1978

J A M A I C A

IN THE COURT OF APPEAL

CAYMAN ISLANDS CRIMINAL APPEAL NO. 1/78

BEFORE:
The Hon. Mr. Justice Robinson, P.
The Hon. Mr. Justice Henry J.A.
The Hon. Mr. Justice Melville J.A.

IN THE MATTER OF THE APPLICATION FOR EXTRADITION OF PAUL HARRIS PURSUANT TO THE FUGITIVE OFFENDERS ACT.

R.N.A. Henriques and John ~~Harvey~~ Harding for Appellant

Norman Hill Q.C. and Miss Valerie Snook for Respondent

June 14-16, 19-23, 26-29, 30 July 20, 24, 1978

HENRY J.A.

Pursuant to the provisions of the Fugitive Offenders (Cayman Islands) Order 1968, which extends with modifications and adaptations the United Kingdom Fugitive Offenders Act 1967 to the Cayman Islands, the appellant Paul Harris was on October 14, 1977, committed to custody to await his return to the United Kingdom for trial on four offences of conspiracy alleged against him. He applied to the Grand Court for a writ of habeas corpus and on January 27, 1978 the learned Chief Justice of that court ordered his discharge in relation to two of the alleged offences but in respect of the other two refused a writ of habeas corpus and ordered that he be committed to custody to await his return to the United Kingdom for trial. This is an appeal from that order. At the conclusion of the hearing of the appeal this court by a majority allowed the appeal and promised to give reasons in writing. For my part I now do so.

Six grounds of appeal were argued before us. The first two grounds which may be considered together are as follows:-

"1. That the Learned Chief Justice erred in concluding, that, as a matter of Law, Charges 2 and 3 set out in the Warrant, issued by the Learned Stipendiary Magistrate sitting at Bow Street Magistrates Court, dated the 16th day of September, 1977, and referred to at Pages 1 and 2 of his said Judgment on Monday, the 30th day of January,

1978, were "relevant offences", within the meaning of Section 3 of the Fugitive Offenders (Cayman Islands) Order 1968.

2. That the Learned Chief Justice erred in Law in concluding that the acts charged in Charges 2 and 3 "amount to a conspiracy to effect a lawful purpose by unlawful means and therefore amount to an offence against Section 293 (g) of the Penal Code."

Section 3 (1) of the Fugitive Offenders Act, 1967 as applied to the Cayman Islands hereafter referred to as "the Act" is as follows:-

"For the purposes of this Act an offence of which a person is accused or has been convicted in the United Kingdom or a designated Commonwealth country or the Republic of Ireland or a United Kingdom dependency is a relevant offence if -

(a) .....

(b) in the case of an offence against the law of the United Kingdom or a United Kingdom dependency, it is punishable under that law, on conviction by or before a superior court, with imprisonment for a term of twelve months or any greater punishment; and

(c) in any case, the act or omission constituting the offence, or the equivalent act or omission, would constitute an offence against the law of the Islands if it took place within the Islands or, in the case of an extra-territorial offence, in corresponding circumstances outside the Islands."

The charges set out in the warrant are as follows:-

"2. FOR THAT HE the said PAUL HARRIS on divers days between the 1st day of December 1976 and the 21st day of May 1977 within the Metropolitan Police District and elsewhere, conspired with ANTONY PAPALIA, ROBERT PAPALIA, MARIO BERTON, RICHARD WASHINGTON SWINNERTON, and others to induce persons to enter into agreements to acquire securities, to wit shares in Metal Research S.A. by making a certain false statement, to wit, that quotations for the price of shares in the said company made through the services of Reuters were quotations in respect of genuine dealings in such shares, which he knew to be misleading, false or deceptive.

CONTRARY to Common Law and Section 13 (2) of the Prevention of Fraud (Investments) Act 1958.

3.

FOR THAT HE the said PAUL HARRIS on divers days between the 1st day of December 1976 and the 21st day of May 1977, within the jurisdiction of the Metropolitan Police District and elsewhere conspired with ANTONY PAPALIA, ROBERT PAPALIA, MARIO BERTON, and RICHARD WASHINGTON SWINNERTON to fraudulently induce persons unknown to enter into agreements to invest monies with a view to acquiring shares in Metals Research S.A., a company registered in the Republic of Panama, by making a certain statement, to

wit by representing that the management financial affairs and prospects of the said Metal Research S.A., were accurately described in a brochure which he knew to be misleading, false, or deceptive.

CONTRARY to Common Law and Section 13 (2) of the Prevention of Fraud (Investments) Act 1958."

These are clearly common law conspiracies to contravene the provisions of section 13 (1) of the United Kingdom Prevention of Fraud (Investments) Act 1958, the punishment for these conspiracies being specified in section 13 (2) of that Act. Counsel for the appellant submitted that section 13 (2) creates the offence of conspiracy to contravene ss. (1) of the section. I do not think that this is so. In my view the sub-section merely provides in respect of an offence which exists at common law a more severe penalty than that which exists for common law offences. In deciding whether an offence charged is a relevant offence a court must consider whether the act or omission constituting the offence in the requesting country also constitutes an offence in the country from which extradition is sought. There is in the Cayman Islands no statutory equivalent to the United Kingdom Prevention of Frauds (Investments) Act 1958. In considering whether the offences with which the appellant is charged are relevant offences it is therefore necessary to consider whether a conspiracy to contravene section 13 (1) is a conspiracy at common law. It was the submission of counsel for the appellant that it is not a criminal offence (other than by statute as in the United Kingdom) to induce a person to invest in shares in a company by means of misleading, false or deceptive statements and that consequently a conspiracy to achieve that objective is not a criminal conspiracy. Conspiracies have however, been held to be indictable where the object of the conspiracy was unlawful although not criminally punishable (R v Jones (1898) 1 Q. B. 119). In R v De Berenger 3 M & Sel 67 and R v Aspinall (1874-77)13 Cox c.c. 563, it was held that a conspiracy to raise the prices of the public funds or of any vendible commodity by false rumours was indictable as a fraud upon the public. I respectfully adopt the views of Amphlett J.A. expressed in R v Aspinall at (1874-77) 13 Cox p. 573.

> "In the first place, it was objected that there is no allegation of any design to injure and deceive purchasers, but only the members of the committee of the Stock Exchange; that omission, however, appears to me immaterial if the natural and probable effect of deceiving the committee in the mode alleged would be to injure and deceive purchasers. It was further objected that there is no allegation of any design to give a fictitious value to the shares, and that it ought not to be inferred in a criminal case; but here again I think that, if the design alleged was to induce purchasers to believe that the position and prospects of the company were better than they really were, the further design of inducing such purchasers to give a higher price for the shares, being the natural and probable consequence, ought to be inferred."

Counsel for the appellant has referred us to the so far unreported case of Tarling v Government of the Republic of Singapore for the purpose of indicating that conspiracy to defraud is not an equivalent offence to conspiracy to contravene the Prevention of Fraud (Investments) Act, 1958. In that case the appellant had been charged with a number of conspiracies the English equivalents to which were accepted to be respectively conspiracies to steal, conspiracies to defraud and offences against section 13 of the Prevention of Fraud (Investments) Act, 1958. To my mind this does not necessarily mean that if there had been no Prevention of Fraud (Investments) Act, 1958 in the United Kingdom there would have been no equivalent offence there. The equivalent offence may very well have been a conspiracy at common law but there was no need to consider this possibility since there was apparently a United Kingdom statute which corresponded to the provisions of the Companies Act of Singapore under which the charges were laid. It has been conceded that the offences charged meet the requirements of section 3 (1) (b) of the Act to qualify as relevant offences. In my view they also meet the requirements of section 3 (1) (c). In my view grounds 1 and 2 of the grounds of appeal ought to fail.

The third ground of appeal was as follows:-

> "3. That the Learned Chief Justice erred in concluding that the Court had jurisdiction in relation to Charges 2 and 3 for the purposes of Section 7 (4) of the Fugitive Offenders (Cayman Islands) Order 1968."

This ground was argued on two limbs - firstly, that there

was no evidence of any overt act in England in furtherance of the alleged conspiracy and therefore that, this being a conspiracy allegedly entered into abroad the English courts had no jurisdiction to try the offence; secondly, that the authority to proceed in the Cayman Islands was defective and therefore the courts of the Cayman Islands had no jurisdiction to deal with the application for extradition. In view of the conclusion I have reached in relation to grounds 4 and 5 it is not necessary for me to consider the first limb of this argument. Insofar as the second limb is concerned the submission was that it deals with a single offence, not with four separate offences as specified in the warrant and that in any event the offence specified in the authority to proceed is not properly descriptive of any of the offences specified in the warrant. To my mind there is no merit in this argument. The authority to proceed is in the following form:-

AUTHORITY TO PROCEED

"To the Magistrate of the Cayman Islands

A request having been made to the Government of the Cayman Islands by or on behalf of the Government of the United Kingdom for the return to that country of PAUL HARRIS who is accused of the offence of Conspiracy to fraudulently induce investment of money, contrary to Common Law and section 13 (2) of the Prevention of Fraud (Investments) Act, 1958.

I, DENNIS H. FOSTER, Acting Governor of the Cayman Islands, hereby authorise you to proceed with the case in accordance with the provisions of the Fugitive Offenders (Cayman Islands) Order, 1968.

Dated the 23rd day of September, 1977."

To my mind it simply sets out in a compendious form the nature of the offence with which the appellant is charged, the particulars of which are specified in the warrant. It may be that it ought to have set out those offences seriatim but I do not consider the failure to do so deprived thecourts in the Cayman Islands of jurisdiction.

I turn now to grounds 4 and 5 which are as follows and may be considered together.

"4. That the Learned Chief Justice was in error in holding that:-

(a) The two written statements alleged to have been made by the Appellant (Exhibits 1 and 51) and

(b) The documents found on other persons, who had been charged as co-conspirators with the Appellant;

were admissible for the purpose of determining whether or not a prima facie case existed against the Appellant in relation to Charges 2 and 3, as all the conditions necessary to render (a) and (b) referred to above, admissible, as documents, pursuant to Section II of the Fugitive Offenders (Cayman Islands) Order 1968 had been complied with.

5. That the Learned Chief Justice erred in Law in concluding that there was sufficient evidence of the conspiracies charged in Charges 2 and 3 set out in the said Warrant to justify the Appellant's trial thereon."

It was the submission of counsel for the appellant that the question of admissibility of evidence must be determined under the laws of the Cayman Islands, that the documentary exhibits in the proceedings were not admissible under those laws and that consequently there was no evidence on which to commit the appellant. He cited the unreported case of in re Kirby a resume of which appears in the Times of July 2, 1976. Section 11 of the Act, reads as follows:-

"11. (1) In any proceedings under this Act, including proceedings on an application for habeas corpus in respect of a person in custody thereunder:-

(a) a document, duly authenticated, which purports to set out evidence given on oath in the United Kingdom or a designated Commonwealth country or the Republic of Ireland or a United Kingdom dependency (other than the Islands) shall be admissible as evidence of the matters stated therein;

(b) a document, duly authenticated, which purports to have been received in evidence, or to be a copy of a document so received, in any proceeding in any such country or dependency shall be admissible in evidence;

(c) .....

(2) A document shall be deemed to be duly authenticated for the purposes of this section:-

(a) in the case of a document purporting to set out evidence given as aforesaid, if the document purports to be certified by a judge or magistrate or officer in or of the country or dependency in question to be the original document containing

or recording that evidence or a true copy of such a document;

(b) in the case of a document which purports to have been received in evidence as aforesaid or to be a copy of a document so received, if the document purports to be certified as aforesaid to have been, or to be a true copy of a document which has been, so received;

(c) .....

and in any such case the document is authenticated either by the oath of a witness or by the official seal of the Secretary of State or of a Minister of the designated Commonwealth country or of the Republic of Ireland of of the Governor or a Minister, secretary or other officer administering a department of the Government of the dependency, as the case may be.

(3) In this section "oath" includes affirmation or declaration; and nothing in this section shall prejudice the admission in evidence of any document which is admissible in evidence apart from this section."

There can be no doubt that the question of admissibility of evidence must be determined by the law of the Cayman Islands. Under that law a copy of a document is not (with certain exceptions not relevant here) admissible in evidence unless there is some explanation for the failure to produce the original. In re Kirby it was held that hearsay although admitted in the requesting country was not rendered admissible in England by the provisions of section 11 of the Fugitive Offenders Act. The court there concluded that the section dealt with the procedure and method of presentation of evidence not admissibility and that section 11 (1) (a) was an enabling provision allowing documents with due authentication to be admitted. I respectfully agree with that view.

It seems to me that under the Act three possible courses may be adopted in relation to documentary exhibits to be produced in the Cayman Islands.

1. An original document may be tendered at the hearing before the court of the requesting country and submitted duly authenticated with the request for extradition.
2. An original document may be tendered at the hearing before the court of the requesting country, and a duly authenticated

copy thereof submitted with the request for extradition.

3. If there is evidence giving a proper explanation for the failure to produce the original, a copy of a document may be tendered at the hearing before the court of the requesting country and submitted, duly authenticated, with the request for extradition.

In this case, however, none of these courses appear to have been adopted. The documents which are referred to in the deposition of Detective Inspector Edwin Ward and Detective Sergeant Trevor Cloughley as the statements given by the appellant are in fact unsigned typewritten documents. The other exhibits including those allegedly taken from the appellant's office in the Cayman Islands are photo-copies. On the face of it they do not purport to be original documents although the depositions suggest that they are. To be admissible as copies, however, they must either be authenticated as true copies of originals which have been tendered at the hearing in England or, if they are authenticated as the documents actually received in England there must be evidence explaining the failure to produce the originals. There is no such evidence and the documents have not been authenticated as true copies of originals tendered at the hearing in England. In the circumstances, I am of the view that the documents are inadmissible in the Cayman Islands. The evidence against the appellant consists almost entirely of these documents and consequently there was no evidence before the Magistrate in the Cayman Islands to justify the committal of the appellant to await his return to the United Kingdom. For these reasons I was of the view that the appeal ought to be allowed and an order made that a writ of habeas corpus issue in respect of the two charges on which the appellant was committed to await his return to the United Kingdom for trial.

I do not consider that there is any merit in the final ground of appeal which was not strenuously argued and which is as follows:-

> "6. That the Learned Chief Justice erred in holding that in relation to Charges 2 and 3 it made no difference to the Appellant's personal liability that it was a Company, of which he was an officer, which was involved in acts complained of in the said charges."

PAUL HARRIS

MELVILLE J.A.

But for the fact that we are differing from the learned Chief Justice and even among ourselves on what may seem a mere technicality I would have been content to adopt the conclusions of my brother Henry. As the matter was argued at some considerable length I add a few words of my own.

The case sought to be made against the appellant consisted mainly of two written statements given by the appellant; documents found in the possession of the appellant and documents found on his alleged co-conspirators and in two hotel rooms in London. Although strenuously contested, I do not think it can be doubted that these documents raised a strong prima facie case of a gigantic world wide fraud to induce persons, by false and deceptive means, to purchase shares at grossly inflated prices in a company known as Metals Research, S.A. Had these acts being committed in the Cayman Islands, they would to my mind sustain an indictment under Section 293 (g) of their criminal code and would accordingly be "relevant offences" for present purposes, although there is no provision in the Islands corresponding to Section 13 of the Prevention of Fraud (Investments) Act 1958 of the United Kingdom.

Although this conspiracy was allegedly hatched in the Cayman Islands I would have been unable to accede to the submission that there were no overt acts committed in England sufficient to ground jurisdiction in the English Court in accordance with Director of Public Prosecutions v Doot and Others (1973) 1 All E.R. 940. To mention but a few of the allegations of acts done in England in furtherance of this conspiracy there was the quotation of the price of those shares in the Reuters' Monitor; the setting up of the Anglo American Trade Bank Ltd. in London with the various spurious documents to show that this was a reputable bank willing to underwrite the shares of the company; the finding of the deceptive

brochures; the bringing to London of the share certificates; the presence of the co-conspirators themselves in London at a time when the appellant was to join them. The inference seemed irresistable that these men had converged in London to take it by storm in pushing these shares. On the question of the validity of the authority to proceed I need add nothing to what Henry J. has said, except to agree with his conclusions.

Turning to the question of the admissibility of the various documents it would not be inappropriate to make some general observations before proceeding to the main question. In the first place these proceedings are in substance criminal and involve the liberty of the subject; so that the rule of construction ordinarily applied to the statutory provisions governing the matter is that such provisions ought to be strictly construed. Secondly, I do not think it can be challenged that the United Kingdom Act 1967 as extended to the Cayman Islands by the Fugitive Offenders Fugitive Offenders (Cayman Islands) Order 1968 (the Act), has made inroads into the rules of evidence as commonly applied in the United Kingdom and Commonwealth countries both as to admissibility and the effect of such evidence when admitted. This to my mind is another reason why the provisions of the Act ought to be strictly construed. Lastly, it was common ground that questions as to the admissibility of evidence in the proceedings before the Magistrate in Cayman were governed by the laws of the Cayman Islands. Statute apart, the rules as to admissibility of evidence are more or less the same in the Cayman Islands as in the United Kingdom.

As I understand the argument addressed to us on this aspect of the matter, the main contention was that all the documents including the two statements allegedly made by the appellant put before the Metropolitan Stipendiary Magistrate in England were copies only of the original documents, and this was conceded to be so. The argument for the appellant went so far as to challenge that what purported to be the original depositions were indeed not

so; but there is no merit in that contention. The Metropolitan Magistrate has clearly certified them to be so in accordance with Section 11 (2) (a) of the Act and there was no evidence to the contrary. The all important question then is whether these copy documents were properly in evidence before the Cayman Magistrate.

I take it to be trite law that, in the absence of statutory authority, a copy of a written instrument cannot be put in evidence to speak to their contents unless some satisfactory explanation is given for the absence of the original documents. Unfortunately, no such explanation was offered in this case. It was, however, said that these copies were admissible by virtue of Section 11 (1) (b) of the Act. I am unable to agree. To my mind Section 11 (1) (b) was not intended to make admissible that which was at all events inadmissible. For instance, Mr. Cater in his deposition before the Cayman Magistrate referred to a copy of one of the statements made by the appellants being among the documents in evidence before the Metropolitan Magistrate. This copy statement, in the absence of an explanation as to what had happened to the original would clearly be inadmissible, even if it had been a properly authenticated document. See in re: Kirby, the Times of July 2, 1976. It seems to me that the "copy document" referred to in Section 11 (1) (b) can only be to a copy document that is properly receivable in evidence according to the laws of the Cayman Islands in this case.

The documents here all purport to be certified as the original documents put in evidence before the Metropolitan Magistrate whereas it is now conceded that they were really photostat copies only. Now the authentication required by Section 11 (2) (b) is that documents, if they are original documents, must be certified as such; if they are copy documents properly admitted in evidence they must be certified as such; if they are merely copies of either of the above they must be certified as true copies. Here, the

documents including the statements of the appellant put before the Cayman Magistrate although purporting to be certified as the originals were indeed not the documents found on any of the co-conspirators. I can find no basis on which these documents could have become evidence in the absence of an explanation as to what had happened to the original documents. Once these documents are removed from consideration there would be no sufficient evidence left to warrant the committal of the appellant and accordingly I agree that the writ must go.

ROBINSON, P.: (DISSENTING)

If all the evidence which was before the Courts in the Cayman Islands was treated as properly admitted, then there would be no difficulty in concluding, not only that the offences with which the appellant was charged were "relevant offences" within the meaning of Section 3 of the Fugitive Offenders Act, 1967, as applied to the Cayman Islands by the Fugitive Offenders (Cayman Islands) Order, 1968, and that the Authority to Proceed was quite ample, but that there was evidence sufficient to warrant his trial for those offences had they been committed within the jurisdiction of the Courts of the Cayman Islands, and that, therefore, he was properly committed to custody to await his extradition to the United Kingdom.

In my view, the only serious problem posed in this appeal arises from the fact that all the deponents who testified in the Bow Street Magistrate's Court in the United Kingdom purported to tender as Exhibits in evidence the originals of documents collected from various sources, including the appellant and others of the alleged conspirators, whereas it transpired that what were actually tendered were type-written copies of the two signed statements which were obtained from the appellant and photocopies of the various documents which were collected from the appellant and from other sources as well. It was, therefore, argued before us that these "copies" were not admissible as evidence and consequently there was no sufficient evidence before the Cayman Courts to justify the appellant's extradition.

It was my view, that in the circumstances of this case, that argument should not succeed. In the first place, the case of In re Kirby, on which reliance was placed, was concerned, as appears from the brief report in the Times of the 2nd July, 1976, with "evidence" which it was claimed was not

admissible, no matter in what form it was presented. The documents which were actually tendered in this case were not necessarily inadmissible evidence. They would all have been properly admissible in evidence both in England and in the Cayman Islands if the originals, for some good reason, were not available. It does not appear that any explanation was given in evidence in the Court of the requesting country for the failure to produce the originals. It does appear, however, that no objection was taken to the admission of these copies in the Magistrate's Court in the Cayman Islands.

Section 147 of the Criminal Procedure Code of the Cayman Islands provides that the proper time for making objections on the grounds of improper admission of evidence is at the time of such admission. It was explained that no objection was made at the time of their admission because Counsel for the appellant was not then aware that it was not the originals that had been tendered. This is quite true and the depositions that had been tendered had clearly suggested otherwise. But equally true is the fact that an adjournment was granted on the 26th September, 1977 to give Counsel an opportunity "to study the voluminous bundles", and when the hearing resumed on the 10th October, 1977, and the true position had been ascertained, Counsel nevertheless refrained from making any objection. I do not think that Section 147 could be said in the circumstances to have precluded his taking an objection at that later stage. Had an objection been taken, it would still have been open to the requesting Government either to give a satisfactory explanation as to why the originals could not be produced or to take steps to obtain and produce the originals.

Instead of this, Counsel waited until the case for the requesting Government was closed when, only, he proceeded to argue that the documents which had been admitted in evidence, and the validity of which had never been challenged, should nevertheless be treated as inadmissible evidence and that therefore it should be held that there was no sufficient evidence to warrant the appellant being put on trial if the offences with which he had been charged, had been committed within the jurisdiction of the Caymanian Court.

I am not at all sure that it would not be a good answer to this argument that the appellant was estopped from taking the point at that belated stage.

Certainly in relation to the two written statements allegedly made by the appellant, it was never suggested that the two copies which were tendered in evidence did not accurately record what was contained in the originals. On the 26th September, 1977, Mr. Frank Cater, Dct. Chief Inspector of Police, Scotland Yard, England, had testified before the Cayman Islands Magistrate that the appellant had made a written statement on 20th May, 1977, and that "a copy of the statement is among the bundle of documents now in Court....." He also testified that on the 24th June, 1977, at Police Headquarters in Grand Cayman "a further written statement was taken from him".

His cross-examination was continued over to the 10th October, and Mr. Cater was never challenged as to the statements which he claimed were made by the appellant, nor as to the accuracy of the copies thereof which he had tendered in evidence.

In all the circumstances, it is my view that the Caymanian Court was fully justified in looking at the copies of these two statements and in giving full weight to their contents. The same applies to the photocopies of the documents which were taken from the appellant. It was never suggested that those

photocopies were not accurately reflective of the originals. Further, it would seem to me, both as regards those photostats and as regards the photostats of the documents taken from the other sources that such photostats were prima facie evidence of the existence of the originals, at least up to the time of the taking of the photostats. It would seem to me, therefore, that those photostats, if admissible at all, were sufficient, together with the other evidence as contained in the depositions of the various witnesses, to satisfy the Court of Committal that the available evidence would be sufficient to warrant the appellant's trial for the offences charged, if they had been committed within the jurisdiction of the Court.

Now it is said that questions as to the admissibility of evidence in the proceedings before the Magistrate's Court in the Cayman Islands should be governed by the laws of the Cayman Islands. This is not disputed. But what is the relevant law in a matter of this kind? In my view, it is to be found in the Fugitive Offenders Act, 1967, ~~as~~ applied with the necessary modifications and adaptations to the Cayman Islands by the Fugitive Offenders (Cayman Islands) Order, 1968. Section 11 (1)(a) provides that the depositions which were taken in the United Kingdom, having been duly authenticated as required by Section 11 (2), were admissible as evidence of the matters stated therein, and Section 11 (1)(b) provides that the documents which were received in evidence in the United Kingdom, having been duly authenticated as required by Section 11 (2), were admissible in evidence "in any proceedings under this Act, including proceedings on an application for habeas corpus in respect of a person in custody thereunder".

In my view, therefore, all the documents which were received in evidence in the proceedings before the Magistrate's Court in London, albeit that they were copies and photostats and and not the originals, were admissible in evidence in the Courts of the Cayman Islands and were properly admitted. The weight to

be attached to them is another matter, but for the reasons I have already advanced, the Cayman Islands' Magistrate was not only entitled to find but was fully justified in finding that there was sufficient evidence before him to warrant his committing the appellant to custody to await his return to the United Kingdom for trial, even if not on all of the four counts as set out in the Warrant, and the Chief Justice of the Grand Court was fully justified, for the reasons set out in his judgment, in upholding the order of the Magistrate in relation to the Second and third of the four counts set out therein.

I would, therefore, have dismissed this Appeal.