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THIS case, unimportant in itself, though said by wonder-mongers to conceal something of greater interest, brings up, and it is to be hoped will effect a settlement with the United States Government upon an important question under the Extradition Treaty. The following remarks from the *Times* gives a compact statement of the case :

" Ezra Dyer Winslow, a citizen of the United States, having been arrested in this country on a charge of forgery in Boston, Massachusetts, and evidence having been produced which, in the opinion of the magistrate, would have justified the committal for trial of the prisoner if the crime of which he was accused had been committed in England, he was sent to prison on March 3, by Sir Thomas Henry. The forgeries were alleged to be extensive, but there was nothing extraordinary in the case itself. Under the Extradition Act fifteen days are allowed the prisoner after committal to apply for a writ of *habeas corpus*, and so test in a higher court the legality of the magistrate's decision ; but no discharge under such a writ was obtained in Winslow's case, and it is to be presumed that the committal was fully justified. Our Extradition Treaty with the United States is scandalously defective, but it does include the crime of forgery. Application was duly made by the Government of the United States for the surrender of Winslow under the extradition clause of the Ashburton Treaty. Nevertheless, the English Government have, under the advice of the law officers, refused to give him up to take his trial in the United States of America ; and when two months from his committal have elapsed—that is, in a month hence—he will be entitled to his discharge, unless the Judges hold that the events which have occurred constitute ' sufficient cause to the contrary ' within the meaning of section 12 of the Extradition Act. The difficulty which has arisen is as follows : By section 3 of the Extradition Act a fugitive criminal is not to be surrendered to a foreign State unless provision is made by the law of that State, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to her Majesty's dominions, be detained or tried in that foreign state for any offence committed prior to his sur-

render other than the extradition crime proved by the facts on which the surrender is grounded. The object of the clause is clear. It is to prevent the process of extradition from being abused by way of procuring the surrender of persons charged with vulgar crimes, against whom the real accusation is some political offence, from the consequences of which they ought to be protected by our usage of granting asylum to political refugees of all parties. We tie our own hands in the same way by section 19 of the Act, which provides that where a person has been surrendered to us, he shall not be tried for any offence prior to the surrender, other than such extradition offence as may be proved by the facts on which the surrender is grounded. A clause embodying this principle is contained in all our modern extradition treaties, concluded since 1870, with Germany, Belgium, Austria, Italy, Denmark, Brazil, Switzerland, Honduras, and Hayti ; but the American treaty belongs to 1842, and contains no such restrictions. Of course this omission cannot override an Act of Parliament. Any Secretary of State who authorised the surrender of a criminal, having notice that the foreign country to which he was surrendered made no provision for confining the charge against him to that grounded on the facts proved here, would commit a grave breach of the law. With such notice the British Government appears to be fixed in the Winslow case, by the declarations of the United States Government in the case of Lawrence, a criminal who recently was surrendered. Moreover, the decision in the matter of Richard B. Caldwell, argued in the Circuit Court of the Southern District of New York in January, 1871, shows what the view of the American Courts is likely to be. Caldwell was indicted for bribing an officer of the United States. He pleaded that he was brought from Canada under the Ashburton Treaty on a charge of forgery. Judge Benedict held that whether the prisoner had been surrendered in good faith was a question for the Governments concerned and not for the Courts of Law ; and the prisoner, being in fact within the jurisdiction of the Court, and charged with a crime committed within that jurisdiction, must be tried for such crime without regard to the matter of extradition at all. He cited an English case tried before the Extradition Act. Whether Winslow is to be given up or not must therefore depend whether the United States Government will or can make an arrangement as to restricting the charge upon which he is to be tried, so as to satisfy the Extradition Act. We can have no wish to give shelter to American criminals ; but,