

James McKinney, and Linus Seely, named in the annexed order were in the gaol of the City and County of Saint John, for safe keeping, under a warrant from H. T. Gilbert, Esq., Police Magistrate, and Justice of the Peace, from the following dates:—James McKinney, from the 26th day of December last, David Collins, from the 27th day of December last, and Linus Seely, from the first day of January last past, except when ordered for examination by the said H. T. Gilbert, Police Magistrate, and Justice of the Peace, up to 11 o'clock or thereabouts, on the morning of the 24th day of February, inst., when they were taken to the office of the said H. T. Gilbert, Police Magistrate and Justice of the Peace. That they were committed to the gaol of the said City and County, at mid-day of the 25th day of February, inst., with the following, a copy of the commitment:

"City and County of Saint John, to wit:—To any Constable, or Peace Officer, of the City and County of Saint John, and to the keeper of the Gaol thereof; you the said Constable, shall convey David Collins, of the City of Saint John, Labourer, James McKinney, of the same place, Labourer, and Linus Seely, of the same place, Labourer, charged before me, Humphrey T. Gilbert, Esq., Police Magistrate for the City of Saint John, and one of Her Majesty's Justices of the Peace for the City and County of Saint John, acting under warrant under the hand and seal of His Excellency the Honorable Arthur Hamilton Gordon, C. M. G., Lieutenant Governor, and Commander in Chief of the Province of New Brunswick, bearing date the twenty-fourth day of December, in the Year of Our Lord One Thousand Eight Hundred and Sixty-three, and made and issued in pursuance of the Act of Imperial Parliament intituled, "An Act for giving effect to a Treaty between Her Majesty and the United States of America, for the apprehension of certain offenders," and in pursuance of and in accordance with the said Treaty and Act, a Requisition having been made to His Excellency the Honorable Arthur Hamilton Gordon, C. M. G., Lieutenant Governor, and Commander in Chief of the Province of New Brunswick, on behalf of the said United States of America, by James Q. Howard, Consul of the said United States, at the City of Saint John, in the Province of New Brunswick, stating that John C. Braine, H. C. Brooks, David Collins, John Parker Locke, Robert Clifford, Linus Seely, George Robinson, Gilbert Cox, Robert Cox, H. A. Parr, and James McKinney, charged upon the oath of Isaac Willett, and Daniel Henderson, with having committed the crimes of piracy and murder on the high seas, within the Jurisdiction of the said United States of America, on the seventh day of December, inst., are, or some of them are now in the City of Saint John, within this Province, and requesting that the said John C. Braine, H. C. Brooks, David Collins, John Parker Locke, Robert Clifford, Linus Seely, George Robinson, Gilbert Cox, Robert Cox, H. A. Parr, and James McKinney, may be delivered up to Justice according to the Provisions of the said Treaty; such warrant directed to all and every the Justices of the Peace and officers of Justice within the Province of New Brunswick, and is as follows:—Here His Excellency's Warrant is inserted, Vide Appendix D.

And whereas on the receipt of the said warrant by me and acting under and by virtue thereof and in pursuance of the said Act of Parliament, I did examine Isaac Willett under oath touching the truth of the said charges set forth in the said warrant and upon the evidence of the said Isaac Willett in pursuance of the said Act of Parliament, I did on the 25th day of December last, issue my warrant under my hand and seal for the apprehension of the said persons upon the charges aforesaid in the words following:—(Here is inserted warrant of apprehension, vide Appendix F.)

And David Collins, James McKinney, and Linus Seely, three of the persons in the said warrant, having been found within my jurisdiction and having been arrested and brought before me, under and by virtue of the said warrant, and I having proceeded to the investigation of the charge of piracy charged against the said named persons so brought before me and upon the examination of the witnesses under oath touching the offence of piracy charged against the parties so brought before me, and upon the evidence before me under oath, I do hereby under the Act of the Imperial Parliament command you the said Constable or Peace Officers to convey the said David Collins, James McKinney, and Linus Seely, to the common-gaol of the City and County of Saint John and deliver each of them to the keeper thereof upon the charge of piracy, for that they having on the seventh day