

5. Every such order for inquiry shall signify that the requisition for surrender has been made, shall state the nature of the crime charged, the name or designation (if the name be not known) and any other description that may be thought necessary of the fugitive criminal, and shall require the Magistrate or Magistrates to whom it shall be directed, or any of them, to inquire into the truth of the charge and proceed in pursuance of this Order.

6. The order for inquiry shall be a sufficient proof of the requisition having been made, and a sufficient justification for all acts done in pursuance thereof, and upon production thereof to any Magistrate to whom it is directed he shall have the same powers as if the crime charged had been committed within his jurisdiction.

7. If the evidence adduced shall be such as would in the opinion of the Magistrate have justified the apprehension of the fugitive criminal named or designated in the order, if the crime charged had been committed within his jurisdiction he shall issue his warrant for the apprehension of the fugitive criminal.

8. Any Magistrate of the Colony may issue his warrant for the apprehension of a fugitive criminal without the production of any such order for inquiry as aforesaid, on such information or complaint and on such evidence or after such proceedings as would in his opinion have justified the issue of such warrant if the crime charged had been committed within his jurisdiction.

Provided that a Magistrate issuing a warrant under this Order without an order for inquiry shall forthwith send a report of the fact of such issue together with the evidence and information or complaint or certified copies thereof to the Governor, who may, if he thinks fit, order the warrant to be cancelled and the person apprehended on such warrant to be discharged.

9. Every warrant for the apprehension of a fugitive criminal issued under this Order shall be issued in the same manner as if the crime charged had been committed within the jurisdiction of the Magistrate issuing it, and shall contain a memorandum stating that it is issued under this Order and may be executed in any part of the Colony.

10. A fugitive criminal apprehended on a warrant issued under this Order shall be forthwith brought before a Magistrate within whose jurisdiction he shall be apprehended, and such Magistrate shall subject to the provisions of this Order deal with the case in the same manner as if the fugitive criminal were charged with an indictable offence committed within his jurisdiction.

11. A fugitive criminal apprehended on a warrant issued under this Order without an order for inquiry shall be committed by the Magistrate before whom he is brought to some prison in the Colony for detention until an order shall be made with respect to him by the Governor either for enquiry or for his discharge; but such fugitive criminal shall be discharged by the said Magistrate unless such Magistrate within such time as with reference to the circumstances of the case he deems reasonable receives from the governor an order for enquiry with respect to such fugitive criminal.

Upon the receipt of such order for inquiry the Magistrate shall proceed in the same manner as if the order for inquiry had preceded the issue of the warrant for the apprehension of the fugitive criminal.

12. If a fugitive criminal shall, in pursuance of this Order be brought before a Magistrate other than the Magistrate who issued the warrant for his apprehension, the depositions and documents upon which the warrant was issued, or copies thereof certified under the hand of the Magistrate by whom the warrant was issued, shall, upon the requisition of the Magistrate before whom the fugitive criminal shall be brought, be forwarded to such last mentioned Magistrate.

13. Depositions, statements on oath, or affirmations taken in a Foreign State, and copies of such original depositions or statements or affirmations and foreign certificates of or judicial documents stating the fact of a conviction may, if duly authenticated, be received in evidence in proceedings under this Order. Such depositions, statements, or affirmations and copies thereof and such certificates or judicial documents shall be deemed to be duly authenticated for the purpose of this Order as follows:—

(1.) If the depositions or statements or affirmations purport to be certified under the hand of a Judge, Magistrate, or Officer of the Foreign State where the same were taken to be the original depositions, statements, or affirmations, or to be true copies thereof, as the case may require.

(2.) If the certificates or judicial documents purport to be certified by a Judge, Magistrate, or Officer of the Foreign State where the conviction took place, and if in every case the depositions, statements, affirmations, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the official seal of some Minister of State; and all Courts of Justice and Magistrates in the Colony shall take judicial notice of such official seal.

14. The Magistrate before whom a fugitive criminal accused of a crime shall be brought in pursuance of this Order shall if such evidence is produced as would, according to the law of the Colony justify the committal for trial of the fugitive criminal, if the crime of which he is accused had been committed in the Colony commit him to prison in the Colony, but otherwise shall order him to be discharged.

15. The Magistrate before whom a fugitive criminal of any of the Protected States accused of any such breach of contract as aforesaid shall be brought in pursuance of this Order shall if such evidence is produced as (subject to the provisions of this Order) would according to the law of the Colony have justified the committal for trial of the fugitive criminal if the breach of contract of which he is accused had been an indictable offence and had been committed in the Colony commit him to some prison in the Colony, but otherwise shall order him to be discharged.

16. The Magistrate before whom a fugitive criminal alleged to have been convicted of a crime is brought in pursuance of this Order, shall if such evidence is produced as subject to the provisions of this Order would according to the law of the Colony prove that the prisoner was so convicted commit him to prison, but otherwise shall order him to be discharged.

17. Whenever a Magistrate commits a fugitive criminal to prison in pursuance of either the 14th 15th or 16th clause of this Order he shall inform such fugitive criminal that he will not be surrendered until after the expiration of fifteen days, and that during such fifteen days he may appeal to any Judge of the Supreme Court of the Colony.