

THE EXTRADITION CASE.

The following Minute was adopted yesterday at a meeting of the Executive Committee of the Anti-Slavery Society of Canada, convened specially on account of the Extradition case. We understand that a public meeting of the citizens is contemplated, and the Society's action is preparatory :—

Toronto, 4th Dec., 1860.

The Committee of the Anti-Slavery Society having their attention called to the circumstances of the fugitive Jones, or Anderson, now under arrest in this Province upon a claim of rendition by the authorities of the State of Missouri, record the interest which they feel in common with many other friends of humanity in what appears the peculiar hardship of the case. But more especially, as a Society devoted to the cause of the oppressed, they cannot but see in the proposed application of the laws of the Slave code to a resident in this free territory, the introduction of a policy in every sense un-British, disastrous to the sacred rights of human beings, and irreconcilable with any fair exposition of international law.

Revering whatever belongs to the obligation of Treaties, they submit to the gravest consideration of an enlightened public, the imperative necessity of giving in such a case as this, a preference to the spirit of any document affecting interests so momentous, over what may appear technically to be a possible reading of its letter; and the duty of pondering well the wide-reaching effects of a precedent which may place within the grasp of an unreasoning usurpation, thousands of fugitives from oppression, against whom it may be an easy task to allege a probable claim of property under pretence of law; though in violation of the law of God, and of every law of man entitled to respect by the common sense of nations.

The Committee feel that if, as appears from the Treaty in question, so much power to protect the helpless stranger is reserved to the courts of this country, as that they have right of judgment, *in limine, or prima facie*, on the evidence of crime alleged as ground of claim for rendition it is unworthy of a community of freemen to suffer the question of probable guilt to be determined on the evidence proffered in this case—the evidence almost exclusively of slaves whom the laws of the State regard as chattels, and who, as such, are so completely under the power of superiors as to be, for any purpose of the elucidation of guilt or innocence, only passive instruments of the accuser, and so, not distinct from, but identical with him. If so much as the question of the probable amount of proof is left to the consideration of our tribunals, can the vital consideration be left out of sight, that the testimony of these slaves whose evidence is brought to inculcate one of their own class amounts to nothing on a question of guilt by a white person? Can British law which knows no distinction of colour, be perverted to subservise so iniquitous a purpose as the condemnation of a fellow-creature by testimony which is refused by the parties alleging it, when it would go to criminate themselves?

But, on the more essential merits of the question, we cannot but deprecate the supposition that a Treaty entered into by our loved country, could ever be meant to include under the definition of murder, or anything more than homicide (which is not one of the cases for rendition contemplated by the Treaty,) the violent resistance by a slave, of the attempt to spoil him of what no law under heaven could make to be any other's property but his own. The principle of such an interpretation carried out would compel not only the rendition of every slave who takes by force his inalienable natural rights; but would oblige to the enforcing, on British soil, of laws which may require the return to an immoral and licentious life, of a party whom the power of conscience as well as the protection of interests dearer than life, had induced to seek an asylum from the spoiler of virtue, on a soil where chastity as well as life has protection. We cannot believe that British legislators can have been parties to any arrangement having such sweeping applications to the outraging of all the decencies of social existence, and the establishment of a lawless immunity by any portion of mankind from the primary and eternal rules of morality.

The Society submits that such a case as this is not to be judged by analogies applicable to every day questions of international jurisprudence; and that the words of the Treaty are stretched beyond their design, if understood to sanction the indiscriminate recognition of whatever may claim the authority of local or municipal law—more particularly when it is notorious that within the United States themselves such pretended claims are often disallowed as between one State and another; and the confederation which, as a whole, is the real contracting party with Britain, is divided on the application of the principle sought by some to be enforced, to the depriving the poor refugee of any asylum from his oppressor and pursuer; while the worst that can be alleged of him is, that he has vindicated an undoubted right in a wrong or doubtful way, or, that with deadly and to be lamented effects to the pursuer, whom he has constructively regarded as his murderer also, he has defended his own, and repelled aggression.

Fondly, does the Society hope that the decisions of our courts will be in unison with the dictates of the higher law; and, while it disclaims every thought of prejudging, far less any desire of controlling, the deliverances of the honoured and upright Judges of the land, it anticipates a cordial response to the appeal it would make to the hearts of all freemen; and in the confidence it ventures to express that neither the disposition nor the power will be wanting to exhaust, by appeal from court to court, if necessary, the means of obtaining a final righteous verdict; before an issue be accepted revolting to public feeling, and tending to identify the police establishments of this country with a system obnoxious to the best portion of the American republic itself, and even now threatening, by the spirit that would seek to perpetuate it, the federal Union of those States.

Still more intensely is it to be deprecated that any fresh momentum of influence in favour of oppression should be supplied in this free British Province, at a time when in older countries, less familiar with the sacred claims of liberty, nations long held in vassalage are awaking to a fitting estimate of their God-given rights, and asserting these by forcible methods, to which the whole enlightened world accords its sympathies: At a time, too, when the Scriptures, the perfect law of liberty, have unprecedented freedom of circulation in all lands and languages—though, alas! with a cruel exception still, of those unhappy children of Africa whose forced home is on this continent, and who are debarred from equal access to this inspired code of religion and morals; yet are held responsible for acts of violence almost necessitated by those who are the authors of their ignorance and degradation!

Finally, it is in obedience to that perfect law of philanthropy as well as liberty that this Committee bespeak from all the sisterhood and brotherhood of the churches of Christ, earnest prayers in behalf of the down-trodden, to Him who has the hearts of all men in his hand, the righteous Lord who loveth righteousness, who enjoins us to remember those in bonds as bound with them—who is the *stranger's* shield—who declares this to be the *just* which he hath chosen—“to break every yoke,” and who, in terms most express, has counselled our protection of the fugitive from tyranny, and rebuked the selfishness that turns away from the sight of wrong:—“If thou forbear to deliver them that are drawn unto death, and those that are ready to be slain; if thou sayest, behold we knew it not; doth not he that pondereth the heart consider it? and shall he not render to every man according to his works?” (Prov. xxiv., 11-12.) “Thou shalt not deliver unto his master the servant who is escaped from his master unto thee; he shall dwell with thee, even among you, in that place which he shall choose in one of thy gates, where it liketh him best; thou shalt not oppress him.” (Deut. xxiii., 15-16.)

Signed in name and by authority of the Committee.

MICH. WILLIS, D.D.,

President.

THOMAS HENNING,

Secretary.