

Carroll County Times "Carroll's Yesteryears" Articles

Carroll's Yesteryears
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Was he guilty of bank robbery?
By Jay Graybeal

There was only one question 127 years ago in Westminster: "Was John C. Frizell guilty of robbing the Bank of Westminster of \$21,000?" The question was settled after a ten—day trial without jury heard by prominent Baltimore jurist Reverdy Johnson Jr.

A small booklet containing Johnson's verdict provides a concise overview of the case against Frizell. "It is admitted, that the accused was for two years before, as at the period of the robbery, the Cashier of the Bank of Westminster, a duly incorporated banking institution, and had been there nearly twenty years. It is further admitted, that on Thursday, the 27th of April, 1865, between the hours of two and three, p.m. the Bank of Westminster was robbed of \$21,000 – embraced in two separate packages; one consisting of \$11,000 in United States Treasury Notes, the other of \$10,000 Bank of Westminster Notes, of the denomination of \$20 and \$50; and that, at the time of the robbery, the lock on the street door of the Bank was violated.

"It is a further admitted fact, that at, or about the time of the robbery of the Bank, a fire broke out in the basement, or cow-stall portion of the barn belonging to the accused, situated off the main street of the town, entirely out of view of, and some four or five hundred yards distant from the Bank.

"Upon these facts and the evidence collected, the State adopted the theory that Frizell fired his barn for the purpose of attracting public attention from the vicinity of the Bank. So as to carry out his design, and that having succeeded in this, he did, in the interval of public commotion, actually abstract from the vault of the Bank the sum referred to, and then violated the lock to screen the deed."

The prosecution's case hinged upon proving that Frizell had set the incendiary device as described to Johnson: "The fire was communicated by placing in the angle of the cow-stable, towards the south end of the barn, a common feed-trough, close into the angle, with its hollow, or bucket part turned in, and a compactly rolled wad of straw placed inside, so little exposed to draft as to operate as a slow match. This communicating with the litter in the upright trough, gradually carried the fire up to the joists of the stable, and there met the hay in the loft, as its particles projected through the loose flooring. It was evidently the work of a incendiary, with a well concentrated plan."

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After hearing the testimony of a number of witnesses who had seen Frizell throughout the morning, Johnson determined that there was no evidence that Frizell set the fire. This finding greatly weakened the State's case.

Although testimony in the Frizell case revealed another possible suspect, he was never brought to justice. A witness testified that he saw a suspicious stranger sitting on Frizell's barn-yard fence the morning of the fire. Three ladies at the east end of town observed a man "...coming rapidly on horseback up the main street, from the direction of the Bank, and turn into the Washington road, striking into a gallop as he rounded the corner." The stranger was mounted on a dark horse, wore dark clothes and had pulled his slouch hat over his face. A posse of six men failed to find the stranger.

After weighing the testimony, Johnson wrote of Frizell, "...if guilty of the acts with which he is charged, for boldness of conception and daring in execution, the oldest inmate of Newgate could scarcely vie with this novice in crime." Johnson was not "morally convinced" of Frizell's guilt and declared him "Not Guilty."

Although Frizell was cleared of the charges, the Bank Directors appointed John J. Baumgartner as cashier on 27 January 1866.

Photo credit: Courtesy of the Historical Society of Carroll County

Photo caption: The former Bank of Westminster Building 259-251 E. Main St., Westminster, scene of the April 27, 1865 bank robbery.