

the determination of the Police Magistrate on the facts of the case, the Government of the United States cannot fail, I think, to discern the determination of the Queen's Representative and Her subordinate officers faithfully and honorably to carry out the Treaty entered into between the respective Governments of the United States and Great Britain; and the present decision, the result of my own judicial convictions, being, I believe, in conformity with the legal authorities of the United States, individually I might hope it would commend itself to the United States Government; but whomsoever it may please or displease must be to me, judicially, a matter of indifference. The only duty I have to discharge is to my Sovereign, to the people of this Province, and to my own conscience. That duty is, faithfully, to the best of my humble abilities, impartially, to declare the Law as I believe it to be, wholly regardless of consequences.

This I have honestly endeavored to do, and the

result of my judgment is, that for the reasons set forth, the proceedings before me, and the warrant of commitment, returned to me by the Sheriff of the City and County of Saint John, do not justify the detention in custody of the prisoners, whose imprisonment I therefore declare illegal; and I do by this my order require the immediate discharge from prison of the said David Collins, James McKinney and Linus Seely, under the said warrant and commitment; and as it appears to me that the Sheriff of the City and County of Saint John, the keeper of the Jail of the said City and County, acted upon the warrant or commitment of the said H. T. Gilbert, according to the requirements of the same, without malice or evil intent, I do, by virtue of the power conferred on me by the Act of Assembly, exempt the said keeper of the said Jail from all civil suits which may be brought against him for or by reason of having acted on the said warrant or commitment.

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