is no authority which has decided, affirmatively, in respect to the right of expatriation, and there is a very strong current of reasoning opposed to it, independent of the known practices and claims of modern nations of Europe." Chancellor KENT says that the question has never been settled by judicial decision. Speaking of Americans, he adds: "The better opinion would seem to be that a citizen cannot renounce his allegiance without permission of the United States to be declared by law." On the other hand, the Supreme Court of the United States decided in 1827: "In the United States expatriation is considered a fundamental right. The doctrine of perpetual allegiance grew out of the feudal system, and became inoperative when the obligations ceased upon which that system was founded." And WOOLSEY, in his treatise upon International Law, says: "There is no doubt that a State, having undertaken to adopt a stranger, is bound to protect him like any other citizen. The nation which has naturalized him, and has thus bound itself to protect him, cannot abandon its pledges on account of the views of civil obligation which another nation may entertain." *Harper's Weekly*, one of the most moderate and dispassionate of American journals, referring to the case, adds: "Yet as matter of fact, the Government of the United States has always acknowledged that it would not defend a naturalized citizen against the claims of another Government for duties actually due before naturalization. Even Mr. CASS admits a certain claim. He wrote in 1859 to our Minister in Prussia: 'I confine the foreign jurisdiction in regard to our naturalized citizens, to the case of actual desertion, or of refusal to enter the army after having been regularly drafted and called into it by the Government.' Mr. WHEATON, Mr. WEBSTER, and Mr. EVERETT, did not claim as much as Mr. CASS. They held that if a country does not acknowledge the right of a native to renounce his allegiance, it may enforce its claims if he is found within its jurisdiction."

The demand of the Fenian leader for a mixed jury was, we think, one that could not and should not be granted; but it is obvious that in some instances, the rigor of the rule as to allegiance being inalienable must be mitigated. Thus in the war of 1812, it was found impossible for Great Britain to punish as traitors those of her subjects bearing arms against her, who had become naturalized in the United States.

The following account (from the *London Solicitors' Journal*), contains some hints as to the privileges of counsel which may be of interest.

"In the course of the trial of John Warren, one of the prisoners charged with high treason before the special Commission now sitting in Dublin, a point of some interest arose. The prisoner appears to be a natural-born subject, who has become naturalized in the United States, and under these circumstances he claimed, as an alien, to be tried by a jury *de medietate linguæ*. This was opposed by the Attorney-General and refused by the Court. Thereupon the prisoner, having been formally given in charge to the jury, said—

"As a citizen of the United States I protest against being arraigned, or tried, or adjudged by any British subject."

The Chief Baron—"We cannot hear any statement from you when you are represented by counsel."

The Prisoner—"Just a few words, my Lord."

The Chief Baron—"We cannot hear you. Your counsel is heard on your part. You pleaded 'Not Guilty,' and our course is now to proceed with the trial on that plea. We cannot hear any statement now from you when you are represented by counsel."

The Prisoner—"Then I instruct my counsel to withdraw from the case, and I now place it in the hands of the United States, which has now become the principal."

The prisoner's counsel then left the court, whereupon Mr. Adair said he was instructed by the Government of the United States of America to appear on behalf of six prisoners, to watch the proceedings and to report the manner in which the trial was conducted.