

Surrender of fugitive.

16. After the expiration of the said *fifteen* days, or if a writ of *habeas corpus* is issued, after the decision of the Court upon the return to the writ, as the case may be, the Governor upon the requisition of the foreign State, may by warrant under his hand and seal order such fugitive criminal (if not discharged on the decision of the Court) to be surrendered to the person or persons who may in his opinion be duly authorized to receive such fugitive criminal in the name and on the behalf of the foreign State requiring his surrender, and such fugitive criminal shall be surrendered accordingly.

Custody, conveyance and escape of fugitive to be surrendered.

It shall be lawful for the person to whom such warrant is directed to deliver, and for the person or persons so authorized as aforesaid to receive, hold in custody and convey within the jurisdiction of the foreign State, the criminal mentioned in the warrant, and if such criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of the Province in which the escape occurs may be retaken upon an escape.

Governor may discharge fugitive.

17. In case at any time after such commitment as aforesaid, the Governor determines that the person so committed, ought not to be so surrendered as aforesaid, the Governor may by warrant under his hand and seal order such person to be discharged out of custody upon such commitment.

Right of prisoner not surrendered or conveyed out of Canada within two months after commitment to be discharged.

18. In case any person so committed to prison under this Act, is not surrendered and conveyed out of Canada within two months after such commitment, or if a writ of *habeas corpus* has been issued, within two months after the decision of the Court on the return of such writ, over and above in either case the time required to convey such person from the gaol to which he has been committed, by the readiest way out of Canada, it shall be lawful for any one or more of the Judges of any of Her Majesty's Superior Courts in Canada, having power to grant a writ of *habeas corpus*, upon application made to him or them by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to the Secretary of State of Canada, to order the person so committed to be discharged out of custody, unless sufficient cause be shewn to such Judge or Judges why such discharge should not be ordered.

#### GENERAL PROVISIONS.

This Act to form part of Imperial Act, and not to effect its provisions.

19. This Act shall not affect or be construed as affecting the provisions of the Imperial Act first hereinbefore cited, (and of which, under the provisions thereof, and the Order of Her Majesty in Council under them, this Act will form part) as respects the incidents or consequences of the surrender of any fugitive criminal, after he is conveyed out of Canada, or any proceeding, matter or thing to be had or done out of Canadian jurisdiction, which will be governed by the said Imperial Act.

Power to revoke or alter Order in Council.

20. The Governor may by Order in Council, revoke or alter (subject to the restrictions of this Act), any Order in Council made in pursuance of this Act, and all the provisions of this Act with respect to the original Order shall (so far as applicable) apply, *mutatis mutandis*, to any such new Order.