The Treaty and our Extradition Act, Section 6, do not require this pre-existing condition. The Privy Council has declared in its judgment in this case, that original prosecution could be instituted in the surrendering country, and there are many decisions upon this point contrary to the pretension of the defence. And for the Commissioner to have jurisdiction in an extradition matter it is not necessary that it be proved that a requisition for surrender has been previously made to the proper authorities. I have decided it myself in many cases, and lately in the Lorenz case, where the same objection was raised.

I see no good reason why I should change my opinion upon this point.

In re Hoke, 15 R.L., p. 99 Q.B. it was decided that it is not necessary in proceedings for a commital for extradition to prove a demand for the fugitive from the foreign government.

The same decision in re Garbut, 21 Ontario Reports 463; in re Caldwell, 5 Ont., P.R. 217; also in re Lazier, 3 Canadian Criminal Cases, p. 167; in re Burley, L.J., N.S., 34; and in re Worms, 7 R.L. 319, C.R. 1876.

It is proven that there are against the accused in the United States indictments for conspiracy with Carter to defraud the United States but this fact does not prevent the United States from demanding their extradition for other causes.

It was decided in ex parte DeBaum, M.L.R., 4 Q.B., 145, 1888, that "the fact that an indictment for embezzlement has been found against the accused in the State from which he fled, does not prevent a demand being for his surrender for forgery."

Section 19 of the Extradition Act gives to the demanding country two months after the decision on the writ of *habeas corpus* if one has been granted, to take steps to have the fugitive surrendered and conveyed out of Canada. That this is so was declared by Chief Justice Dorion in the Hoke case, 15 R.L. 105.