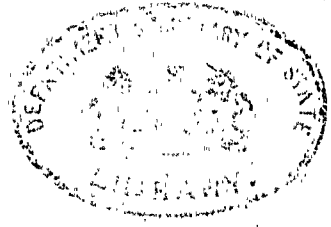


119. 64

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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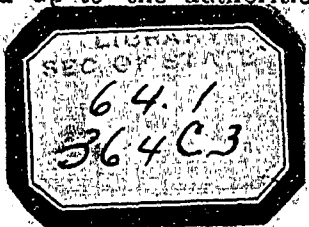
Shortly before I reached Canada a second requisition was addressed to Sir Richard Jackson, in which both these objections were obviated, the requisition proceeding on an indictment found by the grand jury of the county in which the offence had been committed, and being made by the Governor of Arkansas. 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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