

a member, and as such had become disqualified to act, and had subjected himself to a penalty for acting as a member of the council after he had incurred such disqualification (see Ont. Muni. Act, s. 80).

**EXTRADITION—REQUISITION OF FOREIGN GOVERNMENT FOR SURRENDER OF CRIMINAL—CONDITIONS OF TREATY—DEFECT IN PROCEDURE—JURISDICTION.**

*The King v. Governor of Brixton Prison* (1911) 2 K.B. 82. This was an application made on the return of a habeas corpus for discharge from custody. The applicant was charged with obtaining money by false pretences. The offence was alleged to have been committed on a railway train, and there was some doubt whether it was committed in France or Belgium. On December 22, 1910, a deposition alleging the facts was sworn before a commissioner of police in Brussels, and on February 6, 1911 a warrant had been issued by a magistrate in France, it did not appear what evidence this magistrate acted on but presumably he had the deposition made in Brussels before him. At the time this warrant issued no depositions relating to the charge had been taken on oath before him. A requisition by the French diplomatic representative having been made to the Home Secretary, he issued an order addressed to the chief magistrate at Bow Street signifying that the requisition had been made, and requiring him to issue a warrant for the defendant's arrest, which having been done, and the defendant having been taken into custody thereunder, he was committed to prison by the magistrate to further answer the charge against him. By the treaty between France and England it was provided that requisition for extradition should be accompanied by the warrant and depositions, and the prisoner contended that the omission to send depositions from France entitled him to be discharged. But the Divisional Court (Ridley, Darling and Channell, JJ.) held that that was a matter merely for the Home Secretary's discretion and that the prisoner could not claim his discharge merely because the Home Secretary had not seen fit to require depositions, and that his order to the magistrate was sufficient to give the latter jurisdiction to issue the warrant and to commit the defendant. The application was therefore refused.