

Laws of His Majesty's Province of Upper Canada, passed in the year 1833. York: Robert Stanton, 1833.

3 William IV – Chapter 7

An Act to provide for the Apprehending of Fugitive Offenders from Foreign Countries, and delivering them up to Justice. Passed 13th February, 1833.

Whereas it is expedient to provide by Law for the Apprehending and delivering up of Felons and other Malefactors, who having committed Crimes in Foreign Countries have sought, or may hereafter seek, an asylum in this Province:—Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council any Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall have power, and he is hereby authorized at his discretion, and by and with the advice of the Executive Council, on requisition being made by the Government of any Country, or its Ministers or Officers, authorized to make the same, within the jurisdiction of which Country the crimes hereinafter mentioned shall be charged to have been committed, to deliver up to Justice any person who may have fled to this Province, or who shall seek refuge therein, being charged with Murder, Forgery, Larceny or other crime, committed without the jurisdiction of this Province, which crimes if committed within this Province would by the Laws thereof be punishable by death, corporal punishment, by Pillory, or Whipping, or by confinement at hard labour, to the end that such person may be transported out of this Province to the place where such crime shall have been charged to have been committed; Provided always, that this shall only be done upon such evidence of criminality as, according to the Laws of this Province, would, in the opinion of the Governor, Lieutenant Governor, or Person Administering the Government, and of the Executive Council, warrant the apprehension and commitment for trial of such fugitive from Justice, or person so charged, if the offence had been committed within this Province.

II. And be it further enacted by the authority aforesaid, That for preventing the escape of any person so charged, before any order for his apprehension can be obtained from the Governor, Lieutenant Governor, or Person Administering the Government of this Province, it shall be lawful for any Judge, or for any Justice of the Peace in this Province, acting within his jurisdiction, to issue his Warrant for the apprehension, and for the commitment of any such person charged as aforesaid, in order that he may be detained in secure custody until application can be made to the Governor, Lieutenant Governor, or Person Administering the Government, under the provisions of this Act, and until an order can be made thereon; which Warrant shall nevertheless only be granted upon such evidence on oath as shall satisfy such Judge or Justice that the person accused stands charged with some crime of the description hereinbefore specified, or that there is good ground to suspect him to have been guilty thereof.

III. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall be construed to affect the provisions of a certain Act of the Parliament of this Province, passed in the thirty-seventh year of the Reign of King George the Third, entitled "*An Act to authorize the apprehending of Felons and others escaping from any of His Majesty's Provinces, and Governments in North America into this Province,*" or to make it incumbent upon the Governor and Council of this Province to deliver up any person charged, if for any reason they shall deem it inexpedient so to do, or to prevent the discharge of any person upon Habeas Corpus who, having been committed under this Act, shall be detained in custody beyond the time that may be reasonably required under the circumstances of the case, for carrying the provisions of this Act into effect.