

C. L. Cham.]

REG. V. RENO AND ANDERSON.

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derson, committed as aforesaid, to be delivered to the person or persons authorized to receive the said Frank Reno and Charles Anderson, on behalf of the United States, or until discharged according to law.

"Given," &c., "this 14th September, at the town of Sandwich, in the county aforesaid.

[L. s.] "Signed, G. McMICKEN,
"Police Magistrate for the County of Essex."

"And that afterwards, and whilst the said Frank Reno and Charles Anderson were respectively so in my custody, that is to say, on the twenty-eighth day of September, 1868, the said G. McMicken caused to be delivered to me a certain other warrant of commitment, the tenor of which is as follows:

"PROVINCE OF ONTARIO, COUNTY OF YORK'
to wit:

"To all or any of the constables or other peace officers in the County of Essex and Province aforesaid, at Sandwich, in the said County of Essex, and to the keeper of the common gaol of the County of Essex, at Sandwich, in the said County of Essex:

"Whereas Frank Reno and Charles Anderson, late of the town of Marshfield, in the County of Scott and State of Indiana, one of the United States of America, were charged before me on the 14th day of September, 1868 being Police Magistrate in and for the said County of Essex, appointed under an Act of the Parliament of Canada, 28th Victoria, ch. 20, intituled 'An Act respecting Police Magistrates,' on the oath of Lee C. Weir and others, for that they, the said Frank Reno and Charles Anderson, on the 22nd day of May, in the year of our Lord one thousand eight hundred and sixty-eight, within the jurisdiction of the United States of America, to wit, at the town of Marshfield, in the County of Scott and State of Indiana, one of the said United States of America, did feloniously assault Americus Whedon, with intent, in so doing, him, the said Americus Whedon, feloniously, wilfully, and of their malice aforethought, to kill and murder; and that in consequence of the said offence, the said Frank Reno and Charles Anderson have fled from the said State of Indiana, and are now residing at the town of Windsor, in the County of Essex aforesaid.

"And whereas such evidence as, according to the law of this Province, would justify the apprehension and committal for trial of the said Frank Reno and Charles Anderson, if the crime of which they are accused had been committed in this Province, has been adduced before me:

"These are, therefore, to command you, the said Constables or Peace Officers, or any of you, to take the said Frank Reno and Charles Anderson, and them safely convey to the Common Gaol at Sandwich, in the County of Essex aforesaid, and there deliver them to the Keeper thereof, together with this precept.

"And I do hereby command you, the said Keeper of the said Common Gaol, to receive the said Frank Reno and Charles Anderson into your custody in the said Common Gaol, and there safely to keep them, until they shall be delivered by a warrant under the hand and seal of His Excellency the Governor General, ordering the said Frank Reno and Charles Anderson

to be delivered to the person or persons authorized to receive the said Frank Reno and Charles Anderson, on behalf of the United States, or until discharged according to law.

"Given," &c., [concluding as the former warrant, but dated 28th September, 1868] "at the City of Toronto, in the County of York."

"And that they, the said Frank Reno and Charles Anderson, in the first warrant mentioned, are the same Frank Reno and Charles Anderson as in the second warrant mentioned.

"And these are the causes of detaining the said Frank Reno and Charles Anderson, whose bodies I have here ready, as by the said writ I am commanded."

The original warrant, a copy of which is the first of the two annexed to this second return, was annexed to the writ and the first return set out above.

A writ of *certiorari* was also issued, dated the 26th September, 1868, and directed to Gilbert McMicken, Esq., Police Magistrate, the committing Justice, by whose authority Charles Anderson and Frank Reno were confined, to certify and return forthwith "the evidence, depositions, and other proceedings had or taken, touching or concerning such confinement."

This writ was duly returned with "the evidence," &c., as required.

The information was laid against the two prisoners on the 19th August, 1868, stating that the informant, Lee C. Weir, had reason to believe, and did verily believe, that Frank Reno and Charles Anderson, on the 22nd May, 1868, at the town of Marshfield, in the County of Scott, in the State of Indiana, one of the United States of America, "did feloniously shoot at Americus Whedon, with intent in so doing, him, the said Americus Whedon, feloniously, wilfully and of their malice aforethought, to kill and murder," and in consequence of that offence had fled, and then were residing at the town of Windsor, in the County of Essex.

It appeared that upon this information the prisoners were brought before the Police Magistrate, and the depositions of Lee C. Weir, Americus Whedon, Thomas Griffin Harkins, George W. Fletcher and Samuel A. Jones, against the prisoners were taken.

It was sworn that, on the 22nd May last, an express train, made up of engine, tender, express car, baggage car, and two coaches, was run on the Jeffersonville, Madison and Indianapolis railway, in the State of Indiana, leaving Jeffersonville at 9½ p.m. The express car carried boxes of goods and packages of money, which latter were in a safe. The train, on reaching Marshfield water-station, stopped to take in water. There is a switch there. There is also an old abandoned saw-mill, about thirty yards from the water tank, and three or four houses within about two hundred yards, but not all inhabited. The train stopped there about eleven o'clock, and almost immediately several men (six or seven) were seen going to the express car. One disconnected the bell-rope, another uncoupled the baggage and express cars. Whedon, the conductor, shouted to them, and the man who disconnected the bell-rope fired at him, the ball passing through the conductor's coat, and the engine, with the express car, moved off, leaving