

together. It may have been intended to induce importers to employ to that extent the labor of this country, instead of having the article combined abroad. We cannot tell, of course, what operated upon the minds of the framers of that particular passage of the act. We can only deal with their language as they have set it down for us, and under that language it seems very clear that there is nothing in this shipment except "gun-stocks mounted,"—articles which are properly described in the tariff, only by the phrase "manufactures composed wholly or in part of metal;" and they should therefore pay that duty, and no other. The decision of the board of appraisers is reversed.

In re ENSLOW.

(District Court, D. South Carolina. March, 1891.)

HABEAS CORPUS—DUE PROCESS OF LAW—STATE PRACTICE.

Where a person is arrested on a peace-warrant from one state judge, and committed to jail after hearing before another judge acting within his jurisdiction and proceeding in accordance with state practice, he cannot be released by the federal district court on *habeas corpus*, as being deprived of his liberty without due process of law, contrary to Const. U. S. Amend. 14.

Habeas Corpus.

C. B. Northrop, for petitioner.

G. Lamb Buist, for the sheriff.

SIMONTON, J. A petition was filed in this case, praying that a writ of *habeas corpus* issue directing the sheriff of Charleston county to produce the body of the petitioner, who is imprisoned in violation of the constitution of the United States. The specific violation charged is that he is deprived of his liberty without due process of law. Amendment 14. The sheriff produces the body of the petitioner, and for return to the writ says that he had been in his custody under a warrant from Trial Justice WILLIMAN under a peace-warrant, and that, while so in custody, he was brought before the Honorable J. I. NORTON, the presiding judge of the court of common pleas for his county; that his honor was pleased to order, after hearing the cause, that the prisoner be recommitted to the jail of Charleston county. The prisoner being in jail under state process, having no special privilege or immunity, I cannot entertain this application unless he be imprisoned in violation of the constitution of the United States in the point charged. But the return shows that he was committed by a state judge after hearing. This seems to me to be due process of law. The state judge acted upon a matter within his jurisdiction, and passed upon the construction of the state law and practice. See *Ex parte Utrich*, 43 Fed. Rep. 663. Were I to review his action, it would give to this proceeding the effect of a writ of error, which cannot be done. *Ex parte Parks*, 93 U. S. 18; *Ex parte Carl*, 106 U. S. 521, 1 Sup. Ct. Rep. 535. Remand the prisoner.

HALL v. PATTERSON.

(Circuit Court, D. New Jersey. March 6, 1891.)

1. EXTRADITION—WARRANT—IRREGULARITY OF PROCEEDINGS—TRIAL.

A fugitive from justice, extradited and convicted for the crime for which the warrant of extradition shows he was surrendered, cannot defeat execution of sentence by setting up irregularities in the action of the foreign court which granted the warrant.

2. CRIMINAL LAW—SENTENCE.

A statute fixing punishment, and providing that defendant "on being convicted shall be punished" by imprisonment, does not require sentence to immediately follow conviction; and the time defendant remains in jail after conviction and before sentence, awaiting a decision on his pleas in bar to other indictments, will not be deducted from his term of imprisonment.

On Habeas Corpus.

William Y. Johnson and H. N. Barton, for petitioner.

E. R. Crane and John P. Stockton, Atty. Gen., for respondent.

GREEN, J. The facts in this case, as they appear on the petition for the writ of *habeas corpus*, and in the return made by the respondent to the said writ, are these: In 1881 William A. Hall, the petitioner, was chief clerk in the office of the comptroller of the city of Newark, in the state of New Jersey, and as such it was his duty to receive moneys paid in settlement of taxes duly levied and assessed as the same became due, and to keep a true account of the said receipts of moneys in the books of the comptroller, for that purpose provided: While acting in this capacity Hall committed the crime of forgery, as it was alleged; the felonious acts consisting—*First*, in the making, uttering, and passing a certain check or order for the payment of money upon the National State Bank of Newark, payable to the order of one William H. Winans, for the sum of \$270; and, *secondly*, in the fraudulent alteration of the cash-book and accounts kept by him in the office of the comptroller of the city of Newark, whereby an entry therein of \$562.32 of cash received by him for taxes on the 18th day of March, 1881, was made to read and appear as \$362.32. At the December term, 1881, of the court of oyer and terminer held in and for the county of Essex, having jurisdiction of the crime of forgery, the grand inquest formally presented against Hall a bill of indictment, charging him with the forgery of the check. In the mean time Hall had become a fugitive from justice, having fled to Canada, and it therefore became necessary for proceedings in extradition to be had against him, that he might be brought back to New Jersey for trial. Accordingly, in due form of law, and pursuant to the treaty between the United States and Great Britain, ratified in 1844, relating to the extradition of persons charged with crime fleeing from one country to the other, such proceedings were begun, and were carried forward regularly, so far as the arrest of Hall upon proper complaint of the agent of the United States, by the authorities in Canada, and the subsequent examination before the proper Canadian tribunal, to