

HOUSE...No. 165.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 18, 1857.

The Committee on the Judiciary, to whom was referred an Order of February 11, in relation to Fugitives from Justice, have considered the same, and report the accompanying Bill.

For the Committee,

WM. H. WOOD.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-
Seven.

AN ACT

In relation to Fugitives from Justice.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :—

1 SECT. 1. No person shall be delivered over by the
2 executive authority of this Commonwealth, as an
3 alleged fugitive from the justice of any other State or
4 Territory, until he shall have been notified of the
5 demand made for his surrender, and of the accusation
6 preferred against him, and the evidence offered in sup-
7 port of such demand, and shall have had opportunity
8 to produce all proofs that may be favorable to him on
9 the question whether or not he fled from the justice

10 of the State or Territory on behalf of which such
11 demand is made, and upon any other question that
12 may be open for the decision of the executive author-
13 ity of this Commonwealth, and to be fully heard by
14 himself or his counsel, at his election.

1 SECT. 2. Such proofs may be submitted by affida-
2 vits or depositions, and the arguments shall be made
3 in writing, and filed in the office of the attorney-gen-
4 eral, who shall investigate the case and report thereon,
5 in the manner provided in the seventh section of the
6 one hundred and forty-second chapter of the Revised
7 Statutes; and he shall deliver all the said testimony,
8 arguments, and all the documents had before him, to
9 the governor, by whom they shall be deposited, with
10 his decision and the report of the attorney-general, in
11 the office of the secretary of the Commonwealth.

12 The attorney-general shall have power in any case,
13 to enlarge the time for filing in his office, the testi-
14 mony and arguments which may be offered, according
15 as justice may require. And he shall direct the course
16 of proceedings, either by establishing rules, or upon
17 application of any party, so as to give to the agent of
18 any State or Territory making the demand, and to the
19 party respondent, a fair hearing.

1 SECT. 3. The notice to be given shall be served
2 upon the person claimed as a fugitive from justice in
3 person, by copy, by any sheriff, deputy-sheriff, or cor-
4 oner, in such manner as shall be fixed by the gover-
5 nor, in each case, or shall conform to such rules in
6 relation thereto, as may be established by the governor
7 from time to time, and recorded by the secretary of

8 the Commonwealth. And the said secretary shall
9 keep a docket of all cases of such demands made on
10 the executive authority of this Commonwealth, in
11 which shall be minuted all the proceedings therein.

1 SECT. 4. The delivery of any person surrendered
2 by the executive authority of this Commonwealth, to
3 the agent of any other State or Territory, shall be
4 made by any sheriff, deputy-sheriff, or coroner, by
5 virtue of a warrant duly issued by the governor there-
6 for; and such delivery into the hands of such agent,
7 shall be made only in the day time, and in the pres-
8 ence of two witnesses who shall be twenty-one years
9 of age or upwards, and citizens of this Common-
10 wealth. And any officer offending against this sec-
11 tion, shall be held guilty of a misdemeanor, subject to
12 indictment in any county in which such alleged fugi-
13 tive was held by him in custody on such warrant, or
14 in which the said delivery was made, and be punished
15 by fine not exceeding one thousand dollars, and by
16 imprisonment in the county jail not exceeding six
17 months.

1 SECT. 5. When a demand shall be made upon the
2 executive authority of this Commonwealth, by the
3 executive of any other State or Territory, in any case
4 authorized by the constitution and laws of the United
5 States for the delivery over of any person charged
6 with being a fugitive from justice as aforesaid, he may
7 be complained against, arrested, and brought before
8 any court or magistrate competent to issue warrants
9 and try complaints in criminal cases, and may be com-
10 mitted to jail or required to recognize for his appear-

11 ance, and to abide the order of such court or magis-
12 trate, in the manner provided in the eighth and ninth
13 sections of the one hundred and forty-second chapter
14 of the Revised Statutes. And the proceedings before
15 such court or magistrate shall be continued from time
16 to time, and the person so charged shall be held as
17 aforesaid, until the final action of the executive
18 authority of the Commonwealth shall be had upon
19 the demand made for the surrender of such person so
20 charged as aforesaid.

1 SECT. 6. This act shall take effect from and after
2 its passage.

