

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-