



No. 195.

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

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**BILL.**

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

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Received and read first time Friday, 25th  
September, 1863.

Second reading, Monday, 28th Sept., 1863.

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**Mr. O'HALLORAN.**

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**QUEBEC :**  
**PRINTED FOR THE CONTRACTORS BY HUNTER,**  
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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 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 of Canada, enacts as follows:—

Preamble.

1. Any person who, without lawful authority, shall forcibly seize and confine or imprison any other person within this province, or shall kidnap any other person, with intent—
  1. To cause such other person to be secretly confined or imprisoned 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 before or after the fact to the commission of any kidnapping or unlawful 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 the same were enacted as part hereof.
- 20 before or after the fact to the commission of any kidnapping or unlawful 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 the same were enacted as part hereof.
3. Upon the trial of any offence under this Act, the consent or non-resistance of the person so kidnapped or unlawfully confined, thereto, shall not be a defence, unless it appear to the satisfaction of the jury that such consent or non-resistance was not obtained or caused by threats, *duress*, or force or exhibition of force.
- 30 threats, *duress*, or force or exhibition of force.
4. Every offence prohibited by this Act may be tried either in the district or county in which the same may have been committed, or in any district or county into or through which any person so kidnapped or confined may have been carried or taken while under such confinement; 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.
- 35 ment; 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.

Definition of kidnapping, and punishment thereof.

Punishment of accessories

Consent of person kidnapped no defence, if obtained by duress.

Where offender may be tried.