exclude all political offences or criminal charges arising from wars or intestine commotions," and that "treason, misprision of treason, libels, desertion from military service, and other offences of similar character, are excluded." The fact that President Tyler enumerates all varieties of "political offences" as intended to be excluded, seems to be warrant for contending that the treaty gave no guarantee of immunity of any kind to persons chargeable with non-extradition offences, that are at the same time non-political.

The presumption in favour of the criminal, as to his right of asylum after failure to convict him on the offence for which he was extradited, is a legal presumption, and is maintained by legal arguments. Akin to it is the assumption that because a government binds itself by treaty to deliver up to another government on requisition a person *prima facie* guilty of one of a list of crimes, it declares by implication that it will not deliver up persons *prima facie* guilty of other crimes when requested to do so. A government that is bound by treaty to surrender murderers, pirates, robbers and forgers, can, without being bound to do so, surrender burglars, swindlers, embezzlers and thieves. In this direction, and not to an extended list of extradition crimes, we must look for a solution of the difficulties caused by the criminals of Great Britain and Canada taking refuge in the United States, and *vice versa*. No treaty is necessary, and in fact a treaty is an obstruction, since the clearest and simplest of documents bristles with points on which subtle minds may raise technical obstacles to the extradition of criminals. All that is necessary is that each country should make a practice of surrendering to the other such of its criminals as it feels disposed to ask for, taking care only that (1) a *prima facie* case is made out against them, and (2) that they are not tried afterwards for political offences. Bad faith on the part of either government with respect to the latter point would justify the discontinuance of the practice of surrender. But on that score there is little ground for fear of trouble. Secretary Fish, in the correspondence growing out of the Winslow case in 1876, correctly describes the state of public feeling amongst English speaking people with respect to this matter, when he says:—

"Neither the extradition clause in the treaty of 1794, nor in that of 1842, contains any reference to immunity for political offences, or to the protection of asylum for religious refugees. The public sentiment of both countries made it unnecessary. Between the United States and Great Britain it was not supposed on either side that guarantees were required of each other against a thing inherently impossible, any more than by the laws of Solon was a punishment deemed necessary against the crime of parricide, which was beyond the possibility of contemplation."

It may be objected that if Canada were to commence the practice of surrendering all criminals on requisition from the United States, the latter country might not be willing to return the favour. What then? The obvious answer is, that whatever view the United States may take of the value of Canadian criminals as citizens, it is clearly a good thing for Canada to get rid of as many United States criminals as possible. A large proportion of our malefactors, from murderers down to pickpockets come over to Canada to operate when the United