

of any Order in Council under this Act in the *Canada Gazette* shall be conclusive evidence of such Order, and the validity of the Order shall not be questioned in any legal proceedings whatever.

Apprehension
of fugitives.

6. When this Act applies in the case of any foreign State, every fugitive criminal of that State who is in or suspected of being in any part of Canada, or that part (if any) thereof which is specified in the Order in Council so applying this Act, as the case may be, shall be liable to be apprehended and surrendered in the manner provided by this Act, whether the crime in respect of which the surrender is demanded was committed before or after the time when this Act became applicable to such foreign State, and whether there is or is not concurrent jurisdiction in any Court in Canada over that crime. 5 10

Issuing of
warrant and
commitment
of fugitive
and report to
the Governor.

7. Upon complaint made under oath, charging any person found within the limits of Canada with having been convicted of, or with having committed within the jurisdiction of any foreign State to which this Act applies any of the extradition crimes enumerated or provided for by the arrangement made between Her Majesty and such foreign State, it shall be lawful for any Judge of any of Her Majesty's Superior Courts in Canada, or any Judge of a County Court in Canada, or any Recorder of a city in Canada, or any Commissioner appointed for the purpose by the Governor under the Great Seal (which appointment the Governor is hereby authorized to make, and under which commission such Commissioner shall for all purposes of this Act have all the powers of a Judge of one of Her Majesty's Superior Courts), to issue his warrant for the apprehension of the person so charged, that he may be brought before such Judge, Recorder, or Commissioner; and upon such person being brought before him under such warrant, it shall be lawful for such Judge, Recorder, or Commissioner, to examine upon oath any person or persons touching the truth of such charge, and upon such evidence as according to the laws of the Province in which he has been apprehended would justify the apprehension and committal for trial of the person so accused, if the crime of which he is so accused had been committed therein, it shall be lawful for such Judge, Recorder, or Commissioner, to issue his warrant for the commitment of the person so charged to the proper gaol, there to remain until surrendered according to the stipulation of the arrangement under which his surrender is demanded, or until discharged according to law; and the Judge, Recorder, or Commissioner, shall thereupon forthwith transmit or deliver to the Governor a copy of all the testimony taken before him to the end that a warrant may issue upon the requisition of the foreign State for the surrender of such fugitive criminal, pursuant to the arrangement aforesaid, unless the Governor should determine, as hereinafter provided, that he ought not to be surrendered. 15 20 25 30 35 40 45

Execution of
warrant.

9. The warrant of the Judge, Commissioner, or other officer, issued in pursuance of this Act, may be executed in any part of Canada in the same manner as if the same had been originally issued or subsequently endorsed by a justice of the peace having jurisdiction in the place where the same is executed. 50

Proof of
criminality,
by copies of
foreign
depositions.

10. In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, and in all further proceedings in the case, copies of the depositions upon which the original warrant was granted in the foreign State purporting to 5