

## CHIEF JUSTICE LEFROY—THE EXTRADITION OF LAMIRANDE.

only four writs of error from the Court of Queen's Bench, and during the last two years only one bill of exceptions had been offered to his ruling, and that for 25 years the Chief Justice had not missed a single circuit or town in any circuit, except in 1847, when he was suffering from low fever, and was obliged to be absent for six weeks.

Lord Chelmsford read also an extract from a letter written by Mr. Napier, the Ex-Chancellor of Ireland, wherein he says:—

"As to the Chief Justice, he is the best judge we have, although he is very old and not vigorous for complicated cases. But he always finishes his *nisi prius* cases sooner than the other chiefs."

This extract has been said to have "damned him with faint praise;" but even if the least favourable construction is to be placed upon it, this or even the most damaging allegations that were brought against him did not justify the unconstitutional manner in which the accusations were brought up. Sir Robert Peel expressed himself very strongly on the inadvisability of putting even the proper machinery in force in such cases, for he denied "the wisdom, the prudence or the justice of arraigning a judge, unless upon some charge of personal corruption, of gross and grievous neglect of duty warranting his removal from the bench."

Political motives appear to have had some considerable share in dictating the course that was pursued by the enemies of the Chief Justice, and it is noticeable that the gravamen of their charge was that his age was so great that, *ipso facto*, he was incompetent, which in itself appears to show the weakness of the case for the prosecution—for one of the judges on the English bench, the Right Hon. Stephen Lushington, who still discharges the duty of his high office, is said to be a year older than Chief Justice Lefroy, and physically more feeble.

The place was wanted for the Whig Attorney General, Mr. Lawson; but the Chief Justice feeling aggrieved at the course which had been taken by his political opponents, and it is also said, having no love for the Whigs, determined not to give way to such a pressure, and accordingly refused to resign, as it was hoped he would have been induced to do, until after that party had gone out of office.

No sooner had Lord Derby and the Tories returned to power than the Chief Justice without solicitation resigned the high office which in spite of political opponents he had so long held.

The whole subject, as viewed from a constitutional and historical point of view, is interesting, and much more so, as being connected with such an eminent man as Chief Justice Lefroy, a man whose active career has been, we believe, longer than that of which any lawyer of this or any former age can boast.

## SELECTIONS.

## THE EXTRADITION OF LAMIRANDE.

He who would desire to laud the administration of justice in this land, to speak pleasant things of the energy and vigour of the Bench in carrying out laws and treaties with the purpose of doing substantial justice, or who would fain dwell with well buttered phrase on the manly and upright firmness of public officers in keeping within the limits of their duty, he, we say, who would like to speak or write after this fashion, had better avoid the subject of extradition, and our extradition cases. Some fatality hangs over them, some blunder besets them, some suspicion of crooked dealings ever attends them. The most recent case, that of Lamirande, only furnishes another unfortunate example. We see a man carried from our shores who in the opinion, be it right or wrong, of the judges of our highest Court, is innocent of the crime imputed to him. As far as the individual is concerned, for aught we know, there may be no room for sympathy or commiseration. Unfaithful to the trust reposed in him, fearing to face a jury of his countrymen, betaking himself beyond the seas, and, in the first instance, successfully evading his captors, he is probably as great a culprit as any poor rogue who is really and truly guilty of forgery as defined by our law. But we did not expect to see a counsel learned in the law, and holding high office, attempting to divert attention from the true issue by representations of the worthlessness of the individual, or forgetting that an innocent man may to-morrow be the victim of some hasty and high-handed proceeding, which would seek shelter behind the precedent of Lamirande's case, if such precedent were permitted by the silence and apathy of the public.

But one practical result seems likely to flow from the unfortunate occurrences of the past few weeks. The privilege of the great writ is to be carefully guarded now, when the fair fame of the country has been tarnished, and when American citizens amongst us talk of placing themselves under the consular flag for protection. Henceforth, some (not all) of our judges have stated, the writ of *habeas corpus* is to issue immediately, and the prisoner is thus to be brought before the Court.

As a record of a case of no little importance it may be interesting that the facts should be stated, and we accordingly avail ourselves of