

"This construction creates no conflict between Imperial and Colonial authority, and in no way affects the rights and privileges of the Colonial Legislatures. It simply affirms that the Imperial statute, which gave the Courts of the Colonies, quoad offences committed upon the seas beyond their territorial limits, a jurisdiction which their own Legislatures could not confer, was altered by a subsequent Imperial Act."

This being so, and international law prescribing that any vessel of a foreign State is part of its territory (the conception of floating territory has been evolved by some writers; by others, that of "a stage of national action") we are not surprised to find that by the Fugitive Offenders' Act detention, in transitu, of a surrendered fugitive is permissible on a British vessel only. The provision, which reads, "Where a fugitive or prisoner is authorized to be returned to any part of Her Majesty's dominions in pursuance of this Act such fugitive or prisoner may be sent thither in any ship belonging to Her Majesty, or any of her subjects," was manifestly enacted to preclude invasion of what civilized powers have, as before stated, adjudged to be foreign territory. Aside, however, from the violation of the statute which occurred in this instance, consider a few of the embarrassments liable to happen from the compulsory taking on board of the prisoner and his continued restraint by an officer incapable of urging the least justification therefor.

He might have proceeded to any extreme in order to escape from the unlawful duress, even seizing, with the aid of such of the crew as he might have been able to win over to his project, the vessel herself, and direct her course to any quarter that he might think would afford him a secure asylum. In *Reg. v. Sattler*, Dears. & B. 525, it was held that so long as the prisoner was actuated by no motive other than a desire to obtain his liberty he need stop at nothing to secure it, so that even were he to have killed any one who resisted him in his attempt he would be guilty of no offence.

Since the detective's possession of the money would partake of the vice of his wrongful custody of the prisoner, it might per-