ing of subsection *b* to be this: that where a crime mentioned in an extradition treaty is one of those which is also included in the schedule, then whether the offence charged constitutes one of the crimes referred to in the schedule must be determined by Canadian and not by the foreign law; but where a crime is mentioned in the treaty which is not included in the schedule then it is a crime for which the offender is liable to extradition, though the crime be not one of those specified in the schedule. Section 11 also provides that the prisoner may be committed when "such evidence is produced as would, according to the law of Canada, subject to the provisions of this Act, justify his committal for trial if the crime had been committed in Canada." That the crimes specified in the schedule must be taken to be only such offences as come within the class of offences known by the names specified, according to Canadian law, seems to be tolerably clear from section 24, which enacts that "the list of crimes in the first schedule of the Act shall be construed according to the law existing in Canada at the date of the alleged crime, whether by common law or by statute, made before or after the passing of this Act, *and as including only such crimes of the descriptions comprised in the list as are under that law indictable offences.*"

One would infer from the sections we have referred to that the obvious intention of the Act is that where an application is made for the extradition of a fugitive offender, it should be shown that he has committed some act in the foreign country which, if committed within Canada, would be an offence of the character of some or one of those specified in the first schedule, or in the particular treaty sought to be enforced. The question is not whether the offence is called by the same name in the foreign country as it is in Canada, but whether, if it had been committed in Canada, it would be an offence in Canada coming within any of those specified in the first schedule. This view the learned Chief Justice of the Common Pleas very clearly brings out in his judgment, and it seems to us the better opinion, with all due deference to the members of the Court of Appeal who differed from him. It is true that Wills, J., *In re Bellencontre*, (1891) 2 Q.B., at p. 140, says "that there should be a *prima facie* case made out that he (the prisoner) is guilty of a crime under the foreign law, and also of a crime under English law"; but this, we may observe, does not necessarily imply that