

that these punishments may have been modified since the date of the report, so as to bring such offences within the 53rd and 54th chapter of 4 Geo. IV., all misdemeanours being punishable with fine and imprisonment, with or without labour. Under the Extradition Act and Treaties all that the Magistrate in this country has to consider is—(1) whether the offence is one of those set out in the Lists of Offences contained in the Act and Treaty, and (2) whether the facts are such as would justify a committal for trial in this country; but under “The Fugitive Offenders Act, 1881,” he must have evidence before him that the offence comes within section 9—the colonial law must, in fact, be proved. It is possible in A. B.’s case that, if the warrant had stated on its face that the offence was one that, by the laws of the colony, could be punished by imprisonment for twelve months with hard labour or any greater punishment within the meaning of section 9, the seal of the Attorney-General of the colony would have sufficiently authenticated the warrant as an official certificate of the fact under section 29.

As this is the first time the Act has been the subject of a judicial decision, I have set out the facts of the case with the view of calling the attention of the Home Secretary to the difficulty that may arise in working the Act, and I would submit that such difficulty may be removed, if the Home Secretary sees fit, by moving the Colonial Office either to require the colony asking for the return of the criminal to furnish an authenticated certificate under section 29 that the offence charged is punishable as stated in section 9, and, when practicable, referring to the Statute or Ordinance or Law defining the offence and punishment, as is often done in foreign warrants in Extradition cases, or the Colonial Office might obtain from the various colonies a list of all such offences, duly authenticated, which could be referred to and produced before the Magistrate in each case. I return all the papers.

I am, &c.,

Godfrey Lushington, Esquire, Home Office.

A. K. STEPHENSON.

No. 3.

The SECRETARY of STATE for the COLONIES to His Excellency the GOVERNOR.
(Circular—1.)

SIR,—

Downing Street, 21st July, 1883.

I have the honour to transmit to you a copy of a letter from the Foreign Office, enclosing a copy of a Treaty of Commerce and Navigation between Her Majesty and the King of Italy, signed on the 15th of June. Reply,
A.-1, No. 7.

2. I have to call your attention to Article 19 of the Treaty, from which you will see that, if it is desired that the Colony under your Government should come within the operation of the Treaty, notice must be given to the Italian Government within one year from the date of the exchange of the Ratifications (30th June, 1883).

3. I have therefore to request that you will be good enough to acquaint me of the wishes of your Government in the matter as soon as possible.

I have, &c.

DERBY.

The Officer Administering the Government of New Zealand.

Enclosure.

TREATY of COMMERCE and NAVIGATION between Her MAJESTY and the KING of ITALY. Signed at Rome, June 15, 1883; ratifications exchanged at Rome, June 30, 1883.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Italy, being desirous to extend and facilitate the relations of commerce between their respective subjects and dominions, have determined to conclude a new Treaty with this object, and they have appointed their respective Plenipotentiaries, that is to say:—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, his Excellency the Right Honourable Sir Augustus Berkeley Paget, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty’s Most Honourable Privy Council, and her Ambassador Extraordinary and Plenipotentiary to his Majesty the King of Italy; and his Majesty the King of Italy, his Excellency Signor Pasquale Stanislao Mancini, Grand Cross and Grand Cordon of the Order of SS. Maurice and Lazarus and of the Crown of Italy, Knight of the Order of Civil Merit of Savoy, &c., Minister of State, Deputy of the National Parliament, and his Minister Secretary of State for Foreign Affairs; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:—

ARTICLE I.

There shall be between the dominions and possessions of the two High Contracting Parties reciprocal freedom of commerce and navigation. The subjects of each of the two Parties shall have liberty freely to come with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other to which native subjects generally are or may be permitted to come, and shall enjoy, respectively, the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation which are or may be enjoyed by native