

RECOLLECTIONS OF A POLICE MAGISTRATE

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THE EXTRADITION TREATY

A MAN named McHolme had failed in business in England, and having appropriated money which should have been handed over to his creditors absconded to Canada. After some time he was discovered here, and arrested, and brought before me for investigation and for authority to take him back to England for trial.

When the officer arrived from England with the warrant for his arrest, and with the evidence taken before the English Magistrate, I was doubtful as to whether the evidence was strong enough to commit him on the charge of theft, although the evidence was clear that he had committed an offence against the Bankruptcy Act.

McHolme insisted that the charge of theft was trumped up, to get him to England, in order to try him under the Bankruptcy Act. I told him they could not do that, because the British Government held that a man extradited could only be tried on the exact charge on which he was sent back. He and his lawyer both insisted strongly upon this, but I pointed out that the British Government only a few months before, had broken off the Extradition treaty with the United States, and were refusing to extradite any more, on account of the United States having taken that

course in one case, and I told the prisoner in the dock, that if they attempted to try him on the Bankruptcy charge, to tell the Judge what I said about it, and to refer him to the case in the United States, and the British Government's action thereon.

McHolme was taken to England, brought up for trial, and, as he expected, was charged under the Bankruptcy Act. Either he or his counsel told the Judge my message, that he could not be tried on any charge but that on which he had been extradited. I can fully appreciate the horror and indignation of a Judge of the High Court of Justice of England at receiving a message from a Colonial Police Magistrate. He took no notice of my message, tried the man promptly, and committed him to penal servitude for five years.

I had told McHolme to let me know if this happened, and his lawyer promptly sent a full account of the matter to the Counsel that McHolme had employed here. I was at once informed of it.

I wrote a full report to the Governor-General asking him to forward it to the Home Secretary, to have the matter put right. I did not hesitate to express my views in easily understood terms. Not long afterwards one of our detectives was in England, and asked what had happened to McHolme. He was told that he had got five years, but had been released in