

which is based on the procedure in this country. But the advisability of distinguishing between Canada and the United Kingdom in this respect is a matter on which Lord Lansdowne is in a better position than he can be to form an opinion.

Mr. Ritchie is further of opinion that His Majesty's Ambassador at Washington should be asked whether he confirms the impression as to the procedure in America which has been created by recent extradition cases in this Department; but, if there is in reality such a wide divergence between the procedure in the two countries as appears to him to exist, he thinks that reciprocity will not be secured by merely settling a scale of charges to be met by His Majesty's representatives in America, but that the United States Government should be asked to reconsider their attitude generally in respect of the discharge of the obligations created by the treaty of 1842.

The Secretary of State thinks it well to add, with reference to the last paragraph but one of Mr. David Hill's note of the 22nd October last, that the comparison he draws between the charges in cases of extradition from Great Britain and from the United States respectively is not really a fair one. If the only expenses that this country had to meet were those claimed by the United States Government there would have been no need to raise any question. But it must be remembered that the claims made by His Majesty's Government, through the Foreign Office, on the United States Government when criminals are extradited to America represent all that the demanding Government has to expend, except the cost of sending the police officer to England to fetch the prisoner, and the prisoner's passage back.

The claims made by the United States Government, while similarly not covering the corresponding expenses of conveyance, are also exclusive of the large sums which this country has to pay for legal expenses, and frequently for the services of detectives employed to trace the fugitive. These expenses, as they are defrayed by His Majesty's Consuls, do not come into the accounts of the United States Government at all.

I am, &c.,

The Under-Secretary of State, Foreign Office.

KENELM E. DIGBY.

MY LORD,—

Foreign Office, 26th April, 1902.

With reference to Mr. Lowther's despatch (No. 52, treaty of the 1st November last), I enclose, for your Excellency's information, copies of correspondence which has passed between this Department and the Home Office on the subject of expenses in the United States in connection with extradition cases.

Unless you should see any reason to differ from the conclusions set forth in this letter, I have to request that your Excellency will discuss the matter with the United States Government, and endeavour to come to an arrangement of the nature suggested by Mr. Secretary Ritchie.

Copies of this despatch, and of the correspondence enclosed, will be forwarded to the Colonial Office, and it will be desirable that your Excellency, in communicating with the United States Government, should mention that perhaps some of the British colonies may also desire to effect a settlement of this question of extradition expenses.

I am, &c.,

LANSDOWNE.

His Excellency the Right Hon. the Lord Pauncefote, G.C.B., G.C.M.G., &c.

#### No. 14.

(No. 43.)

MY LORD,—

Downing Street, 13th May, 1902.

I have the honour to transmit to you, for the information of your Ministers, the papers noted in the subjoined schedule.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	Subject.
18th April, 1902 ...	Judgment of the Judicial Committee of the Privy Council on the appeals of the Mayor, Councillors, and Citizens of the City of Wellington <i>v.</i> Johnston and another; and the Mayor, Councillors, and Citizens of Wellington <i>v.</i> Lloyd and another.

#### Enclosure.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL ON THE APPEALS OF THE MAYOR, COUNCILLORS, AND CITIZENS OF THE CITY OF WELLINGTON *v.* JOHNSTON AND ANOTHER, AND THE MAYOR, COUNCILLORS, AND CITIZENS OF THE CITY OF WELLINGTON *v.* LLOYD AND ANOTHER, FROM THE COURT OF APPEAL OF NEW ZEALAND. DELIVERED THE 18TH APRIL, 1902.

Present at the Hearing: Lord Macnaghten, Lord Davy, Lord Robertson, Lord Lindley. Delivered by Lord Macnaghten.

THESE two appeals were heard together. They raise one and the same question: Can a local authority, having taken land under "The Public Works Act, 1894," having received a claim for compensation from the late proprietor, and having omitted to challenge the amount of the claim within the period prescribed by the Act, obtain relief in a Court of law against the statutory consequences of such omission?