

of which he is accused within the limits of the Dominions of Her Majesty the Sovereign of Great Britain, and besides the ordinary method of proof resulting from the depositions of witnesses having personal cognizance of the facts, the said law admits as proof depositions made in France, and certified by the judge by whom shall be issued the French warrant for the arrest of the accused. And your Petitioner maintains that no witness, having personal knowledge of the facts was heard before the said Wm. H. Bréhaut, and that no deposition, sworn to and certified as required by the said law was submitted to the said W. H. Bréhaut, Esq.

6. Because, granting that the procedure and the formalities required by the said law had been followed and complied with, which your Petitioner denies, the facts irregularly brought forward before the said Wm. H. Bréhaut could not maintain an accusation of forgery, either according to the laws of France, or according to those of Great Britain, or according to those of Canada.

7. Because those who solicit the extradition of your Petitioner, not being able fairly to make use of the aforesaid treaty to convey your Petitioner back to France, in consequence of its not covering the offence which your Petitioner would have committed if the facts set forth in the accusation were true, they endeavor to make improper and unfair use of the said treaty by giving or striving to give to the facts brought against your Petitioner the character of forgery, whereas the whole of the said facts could amount to no more than the offence designated in this country by the term embezzlement.

8. Because attempts thus to abuse international agreements, and especially the treaty in question have invariably been condemned and baffled by the highest judicial authorities of Great Britain, as is shown by a decision recently rendered in England, by His Honor Chief Justice Cockburn, assisted by two other justices of the Court, *in re Windsor* (10 Part II, Cox, Criminal Cases, p. 118).

9. Because, notwithstanding all that is hereinbefore set forth, your Petitioner has reason to believe that not only will the committal of your Petitioner be arbitrarily ordered in violation of the law, but that attempts will be made to surprise Your Excellency's conscience and good faith in order to obtain an order of extradition with such precipitation that your petitioner would be deprived of the opportunity of submitting his case for the consideration of a Superior Court, by means of a writ of *habeas corpus*.

Wherefore your Petitioner prays Your Excellency to take the foregoing facts into your serious consideration in case the warrant of committal should be signified to Your Excellency, with the view of obtaining from Your Excellency the order to surrender your Petitioner to the French Government; and in such case your Petitioner prays that Your Excellency may be pleased to give time and opportunity for the submitting of the facts and the law of his case to a Court or Judge competent to decide the suit in a satisfactory manner, in support of both the dignity of the Government of Her Majesty the Queen of Great Britain and of this Colony, and of the interests of your Petitioner.

And your Petitioner will ever pray.

Montreal, 15th August, 1866.

EDMUND & DAOUST,
Advocates for the Petitioner.

QUEBEC, 18th July, 1866.

SIR,—I have the honor to inclose to you herewith an affidavit made before Mr. Justice Taschereau, one of the Judges of the Superior Court, at Quebec, by Mr. Edme Justin Mélin, *Inspecteur Principal de Police* at Paris, with the view of obtaining the apprehension and subsequent extradition of one Ernest Sureau Lamirande, Cashier of the Branch of the Bank of France, at Poitiers, Department of Haute Vienne, in the French Empire, who has been guilty not only of a theft of seven hundred thousand francs to the prejudice of that branch of the Bank of France at Poitiers, but also of the crime of forgery in writing, by falsifying his books and his balance sheet, and thus causing to appear as present in his safe the stolen sum of seven hundred thousand francs, a crime included in the provisions of the extradition treaty entered into between France and England, in February, 1843, a portion whereof I here transcribe:

"By a convention between Her Majesty the Queen of Great Britain and Ireland and the then Sovereign of France, signed at London on the 13th of February, 1843, the