

SENATE.....No. 63.

Commonwealth of Massachusetts.

The Joint Committee, to whom was referred the Message of His Excellency the Governor, relating to the apprehension and delivery over of Fugitives from Justice, have had the same under consideration, and report a Bill.

P. BOISE, *Chairman.*

Commonwealth of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred
and Thirty-Four.

AN ACT

In addition to the Acts relating to Fugitives from Justice.

1 SEC. 1. **BE** *it enacted by the Senate and House*
2 *of Representatives in General Court assembled, and by*
3 *the authority of the same,* That whenever application
4 shall be made to the Governor of this Commonwealth,
5 to demand of the Executive authority of any other
6 State or Territory of the United States, any fugitive
7 from justice, according to the provision of the Consti-
8 tution and a law of the United States, the said ap-
9 plication shall be accompanied by a statement in
10 writing, to be made by the Attorney General, or some
11 other prosecuting officer of the government, setting
12 forth minutely and in detail, the circumstances of the
13 case, together with an abstract of the evidence to be
14 produced against the person to be apprehended, with
15 his opinion thereon as to the expediency of demand-
16 ing such person. And it shall be the duty of said
17 Attorney General, and of the several prosecuting offi-
18 cers of the government, to prepare and exhibit such

19 statement whenever thereto required. *Provided,*
20 *however,* That the Governor may, in his discretion,
21 make a demand for the apprehension of any such
22 fugitive, without such statement, if he thinks proper
23 so to do.

1 SEC. 2. *Be it further enacted,* That whenever a
2 demand shall be made on the Executive authority of
3 this State, by that of any other State or Territory, for
4 the delivery over of any person charged with treason,
5 felony, or other crime, in the State from which the
6 demand shall be made, it shall be the duty of the At-
7 torney General of this Commonwealth, or of any
8 other prosecuting officer of the government, when
9 thereto required by the Governor, to inquire into, and
10 state in writing to the Governor, the situation, con-
11 dition and circumstances, under which such demanded
12 person is found, and especially whether he is holden
13 for any, and what crime or offence, under the laws of
14 this Commonwealth, and whether he is holden under
15 any civil process, and whether said demand is made ac-
16 cording to law, and the said person ought to be deliv-
17 ered up. And the Governor shall thereupon, if said
18 demand is conformable to law, issue his warrant, un-
19 der the seal of the Commonwealth, authorizing the
20 removal and delivery of such person so demanded, to
21 be made forthwith, or shall issue it at such future
22 time as the said Governor shall deem to be most con-
23 ducive to justice, and the provisions of the Constitu-
24 tion and law of the United States aforesaid.