which he is solicitous to surrender. This anomaly arises from the wording of the "Colonial Extradition Act," by which the issue of a colonial warrant is a condition precedent to any criminal process here. Just as demands for the extradition of escaping felons from France or England, must be made in virtue of warrants issued by persons having lawful authority in the country from which the felon has escaped, so must our colonial runaways be taken back in due form, with proper process, bound with legal fetters, and shut up in a statutable goal. The idea of having to deal with a prisoner who, having got clear off with his booty, had come from the end of the earth to surrender himself and it to justice, never seems to have entered the heads of the eminently practical people who drew the Act of Parliament, and hence Augustus George Fletcher finds himself not only a free man, but a comparatively rich one, in spite of himself. The police cannot arrest him, the magistrate cannot detain him, the representatives of the customer whose property he purloined will have nothing to do with him, lest they should prejudice their remedies against the bank; the bank cannot give him into custody because there is no jurisdiction, and they cannot receive the money he is anxious to surrender, lest they should condone his offence, and put themselves in a false position. Altogether, it is a very pretty and a very singular difficulty, the like of which we do not remember to have heard before.

We must own, however, we cannot very clearly see our way to a remedy. It would never do to receive every confession that might be made here by persons professing to have done something wrong at the Antipodes. We are afraid the only result would be that the police courts would be inundated by a grand influx of the rogues and rapscallions, the waifs and strays, the odds and ends of society; the black sheep of every flock, the ne'er-do-weels of every family, the *mauvais sujets* of every circle—all ready and willing to confess sins they never committed, if that were the only requisite for getting to the land of golden dreams and ill-defined purposes, where old acquaintanceships might, perchance be shaken off; where new and better lives might, perchance, be begun. With some such promises and purposes as these would they cheat their consciences and school their minds to the perpetration of what they would consider a pious fraud. The mother country and the colony, between them, would have to bear the burden of the deportation of this undesirable class of emigrants, and the colony especially would have little reason to congratulate itself upon its bargain. There seems nothing for it but to adhere to existing rules, and maintain existing statutes. The *primâ facie* grounds for accusing a man of felony must be established in the country which claims him, and the funtions of our magistrates ought still to be limited to satisfying themselves that the warrant on which the arrest is made satisfies the requirements of reasonable caution against the colorable violation of the right of asylum. It is, however, rather singular that almost at the same moment our attention should be called, in two quarters, to the working of our extradition laws. The lack of a formal preliminary has for the time prevented the operation of the Colonial Act, and the French Emperor's impatience of magisterial anxiety to prevent an agency for the punishment of criminals being turned into an instrument for the redemption of political offenders, has led him to give notice of his intention to put an end to the convention on which the statute rests. We regret that his Imperial Majesty should have taken umbrage at precautions which he must feel are not altogether unneeded, or have waxed impatient because constitutional usages cannot always be conformed to the wishes, even of wholesome despotism. He has accused us of being needlessly particular about forms, and of requiring an impossible amount of proof before surrendering escaping French felons. The proceedings in Fletcher's case may perhaps satisfy him that such punctiliousness is not exceptional; that even when the interests of our own colonists might apparently sanction relaxation of established rules, we say with Portia, that "it must not be, lest many an error, by the same example, should rush into the state." We trust that the history of Fletcher's surrender and release may satisfy the Emperor that our scrupulosity, if extreme, is at least even-handed, and that calm reflection will induce him to withdraw alike the notice to end the extradition convention, and the unfounded aspersions upon our mode of administering justice with which that notice was accompanied.—*Bankers' Magazine*

UNANIMITY IN JURIES.

The propriety of requiring unanimity in a jury is problematical only with those who do not carefully observe the distinction between criminal and civil trials. There *is* a reason for enforcing unanimity in criminal cases; it may not be a sufficient reason, and we much question its policy, but it is tangible and sensible. It rests upon the principle that no man ought to be pronounced guilty of crime upon any evidence short of that which will carry conviction to the minds of a dozen men of common sense. But the logical conclusion from this principle is, not that we should enforce unanimity by punishment, but that, if the jury do not agree, the prosecution fails to have proved the case to the conviction of twelve minds, and that then the prisoner is entitled to an acquittal. Such a conclusion would be very inconvenient, and in fact the principle on which it leans is faulty. Our law carries regard for personal liberty to an absurd extreme when it affixes to the evidence of crime such a condition that it shall convince twelve men, and we endeavor to escape from the absurdity in a truly English fashion; in-