

dressed to the United States Marshal, commanding him to take the said Primrose into his custody upon the said charges, and bring him before the said commissioner for examination thereon. The above facts having been made appear in a return to the said writ of *habeas corpus*, the same was thereupon discharged, and the examination of the said Thomas Primrose, upon the charge of the robbery of one John Smith, was then proceeded with before the said commissioner, counsel for claimants declining to offer evidence upon the charge of murder.

The following copies of the original information, taken before Lawrence Lawrason, Esq., police magistrate, at London, and warrant issued thereon, duly certified to be true copies by the said police magistrate, were filed with the commissioner on behalf of the claimants:

CANADA, } I, Lawrence Lawrason,  
Province of Ontario, } of the City of London, in  
County of Middlesex. } the County of Middlesex,  
To wit. } in the Province of Ontario,  
and Dominion of Canada, one of Her Majesty's  
Justices of the Peace in and for the said County,  
do hereby certify that the paper writing annexed  
hereto, and marked A, is a true copy of the  
original information or deposition, taken before  
me, by John Smith, on complaint against Thomas  
Primrose and others for the crime of robbery:  
and I further certify that upon the laying of such  
information or deposition, I did issue a warrant  
for the arrest of the said Thomas Primrose and  
others therein mentioned: and I certify that the  
paper writing hereto annexed, marked B, is a  
true copy of the warrant so issued by me as  
aforesaid, and that the same was duly delivered  
into the hands of Thaddeus VanValkenburgh, a  
constable for the said County, to be by him executed  
according to law: and I further certify  
that the said original information or deposition  
is in my possession, and that the said constable  
has the said original warrant. And I also certify  
that the annexed copies of deposition and  
warrant are hereby properly and legally authenticated,  
so as to enable them to be received in  
evidence, in the tribunals of Canada, of the  
criminality of the person charged therein of  
robbery.

Given under my hand, at the City of London,  
in the Province of Ontario, and Dominion of  
Canada, this 26th day of September, A. D. 1870.  
(Signed) L. LAWRASON,  
J. P. & P. M.

and further certified by the principal diplomatic  
or consular officer of the United States resident  
in Canada, as follows:

CANADA, } I, William H. Calvert, of  
Province of Quebec, } the City of Montreal, Domi-  
City of Montreal. } nion of Canada, Vice-Con-  
sul-General of the United States of America,  
and being the principal diplomatic or consular  
officer of the United States of America at present  
residing in Canada, do hereby certify that  
Lawrence Lawrason, of the City of London, in  
the County of Middlesex, Province of Ontario,  
and Dominion of Canada, Esquire, was, on the  
first day of April, in the year of our Lord  
1870, and from that time up to the present has  
continued to be, and still is, a Justice of the  
Peace in and for the County of Middlesex, in the  
said Province of Ontario, and, as such Justice of  
the Peace, was and is duly authorized to hear all

complaints of felony and misdemeanor, and take  
informations, and grant warrants thereon: and  
I do hereby further certify that he is by the laws  
of Canada authorized to sign and issue such  
warrants as such Justice of the Peace. And I do  
further certify that the annexed copies of infor-  
mation or depositions, warrant and certificate,  
are properly and legally authenticated, so as to  
entitle them to be received in evidence, in the  
tribunals of Canada, of the criminality of the  
person charged therein of robbery. And I do  
further certify that the signature, L. Lawrason,  
to the annexed certificate, is in the proper hand-  
writing of him the said Lawrence Lawrason.

Given under my hand and seal of office, at the  
City of Montreal, in the Province of Quebec, and  
Dominion of Canada, this fifth day of Oct. 1870.

(Signed) WM. H. CALVERT,  
Vice-Consul-General.

Evidence was adduced on the part of both  
claimants and prisoner. On the part of the  
former it was proven that on the evening of the  
1st day of April, 1870, one John Smith was  
at a tavern, kept by one Lively, at Westminster,  
in the county of Middlesex, Ontario, in company  
with a pensioner named Dunn, who had that day  
drawn his pension-money. The prisoner and  
several other persons, charged as his accomplices  
in the subsequent robbery, were also there,  
drinking with Smith and Dunn, according to  
Smith's evidence, who says that about half-past  
seven o'clock that evening he started to go out of  
the tavern, and was followed by the prisoner, who  
insisted upon seeing him (Smith) home; that  
after he had proceeded about three rods from the  
door of the tavern, he was caught from behind  
and pinioned; that prisoner raised his (Smith's)  
arm, and forced it back so as to cover his mouth,  
bending his head back; he says he was also  
struck on the head with something; his pockets  
were then searched, and some money and articles  
extracted therefrom. Upon regaining an upright  
position, he recognised prisoner, who still had  
hold of his arm. After being robbed he was  
allowed to go at liberty, and at once made his  
way to the London police station, and there stated  
to the chief that he had been robbed at West-  
minster, and was afraid Dunn would share the  
same fate. The chief declined interfering in the  
matter, as Westminster (which is divided from  
London by Clarke's Bridge) was not within his  
jurisdiction. A man named Hughes testified that  
he passed Lively's tavern at six o'clock on the  
evening in question, and saw prisoner and Smith  
there, as also those charged as prisoner's accom-  
plices. The chief of the London police corrobo-  
rated Smith's evidence as to the complaint made  
by him, and further stated that Smith, although  
he appeared to have been drinking, told a straight  
story. This, together with evidence that prisoner  
had not been seen in London or thereabouts since  
the robbery, closed the case of claimants.

The defence set up was, that Primrose was  
not on the Westminster side of Clarke's Bridge  
from five o'clock until half-past nine o'clock on  
the evening of the first day of April, and therefore  
could not have committed the offence charged.  
A man named Gagan stated that he was with  
prisoner on the London side of the bridge all that  
time; Albert, a brother of prisoner, said he saw  
Gagan and prisoner on the London side of the  
bridge that evening; and Edward Primrose