



# ROYAL GAZETTE.

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FREDERICTON, NEW BRUNSWICK, WEDNESDAY, JANUARY 3, 1844.



By His Excellency Sir WILLIAM MACBEAN GEORGE COLEBROOKE, K. H., Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

W. M. G. COLEBROOKE.

## A PROCLAMATION.

**W**HEREAS the General Assembly of this Province stands prorogued to the fourth Tuesday in December instant; I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to Thursday the first day of February next, then to meet at Fredericton for the Dispatch of Business.

Given under my Hand and Seal at Fredericton, the twelfth day of December, in the year of our Lord one thousand eight hundred and forty three, and in the seventh year of Her Majesty's Reign.

By His Excellency's Command.

WM. F. ODELL.

ANNO SEXTO & SEPTIMO VICTORIÆ REGINÆ.

CAP. LXXVI.

An Act for giving effect to a Treaty between Her Majesty and the United States of America for the Apprehension of certain Offenders.

[22d August 1843.]

**W**HEREAS by the Tenth Article of a Treaty between Her Majesty and the United States of America, signed at Washington on the ninth day of August in the year One thousand eight hundred and forty two, the Ratifications whereof were exchanged at London on the thirteenth day of October in the same year, it was agreed that Her Majesty and the said United States should, upon mutual Requisitions by them or their Ministers, Officers, or Authorities respectively made, deliver up to Justice all Persons who, being charged with the Crime of Murder, or Assault with Intent to commit Murder, or Piracy, or Arson, or Robbery, or Forgery, or the Utterance of forged Paper, committed within the Jurisdiction of either of the High Contracting Parties, should seek an Asylum or should be found within the Territories of the other; provided that this should only be done upon such Evidence of Criminality as according to the Laws of the place where the Fugitive or Person so charged should be found would justify his Apprehension and Commitment for Trial if the Crime or Offence had been there committed, and that the respective Judges and other Magistrates of the Two Governments should have Power, Jurisdiction, and Authority, upon Complaint made under Oath, to issue a Warrant for the Apprehension of the Fugitive or Person so charged, so that he might be brought before such Judges or other Magistrates respectively, to the end that the Evidence of Criminality might be heard and considered, and if on such Hearing the Evidence should be deemed sufficient to sustain the Charge it should be the Duty of the examining Judge or Magistrate to certify the same to the proper executive Authority, that a Warrant might issue for the Surrender of such Fugitive, and that the Expence of such Apprehension and Delivery should be borne and defrayed by the Party making the Requisition and receiving the Fugitive; and it is by the Eleventh Article of the said Treaty further agreed, that the Tenth Article, hereinbefore recited, should continue in force until one or other of the High Contracting Parties should signify its Wish to terminate it, and no longer: And whereas it is expedient that Pro-

vision should be made for carrying the said Agreement into effect, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case Requisition shall at any Time be made by the Authority of the said United States, in pursuance of and according to the said Treaty, for the Delivery of any Person charged with the Crime of Murder, or Assault with Intent to commit Murder, or with the Crime of Piracy, or Arson, or Robbery, or Forgery, or the utterance of forged Paper, committed within the Jurisdiction of the United States of America, who shall be found within the Territories of Her Majesty, it shall be lawful for One of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his Hand and Seal to signify that such Requisition has been so made, and to require all Justices of the Peace and other Magistrates and Officers of Justice within their several Jurisdictions to govern themselves accordingly, and to aid in apprehending the Person so accused, and committing such Person to Gaol, for the Purpose of being delivered up to Justice, according to the Provisions of the said Treaty; and thereupon it shall be lawful for any Justice of the Peace, or other Person having Power to commit for Trial Persons accused of Crimes against the Laws of that Part of Her Majesty's Dominions in which such supposed Offender shall be found, to examine upon Oath any Person or Persons touching the Truth of such Charge, and upon such Evidence as according to the Laws of that Part of Her Majesty's Dominions would justify the Apprehension and Commitment for Trial of the Person so accused if the Crime of which he or she shall be so accused had been there committed it shall be lawful for such Justice of the Peace, or other Person having Power to commit as aforesaid, to issue his Warrant for the Apprehension of such Person, and also to commit the Person so accused to Gaol, there to remain until delivered pursuant to such Requisition as aforesaid.

II. Provided always, and be it enacted, That in every such Case Copies of the Depositions upon which the original Warrant was granted, certified under the Hand of the Person or Persons issuing such Warrant and attested upon the Oath of the Party producing them to be true Copies of the original Depositions, may be received in Evidence of the Criminality of the Person so apprehended.

III. And be it enacted, That upon the Certificate of such Justice of the Peace, or other Person having Power to commit as aforesaid, that such supposed Offender has been so committed to Gaol, it shall be lawful for One of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his Hand and Seal to order the Person so committed to be delivered to such Person or Persons as shall be authorized in the Name of the said United States to receive the Person so committed, and to convey such Person to the Territories of the said United States, to be tried for the Crime of which such Person shall be so accused, and such Person shall be delivered up accordingly, and it shall be lawful for the Person or Persons authorized as aforesaid to hold such Person in Custody, and take him or her to the Territories of the said United States, pursuant to the said Treaty; and if the Person so accused shall escape out of any Custody to which he or she shall be committed, or to which he or she shall be delivered as aforesaid, it shall be lawful to retake such Person, in the same Manner as any Person accused of any Crime against the Laws of that Part of Her Ma-