

## APPENDIX.

### THE EXTRADITION ACT OF 1886.

The law of Canada as to procedure in extradition matters is contained in the *Extradition Act*, R. S. C., c. 142, as amended and extended by the *Extradition Act of 1889*, (52 Vic., c. 36, *post.*)

The Act applies in the case of any foreign state with which there is, at or after the time of its coming into force, an extradition treaty, convention, or arrangement. (R. S. C., c. 142, sec. 3.)

Under the authority of the Imperial *Extradition Acts*, 1870 and 1873, an Imperial Order-in-Council was made (17th Nov. 1888), ordering that the operation of the Imperial Extradition Acts be suspended within Canada so long as Canadian Extradition Acts continue in force. (See Statutes of Canada, 1889, p. xv.)

All judges of the Superior Courts and of the County Courts of any province, and all commissioners, appointed for the purpose in any province by the Governor-in-Council under the great seal of Canada, by virtue of the Act, are authorized to act judicially in extradition matters within the province, and they have, for the purposes of the Act, all the powers and jurisdiction of any judge or magistrate of the province. (R. S. C., c. 142, s. 5.)

The junior judge of a County Court is included in the expression "all judges, etc., of the County Courts of any province," contained in section 5 of the Act, and he has the functions of an extradition judge.<sup>1</sup>

**Extradition From Canada.**—Whenever the Act applies, a judge<sup>1</sup> may issue his warrant of arrest, to arrest a fugitive on a foreign warrant of arrest, or on an information or complaint laid

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(1) *Re Parker*, 19 O. R., 612; *Re Garbutt*, 21 O. R., 179.