

EXTRADITION OF CRIMINALS.

of person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered, and if on such hearing the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery, all be borne and defrayed by the party who makes the requisition and receives the fugitive."

It is provided by the eleventh article of the treaty, that the tenth article shall continue in force until one or other of the parties shall signify its wish to terminate it, and no longer.

No sooner was this treaty ratified than it was deemed necessary for each of the contracting parties to have legislation, for the purpose of carrying into complete effect the agreement, as to the render of fugitive criminals from justice.

The English Legislature, on the 22nd August, 1843, passed the 6 & 7 Vic., cap. 76, intituled "An Act for giving effect to a treaty between Her Majesty and the United States of America, for the apprehension of certain offenders. It first recites the tenth article of the treaty. It next recites the expediency that provision should be made for carrying the agreement into effect, and then provides:

"That in case requisition shall at any time be made by the authority of the said United States, in pursuance of and according to the said treaty, for the delivery of any person charged with the crime of murder, or assault with intent to commit murder, or with the crime of piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of the United States of America, who shall be found within territories of Her Majesty, it shall be lawful for one of Her Majesty's principal secretaries of state, or in Ireland for the chief secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's colonies or possessions abroad for the officer administering the government of any such colony or possession, by warrant under his hand and seal to signify that such requisition has been so made, and to require all justices of the peace and other magistrates and officers of justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the person so accused, and committing such person to gaol, for the purpose of being delivered up to justice according to the provisions of the said treaty; and thereupon it shall be lawful for any justice

of the peace, or other person having power to commit for trial persons accused of crimes against the laws of that part of Her Majesty's dominions in which such supposed offender shall be found, to examine upon oath any person or persons touching the truth of such charge, and upon such evidence as according to the laws of that part of Her Majesty's dominions would justify the apprehension and committal for trial of the person so accused if the crime of which he or she shall be so accused had been there committed it shall be lawful for such justice of the peace or other person having power to commit as aforesaid, to issue his warrant for the apprehension of such person, and also to commit the person so accused to gaol, there to remain until delivered pursuant to such requisition as aforesaid."

It enacts "that in every such case, copies of the depositions upon which the original warrant was granted, certified under the hand of the person or persons issuing such warrant and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended."

"And further, that upon the certificate of such justice of the peace, or other person having power to commit as aforesaid, that such supposed offender has been so committed to gaol, it shall be lawful for one of Her Majesty's principal secretaries of state, or in Ireland for the chief secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's colonies or possessions abroad for the officer administering the government of any such colony or possession, by warrant under his hand and seal to order the person so committed to be delivered to such person or persons as shall be authorized in the name of the said United States to receive the person so committed, and to convey such person to the territories of the said United States, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly, and it shall be lawful for the person or persons authorized as aforesaid to hold such person in custody, and take him or her to the territories of the said United States, pursuant to the said treaty; and if the person so accused shall escape out of any custody to which he or she shall be committed, or to which he or she shall be delivered as aforesaid, it shall be lawful to retake such person, in the same manner as any person accused of any crime against the laws of that part of Her Majesty's Dominions to which he or she shall so escape may be retaken upon an escape."

Next it enacts, "that where any person who shall have been committed under this Act, to remain until delivered up pursuant to requisition as aforesaid, shall not be delivered up pursuant thereto, and conveyed out of Her Majesty's dominions within two calendar months after such Committal, over and above the time actually required to convey the