

THE LAWS OF EXTRADITION.

anything in the 5 & 6 Vict. which appeared to him to warrant the extension of its benefits to such a publisher.

Now this question whether the Copyright Act has for its object the benefit of the reading public in the Queen's dominions by securing first publication in the United Kingdom, irrespectively of the circumstances of the author, or whether the place of residence of the author at the time of the first publication is also to be regarded, is a very interesting subject of discussion when it does not arise in a cause, and a very weighty subject for decision when it does arise. But what possible advantage can there be in a premature debate on the point in a court of final resort? As respects that court itself the effect must be to prejudice judgment when the point shall actually arise, and be specially argued. It is not too much to say that at least the Lord Chancellor and Lord Westbury have, by the strong expression of their opinions before the House, disqualified themselves for the unbiassed hearing of such an argument. To inferior courts the lords should be a clear and shining light; but the result of the division on the Lord Chancellor's dictum in *Routledge v. Low* can only be to perplex and confuse all Chancery and Common Law judges. Directly the point of the author's residence at the time of first publication arises in a case where he is resident abroad comes before an inferior tribunal, the Court must say, "take it to the House of Lords, how can we give you any judgment that shall command your assent or respect when the court of final appeal is divided against itself in this matter?" The pernicious consequences which a very little reflection suggests as likely to follow debates on dicta among the law lords, sitting in their court, induces us to urge them to abandon such a course for the future. If any one of them is so little careful of results as to gratify an inclination for speculative law, let the responsibility rest with him, and let those who follow him hold their peace, and confine themselves to the law necessary to be settled for a decision of the case under adjudication. Otherwise a final appeal tribunal instead of fulfilling its high office of settling the law, becomes a dangerous fountain of settled doubt upon the law.—*The Law Times*.

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The select committee appointed to inquire into the state of our treaty relations with foreign Governments regarding extradition, with a view to the adoption of a more permanent and uniform policy on the subject, have agreed to the following report, which was issued recently:—"That it is desirable that greater facilities should be given than now exist for making arrangements with foreign States for the surrender to them of persons accused of the commission of crimes in the territory of such States respectively, and who have escaped to this country, and for the surrender by them

to the Government of the United Kingdom of persons accused of crimes, who have escaped to their territories from this country. That the list of crimes which should form the subject of extradition between this country and foreign countries requires to be carefully considered, but might, with advantage to the public interests, be made more comprehensive than the list of crimes enumerated in the only three treaties of extradition now in force between the United Kingdom and other countries—namely, France, the United States, and Denmark. That a general Act of Parliament should be passed, enabling Her Majesty, by Order in Council, to declare that persons accused, upon proper and duly authenticated *prima facie* evidence, of the commission of any of the crimes to be enumerated in such Act should be surrendered to any foreign Government, within whose jurisdiction such crime is alleged to have been committed, and with which arrangements have been made for the extradition of persons accused of crimes; provided that the evidence should with the exceptions mentioned in the 5 & 6 Vict. c. 75, s. 2, and the 29 & 30 Vict. c. 121, be such as would justify the committal of the offender for trial if the crime had been committed in England. That every arrangement should be required by the Act of Parliament that every such arrangement should expressly except from the liability to extradition such persons as are accused of crimes which are deemed, by the party to arrangement of whom the surrender is demanded, to be of a political character; provided that any person accused of a crime which is deemed, by the party to the arrangement of whom the surrender is demanded to constitute assassination, or an attempt to assassinate, shall not be included in this exception. That copies of every such arrangement, and of the Order in Council which embodies it, shall be laid before either House of Parliament, within six weeks of the issue of such order, if Parliament, be then sitting, or if it be not then sitting, then within six weeks of the next meeting of Parliament. That every such arrangement should contain an express stipulation that no person surrendered, shall be put on his trial, or detained within the state to which he is surrendered, for any crime committed previous to his surrender, other than that on account of which he has been surrendered, without having been previously restored, or having had an opportunity of returning to the territory of the state making the surrender. That it be one condition of such arrangements, on the part of the United Kingdom, with respect to any prisoner who shall be ordered by competent authority to be surrendered to any foreign government, that he be remanded to safe custody for a limited period—say fifteen days—before final surrender, and he be informed, by the authority making such order and remand, that it is competent for him to apply in the meantime for a writ of *habeas corpus*. That upon the hearing of the case on *habeas corpus* it shall