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CANADA.

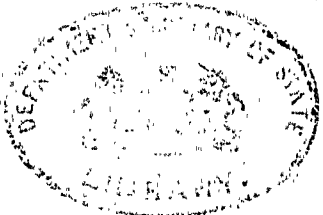
COPIES of a DESPATCH from the Governor-General of *Canada* to the Secretary of State for the Colonies, of the 20th January last, relative to the Surrender of *Nelson Hackitt*, a Person of Colour, on the Demand of the Authorities of the United States, as a Fugitive from Justice.

(*Mr. Haues.*)

Ordered, by The House of Commons, to be Printed,  
26 July 1842.

119. 64

Parliament



CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,  
dated 29 June 1842;—for,

COPIES of a DESPATCH from the Governor-General of *Canada* to the Secretary of State for the Colonies, of the 20th of January last, relative to the Surrender of *Nelson Hackett*, a Person of Colour, on the Demand of the Authorities of the *United States*, as a Fugitive from Justice; and of the COLONIAL ACT, 3 Will. 4, "An Act for the Apprehension of Fugitive Offenders from Foreign Countries, and delivering them up to Justice."

Colonial Office, Downing-Street, }  
25 July 1842.

G. W. HOPE.

Ordered, by The House of Commons, to be Printed, 26 July 1842.

— No. 1. —

*(But of Hackett's papers)*

(No. 10.)

Copy of a DESPATCH from the Right Honourable Sir *Charles Bagot*, G. C. B. to Lord *Stanley*; dated Government House, Kingston, 20 January 1842.

The Right Hon.  
Sir C. Bagot to  
Lord Stanley.  
20 Jan. 1842.

My Lord,

IN the month of September last an application was addressed to this Government by the acting Governor of Michigan, for the surrender of one Nelson Hackett, a slave who had escaped from Arkansas, after having committed a robbery in that state. This application was at the time refused; first, because it was not made by the government of the state in which the offence had been committed; and, secondly, because it was not based on proceedings commenced before some competent criminal jurisdiction.

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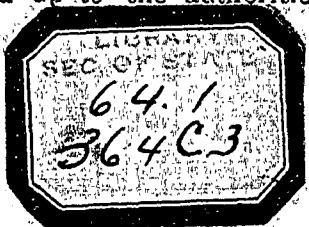
Shortly before I reached Canada a second requisition was addressed to Sir Richard Jackson, in which both these objections were obviated, the requisition proceeding on an indictment found by the grand jury of the county in which the offence had been committed, and being made by the Governor of Arkansas. I accordingly referred the papers connected with it to my executive council, in conformity with the provincial statute 3 Will. 4, c. 7, and I enclose for your Lordship's information a copy of their Report, as well as of the papers on which it is founded.

Report.  
3 January 1842.

After fully considering the subject, I concurred in the recommendation of the council. There was no doubt of the guilt of this individual, the stolen property having been found on him on his arrival in the province; nor could it be said that this property had been taken solely to assist him in escaping from slavery, and not with a felonious intent. I felt therefore that to refuse to surrender him would be to establish as a principle that no slave escaping to this province should be given up, whatever offence, short perhaps of murder, he might have committed; a principle which would have been repugnant to the common sense of justice of the civilised world, would have involved us in disputes of the most inconvenient nature with the neighbouring states, and would have converted this province into an asylum for the worst characters, provided only they had been slaves before arriving here. I therefore ordered Nelson Hackett to be delivered up to the authorities of Arkansas, to be dealt with according to law.

I have, &c.  
(signed) *Charles Bagot.*

495.



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The Right Hon.  
Sir C. Bagot to  
Lord Stanley.  
20 Jan. 1842.

Western District, to wit.—The information and complaint of Alfred Wallace, of Washington county, in the state of Arkansas, in the United States of America, merchant, taken upon oath this 6th day of September in the year of our Lord 1841, before Robert Mercer and Samuel Gardiner, esquires, two of Her Majesty's justices of the peace for the said district.

The said informant, upon his oath, saith, that on the 18th day of July last, in the year of our Lord 1841, Nelson Hackett, of Washington county aforesaid, a coloured man, did feloniously steal, take, and carry away one roan mare, aged , branded with figure 2 on her left foreshoulder, and also one blue beaver over-coat, the body and collar of which were lined and faced with black silk velvet, and also a quantity of Mexican silver, and gold of the coin of the United States, of the value of 100 L., the property of the said informant, Alfred Wallace, and with which property the aforesaid Nelson Hackett absconded; and this deponent further saith, that after having traced him through the United States to Windsor, in the Western district of Canada, he has good reason to believe that the said Nelson Hackett is now residing in Chatham, in the western district.

Taken and sworn at Windsor, in the district aforesaid, the 6th day of December 1841.

(signed) *Alfred Wallace.*  
*Robert Mercer, J.P., W.D.*  
*Samuel Gardiner, J.P., W.D.*

*James Wright Gordon, Acting Governor in and over the State of Michigan, to his Excellency the Right Hon. Charles Baron Lord Sydenham, Governor-General of British North America.*

It appears by the annexed papers, duly authenticated according to the laws of our state, that one Nelson, a negro, sometimes called Nelson Hackett, late of the county of Washington, in the state of Arkansas, is guilty of the crime of larceny, committed in the month of July A. D. 1841, in the county of Washington, state of Arkansas aforesaid; and it having been represented to me that the said Nelson has fled from the justice of the said state of Arkansas, and taken refuge within the province of Canada; and further, that the said Nelson has been arrested and is now confined in the prison at Sandwich, in the said province of Canada:

Now, therefore, pursuant to a usage heretofore existing and acknowledged, I have to request that the said Nelson be delivered to Daniel Thompson, sheriff of Wayne county, who is hereby duly authorized and empowered to receive him and carry him to the state of Michigan, there to be dealt with according to law.

In testimony whereof I have herewith set my hand, and caused to be affixed the great seal of the state of Michigan.

Done at the city of Detroit this 18th day of September, in the year of our Lord 1841.

By the Acting Governor.

(signed) *J. Wright Gordon.*  
*William L. Driggs,*  
Acting Secretary of State.

State of Michigan, county of Wayne.—*Alfred Wallace*, being duly sworn, deposes and says, that, returning to his home in the county of Washington, state of Arkansas, after an absence, on or about the 24th day of July A. D. 1841, he learned that the dwelling-house of O. Evans, in the same county and state, had been entered and a gold watch and chain stolen therefrom, on or about the night of the 16th July; that a roan mare branded with the figure 2 on the fore left shoulder had been stolen from his own plantation, together with a fine blue beaver over-coat lined and faced with black velvet, both belonging to him; and that also about the same time, in the same neighbourhood, a fine quilted saddle had

had been stolen from W. L. Willson, he, deponent, also learning that at about the same period of these thefts, a negro by the name of Nelson, sometimes called Nelson Hackett, was missing from his plantation, became suspicious that he was the thief, and started in pursuit of him and the property: that on the 6th of September instant he arrived at Chatham, Upper Canada, where he found the said negro Nelson, and in his possession the mare, watch, and chain, saddle and over-coat above described: that with the assistance of deputy sheriff Lipman, of the western district of Upper Canada, he arrested the said Nelson, and that he was taken before James Reid and Thomas M. M'Crea, esqrs., justices of the peace at Chatham, and by them committed to prison.

(signed) *Alfred Wallace.*

Subscribed and sworn before me this 16th day of September A.D. 1841.

(signed) *E. J. Roberts,*  
Notary Public, Wayne County, State of Michigan.

State of Michigan, county of Wayne.—*George G. Gregg*, being duly sworn, deposes and says, that he is a citizen of the county of Washington, in the state of Arkansas: that on or about the 16th day of July A.D. 1841, at a late hour of the night, the dwelling-house of O. Evans, in said county and state, was entered, and a gold watch and chain valued at 148 dollars, belonging to Augustus J. Ward stolen therefrom; and that on the night of the 17th July A.D. 1841, the plantation of A. Wallace, same county and state, was entered, and a roan mare, branded with the figure 2 upon her left fore shoulder, valued at 100 dollars, stolen therefrom: that a fine quilted saddle belonging to W. L. Willson was stolen about the same time, in the same neighbourhood, and a fine new blue beaver over-coat, lined and faced with black velvet, belonging to A. Wallace: that a negro named Nelson, sometimes called Nelson Hackett, was missing about the same time. Deponent further says, that on the 21st day of July he started in pursuit of the said Nelson on the presumption that he was the thief: that he arrived in Sandwich, Upper Canada, on the 13th day of September instant, where he found that the said Nelson had been apprehended and committed to prison; that through the grates of the Sandwich gaol he had identified him; that he has been shown the watch and chain, the saddle and the over-coat above described, and the magistrate committing the said Nelson, and identified the same as being the one stolen as above related; and that he had also seen and identified the said roan mare, the articles and the mare being found, as stated to him by the magistrate, in possession of the said Nelson.

(signed) *George G. Gregg.*

Subscribed and sworn before me this 16th day of September A.D. 1841.

(signed) *E. J. Roberts,*  
Notary Public, Wayne County, State of Michigan.

Western District, to wit.—THE examination of *Nelson Hackett*, of the county of Washington, state of Arkansas, labourer, taken before us, Thomas M'Crea and James Reid, esqrs., two of Her Majesty's justices of the peace in and for said district. The said Nelson Hackett, being charged before us the said justices, on the oath of Alfred Wallace, of Arkansas aforesaid, merchant, for that he, the said Nelson Hackett, on or about the 18th July last past, did feloniously take, steal, and carry away one roan mare, branded with a figure 2 on the left shoulder, one blue over-coat, and a quantity of Mexican silver and American gold, of the value of 100£, the property of the said Alfred Wallace, upon his examination saith, that the mare above described, and now found in the possession of the prisoner, and the coat, is the property of the said Alfred Wallace; was in the service of the said Alfred Wallace as a slave; took the mare from the race track-field, and the coat he took out of the house; the saddle in another stable; got the watch in Mr. Evans's house up stairs; thought it was Mr. Augustus Ward's watch. He

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The Right Hon.  
Sir C. Bagot to  
Lord Stanley.  
20 Jan. 1842.

4 DESPATCH FROM GOVERNOR GENERAL OF CANADA

The Right Hon.  
Sir C. Bagot to  
Lord Stanley.  
20 Jan. 1842.

was a slave to Willis Wallace from the 15th June 1840 until December, after which Alfred Wallace told him to come over to his house; does not know whether he was sold to him or not; took no money from any person. And the witness against the said Nelson Hackett, being examined in his presence, the said Nelson Hackett is now asked if he wished to say anything in his own behalf; whereupon the said Nelson Hackett saith no.

his  
(signed) *Nelson x Hackett.*  
mark.

Taken before us at Chatham, this 17th day of September 1841.

(signed) *Thomas M'Crae, J. P., W. D.*  
*James Reid, J. P., W. D.*

Western District, to wit.—THE examination of *Alfred Wallace*, of the county of Washington, state of Arkansas, merchant, taken upon oath before us, Thomas M'Crae and James Reid, esqrs. two of Her Majesty's justices of the peace, this 7th day of September 1841, in the presence and hearing of Nelson Hackett, charged this day for having taken and feloniously stolen a certain roan mare, a blue over-coat, and a quantity of silver. This deponent saith, that the prisoner, Nelson Hackett, has been in his employ, as his slave, since June 1840; that he left his service in July 1841, in the state of Arkansas; that the roan mare and the over-coat, now found in the possession of the prisoner, is the property of this deponent; that a gold watch, now also found upon the person of the prisoner, is the property of Augustus J. Ward, of Arkansas aforesaid; that the saddle, also found in the possession of the prisoner, is the property of W. L. Willson, of Arkansas aforesaid; which said mare, saddle, coat, and watch, this deponent believes to be of the value of 68 l. 15 s. provincial currency. Prisoner was never out of this deponent's sight more than two or three weeks at a time. This deponent verily believes that the prisoner did steal the sum of 500 dollars, in specie of gold and silver; and further this deponent saith not.

(signed) *Alfred Wallace.*

Taken and sworn before us at Chatham, this 7th day of September 1841.

(signed) *Thomas M'Crae, J. P., W. D.*  
*James Reid, J. P., W. D.*

One mare	-	-	-	-	-	\$- 125
One saddle	-	-	-	-	-	25
One coat	-	-	-	-	-	25
One gold watch	-	-	-	-	-	100
						\$ 275

To his Excellency the Right Honourable *Charles Baron Sydenham*, of *Sydenham*, in the County of *Kent*, &c. &c. &c. Governor-General of *British North America*.

May it please your Excellency,

THE petition of *Alfred Wallace*, of the state of Arkansas, in the United States, merchant, who humbly prayeth that *Nelson Hackett*, a negro, who, on the 18th July last, stole from your petitioner a roan mare, and an over-coat, and a quantity of American gold and Mexican silver coin, to the value of 100 l. and upwards, and who your petitioner followed into Canada, and there found the mare and over-coat, his property, with the prisoner, and who the authorities in Canada committed to *Sandwich Gaol*, may be given up to the authorities in the United States, to be there dealt with according to law; and your petitioner, as in duty bound, will ever pray.

Sandwich, Canada,  
21 September 1841.

(signed) *Alfred Wallace.*

Attorney-General's Office (West), Kingston,  
29 September 1841.

The Right Hon.  
Sir C. Bagot to  
Lord Stanley.  
20 Jan. 1842.

Sir,

In reply to your letter of this date, enclosing an application from the acting governor of the state of Michigan, for the delivery of a slave named Nelson Hackett, charged with robbery in the United States, and requiring me to report whether there is any objection to a compliance with this application, I have the honour to state, that on perusing the papers accompanying the application I perceive that the alleged felony is stated to have been committed in the state of Arkansas, while the application is made by the acting governor of the state of Michigan.

The provincial statute of Upper Canada, 3 Will. 4, c. 7, authorises the governor in his discretion, with the advice of the executive council, on requisition made by the government of any country, or its ministers or officers authorised to make the same, within the jurisdiction of which country the crime thereafter mentioned shall be charged to have been committed, to deliver up to justice any person charged, &c.

In my opinion the application should come from the government of the United States, or at least from the state of Arkansas, within the jurisdiction of which the crime is charged to have been committed.

Were this objection removed, I should still feel it open to great doubt, whether the application of the foreign government ought not to be based upon proceedings commenced before some competent criminal jurisdiction in the state or country where the alleged felony is stated to have been perpetrated.

I have, &c.

(signed) *W. H. Draper.*

To T. W. C. Murdoch, Esq.  
Chief Secretary, &c. &c. &c.

Sir,

The Park Farm, Sandwich, 23 December 1841.

HEREWITH I have the honour of forwarding to you the demand from the governor of Arkansas to the administrator of this province, of Nelson Hackett, about whom the recent correspondence with your office took place. On receiving from you an order for his being delivered up to Mr. Davenport, I will see that it is properly attended to.

I remain, &c.

(signed) *John Prince.*

The Hon. S. B. Harrison, M. P. P., P. S. W.  
&c. &c. &c.

To the Right Honourable Sir *Richard Jackson*, Governor-General of  
*British North America, Kingston, Canada;*

Greeting.

WHEREAS it has been made known to me that a certain Nelson Hackett, who has been charged with the crime of grand larceny, and against whom an indictment has been found for said felony by the grand jury of our county of Washington, has fled from justice, and beyond the limits of the state of Arkansas, and is now in the province of Canada, and within the jurisdiction of the government over which your Excellency presides; now, therefore, I, Archibald Yell, Governor of said state of Arkansas, do hereby request and respectfully demand of your Excellency that you will cause the said Nelson Hackett to be surrendered and delivered up, to the end that he may be removed and brought to said state of Arkansas, where jurisdiction may be had of said crime, and justice awarded in the premises. And I hereby authorise and empower Lewis Davenport, of Wayne county, in the state of Michigan, to receive from the proper authorities of the province of Canada, and take into his custody the said Nelson Hackett, and remove and transport him as aforesaid to the said state of Arkansas.

In testimony whereof I have hereunto set my hand, and caused the great seal of the state to be affixed, at Little Rock, on the 30th day of November, A.D. 1841.

(L. S.)

(signed) *A. D. Yell.*

The Right Hon.  
Sir C. Bagot to  
Lord Stanley.  
20 Jan. 1842.

State of *Arkansas*, County of *Washington*.—In the Circuit Court of said County, at the November term thereof, 1841.

THE grand jurors for the state of Arkansas, duly selected, summoned, returned, tried, empannelled, sworn, and charged to inquire in and for the body of the county of Washington aforesaid, upon their oath present that Nelson Hackett, a negro slave, the property of Alfred Wallace, late of said county, on the 2d day of July in the year of our Lord 1841, at the county aforesaid, one saddle of the value of 20 dollars, of the goods and chattels of one Washington L. Wilson, then and there being found, feloniously did steal, take, and carry away, contrary to the force of the statute in such case made and provided, and against the peace and dignity of the state of Arkansas.

(signed)      *A. M. Wilson*,  
Pro. Att. for the 4th Jud. Circuit, Arkansas.

State of *Arkansas*, County of *Washington* (s. s.), United States of *America*.

I, Benjamin H. Pierson, Clerk of the Circuit Court, and *ex officio* Recorder within and for the county of Washington aforesaid, hereby certify that the foregoing is a true copy of an indictment against Nelson Hackett, a slave, as therein described, preferred by the grand jury in and for the said county, on the day of the date thereof. In testimony whereof, I, as Clerk and *ex officio* Recorder as aforesaid, have herunto set my hand and affixed the seal of said court, at office, this 26th day of November A.D. 1841.

(L. s.)

(signed)      *B. H. Pierson*,  
Clerk and Ex officio Recorder.

State of *Arkansas*, County of *Washington*.

I, Joseph M. Hoge, Judge of the Circuit Court, within and for the fourth judicial circuit of said state of Arkansas, do certify that Benjamin H. Pierson, whose signature and seal of office appears to the foregoing certificate, is, and was at the time of signing the same, clerk of the circuit for said county of Washington; that full faith and credit are due to all his official acts as such, and that the same is given in due form of law.

Given under my hand at Fayetteville this the 26th day of November 1841.

(signed)      *J. M. Hoge*,  
Judge of the Circuit Court.

State of *Arkansas*, County of *Washington*, in the Circuit Court of said County, at the November term thereof, 1841.

THE grand jurors of the state of Arkansas, duly selected, summoned, returned, tried, empannelled, sworn, and charged to inquire in and for the body of the county of Washington aforesaid, upon their oath present that Nelson Hackett, a negro slave, the property of Alfred Wallace, late of said county, on the 17th day of July A. D. 1841, at the county aforesaid, and within the jurisdiction of this court, one gold watch of the value of 150 dollars, of the goods and chattels of one Augustus J. Ward, then and there being found, feloniously did steal, take, and carry away, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Arkansas.

(signed)      *A. M. Wilson*,  
Pro. Att. for the 4th Jud. Circuit, State of Arkansas.



The Right Hon.  
Sir C. Bagot to  
Lord Stanley.  
20 Jan. 1842.

State of *Arkansas*, County of *Washington* (s. s.), United States of *America*.

I, Benjamin H. Pierson, Clerk of the Circuit Court, and *ex officio* Recorder within and for the county of Washington aforesaid, hereby certify that the foregoing is a true copy of a bill of indictment preferred against Nelson Hackett by the grand jury named in said indictment.

In testimony whereof I, as clerk and *ex officio* recorder as aforesaid, have hereunto set my hand and affixed the seal of my office at office, this 26th day of November, A. D. 1841.

(L. S.) (signed) *B. H. Pierson*,  
Clerk and Ex officio Recorder.

State of *Arkansas*, County of *Washington*.

I, Joseph M. Hoge, Judge of the Circuit Court, for and within the fourth judicial circuit of said state of Arkansas, do certify that B. H. Pierson, whose signature and seal of office appears to the foregoing certificate, is and was, at the time of signing the same, clerk of the circuit for the said county of Washington; that full faith and credit are due to all his acts as such, and that the same is given in due form of law.

Given under my hand at Fayetteville this 26th day of November 1841.

(signed) *J. M. Hoge*,  
Judge of Circuit Court, &c.

To the Right Honourable Sir *Richard Jackson*, Governor-General of *British North America*.

Your petitioner would respectfully represent to your Honour that Nelson Hackett now stands indicted in said circuit court of Washington county, state of Arkansas, for grand larceny, is now in British North America, and within the jurisdiction of your Honour. Your petitioner would respectfully request that the said Nelson Hackett be given up upon the requisition of the Governor of the state of Arkansas, to the end that he may be brought to answer the said indictment for grand larceny. As in duty bound, your petitioner will ever pray.

Washington County, Arkansas, (signed) *Washington L. Wilson*.  
26 November 1841.

To the Right Honourable Lord *Sydenham*, Governor-General of the Province of *British North America*, &c. &c. &c.

The Petition of *Nelson Hackett*, a Man of Colour, now confined in the Gaol of the Western District;

Humbly sheweth,

THAT your petitioner, who was a slave in Arkansas, in the United States of America, made his escape from that place to the province of Canada, where he had learned that the humanity of the British law made him a free man as soon as he touched the shores of the country; that after his arrival at Chatham, the person to whom he had belonged arrived at that place, and for the purpose of being enabled to take your petitioner back to Arkansas with him, charged your petitioner with having stolen goods in your petitioner's possession, when, in fact and truth, the property belonged to your petitioner. When your petitioner was taken before the magistrates to be examined, from the blows that had the night before been inflicted on his head, he was in such a state as to be unconscious of what he said, he having been severely beaten over the head with the butt of a whip and a large stick. That to produce a feeling against your petitioner, his master charged him with having committed a rape, but did not attempt to make any proof thereof. Wherefore he prays your Excellency will be pleased to consider his case, and not authorize your petitioner to be given up, as should he be

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S DESPATCH FROM GOVERNOR GENERAL OF CANADA

The Right Hon.  
Sir C. Bagot to  
Lord Stanley.  
20 Jan. 1842.

taken back to Arkansas, he will be tortured in a manner that to hang him at once would be mercy. Hoping that your Excellency will take pity on him, and not accede to the demands of his master without the most clear evidence of his guilt, which he is well assured can only be obtained by false swearing.

And in duty bound will ever pray.

Sandwich Gaol, 18 September 1841.

(signed)

his  
*Nelson x Hackett.*  
mark.

To his Excellency Lieutenant-General Sir *R. D. Jackson*, K. C. B. Administrator of the Government of the Province of *Canada*, &c. &c. &c.

Report of a Committee of the Executive Council.

Present:—The Hon. Mr. Sullivan, in the Chair; Mr. Daly, Mr. Harrison, Mr. Draper, Mr. Day, and Mr. Killaly.

May it please your Excellency,

THE Committee of Council have, according to the commands of his Excellency Sir Richard Jackson, considered the case of Nelson Hackett, a fugitive felon from the state of Arkansas, and have agreed upon the following Minute.

Read a requisition from his Excellency the Governor of the state of Arkansas, setting forth, that it had been made known to him that Nelson Hackett, a negro slave, against whom an indictment had been found for grand larceny by the grand jury of the county of Washington, in the said state, is now in the Province of Canada, and requesting that the said Nelson Hackett be surrendered and delivered up, to the end that he may be removed and taken to the said state of Arkansas, where jurisdiction may be had of the said crime and justice awarded in the premises, and empowering one Lewis Davenport to receive the said Nelson Hackett, and to remove and transport him to the said state of Arkansas.

Read also certified copies of two several bills of indictment found by the grand jury of the said county of Washington; one charging the said Nelson Hackett with larceny of a watch, the other charging the said Nelson Hackett with larceny of a saddle.

Read also several depositions taken in the said state of Arkansas, and in Canada, and the examination of the said Nelson Hackett, taken at Chatham, in the western district of this province, before two of Her Majesty's justices of the peace.

And the Committee of Council are respectfully of opinion, that there is sufficient evidence of the criminality of the said Nelson Hackett in the matters so charged against him to warrant the apprehension and commitment for trial of the said Nelson Hackett, had the offence wherewith he is charged been committed in this province, and they therefore recommend that the said Nelson Hackett be ordered to be delivered up and surrendered to Lewis Davenport above named, to the end that he be taken and transported to the said state of Arkansas, there to be dealt with according to law, pursuant to an Act of the Parliament of the Province of Upper Canada, passed in the third year of the reign of King William the Fourth, intituled "An Act to provide for the apprehending of Fugitive Offenders from Foreign Countries, and delivering them up to Justice."

All which is respectfully submitted.

By order.

(signed)

*R. B. Sullivan,*  
Chairman.

Executive Council Office, Kingston,  
8 January 1842.

This Report reserved for the consideration of his Excellency the Governor-general.

By command of the Administrator.

(signed)

*Wm. H. Lee.*

The Right Hon.  
Sir C. Bagot to  
Lord Stanley.  
20 Jan. 1842.

Sir, Government House, Kingston, 19 January 1842.

I HAVE the honour to inform your Excellency, that immediately on the assumption of the government of this province I took into consideration the demand made by your Excellency on Lieutenant-general Sir R. D. Jackson for the surrender to the authorities of the state of Arkansas of one Nelson Hackett, who has been charged with the crime of grand larceny, and against whom an indictment has been found by the grand jury of the county of Washington, in that state. Having, in connexion with my Executive Council, examined the charges against this individual, and the proofs by which they are supported, I have satisfied myself that there is sufficient evidence to warrant his commitment and trial, had the offence with which he is charged been committed in this province. I have therefore determined to comply with your Excellency's requisition, and have accordingly issued the necessary instructions for the surrender of Nelson Hackett to the custody of Lewis Davenport, the person appointed by your Excellency to receive him, with a view to his being conveyed to Arkansas, there to be dealt with according to law.

I have, &c.

His Excellency A. Yell,  
Governor of Arkansas.

(signed) Charles Bagot.

— No. 2. —

UPPER CANADA. ACT 3d WILL. 4, c. 7.

AN ACT to provide for the Apprehending of Fugitive Offenders from Foreign Countries, and delivering them up to Justice.—Passed 13th February 1833.

Fugitive Offenders' Act.

WHEREAS it is expedient to provide by law for the apprehending and delivering up of felons and other malefactors who, having committed crimes in foreign countries, have sought, or may hereafter seek an asylum in this province: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that the Governor, Lieutenant-governor, or person administering the government of this province, shall have power and he is hereby authorised, at his discretion, and by and with the advice of the Executive Council, on requisition being made by the government of any country, or its ministers or officers authorised to make the same, within the jurisdiction of which country the crimes hereinafter mentioned shall be charged to have been committed, to deliver up to justice any person who may have fled to this province, or who shall seek refuge therein, being charged with murder, forgery, larceny, or other crime, committed without the jurisdiction of this province, which crimes if committed within this province would, by the laws thereof, be punishable by death, corporal punishment, by pillory or whipping, or by confinement at hard labour, to the end that such person may be transported out of this province to the place where such crime shall have been charged to have been committed: provided always, that this shall only be done upon such evidence of criminality as, according to the laws of this province, would, in the opinion of the Governor, Lieutenant-governor, or person administering the government, and of the Executive Council, warrant the apprehension and commitment for trial of such fugitive from justice, or person so charged, if the offence had been committed within this province.

Preamble.

Government authorised to deliver up to justice persons who may have fled from other countries into this Province, charged with heinous offences.

2. And be it further enacted by the authority aforesaid, that, for preventing the escape of any person so charged, before any order for his apprehension can be obtained from the Governor, Lieutenant-governor, or person administering the government of this province, it shall be lawful for any judge, or for any justice of the peace in this province, acting within his jurisdiction, to issue his warrant

Persons charged with offences committed in foreign countries, may be committed until an application can be made to the Go-

DESPATCH:—SURRENDER OF NELSON HACKETT.

vernment for delivering up such offenders.

warrant for the apprehension and for the commitment of any such person charged as aforesaid, in order that he may be detained in secure custody until application can be made to the Governor, Lieutenant-governor, or person administering the government, under the provisions of this Act, and until an order can be made thereon; which warrant shall, nevertheless, only be granted upon such evidence, on oath, as shall satisfy such judge or justice that the person accused stands charged with some crime of the description hereinbefore specified, or that there is good ground to suspect him to have been guilty thereof.

This Act not to affect the provisions of 37 Geo. 3, c. 15, or to make it incumbent on the Government to deliver up persons charged as aforesaid, or to prevent their discharge, on a habeas corpus, if too long detained in custody.

3. And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed to affect the provisions of a certain Act of the Parliament of this province, passed in the 37th year of the reign of King George the Third, intituled, "An Act to authorize the Apprehending of Felons and others Escaping from any of His Majesty's Provinces and Governments in North America into this Province," or to make it incumbent upon the Governor and Council of this province to deliver up any person charged, if for any reason they shall deem it inexpedient so to do, or to prevent the discharge of any person upon habeas corpus who, having been committed under this Act, shall be detained in custody beyond the time that may be reasonably required, under the circumstances of the case, for carrying the provisions of this Act into effect.

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