

## FUGITIVES FROM JUSTICE.

## CHAPTER 44.

AN ACT RELATIVE TO FUGITIVES FROM JUSTICE AND THE  
SURRENDER OF THE SAME.

*Be it enacted by the Legislative Assembly of the Territory of  
Dakota :*

SECTION 1. The governor of this territory may, in any case authorized by the constitution and laws of the United States, appoint agents to demand of the executive authority of any state or territory, any fugitive from justice, or any person charged with felony or any other crime, in this territory, and whenever an application shall be made to the governor for that purpose, the district attorney, or any other prosecuting officer of the territory, when required by the governor, shall forthwith investigate the grounds of such application, and report to the governor all material circumstances which may come to his knowledge, with an abstract of the evidence, and his opinion as to the expediency of the demand; but the governor may, in any case, appoint such agents, without requiring the opinion of, or any report from, the district attorney; and the accounts of the agents, appointed for that purpose, shall, in all cases, be audited by the governor, and paid from the territorial treasury.

Governor may appoint agents to demand fugitives from justice.

When application made to him for that purpose.

Expenses, how paid.

SECT. 2. When a demand shall be made upon the governor of this territory, by the executive of any state or territory, in any case authorized by the constitution and laws of the United States, for the delivery over of any person charged in such state or territory, with treason, felony, or any other crime, the district attorney or any other prosecuting officer of the territory, when required by the governor, shall forthwith investigate the ground of such demand, and report to the governor all material facts which may come to his knowledge, as to the situation and circumstances of the person so demanded, especially whether he is held in custody, or

When demands made on the executive from other states and territories.

is under recognizance to answer for any offence against the laws of this territory or of the United States, or by force of any civil process, and also whether such demand is made according to law, so that such person ought to be delivered up; and, if the governor is satisfied that such demand is conformable to law and ought to be complied with, he shall issue his warrant under the seal of the territory, authorizing the agents who make such demand, either forthwith, or at such time as shall be designated by the warrant, to take and transport such person to the line of the territory, at the expense of such agents, and shall, also, by such warrant, require the civil officer within this territory to render such assistance as may be necessary in the execution thereof.

When person found in this territory charged with any offence in another state or territory.

SECT. 3. Whenever any person shall be found within this territory, charged with any offence committed in any state or territory, and liable by the constitution and laws of the United States, to be delivered over upon the demand of the executive of such state or territory, any court or magistrate authorized to issue warrants in criminal cases, may, upon complaint under oath, setting forth the offence and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the same, or some other court or magistrate within the territory, to answer such complaint as in other cases.

If it appear that complaint is true, accused to be held.

SECT. 4. If upon examination of the person charged, it shall appear to the court or magistrate that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the governor, he shall, if not charged with a capital crime, be required to recognize, with sufficient sureties, in a reasonable sum, to appear before such court or magistrate at a future day, allowing a reasonable time to obtain the warrant of the executive, and to abide the order of the court or magistrate; and, if such person shall not so recognize, he shall be committed to prison, and shall be there detained until such day, in like manner as if the offence charged had been committed within this territory; and if the person so recognizing shall fail to appear according to the condition of his recognizance, he shall be defaulted, and the like proceedings shall be had as in the case of other recognizances entered into before such court or magistrate; but, if such person be charged with a capital crime, he shall

If accused fail to appear according to recognizance.

be committed to prison, and there detained until the day so appointed for his appearance before the court or magistrate.

SECT. 5. If the person so recognized or committed shall appear before the court or magistrate upon the day ordered, he shall be discharged, unless he be demanded by some person authorized by the warrant of the executive to relieve him, or unless the court or magistrate shall see cause to commit him, or to require him to recognize anew, for his appearance at some other day, and if, when ordered, he shall not so recognize, he shall be committed and detained as before provided; whether the person so discharged shall be recognized, committed, or discharged. Any person authorized by the warrant of the executive may, at all times, take him into custody, and the same shall be a discharge of the recognizance, if any, and shall not be deemed an escape.

If he appear as ordered, and is not demanded or is not recognized anew.

SECT. 6. The complainant in such case shall be answerable for the actual costs and charges, and for the support in prison of any person so committed, and shall advance to the jailer one week's board, at the time of commitment, and so from week to week, so long as such person shall remain in jail; and if he shall fail to do so, the jailer may forthwith discharge such person from his custody.

Complainant answerable for costs and charges.

If he fail to pay same, accused may be discharged.

SECT. 7. This act shall take effect and be in force from and after its approval by the governor.

Take effect, when.

Approved May 15, 1862.

W. JAYNE, *Governor.*