

205 to 224; Roberts and Reilly, 116 U. S.; U. S. vs. White, Cranch, U. S. C. C. Report, 38 and 73.

Whatever might be the bearing of these authorities upon this point, and whatever doubt might be left I do not think that the issue is raised in this case, because the cardinal condition to raise it is missing, namely, the proof of the existence of a limitation statute, and of the terms of it actually affecting the crimes under examination. It is true that the authorities cited refer to some limitation statutes affecting the crimes then tried, which were different from those tried at present, but I cannot presume from these references that there is a limitation statute affecting the present crimes, and go and pick it out in our library, if it is there, and study every clause of it, in order to find out whether there is any disposition affecting the crimes with which the accused are presently charged, and interpret it from my own knowledge, without the very dispositions affecting these crimes, if any exist, being formally proved and put in the record. At any rate, if a doubt would exist upon the matter of the accused being fugitives from justice from December 1899 or from March 1902 which is the date they came into Canada, I think the question is one for the trial court in Georgia to determine. (See U. S. vs Cooke 17 Wall U. S. Supreme Court, 168). However, this point seems to have been abandoned, for at the argument had after the closing of the evidence, Counsel for the defence did not mention it.

The defence has advanced the pretension that for the definition of extradition crimes, recourse should be had to the English law and not to the Canadian law. No precedent, however, has been cited upon this point, and I do not think it has been seriously urged. However, the letter and spirit of the Extradition Act are contrary to this pretension, also the universal jurisprudence.

Sub-section B of section 2 of our Extradition Act, Chapter 142 Revised Statutes, states:

(b) The expression "extradition crime" may mean any crime which, if committed in Canada, or within Canadian jurisdiction, would be one of the crimes described in the