

A warrant issued under the Act may be executed in any part of Canada, as if originally issued, or subsequently endorsed by a justice of the peace having jurisdiction in the place where executed. (R. S. C., c. 142, sec. 7.)

An extradition judge or commissioner can only act judicially within the province for which he is appointed; and he has power to issue a warrant for the arrest of a fugitive only in case the latter is or is suspected to be in the province in which the judge or commissioner has jurisdiction.²

The jurisdiction of an extradition commissioner or judge extends over the whole of the province for which he is appointed, and is not limited to the judicial district for which he is a judge; and he may, therefore, order a prisoner to be brought before him from any part of the province in which such prisoner is arrested.^{2a}

It is not necessary that an original warrant should have been issued in the foreign country for the apprehension here of the person accused, in order to enable proceedings to be effectually taken against him for an extraditable offence.³

In the United States proceedings for extradition cannot be instituted by private persons affected by the crime, unless they be authorized,—prior to the closing of the proceedings before the Extradition Commissioner,—by the executive of the foreign government to represent it in such proceedings.⁴

In Canada, however, a different practice prevails, the *Extradition Acts* being treated as authorizing the proceedings to be taken on the complaint of any one who, if the offence had been committed in Canada, might have taken them.⁵

Hearing.—The fugitive shall be brought before an Extradition Judge, who shall hear the case in the same manner, as near as may be, as if the fugitive was brought before a justice of the

(2) *Ex p Seltz*, 3 Can. Cr. Cas., 54.

(2a) *Ex p Gaynor & Green*, (No. 1), 7 Can. Cr. Cas., 375.

(3) *In re Caldwell*, 5 Ont. F. R., 217; *In re Charles Worms*, 7 R. L., 319.

(4) *In re Ferrelle*, 9 Cr. L. Mag., 85. And see, *In re Kelly*, 26 Fed. Rep., 852-856.

(5) *In re Lazier*, 30 O. R., 419-426.