

An Act to amend Chapter 89 of the Consolidated Statutes of Canada, respecting the Extradition of Fugitive Felons from the United States of America.

**H**ER Majesty &c., enacts as follows :

Preamble.

I. The first, second and third sections of the 89th Chapter of the consolidated Statutes of Canada, intituled, "An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders," are hereby repealed.

Sections 1, 2, 3, repealed:

II. The following section, or paragraph, shall be substituted for the first section hereby repealed, and shall, in lieu thereof, be read as the first section of the said Act :

New Section in place of S. 1,

10 "Upon complaint made under oath, or affirmation, (in cases where affirmations can be legally taken instead of oaths), charging any person found within the limits of this Province, with having committed, within the jurisdiction of the United States of America, any of the crimes enumerated or provided for by the said Treaty, it shall be lawful for any Judge of any of Her Majesty's Superior Courts in this Province, or any Judge of a County Court in Upper Canada, or any Recorder of a City in this Province, or any Police Magistrate, or Stipendiary Magistrate in this Province, or any Inspector and Superintendent of Police empowered to act as a Justice of the Peace in Lower Canada, to issue his Warrant for the apprehension of the person so charged, that he may be brought before such Judge or other Officer, and upon the said person being brought before him, under the said warrant, it shall be lawful for such Judge or other officer to examine upon oath, any person or persons touching the truth of such charge, and upon such evidence as, according to the laws of this Province, would justify the apprehension and committal for trial of the person so accused, if the crime of which he shall be so accused had been committed herein, it shall be lawful for such Judge or other Officer 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 said Treaty, or until discharged according to law ; and the said Judge or other officer, shall thereupon forthwith transmit or deliver to the Governor, a copy of all the testimony taken before him, that a warrant may issue upon the requisition of the United States, for the surrender of such person, pursuant to the said Treaty."

By whose order and on what evidence persons charged with certain crimes committed in the U. S. may be arrested and detained.

35 III. The following section, or paragraph, shall be substituted for the second section hereby repealed, and shall in lieu thereof, be read as the second section of the said Act :

New Section in place of S. 2: