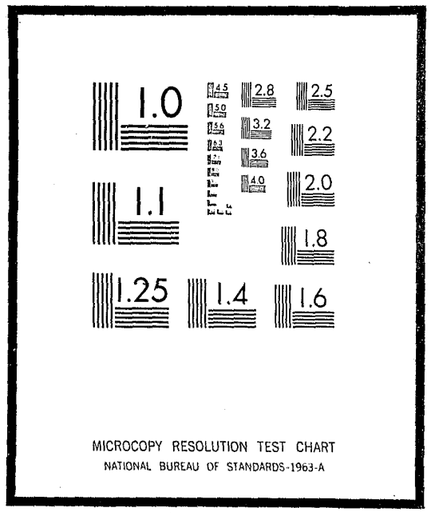

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EXTRADITION :
ORIGINS, IMPLEMENTATION OF LAW AND PROCEDURE
AND THE ROLE OF THE I.C.P.O.-INTERPOL

Report prepared by the General Secretariat of the International Criminal Police Organization - INTERPOL

CONTENTS

INTRODUCTION

Extradition is a procedure which is by definition international in character. It enables a country in which a person is wanted or has been sentenced to request and obtain the handing over of this person by the country in which he has taken refuge, so that he can be tried or serve his sentence.

The term "extradition" covers both the process set in motion to achieve this result and the legal act of handing over the fugitive offender.

If we consider the result of this process (when it is positive), we could define extradition in very simple terms as "the act by which one country hands over to another country, at the latter's request, a person who is on the national territory of the requested country and who is wanted by a criminal court of the requesting country" (1).

Extradition is the antithesis of the right of asylum and was for a long time used only for political purposes. Not until the 19th century was a real legal basis established to replace the confused and often arbitary concepts which characterised extradition in the past.

In the field of law enforcement, extradition now represents a compromise between, on the one hand, the principle of national sovereignty which forces countries to respect the individual liberty of their residents and, on the other hand, the fact that it is in the common interest of all countries that international frontiers should not prevent the prosecution of persons who commit an offence in one country and who take refuge in another.

From this point of view, extradition is seen to be an act of international co-operation or assistance in law enforcement by the police and the judiciary, for it always involves two countries - one which requests the handing over of a person who is either presumed to be guilty or has been sentenced, and the other, which is asked to grant this request.

There are many rules governing both the theory and practice of extradition : they are intended to enable the requested country to ascertain that the request is justified and acceptable in relation to its own national law, and that the two legal systems involved have sufficient features in common to ensure that the criminal will be fairly treated.

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(1) "Dictionnaire de la terminologie du droit international", published under the patronage of the "Union académique internationale" Pub. SIREY - Paris 1960.

Because of the many conditions to which it is subject, extradition is a complex procedure and a fairly long period of time elapses before the final stage is reached. In its present form, however, it remains an essential instrument of international co-operation in the fight against crime.

In order to gain a brief but accurate idea of extradition, we should examine the basis, i.e. the legal instruments which give rise to extradition law, the principles on which it is founded, the procedure used (in other words the form extradition takes), and finally the role of the police and of the I.C.P.O.-INTERPOL in the extradition process.

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I. THE ORIGINS OF MODERN EXTRADITION LAW

After having been left to the whims of sovereigns for centuries, over the past two hundred years extradition has acquired a solid legal foundation derived from :

A) EXTRADITION TREATIES
   a) Bilateral treaties
   b) Multilateral treaties.

B) ACCESSION TO AN INTERNATIONAL CONVENTION

C) NATIONAL LEGISLATION

D) "INTERNATIONAL COURTESY"

A) EXTRADITION TREATIES

In the main, extradition law has developed in a treaty context, and extradition law has been strongly marked by its treaty background. This explains why extradition is generally governed by the principle of reciprocity and a state only undertakes to deliver up wanted or convicted individuals to another state provided it receives similar guarantees.

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The historical origins of extradition law have influenced subsequent thinking about extradition, and the mistaken idea has gained ground that extradition can only operate between countries which have signed an extradition treaty.

Treaties are useful because they define the prerequisite conditions for extradition between two or more countries : difficulties are eliminated and extradition becomes possible when the stipulated conditions are fulfilled. But, as we shall have occasion to see in this report, treaties are by no means the only possible legal foundation for extradition.

Treaties fall into two types :

a) Bilateral treaties :

These are treaties signed by only two countries : the signatories agree to grant extradition on a reciprocal basis whenever certain procedural and other conditions (as set out in the treaty) are fulfilled.

A country can sign bilateral extradition treaties with any number of neighbouring or distant countries. The practice is ancient : the first modern extradition agreement was signed by France and the Netherlands in 1736 and is still in force today.

It would be both difficult and pointless to list all the existing bilateral treaties; as an indication, Greece has bilateral extradition agreements with fifteen countries, and the United Kingdom has them with more than fifty countries.

b) Multilateral treaties and conventions :

These are treaties signed by three or more countries.

At the turn of the century, a number of countries linked by geographical proximity, historical or cultural ties or common economic interests decided to standardise their extradition laws by signing conventions.

The lead was given in Latin America.

Examples of such conventions are :

- the 1889 Montevideo International Convention on Penal Law;
- The Codigo Bustamante, signed in Havana on 20th February 1928 by twenty-one American countries including the United States, in which Articles 344 to 381 covered extradition;
- the Treaty on International Penal Law signed in Montevideo on 19th March 1940 by seven Spanish-American countries;
- The Extradition Convention signed on 14th September 1952 by Arab League members;

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- the European Convention on Extradition of 13th December 1957;
- the Convention signed on 12th September 1961 within the framework of the African and Malagasy Union (text given by Lemontey, page 107);
- the Benelux Extradition Treaty signed on 27th June 1962.

Moreover, we should not forget the rules binding the States of federal countries (e.g. the United States and Switzerland) or groups of former colonies (e.g. the Commonwealth and the countries of the former French Union).

B) ACCESSION TO A SPECIAL INTERNATIONAL CONVENTION

The obligations of States with regard to extradition may be based on accession to a special international convention stating that extradition will be granted in connection with the offences codified in the text of the agreement.

Examples of special conventions :

1. The International Convention for the Suppression of the Traffic in Women and Children of 30th September 1921, Article 4 of which states that "The High Contracting Parties agree that, in cases where there are no extradition Conventions in force between them, they will take all measures within their power to extradite or provide for the extradition of persons accused or convicted of the offences specified in Articles 1 and 2 of the Convention of 4th May 1910".

2. The 1929 Convention for the Suppression of Currency Counterfeiting, Articles 8, 9 and 10.

3. The Convention of 9th December 1948 on Genocide.

4. The Single Convention on Narcotic Drugs, 1961, Article 36, paragraph 2-b).

5. The Convention on Offences and certain other Actions Committed on Board Aircraft, signed in Tokyo on 14th September 1963 (cf. Article 16).

6. The Convention for the suppression of the unlawful seizure of aircraft, 1970, Article 8.

C) NATIONAL LEGISLATION

A large number of countries passed extradition legislation in the 19th century. They were anxious to eliminate anomalies and standardise practice in this field - partly out of a desire to safeguard individual liberty and partly under the influence of the view that all criminal law and procedure should be based on legislation. These national extradition laws set out the procedural and other conditions to be met henceforth by countries applying for extradition.

National extradition laws can be defined as legislative acts by which states define their unilateral conceptions of extradition and formulate national declarations of intentions and practice in this respect. They can take the form of specific statutes or they can be provisions scattered through the codes of criminal law and procedure.

Without embarking on a tedious list of all the laws on extradition adopted during this period, there are a few landmarks which should be noted.

Although the definitive statute was not to be passed until a century later, a decree on extradition was issued by the French Constituent Assembly in the late 18th century. In Belgium, a law was passed in 1833, amended twice in later years, and then replaced by another law in 1874; the Netherlands passed comparable legislation in 1849. In the United States, Congress voted Federal Legislation on the subject in 1848; from 1870, extradition laws proliferated in the German States and in the United Kingdom. A great many countries in all parts of the world have now adopted legislation amounting to a national extradition law and this is a continuing trend.

Some national extradition laws are much more far reaching than others; they fall into 4 main categories :

1st category :

National extradition laws in this category simply define the conditions which must appear in any future extradition treaties signed with other countries. No provision is made for extradition in the absence of a treaty.

2nd category :

Some national extradition laws specifically make extradition subject to the existence of a treaty between the two states : the law stipulates that the government can only request or grant extradition when there is a treaty in force with the other country.

3rd category :

National extradition laws sometimes combine the main features described in the first two categories - extradition is made to depend

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on the existence of a valid treaty and the laws lay down the conditions to be stipulated in any future treaties signed with other countries. (1)

4th category :

In this category are national extradition laws which enable governments to grant extradition to countries with whom the requested governments have not signed a relevant treaty. From the point of view of international co-operation, it is extremely useful for the requested country to be able to grant extradition under the terms of its own national legislation. In these circumstances, the requesting country must comply with the procedural and other conditions laid down unilaterally in the extradition law of the requested country, and the law then offers a clear solution and a legal procedure for extradition. The requesting country can examine these rules and so be assured that the requested country's decision will be reached in accordance with permanent conditions and not on the ad hoc basis of the individual and his particular offence, as can happen when extradition is based on "international courtesy".

Some of the national extradition laws which would be included in Category 4 go even further towards maximum international co-operation by specifically rejecting reciprocity as a prerequisite for co-operation. (2)

In Report No. 5 submitted to the General Assembly Session in Kyoto in 1967, the General Secretariat pointed out the advantages of national extradition laws (or comparable legislation). The report particularly stressed the potential of laws which make it possible for extradition to function in the absence of treaties, as described in Category 4.

At the conclusion of its discussions on the report, the General Assembly instructed the General Secretariat to compile a list of the national extradition laws in force in member countries, obtain the text of their provisions and circulate this material to the NCBs. A document of this kind was completed and distributed by the General Secretariat in 1968 : the laws (or comparable provisions) were distributed in their original form, regardless of category (as listed above). The General Secretariat has also made a collection of the texts of 44 extradition laws; copies (in the original language) may be obtained on request.

(1) National extradition laws in these first three categories have a common feature in that they require, implicitly or explicitly, that a treaty be in force for extradition to take place. They do not contribute anything towards solving the extradition problems which can arise between countries which are not bound by treaty.

(2) For instance, the Swiss Federal Extradition Law of 22nd January 1892 empowers the Swiss Federal Government to waive the rule of reciprocity in exceptional circumstances; the French Extradition law of 10th March 1927, the Moroccan law of 8th November 1957 and the Algerian law of Criminal Procedure of 8th June 1966 totally abandon any reciprocity requirement. The Swedish law of 6th December 1957 and Danish law of 9th June 1967 should also be mentioned in this connection.

D) "INTERNATIONAL COURTESY"

In cases where no laws, treaties or conventions apply, extradition may be granted purely as a gesture of courtesy from one country to another, subject or not to reciprocity. Chile has handed over an offender to Argentina in these circumstances, for instance, and Colombia has surrendered a fugitive to Switzerland. Brazil and Germany have an extradition arrangement which works purely on reciprocity.

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Whatever the legal basis for extradition, there are a certain number of procedural and general legal conditions which have to be sa satisfied before extradition can be granted in any actual case. This raises various problems.

II. BASIC PRINCIPLES OF EXTRADITION

Extradition is a legal procedure founded on long-accepted principles; these concern the persons who can be extradited and extraditable offences.

A) PERSONS WHO CAN BE EXTRADITED

Extradition can only be applied to a person who has committed an offence in a country other than that in which he is found; in addition, the following fundamental conditions must be complied with :

a/ The person must be wanted by the judicial authorities of a country :

- either to be tried there for a serious offence which he is presumed to have committed in that country;

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- or to undergo a sentence passed or a detention order made in that country.

b/ In most cases, he must not be a national of the requested country.

For many centuries, countries have refused to extradite their own nationals. This principle still prevails in most countries of Europe and Latin America, but it is by no means universal. The United Kingdom and the United States will extradite their own citizens. The 1957 European Convention on Extradition stipulates that the contracting parties may refuse to extradite their own nationals and the Arab League's Extradition Convention states in Article 7 that extradition may be refused if the fugitive is a national of the asylum country; both these provisions imply that the signatory countries may agree to extradite their own citizens. Finally, Article 1 of Austria's constituent law 140/146 authorizes the extradition of Austrians.

Among the countries which will only extradite foreigners, some will only extradite nationals of the requesting country.

Lastly, a number of treaties stipulate that extradition will not be granted in the case of political refugees or stateless citizens.

B) EXTRADITABLE OFFENCES

Certain conditions have to be fulfilled for an extradition request to be entertained. A crime must have been committed in the requesting country and,as a general rule, the offence must be :

a/ An "ordinary law crime". Fiscal, military or political offences are therefore excluded. The asylum country usually decides whether an offence is political. Extradition laws and treaties often stipulate that extradition will be refused when a request is motivated by political considerations.

b/ Serious enough to warrant the request, although criteria vary somewhat on this point. Extraditable offences can be listed in a schedule included in a treaty, convention or law. Otherwise, it may be stipulated that extradition will only be granted in connection with offences punishable by imprisonment for not less than a certain specified period; the 1957 European Convention is an example in this category.

The problem of sentences passed for attempted offences or complicitly is solved in various ways.

Treaties and conventions also frequently contain a special clause to be applied when the offence is punishable by death in the requesting country but not in the asylum country. It usually states that extradition will only be granted on the understanding that the offender will not be sentenced to death.

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c/ An offence against the criminal laws of both the requesting and the requested country (the clause or principle of double-criminality stemming from the rule of "nullum crimen sine lege").

The requested country cannot agree to extradite an offender unless his alleged actions constitute an offence against its own penal laws. It must moreover be in a position to check whether or not this is the case and merely knowing the legal term for the offence in the requesting country does not suffice for this purpose. The requested country needs to know exactly what actions were performed and under what circumstances in order to check the facts against its own criminal laws. That is why the documents (i.e. letters, telegrams, "wanted" notices, etc.) sent out in connection with a request for extradition must contain a brief account of exactly what took place.

Current extradition laws, conventions and treaties tend to respect the principle of double-criminality, but it is not an absolute rule and extradition could be granted perfectly well in connection with an offence which was not covered in the requested country's criminal law.

d/ The offender must not have already been convicted and punished in the requested country for the relevant offence - the "ne bis in idem" (double jeopardy) rule generally adopted in treaties and conventions. It is often expressed in terms such as : "Extradition will not be granted if the person claimed has been tried for the same offence in the requested country or if the latter had decided not to take or to drop proceedings".

e/ The time-limit for prosecution must not have expired (nor the prescription for punishment apply if the fugitive has already been convicted and sentenced). Usually, only the requesting country's time-limits matter, but some treaties provide that the requested country's time-limits must also be respected, and this can cause serious complications.

Finally, there is a stipulation in most if not all treaties to the effect that a person who has been extradited in connection with a particular offence must not be prosecuted, tried or punished for any other offence. Exceptions to this rule of speciality are sometimes provided for, usually on condition that the requested country gives its consent to the new charge against the extradited offender.

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III. EXTRADITION PROCEDURE

There are two distinct aspects to extradition.

On the one hand, it is a governmental act in which a country abandons its sovereignty over a person by handing him over to another state; on the other hand, the steps taken to ensure that an offender is arrested, whether for trial or to serve his sentence, are the responsibility of the judiciary, which must also ensure that the person has the rights entitled under the laws of the country from which he is being extradited.

It is only natural, therefore, that both the executive and the judiciary should play a part in extradition procedure. Which of the two has the more important part?

The answer to this question varies from one country to another.

Some countries, now few in number, still consider extradition as a mainly executive procedure and the executive branch of the government is entirely free to grant or refuse requests (e.g. Portugal, Panama, People's Republics, some Asian countries).

Much more often, however, the granting of extradition is considered to involve the judiciary, although the executive may have the final decision. But even in these cases, the powers granted to the judicial authorities can vary. In the Netherlands and Belgium, for instance, the courts are consulted but the final decision is taken by the executive. In France the court's opinion is binding on the executive if it is in the accused's favour but not otherwise. In Austria, wide powers are conferred on the courts and this is also true of the United States and the United Kingdom, where extradition is considered first and foremost as a judicial procedure.

The following list gives an idea of the order in which various authorities intervene in current extradition procedures.

1) The judicial authorities of the country in which the offence was committed.

2) The executive branch (diplomatic service) of the requesting country.

3) The diplomatic service and executive branch of the asylum country.

4) The judicial authorities of the asylum country.

5) The executive branch of the asylum country (for the final decision).

Each intervention must naturally take place within the framework of the existing laws or conventions.

IV. THE ROLE OF THE POLICE AND OF THE I.C.P.O.-INTERPOL

The theory of extradition, as set out above, only covers what happens once the whereabouts of the wanted person have been established with certainty. A number of practical problems remain, many of them central to the role of the police and of Interpol.

It is up to the police to apprehend persons who are wanted as fugitives from justice by the authorities of another state and whose provisional arrest is going to be requested in accordance with the procedure provided for in most extradition laws and treaties.

If the police find a criminal who is sought with a view to extradition, it is their duty to do everything in their lawful power to ensure that the criminal does not escape and to detain him in custody for a brief period so that the request for provisional arrest can arrive in the asylum country. Of course, the situation is governed by the asylum country's laws on detention in custody prior to arrest.

If extradition is to work satisfactorily, the procedure must be rapid and surrounded with safeguards; for this it is essential that the police forces of different countries be willing and able to co-operate directly with one another.

From its origins as the I.C.P.C. (1), our Organization has throughout its history devoted a great deal of thought to police intervention in the initial stages of extradition procedure; a number of discussions have been held on the subject and several resolutions passed which provide useful guidelines towards standard practice.

The difficulties with which Interpol - both the General Secretariat and the National Central Bureaus - have to contend are mainly practical problems related to detaining wanted persons temporarily to allow a request for provisional arrest to arrive.

The I.C.P.O. has devised a system for circulating warrants of arrest at international level so that a court is enabled to ask all Interpol member countries to search for an offender. If the latter is found, he can then be held in custody while the court sends a request for provisional arrest; this in turn is followed by an official request for extradition.

This machinery developed by the I.C.P.O. has, in fact, become an internationally accepted pre-extradition procedure. It is described in detail in Report No.3 entitled "Interpol and Extradition" which was submitted to the XXIX Session of the I.C.P.O.-Interpol General Assembly (Washington, October 1960). The main points of this report are summarised below.

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(1) The International Criminal Police Commission, later to become the I.C.P.O.-Interpol

The various steps and formalities vary in complexity depending on the degree of urgency, to such an extent that it is useful to distinguish two procedures - normal pre-extradition procedure and emergency procedure.

A) NORMAL PRE-EXTRADITION PROCEDURE

Stage No. 1 :

The judge or examining magistrate dealing with the case asks the I.C.P.O. National Central Bureau in his country to have the warrant of arrest circulated internationally with a view to subsequent extradition of the wanted person.

Stage No. 2 :

After having reviewed this request in the light of Article 3 of the Organization's Constitution, the NCB transmits it to the General Secretariat on what is known as "Form No. 1". This form must give full details of the identity (date and place of birth, parentage, etc.) and a description of the wanted person, must state the name of the judicial authority seeking his arrest and must give the reference number of the warrant of arrest, particulars of the charge and a brief description of the circumstances in which the offence was committed; it must also contain an assurance that extradition will be requested. This last point is particularly important both as a safeguard of human freedom and as a justification for action by the other National Central Bureaus.

Stage No. 3 :

After checking to see that the application does not infringe the provisions of Article 3 of the Constitution, the General Secretariat sends out the request in the form of a document known as a "red-index wanted notice" to the police forces of all countries affiliated to the Organization. This notice, which can be said to constitute an international warrant of arrest, is prepared by the General Secretariat from the particulars given on "Form No.1" and from any other information in the Organization's possession; the notice contains clear instructions as to what steps should be taken if the wanted person is found.

Stage No. 4 :

The police forces which receive the red-index notice try to establish the whereabouts of the wanted person.

Stage No. 5 :

The police department which locates the wanted person must naturally inform their Interpol National Central Bureau.

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In addition, an effort can and should be made to do everything compatible with the country's laws and with universal human rights to prevent the offender from escaping. There are a good many steps which can be taken, all essentially temporary. They include surveillance, questioning, searching and, above all, detention prior to arrest. In practice, the I.C.P.O.'s red "wanted" notices really amount to requests for wanted persons to be detained.

Each country affiliated to the I.C.P.O.-Interpol decides for itself exactly what steps (and this refers particularly to detention prior to arrest) the police will be allowed to take on the strength of an Interpol red-index notice. In June 1954, the Interpol General Secretariat began sending out circulars (Reference : EXTRA/600) specifying what each country will do in these circumstances. Although work on these circulars was suspended for a few years, it was resumed in 1967.

Stage No. 6 :

The National Central Bureau of the country in which the wanted person is found immediately informs the I.C.P.O. General Secretariat and the National Central Bureau of the requesting country.

Stage No. 7 :

The requesting National Central Bureau immediately informs the court or magistrate concerned that, pending the request for extradition (which has to be sent through diplomatic channels), a request for provisional arrest must be sent immediately - if necessary on the Interpol radio network - to the appropriate authorities of the country in which the wanted person has been found.

Speed is of primo importance in this phase. The period for which a person may be held in custody without a warrant is very brief in most Interpol-affiliated countries and the work of the police will be undone if the request for provisional arrest does not arrive in time.

It is worth remembering that, through the National Central Bureaus, the Interpol radio network can be used to transmit requests for provisional arrest.

Stage No. 8 :

When the wanted person is formally arrested, the requesting National Central Bureau must inform the I.C.P.O. General Secretariat of the fact so that the wanted notice can be cancelled.

The extradition process as analysed above involves several distinct phases :

- detention prior to arrest is a pre-extradition police operation carried out on the strength of an Interpol communication (red-index "wanted" notice). At this stage, the role of the police is to

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secure the wanted individual and detain him in custody pending the arrival of a request for provisional arrest issued by a magistrate of the requesting country.

- provisional arrest can be decided on once the request for provisional arrest has reached the authorities of the country in which the wanted person was apprehended : it confirms and consolidates the authorities' decision to detain the fugitive in order to prevent him from escaping. The term "provisional arrest" also applies to the situation of the individual, who was previously described as being "detained prior to arrest".

- arrest by the competent authorities in the state of the offence only occurs after an official request for extradition has been transmitted through diplomatic channels and the fugitive has been surrendered to the requesting state. Once the offender is under arrest in the country where the offence was committed, the extradition process is complete.

B) EMERGENCY PROCEDURE

A National Central Bureau on the Interpol radio network can issue an international wanted notice by sending out a general message known as an IPCQ, which is broadcast over the entire network by the General Secretariat. The message must contain all the necessary particulars about the wanted person's identity, the warrant of arrest, the charge and the circumstances in which the offence was committed. An assurance that extradition will be requested is also indispensable.

This emergency procedure temporarily short-circuits intervention by the General Secretariat (Stage No. 3); but the Secretariat is aware of the contents of all general messages and any wanted notice which appears to infringe Article 3 of the Constitution may be cancelled. The Secretariat can also invoke the normal machinery so that full details about the offence are immediately obtained from the requesting NCB.

Provided all the rules for their use are respected, the normal and emergency procedures provide a rapid, comprehensive and efficient approach to the problem of dealing with fugitive offenders.

Briefly defined then, the role of the police and of Interpol is situated in the following three operations :

- taking the wanted person into custody and detaining him,
- obtaining the request for provisional arrest,
- circulating a cancellation of the wanted notice following arrest of the offender by the state of the offence.

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CONCLUSION

Extradition law is complex in every respect.

The basic legal conditions which recur in rather similar form in most treaties and national extradition laws show that states are still reluctant to relinquish their sovereignty in the interest of international co-operation. For instance, the principle of double criminality is traditionally regarded as a fundamental principle, whereas in fact its value is questionable and it entails very serious complications and delays. In general, requested countries are still accorded so many rights that extradition does not come into the realm of international mutual assistance on judicial matters.

The fact that various countries carry out a preliminary hearing during which they establish the weight of the circumstantial and other evidence produced in support of a request jeopardises the outcome of the extradition procedure; moreover, the fugitive is able to exploit the right of habeas corpus to elude a final decision to surrender him to the requesting country.

The usual procedural conditions also contain many obstacles. The pre-extradition police phase of the operation is usually carried out rapidly enough but, from that point onwards, the procedure becomes a series of very cumbersome formalities. In this respect, it might be worth examining a scheme for making the last phase of extradition a matter to be handled by the two countries' Ministries of Justice. (1)

In thinking about extradition, it should be remembered that the rigidity of the principles governing it, the lack of elasticity in its procedure, the heavy expenses entailed by its application and the uncertainty of its results are sometimes incitements to employ other expedients which - even if they are legal - do not provide the same guarantees of effective crime control or real protection of individual liberty as extradition properly practised.

However, until countries or groups of countries conclude treaties which will make it possible for offenders to be prosecuted in a country other than that in which the offence was committed or for sentences passed in one country to be served in the country where the offender has taken refuge (2), extradition remains the only way

(1) This solution was adopted in the BENELUX treaty (Article 11), and the European Convention (Article 12) specifically allows signatory parties to adopt this solution.

(2) Such solutions are at present being examined by the Council of Europe. Results have so far included the drafting of the Convention on the International Validity of Criminal Judgments (opened for signature on 28th May 1970) and of the Convention on the Transfer of Proceedings in Criminal Matters.

in which the course of criminal justice can be normally maintained internationally. It is therefore very important to find ways of making its principles and its machinery more flexible and making extradition into a modern institution capable of meeting the demands which must be made on it.

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