

convicted in the United States of fraud, as declared by the United States Supreme Court in the case of Carter *vs.* McLaughry; that this offence of fraud and participation therein are punishable by the laws of both Canada and the demanding country; that the accused have participated in the offence of fraud committed by Carter, for which he was so convicted; that fraud by an agent and trustee and participation therein are extraditable crimes.

2nd.—That Carter was guilty in the United States and was convicted of embezzlement, which offence is known under our law by the term of theft, the difference in the name of the offence in the two countries being immaterial; that the accused have participated by their conspiracy with Carter in the embezzlement (theft) so committed by him; that such participation is punishable by the laws of both countries, and is an extradition crime.

3rd.—That on July 6th, 1897, the accused have fraudulently received from Carter the sum of \$575,749.90, knowing then that the same had been embezzled (stolen) by him, and that the offence of receiving stolen property is punishable under the laws of both countries, and is by the Treaty, Section 3, an extradition crime.

Consequently, I determine that the accused must be committed to gaol pending surrender.

The FORMAL COMMITTAL is as follows:

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| Canada,               | } | The Extradition Act. |
| Province of Quebec,   |   |                      |
| District of Montreal. |   |                      |

#### OFFICE OF THE COMMISSIONER.

To all or any of the Constables and other Peace Officers in the said District of Montreal, and to the Keeper of the common Jail at Montreal;

Be it remembered that on this sixth day of June in the year of Our Lord one thousand nine-hundred and five at the said City of Montreal, Benjamin D. Greene and John F.