

Art. 2447, R.S.Q., defines the jurisdiction of the Court of King's Bench as follows:

"The Court of King' Bench, Crown side, and the judges thereof, have criminal jurisdiction throughout the province over all crimes and misdemeanors committed within its limits," which does not include offences committed abroad.

It was, therefore, necessary that the Parliament of Canada should create a special court, or should appoint persons to apply the extradition laws.

Therefore, we believe that Mr. Lafontaine was legally appointed extradition commissioner.

A final objection has been raised, as I have said before:

The Imperial Extradition Act (33-43, Vict., Cap. 52), orders extradition proceedings to be carried on before a police magistrate (Sect. 8), that this shall apply to all British possessions (Sect. 16 to 26), but its effect can be suspended in a colony by an order of the King-in-Council, when that colony, has, by statute, provided for the putting into effect of the Imperial Extradition Treaties. Canada passed such a statute in 1886, (it now forms chap. 142 of the Revised Statutes of Canada). The Imperial Government then passed an order-in-Council on the 17th November, 1888, (R. S. C., 1888, p. 15), in the following terms:

"The operation of the extradition acts of 1870 and 1878 shall be suspended within the Dominion of Canada, so long as the provisions of the said act of the Parliament of Canada of 1886, entitled, "An act respecting the extradition of fugitive criminals," shall continue in force and no longer."

Subsequently to this order-in-Council the Canadian Parliament in 1889 (52, Vict. C. 36), amended the Extradition Act of 1886. The order-in-Council of 1888 has, in consequence, say the appellants, "become ineffective, the Imperial Act is once more applicable to Canada, and a police magistrate alone has jurisdiction, under the Imperial Act, to try cases in extradition."

The act of 1889 does not repeal that of 1886 that is to say, Cap. 142, of R. S. C. It affects none of the latter's dispositions, it applies only to the fugitives from such coun-