deposed, in answer to Mr. Monk, that he knew the prisoner Pierce, and had known him for four or five years. Witness dressed a wig for him when he lived in Walnut Tree Walk, about a month or five weeks before Pierce left that place.

In cross-examination by Mr. Parry the witness stated that he dressed the wig in question about the end of 1854. He had not dressed many wigs since.

Fanny Poland Kay was then called and examined by Mr. Serjeant Shee. — She deposed as follows: — Before I became acquainted with Agar, and some years ago, I was an attendant at the Tunbridge station on the South—Eastern Railway. I was first introduced to Agar in 1853 by the prisoner Burgess. Some time after that introduction I became intimately acquainted with Agar, and had a child by him. In December 1854, I went to live with him at Cambridge Villas, Shepherd's Bush. Before that time I had seen Pierce in company with Agar at Harleyford Road, where we lived under the name of Adams, and at the Green Man, in Tooley Street. I have seen them very often together, and I should say that they were well acquainted with each other. I had not seen Burgess in company with Agar between the time that he introduced me to him and our going to live at Shepherd's Bush. Pierce I knew by the name of Peckham. I remember my child going to be weaned. He left me for that purpose on the 7th May 1855. Charlotte Painter was at that time in our service. A fortnight after had been taken to be weaned I went on a Sunday to see it. I remember the death of Mrs. Bessell, our next-door neighbour, on the 18th May 1855, and I went to see my child after that occurrence. For a few days both after and before that event Agar was absent from home all night. He was so on the Tuesday or Wednesday night before Mrs. Bessell's death. When next I saw him he came in the afternoon in a cart with Pierce, and they then had two bags with them, which they carried into the washroom. After that Pierce came regularly almost every day, and they usually went then up to the first floor back room. I looked into that room upon one occasion when they were there together, and I saw that they had got the stove out, and that there was a very bright fire. I opened the door, but was not allowed to go in. They both ran to the door as soon as I opened it, and closed it so as to prevent my entrance. Previous to that they had been a good deal in the washhouse together, sometimes spending the whole of the morning there. I do not know what they were doing there, but I often heard them hammering. They had shooting bags with them made of drab leather, and one black bag. When they were upstairs in the back room, although I saw nothing, I constantly heard a noise, such as proceeds from a furnace; it was like the roaring of a large fire. It continued for several days. After that saw what appeared to me to be square pieces of stone brought down stairs by Pierce and taken away. When they were working in this way they came down regularly to their meals, and appeared always very hot and dirty. I asked them what they were doing, and they said, "Leather apron weaving." They never gave any other answer. I went into the room after their operation had ceased, and I saw that the stove had been replaced and blackened. I also noticed that the floor was burnt in two places. About the time

that the child was weaned I never saw Agar or Pierce in any peculiar dress. They wore shortish cloaks, or capes of a rather fashionable cut, which they had made for them about two months before the child was weaned. I never saw Pierce disguised or wearing any other hair than his own to my knowledge, although I have known him to have more hair about his face than he has at present. Soon after we removed to Cambridge Villas Pierce left me and went to Kilburn, but I did not know where he had gone. He came to see me, however, before he was arrested, and at that time the child was at Rotherhithe with a cousin of Agar's. From that time until his arrest I did not see him for a considerable period. I went, after his arrest, to live in lodgings in St. George's Road, and Pierce provided for me up to January. He was to allow me £1 a week, but he did not. He gave me something, but I cannot say how much. I went to live in his house in January, and remained there till April 1856, when I left in consequence of words with him. At that time there were two trunks of Agar's at Pierce's house. They contained Agar's clothes and tools. I do not know that they contained anything else except his watch, a ring, and some shirt studs. I did not know of any notes or money being there. The first time I ever saw any considerable amount of money in Pierce's possession was before I went to live at his house. I then saw him with a large bag of sovereigns. Some time previously to that Pierce told me that he had asked Agar to lend him a sovereign and that he would not, and he added that sometimes he could get money out of Agar, and sometimes he could not. Once in 1854 Pierce asked me to lend him a shilling. Previous to the committal of this robbery Agar need to sell his old clothes to Pierce. At least I suppose he sold them, for I have heard them bargaining about them, and Pierce used to take them away. After I left Pierce's house in April I fell into distress, and had no means of support.

Mr. Serjeant Parry objected that this was not evidence.

Mr. Serjeant Shee said that his next question would be whether in consequence of that she made a statement to the Governor of Newgate Prison.

Mr. Baron Martin. – I don't think that is evidence.

Examination continued. – I asked Pierce for money frequently afterwards, but he refused to give it me. After that I saw Mr. Wetherhead, the Governor of Newgate, and I made a communication to him. I likewise saw Mr. Rees, the solicitor to the railway company, and I made a communication to him also.

Cross examined by Mr. Serjeant Parry, on behalf of Pierce, - I am 25 years old. I left the Tunbridge station in 1852. I was dismissed from that situation. It was not for anything at all dishonest. Yes, I am quite sure of that. I went to my own home, at least to my mother's, in London. I have not lived with other men besides Agar. I will swear that. I know a person named Tress. I don't consider that my conduct has been improper to him. I knew a person named Hart, for six months probably. I did not live with him, nor was I constantly in his company. He used to come up to town occasionally, but did not stay with me. He has given me money – sometimes a sovereign, some times two sovereigns at a time. No, never 10s. or 5s, and not for any improper purpose. He is about 30 years of age, perhaps. Mr. Tress has also given me money. He gave me £5 once. Neither he nor Mr. Hart is in any degree related to me. I had a comfortable situation at Tunbridge, and my remuneration was £12 a year, and board and lodging. I was not dismissed in consequence of any improprieties with men. I did not speak to Hart till I left Tunbridge. Yes, I knew Bill Barber, too. He was an under guard on the line. He never gave me any money. I will swear that. I stayed at my mother's till the month of November, I think, having gone there in April. I then went to Johnson Street, Somer's town, and I then worked for Messrs. Crosse and Blackwell, of Soho Square. Hart came to see me at my mother's, but I do not mean to say that he ever gave me a sovereign nor a couple of sovereign's in my mother's presence. Certainly not; he never saw my mother at all. I was acquainted with Agar at the time I lived at Johnson Street. I knew him by the name of Adams, and nor by any other name. Agar left me twice. He did not say that he left me in consequence of my drinking habits. I was not "in the habit" of getting intoxicated. I will swear I was not, I knew Agar's real name at the time of the christening of my child, which was more than two years ago; but I did not know it when I was in Johnson Street. I know a person named Hodges. He used to give me money too – a sovereign at a time – never less; never half a sovereign. When I was at Pierce's I

was out all night upon two occasions. I was never taken home drunk to Pierce's, and did not quarrel with him on account of my drunken habits. No; I quarrelled with him in consequence of a letter, which I received from Agar, and I then left his home.

Will you swear that you were never taken home drunk to Pierce's? – No, I will not swear it, but I don't remember it.

When you were living at Shepherd's Bush, were you ever taken home in a wheelbarrow?

Witness (smiling). – If I was. I don't recollect it.

Might it have happened? – Yes – Once.

More than once? – No, I will swear that it might not have happened more than once.

Examination continued. – I have not been down to Portland Island, where Agar was confined. I have been supported by the railway company since the first disclosures, which I made relative to the robbery. They don't allow me anything. I get my food and lodging, but not my clothes. I have been supported in this way by the company since last October, probably, but I don't know exactly how long. I know that Pierce was what is called a betting and sporting man, but I have not seen money in his possession which he had stated had been won at races. I never saw him with a betting book, or making up books of any kind. I will not undertake to swear that I did not receive, in all, from Pierce as much as £80, but I don't think it was so much. I will swear that it did not amount to £100. Mrs. Pierce has not complained of my drunken habits. She has told me that it was "a pity that I should do so," but she said it merely in a friendly way. She never had occasion to complain of me while I was in her house.

Cross-examined by Mr. Giffard (for Burgess). – From the time that I was introduced to Agar by Burgess I never but once, I think, saw Burgess in his company, although I lived with Agar for two years. I did not know Emily Campbell, and did not know that Agar was living with her until after his arrest.

Re-examined by Mr. Serjeant Shee, - You have been asked a good deal about money given you by different gentlemen, have you any objection to say why it was given to you? (No answer.) Was it for any improper purpose? – No, it was not.

Re-examined continued. – Mr. Hart made honourable proposals to me after I left Tunbridge, and he gave me money at the time, and also after my mother's death. I quarrelled with Pierce in consequence of a letter, which I had received from Agar, and he said that Agar never had any money. I never heard of a sum of £3,000 Consols given by Agar to Pierce to settled on me. Pierce always said that Agar never had any money. The letter, which caused us to quarrel, was written from Pentonville by Agar on the 2nd of April, and in it he asked me to purchase a silver cup for my child and one for Pierce's child, and told me several other things, which I could not do because I had no money. Among other things he wanted a "Geography"⁴ sent him. Agar said in the letter that "William, meaning Pierce, was to give me the money, and I told Pierce so and his wife too. They refused to let me have it, and I left them. Since this case has been under investigation I have been living in the house of Mr. Thornton, the inspector of police.

Mr. Barron Martin – What has become of that £3,000 Consol? I should like to hear something about that.

Mr. Serjeant Parry. – It is in the hands of the railway company. They have got it.

Mr. Bodkin. – No such thing. My friend is entirely misinformed.

Mr. Barron Martin. – If these Consols were Agar's own, and were made over to Kay before his conviction, the railway company can have no earthly claim to them, any more than I have.

Mr. Serjeant Parry. – A complete explanation of the whole affair can be given by Mr. Wontner, the solicitor, and he is ready at this moment to give it. I hope, however, that my friends will regard him as a witness called for the prosecution.

Mr. Serjeant Shee, however, declined to do so.

⁴ A Map

Mr. Serjeant Parry. — Then, I shall not call a witness to prove that which I think is perfectly irrelevant to this trial.

Mr. Baron Martin. — No doubt it is not relevant to this inquiry, but what occurs to my mind is that Consols to the amount of £3,000 were transferred by Agar to some one for the use of this woman, and that she has never seen the money. I should like to hear something about it.

Mr. Serjeant Shee said that, under those circumstances, he would not reply upon Mr. Wontner's evidence if he were called.

Mr. Wontner, however, without being called by either side, said that he wished to explain the matter.

Mr. Baron Martin. — I think it quite right that you should do so.

Mr. Wontner offered to be sworn, but

The learned JUDGE said that that was quite unnecessary. Mr. Wontner's word was amply sufficient.

Mr. Wontner then said, - Previous to Agar's conviction he had £3,000 Consols, which had been standing in his name for a long time, and he authorized a stockbroker to sell it out. That was done accordingly, and the amount realized was about £2,700. A number of payments were made out of that sum by Agar's authority, and he directed me to hand over the balance — £2,500 — to Pierce to invest for Kay and her child (as we understood). He gave me written order to that effect, and that order I executed. I subsequently asked Pierce if he had invested it in Turkish bonds. I have since taken the trouble to trace out the notes, which were handed over to Pierce, and I find that they correspond with the notes paid in the transaction of the Turkish bonds.

Mr. Baron Martin said that the explanation was perfectly satisfactory so far as Mr. Wontner was concerned.

At the request of Mr. Serjeant Ballantine (for TESTER) Agar was recalled, and he stated, in answer to questions, that Pierce told him that he had heard from TESTER that the key of the safe had been lost on board the Folkestone packet. To the best of his belief, witness was not on board the packet the night the key was lost.

Charlotte Painter was next called and examined. She deposed that she was in the service of Agar and Kay for about a month in the Harleyford Road, and she went with them when they removed to Cambridge Villas. She confirmed the intimacy between Pierce and Agar, and as to their proceedings in the washhouse and in the first floor back room in the house at Cambridge Villas. On one occasion, when Agar and Pierce were in the washhouse together, she knocked at the door and tried to get admission, but they kept it fastened and said that she could not go in. she had, however, when she had gone into the washhouse at other times, and when they were not present, seen a vice fixed there, and she had seen a drab coloured leather bag there, like the one produced. It had a long strap to it. In the room upstairs there was a common stove in the grate, which was there as long as she remained. She had also seen white boxes in the washhouse, which she had pushed along in order to sweep under them, and they appeared to be heavy.

Cross — examined by Mr. Serjeant Parry. — I never saw Pierce doing carpentering work or anything of that sort. He helped to remove the furniture from Harleyford road to Cambridge Villas.

Mary Ann Wild, servant to Mr. Bessell at the time of Mrs. Bessell's death, deposed that she slept in the back room upstairs, and that from the window of her room she could see the window of the washhouse next door, where Mr. and Mrs. Adams (Agar and Fanny Kay) lived. She often heard hammering noises there; and upon one occasion she saw another man go into the washhouse with Mr. Adams.

Zaccheus Long of No.5, Crown Terrace, Hampstead Road, deposed that in December 1854, Pierce rented the house No.4 Crown Terrace, Hampstead Road, from him, and remained there six months, when he went to live at No.3.

John Carter, Beer retailer, of Camden town, proved that Pierce rented No.3, Crown Terrace, Hampstead Road, from him in June 1854, and that he remained there a month.

The Bullion Robbery

John Wood, cab proprietor and driver, badge No. 3,016, remembered in the spring of 1855 being hired about 7 in the evening, and a man told him to pull up near the corner of Crown Terrace. The man who had called him then left him, and shortly afterwards returned in company with another man. They had, he believed, one leather and two carpetbags with them. They told him to drive to London Bridge station. One of the men was, he should say, four or five inches taller than the other. When he got to the London Bridge Hotel the shorter man got out, and the other ordered him to go to St. Thomas street, and to stop near Guy's Hospital. The two men wore mantles. Did not observe anything going on while he was driving the men, but he observed that the "action of the cab" was very different from what it ought to be. The "action" appeared to him as if people were standing up and moving about. The man who left the cab returned in about a quarter or half an hour – he could not say which – and they then ordered him back to where they had started from. When he got near the spot, however, they told him to go to the Mother Shipton, which was about 200 or 300 yards from Crown Terrace. About a week afterwards the same man fetched him off the rank near Chalk Farm – it was the shorter of the two who called him. Could swear that the shorter man was the same man who had called him before, but not swear that the taller was the same on both occasions. He drove them the same round as before, and precisely the same events occurred. Similar transaction occurred upon the third occasion, the men bringing their luggage and cloaks with them as before. Once only witness lifted one of there carpet bags, and found that it was heavy – weighing he should think a quarter of a cwt., or more. He should say that all this took place during the latter end of April, or the beginning of May. The two men did not appear to witness to be equals. The short man he thought was the valet to the other, and it was the short man who always directed him where to go.

Joseph Carter, cabdriver, residing at Brook Street, Camden Town, proved that he also was hired in the same manner about 18 months ago by two men. It was some time in the evening. Agar was one of those persons, "and the further gentleman there" (pointing to Pierce) was the other. They had bags with them, and they appeared to him to be heavy. He drove them to St. Thomas Street, where Agar got out and the other man remained. Agar went to the left, toward the railway arch. He was gone about half an hour, and when he returned he said to Pierce, "It's not going down tonight." He then got into the cab, and witness drove them to Mother Shipton, where they both got out, and went in the direction of Crown Terrace, carrying their bags with them. Witness had frequently seen Agar and Pierce together walking past the rank in King Street, Camden Town. That was witness's usual place of standing, and has been for the last 20 years.

Cross – examined by Mr. Serjeant Parry. – Never heard anything about this gold robbery until the Friday before he gave information of what he knew at Scotland Yard. He went once to the Mansion House before he was examined, and the first time he saw the prisoner Pierce since he drove him to St. Thomas Street was in the dock at the Mansion House. He had not read Agar's evidence; neither had he talked about it to any one.

Fanny Kay was recalled, and in answer to Mr. Bodkin she stated that she remembered Pierce having lumbago and being lame during the time that she lived at Cambridge Terrace.

By Mr. Serjeant Parry. – I have never stated that before that I know of.

James Clements deposed that in May, June, and July 1855, he kept a coffee shop in High Street, Camden Town, and he remembered two persons going there with a carpetbag about the middle of May. One man was taller than the other. One went away, and remained away for some time. He then returned, and the two went away together.

John Allday, a boy, living at Haverstock Hill, proved that he found some shot in Prince's Terrace, which was about a stones throw from Crown Terrace. The shot was strewed alongside the curb, and the witness picked up about a double handful, and several other boys also picked up some. Did not remember when this was, but it was a good while ago. The shot was of two or three sizes, and corresponded with that now produced.

Emma May, formerly servant at the Marquis of Granby, at New Cross, deposed that she knew the prisoner Burgess and Pierce, both of whom frequented the house while she lived there. They used to go usually between 11 and 12 o'clock in the morning, and in the evening

between 7 and 8. She also knew Agar by sight, and he used often to go there; but the witness did not know his name at that time.

Walter Stearn, examined by Mr. Serjeant Shee. – I keep the White Hart, in St. Thomas Street. Pierce and Burgess were in the habit of frequenting my house for three or four years. I have seen Agar at my house with Pierce and Burgess two or three times. In February last a parcel was given me by my servant, which she said belonged to Burgess; contained money. He afterwards spoke to me about investing this money, and said he gave me £500, in addition to the parcel, which, with his consent, I deposited with Messrs. Ried, the brewers. I received interest from them for it, which I handed over to me.

Sarah Thompson, barmaid to the previous witness, examined by Mr. Bodkin. – In February last I received a parcel containing bank notes from a man called Lee, which he said belonged to Burgess. I gave it to my master. I afterwards paid Burgess £8. 1s. 1d, which my master gave me for him, as interest on the money which Mr. Lee had given me.

Mr. Lee, a stockjobber, examined by Mr. Bodkin. – I know all the prisoners. Pierce and Burgess I have known for eight or nine years, and TESTER for about four years. I have seen them together at Stearn's. I purchased £500 Turkish bonds for Burgess at the beginning of last year. I paid £407. 10s. for them. I went to his house at New Cross by his directions for the money, and Mrs. Burgess gave it me; £405 was in notes. I paid those notes into Messrs. Hutchinson's. I wrote my name on the back of them. The notes produced are the same notes.

Cross-examined by Mr. Serjeant Ballantine. – I never saw TESTER at Stearn's,

Cross-examined by Mr. Giffard. – I was once in the railway company's employ, and I understood that Burgess had a reputation of being an honest and faithful servant. Burgess afterwards sold the Turkish bonds, and netted about £50 for them.

Mr. R. H. Bailey. A clerk in the bank-note office of the Bank of England, examined by Mr. Bodkin. – On the 28th of May 1855, six £100 notes were paid out of the Bank of England to the name of Edgington. They were numbered 45,420 to 45,425. On the 14th of September 1856, one of those £100 notes, No.45,420 was paid in; it had the name of "TESTER" written on it, with the address, Jermyn Street, Lewisham. Another note, 45,422 was paid in on the 11th of September 1855; it had also the name of "TESTER" upon it. The note 45,425 was paid in on the 21st of November 1855. It had the names of "Raffan" and "Fisher" on it.

Cross-examined by Mr. Serjeant Ballantine. – The two note with TESTER's name on them were issued on the 9th of January 1856.

Mr. Knight recalled. – The signature on these two notes is in TESTER's handwriting.

George Raffan. A fruiterer, examined by Mr. Serjeant Shee. – Some time ago Pierce asked me to change a £100 note for him. I wrote my name on it, and took it to a man named Fisher, who gave me small notes for it. On another occasion Pierce got me to go to the Bank of England to get 200 sovereigns for notes, which he gave me.

Cross-examined by Mr. Serjeant Parry. - I was then in Pierce's employment, getting 30s. a week from him. He kept a betting house, and had considerable betting transactions. I have often seen him with large sums of money in his possession derived from betting transactions, - as much as £200.

Re-examined by Mr. Serjeant Shee. - It was about spring time, 1855, that I first saw Pierce with so much money. Early in the year I took a pair of boots out of pledge for him.

To Mr. Serjeant Parry. - I know that Pierce had a book of more than £100. on the St. Ledger the year Saucebox won.

Mr. Smith, cashier to Messrs. Reid, the brewers, proved the receipt of the money from Mr. Stearn.

Mr. Young, a stockbroker, examined by Mr. Serjeant Shee. - In August and November 1854, I purchased Spanish bonds for Agar in the name Adams. There were three bonds, and their numbers were 1,658, 1,084, and 2,675. They were to the amount of £755.

Mr. James Page, examined by Mr. Serjeant Shee. - I am related to the prisoner TESTER by marriage. The Spanish bond produced I held for TESTER until very lately, when I gave it up to the solicitor for the prosecution. TESTER told me that his possession of it was perfectly legitimate.

Mr. Forrester, a stockbroker, examined by Mr. Serjeant Shee. - I purchased the bond produced in February 1856, for Mr. William TESTER, the father of the prisoner. I purchased it with the proceeds of the other Spanish bonds, which Mr. TESTER brought us to sell. The bond purports to be for £1,020. Its value at 52 per cent. Discount would be about £489. I have had various dealings with Mr. TESTER, the father, and always looked upon him as a highly respectable man.

Mr. W. C. Furney, a clerk in the Bank of England, proved the payment in May last of six £100 notes, numbered 45,420 to 45,425 inclusive. The name given at the time was Edgington, Duke Street.

Mr. Griffin, also a clerk in the Bank of England, proved the exchange of the £100 note, 45,422 endorsed with the name TESTER, for sovereigns.

Mr. Francis, of the firm of Edgington and Co., Duke Street, was called to show that no persons had been sent by their firm to exchange gold for notes to the amount of £600 during the month of May 1855.

Mr. Lee, recalled, stated that in March last he got a Spanish bond, numbered the same as the one as the one left by Agar in his trunk when arrested, sold for Pierce.

Mr. Cousins, a stockbroker, who sold the bond, also gave evidence to the same effect.

Mr. Rees, solicitor to the South-Eastern Railway Company, examined by Mr. Bodkin. - I am the solicitor for the prosecution, and have conducted the whole of this investigation. In consequence of what I heard from Agar I went up to Kilburn Villa (Pierce's residence) on the day of Pierce's arrest. The house has a garden in front, and leading from the front door is a flight of steps. Underneath those steps is a pantry, and on searching in that pantry I found that the ground had been disturbed and a hole had been dug, and in place of the natural clay it had been filled up with cinders. I should say that it had only recently been filled up, for there were green leaves in the cinders and the claw of a lobster quite fresh. In the house were Turkish bonds to the amount of £2,000, leases, deeds, and securities of different sorts. The green toolbox was in the attic. I also went to Cambridge Villas, Shepherd's Bush (Agar's residence, where the gold was melted down). I had the grate in the back bedroom removed, and behind it I found the three firebricks, which had been produced and identified by Agar. The chimney bore evident marks of having been subject to great heat. The floor between the fireplace and the window was very much burnt. I had the boards taken up, and underneath were a number of small bits of gold, which had evidently run through the floor, when I saw the man Agar at Portland I did not say anything to him about what I had seen at his house.

Cross-examined by Mr. Giffard. - It was about the middle of October when Agar made the statement.

F. Williamson, a detective officer, examined by Mr. Serjeant Shee. - I went with Mr. Rees to Kilburn Villa, and beside the property mentioned by him, I found there a gold watch and chain, which I produce. The watch has a representation of Windsor Castle on the dial, and the initials "E. R. A." on the back. There were also betting books and some IOU's taken from Pierce's house.

This concluded the case for the prosecution.

Mr. Serjeant Parry said that before addressing the jury for Pierce he should like to have the opinion of the Court whether there was evidence on the last count, which indicted Pierce for larceny as a servant of the company; and also whether he could be properly said to have been a receiver. The third count charged him with robbery from a dwelling house, but he apprehended that a railway carriage could scarcely be called a dwelling house.

Mr. Baron Martin said that Mr. Justice Willes and himself were both of opinion that it was clearly disproved that Pierce was a servant of the company at the time of the robbery. On that count of the indictment there was no evidence to go to the jury. His learned brother and himself were also of the opinion that Pierce could not be called a receiver. As to the third count there would scarcely be any necessity to trouble the jury on that.

The Bullion Robbery

The Court then adjourned until 10 o'clock to-morrow morning, the jury being re-conducted to the London Coffee-house under the charge of the officers of the Court.

Day 4. Fri 16th Jan 1857

The trial of the prisoners Pierce, Burgess, and TESTER was resumed this morning, at 10 o'clock, before Mr. Baron Martin and Mr. Justice Willes, and the court was filled, as on previous occasions, with the anxious and attentive audience not the least interested of when was witness Fanny Kay, who was in court throughout the whole of the day.

Mr Serjeant Parry at once proceeded to address the jury on behalf of his client Pierce. After calling upon them in general terms to erase from their minds all that they had heard or read with respect to the case previously to entering the jury box, the learned counsel went on to observe that it was one of the obvious consequences of a free press that there should be from day to day a public report of what took place in our courts of justice, and far was it from him for one moment to complain of such reports. He recognised the freedom of the press as one of the greatest blessings which we enjoyed, for such publicity as he had alluded to threw a light upon the administration of justice which enabled every eye in the remotest corner of the land to see justice was fairly executed; and without that freedom it was not improbable that our courts might become corrupt and the administration of justice be poisoned at its source. But sometimes, in addition to these ordinary reports which no one had any right to complain of, it happened that comments were made upon cases which were still pending, which were in the source of primary investigation, and which would have finally to be decided by such a tribunal as was there assembled; and when those comments were made in a spirit adverse to the persons accused he could conceive nothing more unfair or unjust. Whether such comments had been made in this case he was not personally aware; but, if by any accident such comments should have been made, calculated at all to influence the judgment of the jury, or to impair the impartiality with which they should view this case, he trusted that they would endeavour to let them pass away altogether from their recollection. This case was one of a most peculiar character in reference to the legal principles which must guide the jury in coming to their verdict; and it arose from the circumstances that the main witness—he was almost going to say the only witness—who proved any real substantial act done by either of the prisoners in this robbery was himself the perpetrator of it. That man had indeed given a detail and narrative of the robbery that it was extremely difficult for ordinary minds not to act upon; but in a criminal court it was their duty to act upon those invariable rules which guided the administration of criminal justice in this country, and which ensured to everyone a fair and impartial trial. His learned friend Serjeant Shee had said that he did not ask them to convict either of the men at the bar unless evidence of Agar, the accomplice, were confirmed and corroborated by other witnesses. But there his learned friend had stopped, and he had not explained to them the principle, which the judges invariably laid down on such occasions. It was his (Serjeant Parry's) duty, therefore, at once to state the principle of law on which he mainly rallied, and he should quote one or two extracts from well-known textbooks in support of the view which he held. The principle which he sought to establish was this— that an accomplice should be corroborated in his evidence, not merely as to the facts of the case, of which he himself no doubt well knew the truth because he had been participator in them; but that should be corroborated also in reference to the “person “of the accused against whom he gave his evidence, and that he should be corroborated likewise in all material and substantial particulars. He would now read to the jury an extract from a judgement by Lord Abinger in which that learned person stated what was the law, or rather the rule of practice, on this subject. Lord Abinger said, in the case of a person who had been charged with an offence, and against whom an accomplice had been called: -

“I am strongly inclined to think that you will not consider the corroboration in this case sufficient. No one can hear the case without entertaining a suspicion of the prisoner's guilt; but the rules of law must be applied to all men alike. It is a practice, which deserves all the reverence of law. The judges have uniformly told juries that they ought not to pay any respect to the testimony of an accomplice, unless the accomplice is corroborated in some material circumstances. Now, in my opinion, that corroboration ought to consist in some circumstance that af-

fects the identity of the party accused. A man who has been guilty of a crime himself will always be able to relate the facts of the case, and if the confirmation be only of the truth of that history, without identifying the person, that is really no corroboration at all. If a man was to break open a house and put a knife to your throat, and steal your property, it would be no corroboration that he had stated all the facts correctly, that he had described how the person did put a knife to the throat and did steal the property. It would not at all tend to show that the party accused participated in it."

The danger was, when a man knew that he was charged with an offence, that he might endeavour to purchase immunity for himself by falsely accusing others. He was sure that the jury would see how cogently this applied to the case, which they were now considering. However, he should read one other short passage on which he strongly relied. Baron Alderson in a case of a similar character- "*Rex v. Wilkes and Edwards*"-said: -

"The confirmation of the accomplice as to the commission of the felony is really no confirmation at all, because it would be confirmation as much if the accusation were against you and me, as it would be against those prisoners who are now upon their trial. The confirmation which I always advise juries to require is a confirmation of the accomplice in some fact which goes to fix the guilt on the particular person charged."

There again was the reiteration of the principle which he wished the jury to act upon, and which he trusted they would excuse him for pressing upon the so pertinaciously, because he felt that unless he succeeded in that it was hopeless for he to attempt to extricate his client from the situation in which he stood. Those two judgements contained the pith of the whole matter, and although he had intended to read a passage from a judgment of Mr. Justice Williams, who was, perhaps, one of the most eminent judges in the administration of the criminal law that ever sat upon the bench, he did not think it would be necessary to trouble them with it, as Justice Williams's language was but a repetition of what he had already read to them from Lord Abinger and Baron Alderson. Having thus endeavoured to explain the principle of the law, which should guide the jury, let them proceed calmly and dispassionately to consider the facts which had been brought forward. This was not a case in which any advocate could or ought to do more than calmly discuss the evidence, in order to ascertain whether, by the law and practice of the courts, that evidence brought home the charge to the persons accused. He was perfectly free to admit that his client, if guilty, had committed a grave and serious offence, and no doubt, if the jury should find him guilty, a most serious punishment would be attached to that offence. He believed, however, and trusted that he should be able to demonstrate to them that according to the law and practice of the courts the evidence before them failed to substantiate guilt. He was sure that he should not be misunderstood by the jury. It was not his intention to intrude a single personal observation upon them. His asseveration of his belief in the innocence of the prisoner would be a great piece of folly and presumption on his part. More eminent advocates than he was, or ever should be, had, he believed, taken that course; and when they had done so they had damaged both themselves and their clients by it. The duty of the advocate was plain and clear, - it was, by every fair and honourable and legitimate argument that he could use, upon the evidence that was before the jury to endeavour to rescue his client, and to compel the jury by force of their own judgment to give a verdict of "Not Guilty." That being his notion of the duty of an advocate, he would now call attention to the history of this case. He was sure that it would be impossible by any epithet that he could employ to add to the detestation, which they must all feel for the character of that man Agar. Rarely did they find entering a court of justice such a man Agar, having lived a course of crime and fraud of almost every description from the time that he was 18 or 20 years of age. During that period the jury could have little doubt that he had engaged in most extensive and bold system of plunder, and that he had been associated with other men almost as bad as himself, not all of whom had yet been detected. The jury would know with what distrust to view the testimony of such a person, and he should therefore abstain from heaping any vituperative epithets upon Mr. Agar, - his own features, his own life as he had been compelled to reveal it, his own acts in this particular robbery, as he had coolly, audaciously, and impudently related them, stamped his character at once, and that character he was sure they thoroughly understood. In addition to the

fact that Agar was the planner and executor of this robbery, he had or pretended to have, a personal animosity against Pierce; and he now sought to be let loose again upon society by giving evidence. He (Serjeant Parry) wondered whether the influence of the South-Eastern Railway Company would be sufficient to induce the Government to let loose a criminal like that again upon society. It was right that crime should be detected; but it was not right that men situated like Agar should be encouraged and invited, as he had been in this case, to make them revelations. He knew not whether we should have the happiness of claiming for ourselves the privilege of calling Mr. Agar a free fellow-subject; he knew not whether he was again to be let loose upon the world; but evidently that was one of the motives which operated upon his mind, and the other was feeling of great malignity towards the prisoner Pierce. As to the conduct of Pierce towards that young woman, Fanny Kay, and her child, it was impossible for any one to explain it but himself. He was entirely at the mercy of two persons without character and feeling, except the feeling of animosity which they cherished towards him; but, fortunately for him, Mr. Wontner, his solicitor, had been enabled by his Lordship to make a statement with respect to the £3,000, which showed that instead of that money having been appropriated as it was said it had been by Pierce, it had been invested in Turkish bonds at Agar's own request, really for him at any time he could have demanded it; and he believed the only persons who wished to get, at this moment, unlawful possession of that money were the South-Eastern Railway Company, although he trusted they would not be successful in that attempt. He did propose to go through Agar's narrative step by step, and should only allude to those passages which related to Pierce; and he believed that he should demonstrate to them not only that there was not sufficient corroboration as affected that prisoner, but that there was an entire absence of corroboration, and in points, too, where, if he had been implicated in the robbery, corroboration could easily have been obtained. First, as to the visit of Pierce and Agar to Folkestone in 1854, that had been corroborated; but he did not see that any weight was to be attached to that circumstance. That Pierce knew Agar he had reason bitterly to remember, for without that knowledge he never would have stood in that dock. No doubt the two men had known each other for years; it was by no means improbable that they might have visited many places together for perfectly innocent purpose, and it was not to be presumed that they associated for criminal objects unless that were proved. They went to Folkestone, and walked about like any other persons; and no one corroborated what Agar had said relative to Pierce's getting possession of the key of the safe and Agar's taking the impression of it; not a soul saw that done. That Pierce and Agar were intimate there could be no question, but in what their intimacy consisted he knew not, and he did not think that mere intimacy alone should weigh very strongly with the jury. That was an element in the case which could not be overlooked he admitted, but he asked them to treat the acquaintance of Pierce and Agar, and their visit to Folkestone as harmless and innocent until they were proved to be otherwise by some better testimony than that of Agar. There was no doubt that Agar committed the robbery, and if he wished to convict Pierce of the crime nothing was easier than for him to associate Pierce with himself upon that visit to Folkestone, although Pierce might have been perfectly innocent of any criminal intention. Then came Agar's account of contrast interviews with Pierce in London, of which there was not a shadow of corroboration. So, also, there was a long story told by Agar about possession of the key, of which there was no corroboration whatever. Then, again, no one proved the purchase of the shot by Pierce except Agar. Notwithstanding the multiplicity of visits which Agar said they had paid together to the railway station and to St. Thomas's Street, the cab man failed to identify Pierce; but even if Pierce had been identified as accompanying him on one occasion, it by no means followed that he did so with a criminal intention, for there might have been scores of purpose perfectly innocent for which they might have gone there together. At length the night arrived upon which Agar and his associate, whoever he might have been, started upon their journey of plunder. On the 15th of May, 1855, Agar went down by mail train to Dover; but what he did while he was riding in the train, what he did at Dover, how he returned and with whom he returned, of his arrival in London and his return home, of the sale of the moneys by Pierce, and of every one of the circumstances which were really the leading circumstances of this robbery, and about which he (Mr. Parry) should ask the

jury to apply the principle with which he had set out – with respect to all these points there was not a shadow of corroboration of the statement made by Agar. There was no proof that Pierce had been his companion upon that occasion or that he had had anything whatever to do with the matter. Bad, and tainted, and corrupted as Agar was they must believe his own confession that he committed the robbery. Agar and his companion must have been seen by scores of persons, yet there was not one single individual who identified Pierce throughout the whole of this occurrence. And the jury must remember that they were not deciding whether Pierce had ridden in a cab with Agar; they were not deciding whether Pierce was intimate with Agar; but they are trying what took place from half-past 8 o'clock on the night of the 15th May, 1855, when the Dover express started, until the time when it arrived in Dover, and they endeavouring to ascertain whether Pierce was the companion of Agar on that journey of plunder, which no doubt would become memorable in the annals of crime. He submitted that there was not one tittle of corroboration in that respect. At Dover they stopped at an inn for two hours - from half-past 11 till half-past 1 - they were seen by the two Clarkes, the landlord and the waiter, in strong gaslight, and yet there was no identification of Pierce. They passed through the station at 2 o'clock in the morning in such a manner as to attract the attention of three witnesses; they stayed 20 minutes on the platform; Agar said that he gave money there to a railway porter, and yet not one person identified Pierce. He came to London and went through the same ordeal, and still not a single witness identified Pierce. Two men no doubt were there; but Pierce, although he had been in the service of the railway company, and must have been known to many officers of the company, was not identified. Agar stated that Pierce had disguised himself with a wig and whiskers, and the only evidence in support of that statement was that a wig had been dressed for him in October 1854. He did not see what relevancy an occurrence so remote could have to this particular charge. So again with regard to the sale of the bullion. It had been proved, no doubt, that the bullion had been sold, but it had not been proved that Pierce was the man who sold it. It appears to him to be almost miraculous, if Pierce were the man, how he, being known to the railway officers, should have passed them without being observed; and there was no proof whatever that Pierce was disguised upon the night in question, for logic of a person who would say that because a man had a wig dressed in October, 1854, therefore he was disguised in it in May, 1855, although it might suit the brain of Agar, was not logic he imagined which would impose upon the jury, or which would induce them to say that there was an atom of corroboration of the statement of Agar, that Pierce was a co-operator and participator with him in this particular act. Upon their return to London carts were hired to carry the booty, still there was not a shadow of evidence to connect Pierce with the hiring. Then came the story which Fanny Kay told them, and which she alone had told them. Now, who was Fanny Kay? It was very melancholy to think that one so young should have been so profligate⁵ as she had evidently had been. It was melancholy to think what her character had been; and then let him remind them that she was a woman, and that she sought to be revenged upon this man Pierce. Let him remind them of that, and they ask them whether she was a witness on whom they could rely? Had she not in all probability gone there with a fixed resolution to make good her revenge against Pierce? Did they believe her story when she told them that her life had not been a life of impropriety? He should be the last to say, because a girl had unfortunately fallen from the position, which a virtuous woman always occupied in this country, that she was therefore not to be believed upon her oath. God forbid! But that was not the case of Fanny Kay. She had no doubt been immoral; he passed lightly over that, and touched lightly upon it; but asked them to remember whose companion she had been for two years. His learned friend Serjeant Shee, with a face more innocent than his learned friend, usually wore, in re-examining that girl, asked her whether she had not had an honourable engagement with Mr. Hart, the gentleman who when he came to town never saw her mother, but always saw her and who generally gave her two sovereigns, sometimes one-never less. Mr. Tress also had known her before, and Billy Barber likewise had been an acquaintance, although apparently a most innocent one. She was then introduced to Agar, accordingly to his own ac-

⁵ Extravagant

count, as a perfect stranger, and they lived together as man and wife for tow years; and with all that before him. His learned friend had the innocence, or assumed it, to re-examine her so as to induce them to believe that all her attachments were honourable. Agar was the participator in great crimes, some of them acknowledged, but scores no doubt unacknowledged. His mind, probably, at that moment was the depositary of the history of the crime of this metropolis and elsewhere for the last 20 years. He had visited America, where he said that he had “speculated; “could the jury doubt that he had speculated in crime? and he asked them, could such a woman live with such a man and remain untainted? She knew that his name was Agar after the birth of her child; she was addicted to drunken habits; he asked again, could such a woman live with such a man, and remain a pure-minded and honourable woman? Pure she could not be; could she be a woman of a truthful and reliable character? He should ask the jury to say, with respect to that furnace story which Agar told, that there was not a shadow of reliable corroboration of it. Fanny Kay was anxious, for what he knew, to obtain the release of Agar; she was far more anxious to obtain the conviction of Pierce, and he had no doubt that she coloured and exaggerated if she had not created the larger portion of her evidence. He admitted that Pierce was frequently at Shepherd’s Bush, because Charlotte Painter stated that she had seen him there; but as for anything that was done there beside the “hammering“or “knocking” there was no corroboration whatever. He had heard more than one eminent judge say that there was a testimony on which a jury need not and ought not to act, and yet their non-acting upon it did not impute wilful and deliberate perjury to the person upon whose testimony they did not act. As regarded Fanny Kay, they might see that she was a malignant woman evidently, and that she had a great object to gain. He remembered Justice Erle saying that there was nothing of which juries should be so cautious as acting upon testimony of a witness who had a particular object in view altogether beyond what was involved in the case. Fanny Kay had that particular object in view here, and it was one of the worst objects which a human being could seek to carry out-it was revenge. She desired to convict and to punish, and to be revenged upon Pierce. Would they, then, act upon her testimony? She had evidently become doubly corrupted. Not only was she profligate, but also she was addicted to habits of intoxication. That was a habit which tended to weaken the intellect both of man and woman-it was one of the most degrading vices that either sex could be guilty of, and every one must admit that its effect was to blind the morals sense, and to darken and to diminish the distinctions between right and wrong. He asked them, then, to reject the evidence of Fanny Kay as unworthy and unreliable, and to consider that Agar and Kay were really one and the same person in this trial, and that they were both actuated by the same motives. That she was substantially the wife of that man Agar must be admitted, and it had been laid down that corroboration by the wife of an accomplice was not a corroboration which juries ought to act upon. What more was there in this case? Pierce had gone by the name of Peckham. Well, he was not there to defend Pierce either for associating with Agar or for assuming a false name; but there might be financial embarrassments, perhaps, rendering the use of a false name necessary, and which no one but Pierce himself could explain. Another fact which had been triumphantly relied upon by the prosecution was the possession of one of the £100 notes by Pierce, which note was the result, with five others, of the change of 600 sovereigns obtained at the Bank of England on the 28th of May. That note was changed by Raffan for Pierce in the month of November 1855. At that time Agar had been arrested, and he asked the jury how they could say that that was not one of notes which Agar had left with Pierce to be applied to the support of Kay? No other proceeds of the robbery had been traced to Pierce, and if, as had been proved, Pierce had from time to time advanced to Fanny Kay from £80 to £100, what more likely than that he should change the note in question to supply her with money? And if he changed it for that purpose, was not the whole of the cogency⁶ and value of that evidence in favour of his client? Raffan deposed that he had frequently seen Pierce with a large amount of money, and he knew that he had a large book upon the St. Legar in 1855, when Saucebox won. He (Serjeant Parry) was informed that it was no uncommon thing for betting men to be worth £20,000 one day and to be beggars the next, and there-

⁶ Clarity

fore it was not difficult to understand that Pierce, who was a betting man, might be one day seen pawning his shoes, and another in the possession of plenty of money. Such occurrences he was informed were by no means rare, and he believed that there was more roguery, fraud, swindling, and blackguardism in the betting ring than in any part of Her Majesty's dominions. He believed that the jury had now the whole case before them, and he hoped that he had made himself perfectly understood. If they believed Agar they must convict Pierce; if they believed Fanny Kay there would be some evidence for them to consider; but he submitted that, even if they believed her, there was not sufficient in her evidence which pointed directly to the personal act of Pierce in any crime whatever. If they looked to the rest of the evidence, there did not appear to be any conformation showing a complicity in this crime. Confirmation as to occasional journeys and visit, and as to being seen in a publichouse now and then together, there was, but that showed nothing beyond the bare fact that Agar had been acquainted with this man, and it did not show any complicity in crime. In conclusion he asked them to be good enough to weigh carefully such observation as he had made as they thought were entitled to consideration, and to apply those observations to that rule of law, or that rule which had all the reverence of law, and which was almost as binding as law, which he pointed out. If they did that, and rejected all external matter from their consideration, he believed that he was right in thinking that he had demonstrated to them that upon that principle they ought not to convict the man at the bar.

Mr. Giffard next addressed the Court on behalf of Burgess. After expressing his general concurrence in the remarks of Serjeant Parry with respect to corroborative evidence, and urging also the necessity of corroboration with respect to each of the prisoners before them, he proceeded to test the credit, which was to be attached to Agar's statement. Observing in passing that Agar's character was so bad that it was impossible to blacken it – that he was there endeavouring to make capital out of his former crimes, and that refuting the adage that there was "honour among thieves" he was endeavouring to escape punishment or to avenge himself by the betrayal of his accomplices, the learned counsel went on to say that he did not deny that Agar's story that he stole the gold might be true. It might be true that he had been meditating the crime for years and endeavouring to corrupt the railway servant, and that in steady pursuit of that object he had scraped an acquaintance with some of them, and had been seen from time to time in their company; and there could be no doubt that the consequence of such acquaintance was that the prisoners at the bar were placed in some degree of peril. Suppose, however, that instead of Burgess, Agar had fixed upon Sharman as having been an accomplice, and had told them in a detailed form that Sharman had permitted him to take an impression of the key in wax, and suppose that Sharman-admittedly an innocent man-stood at that moment at the bar, in what position would he have been different from which Burgess was then in for Sharman had been seen at the hotel taking refreshments with them? One great inconsistency as it appeared to him in Agar's story was, that there did not appear to be any necessity for his employment in the matter at all. Pierce was stated to be the suggester of the robbery; Burgess was a guard in the employ of the company, and he might have lived at Folkestone if he had liked, where he would have ascertained without suspicion everything that it was requisite to know about the key of the bullion safe; TESTER was the person who was alleged to have got possession of the key in London after the locks went to Messrs. Chubb's to be re-combined; and he (Mr. Giffard), therefore, was really at a loss to see what it was that Agar did which the others, if they were all implicated in it could not have done just as well without him. Agar stated that, in order to fit the keys, he went down in the train with the bullion-chest upon six or seven different occasions. It had been elicited in cross-examination that the bullion-chest only went down by the train of which Burgess was guard when it was too late for the tidal service train; and surely the company must know the occasion on which in the months of April or May the bullion-chest went down with Burgess; yet there was no testimony to corroborate Agar in the slightest degree respecting his statement of going down with the chest six or seven times to fit the key. Surely that was a circumstance of materiality, which the jury would expect to find corroborated if Agar's evidence were true, because he could scarcely get into the guard's van upon all those occasions without having been by some of the porters or the underguard. An-

other remarkable circumstance was that Agar had never told them what he had done with the key, which he pretended to have made from the wax impression. He had told them how he had disposed of the hammer and of the chisel, and the hay and the shot; but he had said nothing about the key. If the key had been produced any locksmith could have told them whether it was the original key, which had been made for the box, or whether it had been filed from a blank key and taken from a wax impression. It was not likely that such a circumstance would have escaped Agar's mind, and what he (Mr. Giffard) submitted was, that the key, which the captain of the vessel had lost, Agar by some extraordinary coincidence had found. Agar being compelled to fix the scene of the robbery somewhere fixed it in the train; but might it not have occurred just as easily during the two hours and a-half that the box was at the station or on the quay waiting for the boat? It was true that there was a watchman there, who said that he watched the box; but, if the watchman and Burgess changed places, would not Burgess declare, as stoutly as the watchman had done, that he had kept a vigilant eye upon the bullion-box during the journey from London, and that no one had touched it? He did not for a moment say that the watchman was an accomplice in the robbery, but he thought it extremely likely that his vigilance might have been evaded. He presumed that the bullion-box was a thing from its appearance likely to attract attention; and instead of the times of its departure being kept a secret, as was pretended by the officers of the company, it appeared that the time of the train by which it was going was, in the ordinary course of business, chalked upon it in large letters. Surely then person's intent upon committing a robbery, knowing that the bullion-box was going down to a solitary seaport by a particular train, might concoct some plan to lull the vigilance of the watchman during the two or three hours that the box was remain at that place. Now, if Agar's evidence were true, let them consider whether in the progress of the train on the night in question there would be any means of corroborating him. The only person from whom he (Mr. Giffard) had endeavoured to elicit anything was not a desirable witness; it was Kennedy, the under-guard. He did not mean thereby that he was an accomplice of Agar's, but he was evidently desirous to make the case perfectly conclusive, and, in spite of the hint which he obtained from his learned friend Mr. Bodkin early in the examination in chief, he was much "too clever." Kennedy might to do at those stations. Burgess had to get out, what he had to do at those stations, whom he would see there, and so on. Instead of that Kennedy said, "From the moment I got in to the moment I got out of the train I never saw anything of Burgess." When asked who gave Burgess the signal to go on, he replied, "Why, I did." He was asked, "Didn't you see him then?" "No, I gave him the signal by a light." Again he was asked. "Didn't you see Burgess when he gave you the answer?" "Yes; at least I saw a light, but I did not know whether Burgess held it or not." Now he (Mr. Giffard) submitted that that was not the proper mode of giving evidence in such a case as this, because, but for the cross-examination, it would have left the impression that Burgess was working away in the van with Agar during the whole of the journey down. Again, there was this difficulty in the case. The mail train stopped at a certain number of stations; not all. Now, if Agar and Burgess were in the break van on the seven or eight occasions, to which Agar had spoken, he wanted to know where it was that they got out? At Dover there were porters always in attendance to take the luggage, and if Agar had got out of the guard's van at the station would it not have created remark? This was evidently felt to be a difficulty by Agar; he had therefore avoided the topic. On the night of the robbery there was three of them in the guard's van, because Pierce got in at Reigate. If three persons then got out of the van at the station must it not have led to inquiry, and would not the jury have expected some evidence on that subject? Agar had left that part of the history a blank, although it afforded ample room for corroboration if the story were true. Williams and Witherden were called to show that two men answering the description given by Agar of himself and Pierce went back to London by train that night. That might be true. Those might have been the two persons for all he (Mr. Giffard) knew to the contrary; but it was singular that those two witnesses stated that Kennedy, the underguard, and Burgess, the prisoner, were standing in the room facing them at the time those two men went through, and that Agar did not mention one word upon the subject. What he put to them was that in every circumstance of corroboration. TESTER was well known by the officials of the railway at Reigate, yet no one had been called to confirm

Agar's statement that TESTER lurked about on the down side of the line at that station for the purpose of receiving the bar of gold. It was admitted that the acquaintance between Burgess and Agar was very slight; and, although Fanny Kay had been introduced to Agar by Burgess, she never once saw Burgess during the whole two years during which she lived with the approver. This circumstance could not well reconcile with the alleged fact that Burgess was concerned in the robbery, and was, indeed, the principle actor in the drama, without whom, as guard of the train, the crime could not have been committed. If that had been so, surely he would have been seen some time or other by Fanny Kay in Agar's company, while arranging their plans for the robbery, or while conversing about the distribution of the booty after its commission. Burgess had not been traced by any witness as having been in Agar's company after the robbery, and they were asked to believe that the first time he saw Agar after the crime was completed was in August, when the fruits of the plunder were divided among the four accomplices. It was not in accordance with human nature that a man who had run such risks for spoil should be so indifferent about getting his share of it as not to go and look after his confederates' proceedings during the long interval between May and August. There could be no doubt that the approver Agar had played a very ingenious part; yet the cleverest of his fraternity were sometimes led into mistakes. It so happened that in Agar's statement there was a remarkable discrepancy of no less than £220 between the amount of the proceeds of the robbery and the aggregate sum divided among the four persons concerned in it. That was a fact tending to throw discredit upon Agar's evidence. The assertion that £600 in gold was changed at the Bank for an equal sum in notes also bore the stamp of extreme improbability. Was it to be believed that persons trained in crime, who had got gold coin, which could not be likely to exchange it for bank notes, for tracing which there were such facilities? It was not alleged that Burgess who obtained these notes at the Bank, and little weight could therefore be attached to the circumstance of some of them coming into his possession eight or nine months afterwards. As to Burgess having bought some Turkish bonds it only proved that by successful speculation he was able to clear the sum of £60. The guard of the train had many opportunities of knowing the state of the market, and, hearing that those bonds were "up," he might reasonably have thought it a good time for dealing in them. Burgess had been about 13 years in the service of the company, and might well have been a richer man if all his speculations had succeeded. The statement of Agar that Burgess came out of the station on the night of the robbery and wiped his face-the preconcerted signal that "all was right"-was wholly uncorroborated; and as to Burgess's having been seen with Pierce and Agar at the Marquis of Granby, it was not to be supposed that Burgess would have gone to meet them at a publichouse, where everybody might go in and out, in order to plan a robbery. When Messrs. Abell and Co. made their claim for compensation the railway company resisted it from May to September, on the ground that the gold must have been abstracted in France, and not in England; yet all this time the company knew that the shot, which was substituted by the thieves for the bullion, was English made, and not French. The legal advisers of the company instituted an inquiry immediately after the robbery, and Burgess was then examined. Why had not Burgess's statement been produced in the court, that the jury might have compared it with Agar's story, and then drawn their own conclusions accordingly? Instead of that, however, the whole transaction had been "bottled up" for 18 months by the company, and Burgess had been most unfairly deprived of the legitimate means of making good his defence. Agar was a man who had been steeped in crime from his earliest years, while Burgess, on the other hand, was a man of honest character and a diligent and faithful servant, who had up to the present time maintained the confidence of his employers, by whom he was retained in his responsible situation of guard long after the robbery. It was for the jury to say whether they would depend upon the evidence of a witness like Agar; but he humbly submitted that the case was not one free from all reasonable doubt; that Burgess was therefore entitled to the benefit of his previous good character; and he confidently relied that his client would meet with an acquittal.

Mr. Serjeant Ballantine then addressed the jury on behalf of the prisoner TESTER. Having implored them to dismiss from their minds all that they had learnt of this case from the newspapers and other extraneous, he expressed his deliberate conviction that whatever might

be the amount of trustworthy evidence adduced at that trial, much remained behind, which, if disclosed, would throw most important light on the question they were investigating, and much had also been introduced that had been invented and applied with an ingenuity perfectly devilish, but which the careful scrutiny of honest and unprejudiced minds would unravel and defeat. The prisoner TESTER had been many years a clerk in the service of the South-Eastern Railway Company, holding an onerous and well-remunerated situation, and being a son of a man of substance and respectability. He left this company's employ in the year 1856, taking with him the highest possible character, and entered upon an office equally responsible and more lucrative in the service of a railway company in Sweden. In the latter position he remained until he heard, through the usual channels of information, of the charge brought against him by the approver Agar; upon which he returned at once to this country, threw himself upon its justice, inviting a full investigation of his conduct; and now he abided the issue. If he was really a dishonest man, undoubtedly he was also a bold one; for, instead of staying in Sweden, where he would at least have been free, he preferred to place himself voluntarily within the reach of punishment, and now stood of his own accord in the felons' dock. Upon a man like Agar he (the learned counsel) would not lavish epithets. He was, by his own admission, a scoundrel, and a scoundrel of no ordinary stamp. As a psychological phenomenon his character deserved careful study. Accordingly, to his own account of himself he was 41 years old; and the only part of his life of which he was ashamed and which he sought to hide was the three years of wasted honesty during which he held a humble situation, and did not sully his hands with renewed crime. His general career, marked by masterly contrivance and perverted forethought, was that of devilish tempter of mankind- of a man who, not content with carrying his crime on his shoulders, and gaining a livelihood by them, wandered through society to corrupt its honesty and pollute everything that came within his accursed touch. No more terrible scourge could be let loose upon society than would flow from the liberation of such a miscreant. At the commission of what baseness would he be likely to hesitate if he thought he might thereby shorten the term of his own incarceration? To secure mercy for himself he would not shrink from destroying the happiness, the reputation, or the liberty of the innocent. The honesty towards each other proverbial even among thieves was a weakness that he left far behind. But he had a livelihood to gain when he should emerge from Portland prison, through the instrumentality of the South-Eastern Railway Company, and he would therefore be only too glad to screen any accomplice who could divulge deeds of his such as the last penalties of the law could alone expiate at the expense of an innocent man who had incurred his malignant revenge for no deeper offence than that of resting his diabolical seduction. The disclosures of Agar had been ascribed to the fact his compassionate love for that sweet and sentimental young lady, and the mother of his child, had been keenly wounded through the unkind treatment she had experienced from Pierce; but when the matter came to be sifted it turned out that the infamous approver had deserted the woman to whom he was so tenderly attached, and had taken up with another, with whom he lived for some time before being taken into custody. There was no immorality-no species of villany (sic) in which he would revelled, and his whole ambition would indeed seem to have been to show himself a worthy head of noble guild of scoundrels. What would such a heartless wretch care if his innocent victims were pining in prison provided he himself was at large enjoying the society of his Fanny Kay's and Fanny Campbell's, and living by the spoliation of the public? The able argument of his learned friend (Mr. Giffard) had shown pretty conclusively the absence of satisfactory proof that the robbery was committed in the manner stated by the approver, and it was unnecessary, therefore to travel over that ground again. But what he (the learned serjeant) charged against Agar was, that he had fabricated a story based upon certain facts entirely independent of this case, which he easily picked up through his knowledge of Burgess, TESTER, and the other officers of the company, and upon these immaterial facts he had fixed as a means of confirming the accusation against TESTER which he had ingeniously engrafted upon them. For example, having learned from the railway officials that TESTER came up from Reigate with a black bag, what was there to prevent his inventing the untruth that that bag had been taken by TESTER for the express purpose of bringing up the bars of gold? And how was it possible for the prisoner to contradict that state-

ment? Again, Agar knew that TESTER was a person manifestly pointed out by his situation as likely to have access to the keys of the bullion chest, and his knowledge of this fact enabled him to pass off his story about TESTER giving him possession of the keys to take an impression of them. So, likewise, having fixed on the railway as the scene of his version of the robbery, he was obliged to implicate the guard in its commission. Again, it was said that TESTER and Agar were seen frequently together, and took tea and wine together. This might be very true; and was it not very probable that all this while Agar was endeavouring, but without success, to induce him to betray his trust, and allow him to get possession of the keys of the bullion chest, over which he knew the prisoner had some control? The jury could not have forgotten that Agar swore positively that he was innocent of the crime for which he had lately been convicted, and that he was found guilty through the false testimony of an accomplice. By this statement Agar was either committing deliberate perjury, or he presented in his own person a terrible example of the danger arising from juries attaching undue weight to the fabricated evidence of accomplices. The learned counsel then remarked upon the scanty evidence adduced as to TESTER's control over the keys of the bullion chest. It was stated that the keys were sent by Mr. Chubb to Mr. Brown, the superintendent; and it was reasonable to suppose that the latter gentleman locked them up safely in his own drawer. If he had not done so, he would no doubt have been called as a witness to prove the fact. It was alleged that Agar and Kennedy were continued as guards of the 8 p.m. down train for more than one month through the intervention of TESTER. If there was any irregularity in this proceeding-and it had been shown that there was none, such extensions of a guard's time being not unusual- the blame for it rested with the superior officer who witnessed the prisoner making the alteration in the list. Agar might easily have gleaned the circumstance of Burgess being kept on the train for May, and make use of it to bolster up the whole tissue of his other wicked interventions. Again, it was not pretended that TESTER was seen with the black bag on the night of the robbery. All that was proved was that he was seen somewhere about the time of its commission. Surely that simple fact of itself was no sufficient ground for the inference that he had a portion of the plunder in his possession. Moreover, was it to be credited for a moment that, if such had been so foolhardy as to go out of his way to attract observation by proceeding to the Greenwich Railway station, instead of going quietly at once to his own residence and hiding the stolen property? But that was not all: he actually went up to booking-clerk, voluntarily engaged in conversation with him, forced upon his attention the fact that he had been to Reigate and back since office hours, put down the black bag with the bar of gold (as was said) in it, and went away for nearly 10 minutes, leaving the bag behind him until he returned to take his place in the train. No criminal, unless he were positively insane and determined not to escape detection, could have acted in this matter, as TESTER was represented to have done. Agar might somehow have obtained a knowledge that the prisoner came up from Reigate with a black bag, and then pounced upon it as a further means of giving the semblance of confirmation to his story of TESTER's complicity in the robbery. It certainly had the appearance of fitting very neatly- perhaps too neatly-into his tale; but whether it had been made so to fit by Agar's own fertile invention, or by TESTER's conduct, the jury would have to decide for themselves. Then with regard to the division of the plunder. It was stated that TESTER accepted some Spanish bonds from Agar as his share in the fruits of the crime. Was it to be believed that TESTER would have run the risk of robbing his employers for the sake of two or three Spanish bonds-worth something, perhaps, to-day, and nothing at all to-morrow-when he could have hard cash in English sovereigns instead? This fiction was too transparent to deceive sensible men. The truth was Agar must have come to know that the prisoner had been dealing in Spanish bonds, and then he tried to make it be believed that TESTER got them from him. This was another sample of the mode in which the approver had manufactured his confirmatory evidence. As to the alleged changing 600 sovereigns into six £100 notes, the story bore the impress of a lie upon the very face of it, and evidently trumped up to give effect to his other base machinations. Thieves might be desirous of changing notes into gold; but who ever herd of their having the madness to change gold, so easily convertible and so difficult to be traced, into banknotes, which afforded so many facilities for detection? He (the learned serjeant) charged him with being the concoctor of appearances

against his client. The notes were never in TESTER's hands at all; nor did he write his name upon them. His name had been forged, perhaps not by Agar himself, but by his ready agents. That infamous approver had shown himself capable of such a detestable deed—he was connected with the notorious “Jem Saward” and that organised and gigantic system of forgeries and frauds, which had so, recently startled the commercial community. Agar had been a forger all his life—his plots had had their ramifications in America as well as in Europe, and they had extended over more than 20 years, during which period he had contrived almost miraculously to escape detection. The learned counsel in conclusion maintained that no confirmatory proof had been adduced of the approver's testimony against his client, and earnestly appealed to the jury not to allow a man who had hitherto borne a high and unimpeachable character to be the victim of the foul machinations of one who sought his ruin.

Mr. Baron Martin then proceeded to sum up the evidence. He said, -Gentlemen of the jury, my learned brother and myself are both of opinion that the prisoner Pierce cannot be convicted on the first count, which charged him with larceny as a servant, seeing that at the time of the robbery he ceased to be a servant of the company. The only offence, therefore, of which he can be found guilty, is simple larceny. With regards to Burgess and TESTER, however, the case is different. They were both servants of the company, and were placed in situations of trust. You have been properly desired to dismiss from your attention all the remarks which have been made by the press in the reference to this trial, and I also will make that request of you, though I have no doubt that the evidence which you have listened to during the last two days must have made a much greater impression on your minds than anything which you have read in the newspapers. This case, it has been truly said, is one of the greatest public importance. It is one of a class, which has unfortunately become very numerous of late, and for which I think the Legislature ought speedily to make some special provision, where the great joint stock companies which have come into existence in such numbers within the last quarter of a century have been plundered by their confidential servants. It seems as though the feeling of attachment and fidelity which ought to exist between clerk and employer is wholly wanting in the case of these companies, and they appear to be regarded as a public spoil. This case rests, mainly, no doubt, on the evidence of the approver. To use his own expression, Agar is, and he has been for years, “a professional thief,” and he was known to the prisoners as such. He was no common thief, however. Before he engaged in this transaction he was in the possession of £3,000 stock, beside Spanish bonds to the extent of £700, and he appears to have been applied to on account of his great professional skill to undertake this business, just as one would apply to a great physician or a great lawyer, or any man of great professional reputation for assistance in his particular walk. My learned brother Shee told you very properly at the beginning of this case, that, for the purpose of convicting anyone on the evidence of an approver, it is necessary that he should be corroborated by other witnesses. If you are convinced from the evidence of other witnesses that the story which Agar has told is a true story, if you are of opinion that there are circumstances connected with it which must have happened, and which he cannot have invented, and that the minute details which he has narrated have been corroborated by independent witness with whom he can have no communication, and over whom he can have had no control, then it is undoubtedly your duty to find the prisoners guilty; but, if you have any doubt upon these points, then you must acquit them. Agar was arrested on the 15th of August, 1855, and he was convicted at the October Sessions at this court, and from that time he has had no possible opportunity of making up a concerted story with anyone, nor indeed is there any one of the witnesses, except Fanny Kay, who would be likely to enter into communication with him on the subject. His motive for coming forward now is perfectly clear. He is actuated by violent feeling of animosity against the prisoner Pierce for the breach of trust, which he committed in appropriating to himself the £3,000 intended for the support of Fanny Kay and the child. Revenge is his object. Against Burgess and TESTER, he appears to have no feeling of animosity, and it will be for you to consider how far he would be likely, and it will be for you to consider how far he would be likely, if his story were a false one, to inculcate two persons who do not appear to have given him any cause of offence. My learned brother Shee contended that was still a case to go to the jury against all the prisoners. I think my

learned brother erred there as respects Pierce and TESTER. Against them there would be case, I think, without Agar's statement, but against Burgess I am of opinion that there would be evidence to go to the jury even if Agar had not been examined. If you are of the opinion that the robbery took place between London and Folkestone- of which I think the evidence leaves very little doubt-then comes the question how could it have been committed without Burgess's knowledge seeing that his station was in the compartment in which the gold was carried? But with regard to the other two, I am of the opinion that there would be no case if you disbelieve Agar's story. Substantially, however, the case against all the three prisoner's rests upon Agar's evidence, and it will be your duty carefully to consider that evidence, not starting with the assumption that it is false, but looking at it with great suspicion, and noting how far it is corroborated by the evidence of independent witnesses. If you are then of opinion that it is so completely confirmed in all its important points by the testimony of persons with whom he can have had no communication and no opportunity of concerting a story as to make it perfectly certain that his account of the mode in which this robbery was committed is true, then it will be your duty to find the prisoners guilty. The learned Baron then went through the whole of Agar's evidence, pointing out those portions in which it was corroborated by other witnesses. His account of the visits of himself and Pierce to Folkestone was confirmed by Mr. Hooker, at whose house they lodged on their first visit; of Hazel, the police inspector at Folkestone, who had watched them; and of Sharman, Chapman, and Ledger. Chapman's evidence in particular as to the receipt of the parcel of the gold by Agar's at Folkestone, and his pretended inability to write a receipt, because of his wounded finger, agreed in every particular with Agar's statement. Agar said he had been informed by TESTER that one of the keys of the iron safe had been lost and that it had been sent to Messrs. Chubb to have the lock altered and this was confirmed by Mr. Chubb, who produced the correspondence relating to this transaction, which was in TESTER's handwriting, showing that TESTER was acquainted with this circumstance, which it was not likely would have been generally known among the company's servants. In like manner, the unusual circumstance of Burgess acting as guard to the mail train so much longer than his regular term of duty (during which time Agar was going up and down the line fitting the key to the safe), was shown to have been arranged by TESTER himself. TESTER was shown to have travelled on the line from Redhill to London that night, and to have had a little black bag with him, by the testimony of Jones and Russell, just as was alleged in Agar's story; and Agar's account of the return of Pierce and himself from Dover to London by the 2 o'clock train was confirmed in all particulars by the waiter at Dover and the porters at the Dover and London stations. Agar's description of the manner in which the gold had been carried from the station and melted down was confirmed by the evidence of the cabman and the carter, and also by Mr. Rees, who found the firebricks behind the grate, the burnt flooring at Agar's old residence, and the box of tools at Pierce's. The evidence of the Bank clerks respecting the six £100 notes, and of the stockbrokers, of Lee, the stockjobber, and of Stearn, the publican, were all confirmation of Agar's evidence as to the division of the plunder; and the Spanish bonds, of which Agar had spoken, had been in the same manner traced to the possession of the prisoner Pierce, and of TESTER's father. Having thus pointed out those parts of Agar's evidence, which were confirmed by other witnesses. The learned Baron dismissed the jury at a few minutes to 5 o'clock to consider their verdict.

After an absence of little more than 10 minutes the jury returned into court, and the foreman delivered in their verdict, *Guilty* on the second count (simple larceny) against Pierce, and *Guilty* on the first count against Burgess and TESTER.

The prisoners having been placed at the bar for the judgement.

Mr. Baron Martin proceeded to deliver the sentence of the court. Addressing the prisoners, he said, - You, William Pierce, James Burgess, and George William TESTER, have all been convicted, upon pretty nearly the most conclusive evidence which it was possible to lay before a jury, of the offence with which you were charged. The man Agar is a man who is as bad, I dare say, as bad can be, but that he is a man of most extraordinary ability no person who heard him examined can for a moment deny. I do not entertain a doubt that it was because he was an old, experienced thief, and noted for his extraordinary skill, that he was applied to by

you for the purpose of getting this robbery affected by his instrumentality. Something has been said of the romance connected with that man's character, but let those who fancy that there is anything great in it consider his fate. It is obvious, as I have said, that he is a man of extraordinary talent; there is anything great in it consider his fate it is obvious, as I have said, that he is a man of extraordinary talent; that he gave to this and, perhaps, to many other robberies, an amount of ease and perseverance one tenth of which devoted to honest pursuits must have raised him to a respectable station in life, and considering the commercial activity of this country during the last 20 years would probably have enable him to realise a large fortune. But look at the consequences of his career of crime. Instead of being a respected wealthy man, as he might have been, he is a slave for life- separate forever from all he held most dear. It is perfectly clear that he was fond of associating with persons of the other sex, but he is entirely cut off from all such associations. He is condemned to a wretched and miserable life. He is dealt with as a complete slave, and has no more control over his actions than the veriest slave than has existed since the world began. I did not think it right to notion, while the trial was going on, the observations which were made by counsel on the probability of his getting his discharge as the price of the evidence he had given here to day. That is entirely in the breast of the Crown; we have nothing to do with it; but it does not follow as a matter of course, that a man of his character will be released from prison because he has given evidence, which has had the effect of bringing you to justice. He has related to us the various circumstances of this robbery, and has narrated minute details, which have been confirmed by upwards of 30 witnesses with whom it was perfectly imposable that he could have had any communication. He could not have told us those details except his story had been a true one; and, for my own part, I believe every word of his evidence from beginning to end. On you, Pierce, I am unfortunately compelled to inflict a punishment less severe than upon the others prisoners. They were servants of the company, and you were not. By a strained contraction of the law you might, perhaps, have been got into the same category with the other two; but I am willing, and my brother Willes agrees with me, to strain the law against you. But I do declare that if I stood in that dock to receive sentence I should feel more degrade to be in your place than in that, even, of either of your associates. You had been long connected with this man Agar; he trusted you, and gave you £3,000 stock to be invested for the benefit of his child and its mother, together with £600 his share of the produce of this robbery, and the rest of the gold had not been sold. In all you must got out of him about £15,000. This you stole and appropriated to your own use. It is a worse offence, I declare, than the act of which you have just been found guilty. I would rather have been concerned in stealing the gold than in the robbery of that wretched woman, - call her harlot, if you will, - and her child. A greater villain than you are, I believe, does not exist. (This strong language was received by the audience with a loud burst of applause.) I greatly regret that I have it not in my power to inflict a heavier punishment upon you; but the heaviest sentence which the law allows for your offence I will pass upon you, and that you be imprisoned, with hard labour, for the space of two years, and that during three months of that time-the 1st, 12th and 24th month - you be kept in solitary confinement. As for you, Burgess and TESTER, there is no manner of doubt that your case is that-not unfrequent of late-of men who, having good characters, and being placed by your employers in situations of trust, were unable to resist the temptation of getting possession of a large sum of money all at once. Whether Agar tempted you or whether you were tempted by Pierce, as is most likely, sad that Agar was applied to as a man noted for his skill and ability in such matters, it is impossible for us to know now. That you Burgess, a man who had been 15 years in the service of the company, and were receiving good wages, and that you TESTER, the son of a most respectable man, should have yielded to this temptation is greatly to be deplored; but we should be departing from our duty to the public, particularly after what we have seen taking place during the last few months the robbery of the Crystal Palace Company and other offences of a similar nature, if we did not visit you with the severest punishment. You knew when you engaged in the commission of this crime that, through if you were successful, it would place you in possession of a large sum of money, yet that if you were detected you would be liable to the severest punishment. You were willing to play the game, and you must pay the forfeit. The learned counsel who have addressed the jury

on your behalf have spoken in the strongest terms of Agar's character. No doubt he deserves all they have said, but let it be said in his favour that he remained true to you, that he said not a word about this robbery until he heard of Pierce's base conduct. As he gave his evidence he did not appear to feel towards you that bitter animosity which was so clearly manifested in him, and I must say, not unnaturally, under the circumstances, towards Pierce. He had no motive to accuse you falsely, and this to my mind is an additional proof of the truth of his story. The sentence of the court upon you, Burgess and **TESTER, is that you be severally transported beyond the seas for the term of 14 years.**

The prisoners received their sentence without any change of demeanour, and were immediately removed from the bar.

Mr. Bodkin, addressing Mr. Baron Martin said, in reference to his Lordship's observations on the possibility of Agar's release, it was only just to Mr. Rees, the solicitor for the prosecution, to mention that, when he saw Agar at Portland, he had distinctly stated to him that he was not to expect any remission of his sentence in return for the evidence which he had consented to give. The learned counsel at the same time applied to the Court that the property found in the possession of the prisoners should be handed over to the South-Eastern Railway Company.

Mr. Baron Martin declined to make any such order at present. The Turkish bonds found in the possession of Pierce had clearly been purchased with the money entrusted to the prisoner by Agar, and if he had the power he should certainly order those bonds to be handed over to Fanny Kay.

Mr. Bodkin said, the company had no desire to take possession of any property, which was not the produce of the robbery.

Mr. Baron Martin said that if the solicitor for the prosecution would specify on affidavit what property they thought themselves entitled to, he and Mr. Justice Willes would then make whatever order seemed right to them under the circumstances.

Mr. Baron Martin made an order that the Turkish bonds taken from Pierce by the police at the time of his apprehension should be delivered to Fanny Kay, Agar's mistress upon the ground that, as they had been held in trust by Pierce for Kay and her child, the prosecutors had clearly no right to seize them as if they had been purchased by Pierce himself. By this decision Agar's wish will be realized, and the woman Kay will become the possessed of about £2,500 – a sum which will enable her to lead an easy and, if so inclined, a reputable life. Had Agar been included in the prosecution and conviction for the great gold robbery, the South-Eastern Railway Company would have had an undoubted right to the bonds, but that not being the case, they have no claim, which it is at all likely, could be substantiated in any court of law.

TESTER's friends are very much disappointed at the results of the trial, since it was they who advised him to surrender, contrary to the opinion of his solicitor, upon his solemn assurance of his innocence-an assurance so unequivocally given as to lead them to anticipate his acquittal.

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MARQUIS OF GRANBY, LEWISHAM ROAD,	6, 14, 33, 47
NEW CROSS,	3, 14, 33
OSTEND,	8, 16, 24
PARIS,	2, 21, 23
PORTLAND,	3, 19, 20, 29, 35, 48, 54
REDHILL,	7, 8, 23, 25, 52
THE WHITE HART, ST THOMAS'S STREET,	15
WALNUT TREE WALK, LAMBETH,	6, 13-15, 27

Further notes:

Fremantle/Tester Posted: Fri Jan 03, 2020, 1:50 pm by D. Willmore

My query is: One of my ancestors WILLIAM GEORGE TESTER was convicted of larceny at the Old Bailey on the 5th January 1857, he was involved in the Great Train Robbery 1885 and was sentenced to 14 years, and was transported to Australia on the EDWIN FOX, the ship arrived at Fremantle 21st Nov 1858, on 14th July 1859 he was given "Ticket to leave" (I don't know what that means) on 17th October 1861 he had "Conditional Pardon" and on the Welcome to Fremantle Prison website, it says in comments Left per 'York' 1863.

I know that the York arrived in Fremantle on 31st December 1862.

Where do I start looking for where the York sailed to when it left Fremantle?

Thank you for any help.

David

Re: Fremantle/Tester Posted: Fri Jan 03, 2020 7:55 pm by avaline

There is a letter in the Perth Gazette 9 Oct 1863 from a Thomas Sleddon who says he left Fremantle aboard the **York** on 7 Feb 1863, for Madras, India, arriving 10th March by the looks of it.

There is also an article in the Inquirer and Commercial News 25 Feb 1863 about Colonel Henderson, Comptroller General of Convicts, leaving Fremantle on the **York** the same day, for Madras.

Also Perth Gazette 13 Feb 1863: "Sailed on the 7th instant, the ship **York**, 940 tonnes, CJ Breary, Commander, for Madras. Passengers Lieut Col Henderson, Mrs Henderson and family, Messrs SP Phillips, T Sleddon, Dr Babbington, and Rev. Moore in cabin. **Mr Tester**, M Carter, and five grooms in steerage. Cargo - 100 horses, 16 dogs, and fodder". From the letter in October, the horses were being sold in Madras by Thomas Sleddon.

Re: Fremantle/Tester Posted: Fri Jan 03, 2020 8:15 pm by D. Willmore

Many thanks for all the information, Off to India now to trace him, I know before he was arrested in the UK he was a Railway superintendent on the Swedish Railways, where he lived with his wife and children.

Re: Fremantle/Tester Posted: Mon Jan 06, 2020 10:08 pm by MaureenE

If he remained in India, the FIBIS Fibiwiki has much information including

Beginners' Guide https://wiki.fibis.org/w/Beginners%27_Guide

Railways <https://wiki.fibis.org/w/Railways>

Cheers Maureen

Re: Fremantle/Tester Posted: Tue Jan 07, 2020, 4:22 pm by D Willmore

Thanks, Maureen, very helpful.