

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.*