

tion before him, the learned Judge issued a writ of *habeas corpus* returnable before himself, and ultimately discharged the accused from custody upon grounds which their Lordships have some difficulty in following.

Mr. Justice Caron first gets rid of the adjudication by Mr. Justice Andrews by a singular misapprehension of that learned Judge's language. Mr. Justice Andrews undoubtedly did decide the question before him, which was whether Mr. Commissioner Lafontaine's order showed a sufficient cause of detention, and he decided that it did.

Mr. Justice Andrews gave his reasons, and these Mr. Justice Caron confuses with the adjudication. The adjudication was (a) the determination that the imprisonment was lawful, and (b) the endorsement on the writs that they were quashed.¹ That is, in point of law, the judgment, and, though it is common enough to speak of a learned Judge's judgment in referring to the reasons by which that judgment is supported, it is somewhat singular to find a learned Judge himself confusing the two things.

The substance of Mr. Justice Caron's determination appears to have been that no offence within the meaning of the Extradition Act was shown upon the document that had been brought before him by a writ of *certiorari*. Their Lordships are wholly unable to agree with him. There was an accusation of theft, which is an offence in both countries, but the learned Judge does not appear to have apprehended that an accusation, on information, of theft was enough for the claim to arrest and detain. Whether the accusation was well founded or whether there was enough to justify the Extradition Commissioner in committing for surrender was a question which would have been regularly brought before him and determined at the proper time if the due course of justice had not been interfered with by the interposition of the learned Judge. The learned Judge accurately points out that a conspiracy is not an offence within the treaty, and because an indictment for conspiracy has been framed in which acts of larceny are charged as overt acts of the conspiracy the learned Judge seems to think that the United States Govern-