ment are stopped from treating them as distinct and independent acts of larceny. The whole matter, and, *inter alia*, how much evidence there was of larceny, would have been duly and properly investigated if the case had been allowed to take its proper course. Their Lordships do not mean to suggest that the writ of *habeas corpus* is not applicable when there is a preliminary proceeding. Each case must depend upon its own merits. But where a prisoner is brought before a competent tribunal, and is charged with an extradition offence, and remanded for the express purpose of affording the prosecution the opportunity of bringing forward the evidence by which that accusation is to be supported; if, in such a case, upon a writ of *habeas corpus*, a learned Judge treats the remand warrant as a nullity, and proceeds to adjudicate upon the case as though the whole evidence were before him, it would paralyse the administration of justice and render it impossible for the proceedings in extradition to be effective.

The proceedings are very simple: information and arrest; then — either at once or on remand — the Judge investigates the case, and either discharges or makes up his mind to commit for extradition, and, if he does the latter, he has to inform the accused person that he will not be surrendered for 15 days, in order to afford him an opportunity of bringing the legality of his surrender before a Court of Justice. The same facts and the same observations apply to the case of the other respondent, Greene. Their Lordship will accordingly humbly advise his Majesty that the two judgments of Mr. Justice Caron of the 13th August, 1902, ought to be reversed.

"The respondents must pay the costs of this appeal."