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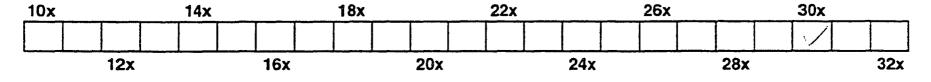
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No. 195.

1st Session, 8th Parliament, 27th Victoria, 1863.

BILL.

An Act to provide more fully for the punishment of Offences against the Person, in respect to the crime of Kidnapping.

Received and read first time Friday, 25th September, 1863. Second reading, Monday, 28th Sept., 1863.

Mr. O'HALLORAN.

QUEBEC : FRINTED FOR THE CONTRACTORS BY HUNTER, ROSE & LEMIEUX, ST. URSULE ST. No. 195.]

[2nd Sess.-1863.

An Act to provide more fully for the punishment of Offences against the Person, in respect to the crime of Kidnapping.

WHEREAS no statutory enactment now exists respecting the crime Preamble. of kidnapping, and it is expedient and necessary to provide more fully for the punishment of that offence : Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly 5 of Canada, enacts as follows :---

1. Any person who, without lawful authority, shall forcibly seize and Definition of confine or imprison any other person within this province, or shall kidnapping, and punish-kidnap any other person, with intent— ment thereof.

1. To cause such other person to be secretly confined or imprisoned 10 in this province against his will; or

2. To cause such other person to be sent or transported out of this province against his will; or

3. To cause such other person to be sold or captured as a slave, or in any way held to service against his will ;---

15 Shall be guilty of felony, and upon conviction, shall be punished by imprisonment in the Penitentiary for any term not less than two nor more than seven years, or by imprisonment in any other prison or place of confinement for any term not more than two years.

2. Any person who shall be convicted of having been an accessory Punishment 20 before or after the fact to the commission of any kidnapping or unlawful of accessories confinement, as hereinbefore prohibited, shall be guilty of felony; and all the provisions of the ninety-seventh chapter of the Consolidated Statutes of Canada, respecting accessories before or after the fact, shall be applicable to this Act and to the offence of kidnapping, as if 25 the same were enacted as part hereof.

3. Upon the trial of any offence under this Act, the consent or non-Consent of resistance of the person so kidnapped or unlawfully confined, thereto, napped no shall not be a defence, unless it appear to the satisfaction of the jury defence, if obthat such consent or non-resistance was not obtained or caused by tained by 30 threats, duress, or force or exhibition of force.

4. Every offence prohibited by this Act may be tried either in the Where district or county in which the same may have been committed, or in offender may any district or county into or through which any person so kidnapped or confined may have been carried or taken while under such confine-35 meat; but no person who has been once duly tried for any such offence shall be liable to be again indicted or tried for the same offence.