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No. 56.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL,

**An Act to amend the Act 22 Vic., Cap. 89,
respecting the Extradition of Fugitive
Felons from the United States of America.**

Received and Read, first time, Tuesday, 2nd
April, 1861.

Second Reading, Friday, 5th April, 1861.

Hon. Mr. Attorney General McDONALD.

QUEBEC :

PRINTED BY THOMPSON HUNTER & CO.,

ST. URSULE STREET.

An Act to amend Chapter 89 of the Consolidated Statutes of Canada, respecting the Extradition of Fugitive Felons from the United States of America.

HER Majesty &c., enacts as follows :

Preamble.

I. The first, second and third sections of the 89th Chapter of the consolidated Statutes of Canada, intituled, "An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders," are hereby repealed.

Sections 1, 2, 3, repealed:

II. The following section, or paragraph, shall be substituted for the first section hereby repealed, and shall, in lieu thereof, be read as the first section of the said Act :

New Section in place of S. 1,

10 "Upon complaint made under oath, or affirmation, (in cases where affirmations can be legally taken instead of oaths), charging any person found within the limits of this Province, with having committed, within the jurisdiction of the United States of America, any of the crimes enumerated or provided for by the said Treaty, it shall be lawful for any Judge of any of Her Majesty's Superior Courts in this Province, or any Judge of a County Court in Upper Canada, or any Recorder of a City in this Province, or any Police Magistrate, or Stipendiary Magistrate in this Province, or any Inspector and Superintendent of Police empowered to act as a Justice of the Peace in Lower Canada, to issue his Warrant for the apprehension of the person so charged, that he may be brought before such Judge or other Officer, and upon the said person being brought before him, under the said warrant, it shall be lawful for such Judge or other officer to examine upon oath, any person or persons touching the truth of such charge, and upon such evidence as, according to the laws of this Province, would justify the apprehension and committal for trial of the person so accused, if the crime of which he shall be so accused had been committed herein, it shall be lawful for such Judge or other Officer to issue his warrant for the commitment of the person so charged to the proper gaol, there to remain until surrendered according to the stipulation of the said Treaty, or until discharged according to law ; and the said Judge or other officer, shall thereupon forthwith transmit or deliver to the Governor, a copy of all the testimony taken before him, that a warrant may issue upon the requisition of the United States, for the surrender of such person, pursuant to the said Treaty."

By whose order and on what evidence persons charged with certain crimes committed in the U. S. may be arrested and detained.

35 III. The following section, or paragraph, shall be substituted for the second section hereby repealed, and shall in lieu thereof, be read as the second section of the said Act :

New Section in place of S. 2:

Certain copies
of depositions
may be re-
ceived in evi-
dence.

“ In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which the original warrant may have been granted in the United States, 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.” 5

New Section
in place of
S. 3.

IV. The following section, or paragraph, shall be substituted for the third section hereby repealed, and shall in lieu thereof, be read as the third section of the said Act: 10

Governor may
order the
delivery of
the offender
on requisition
from U. S.

“ It shall be lawful for the Governor, upon a requisition made as aforesaid, by the United States, by Warrant under his hand and seal to order the person so committed, to be delivered to the person or persons authorized to receive such person, in the name and on behalf of the said United States, to be tried for the crime of which such person stands accused, and such person shall be delivered up accordingly; and the person or persons, authorized as aforesaid, may hold such person in custody, and take him to the territories of the said United States, pursuant to the said Treaty; and if the person so accused escapes out of any custody to which he stands committed, or to which he has been delivered as aforesaid, such person may be retaken in the same manner as any person accused of any crime against the laws of this Province may be retaken upon an escape.” 15 20