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5th Session, 8th Parliament, 29 & 30 Vic., 1866.

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**BILL.**

An Act respecting persons in custody charged with High Treason or Felony.

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Received and read first time, Tuesday, 17th  
July, 1866.

Second reading, Monday, 18th July, 1866.

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Honorable Mr. CAMPBELL.

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**OTTAWA :**

**PRINTED BY HUNTER, ROSE & CO., SALLY ST.**

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## BILL.

### An Act respecting persons in custody charged with High Treason or Felony.

**W**HEREAS it is expedient to make provision for the safe custody of persons charged with High Treason or Felony; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

5 **1.** If from the insecurity or unfitness of any gaol of any county for the safe custody of persons charged with the crimes of High Treason or Felony, or if from any other cause it shall seem expedient to the Governor in Council so to do, it shall be lawful for the Governor in Council to order that any persons charged with the said crimes,  
10 or either of them, confined in such gaol, shall be removed to any other gaol of any other county to be named in such order, there to be detained until discharged in due course of law, or removed for the purpose of trial to the gaol of the county in which the trial is to take place; and a copy of such order, certified by the Clerk of the Executive Council,  
15 or by any person acting as such clerk, shall be a sufficient authority to the Sheriffs and Gaolers of the counties respectively named in such order to deliver over and to receive the bodies of any person or persons named in such order.

**2.** It shall be lawful for the Governor in Council to direct in any  
20 such order that the Sheriff in whose custody the person or persons to be removed may then be, shall convey the said person or persons to the gaol of the county in which they are to be confined, and to direct the Sheriff or Gaoler of such county to receive the said person or persons, and to detain him or them until he or they shall be discharged in due  
25 course of law, or be removed for the purpose of trial to any other county.

**3.** If a True Bill for High Treason or Felony, except for Felony under the provisions of the twenty-second Victoria, chapter ninety-eight, Consolidated Statutes for Upper Canada, shall afterwards be returned  
30 by any Grand Jury of the county from which any such person may have been removed, against any such person it shall be lawful for the Court into which such True Bill shall have been returned, to make an order for the removal of any person against whom such bill shall have been found, from the gaol in which he may then be confined, to the gaol  
35 of the county in which such court may be sitting, for the purpose of his being tried in such county.

**4.** This Act shall apply to Upper Canada only.