

charged against the Petitioner as "forgery by having in the capacity of Cashier of the branch of the Bank of France at Poitiers made false entries in the books of the Bank, and thereby defrauded the said Bank of the sum of seven hundred thousand francs."

Whereas the said offence as thus designated does not constitute the crime of forgery according to the laws of England and Lower Canada, for, to use the words of Judge Blackburn when he pronounced judgment concurrently with C. J. Cockburn and Judge Shee, in a case analogous to this (*Ex parte, Charles Windsor, C. of Q.B., May, 1865*), "Forgery is the false making of an instrument purporting to be that which it is not; it is not the making of an instrument purporting to be that which it is: it is not the making of an instrument which purports to be what it really is, but which contains false statements. Telling a lie does not become a forgery because it is reduced to writing."

The Gaoler's return to this writ of *Habeas Corpus* was that he had delivered over the prisoner to Edme Justin Melin, *Inspecteur Principal de Police de Paris*, on the night of the twenty-fourth instant, at twelve o'clock, by virtue of an order signed by M. H. Sanborn, Deputy Sheriff, grounded upon an instrument signed by His Excellency the Governor General.

It appears that the petitioner thus delivered up to this French policeman is now on his way to France, although his extradition was illegally demanded, and although he was accused of no crime under which he could have been legally extradited; and although, as I am credibly informed, His Excellency the Governor General had promised, as he was bound, in honour and justice, to grant him an opportunity of having his case decided by the first tribunal of the land before ordering his extradition.

It is evident that His Excellency has been taken by surprise, for the document signed by him is a false record, purporting to have been signed on the 23rd instant, at Ottawa, while His Excellency was at Quebec, and falsely certified to have been recorded at Ottawa before it had been signed by the Governor General.

In so far as the Petitioner is concerned, I have no further order to make, for he whom I was called upon to bring before me is now probably on the high seas, swept away by one of the most audacious and hitherto successful attempts to frustrate the ends of justice which has yet been heard of in Canada.

The only action I can take, in so far as he is concerned, is to order that a copy of this judgment be transmitted by the Clerk of the Crown to the Governor General, for the adoption of such measures as His Excellency may

be advised to take to maintain that respect which is due to the Courts of Canada and to the laws of England.

As to the public officers who have been connected with this matter, if any proceedings are to be adopted against them, they will be informed thereof on Monday, the 24th day of September next, in the Court of Queen's Bench, holding criminal jurisdiction, to which day I adjourn this case for further consideration."

The following is Mr. RAMSAY'S letter:—

To the Editor of the Montreal Gazette.

SIR,—The *Herald* of this morning contains two columns of the report of a pretended judicial proceeding in the Lamirande case, accompanied by a characteristic attack on the Attorney General. It is very plain that the declamation of Mr. Justice Drummond and Mr. Doutré *apropos* of nothing, (for there was no case, and neither of them ventured to move for or take any rule or other proceeding,) was simply intended to give Mr. Cartier's enemies a pretext for abusing him,—so impossible is it, without rectitude of purpose and complete sobriety, to overcome the recollection of political defeat. But my object is not to review or attempt to answer the contradictions and absurdities of these tirades. I feel perfectly satisfied that nothing I can say or write will ever prevent Mr. Justice Drummond from at all times preferring effect to truth; and therefore my explaining to him that to call the giving up of a prisoner on the warrant of the Governor, kidnapping, is simply a naked falsehood, would be pure waste of time. I shall therefore briefly state how and why Lamirande was given up, and from that it will at once be obvious that the outcry of Mr. Drummond and Mr. Doutré is simply beside the question.

We have a treaty with France enforced by an Imperial statute, by which we agree to give up persons accused of certain offences therein enumerated. The procedure is this: The French Government claims the extradition of the accused, and the Governor (in the colonies) issues his warrant, charging all justices, and officers of justice to aid in the capture of the fugitive. On his apprehension, he is brought before the magistrate, who deals with the charge, or who ought to deal with it, precisely as if the offence had been committed here. This being done, the prisoner is either fully committed or he is discharged. If committed, the papers are forwarded to the Government, and the Governor issues his warrant for the extradition of the prisoner, who is at once delivered up, provided there be no other cause (*i.e.*, criminal cause) for his detention. It is an error to suppose that there