

fact and of custom is frequently refused. It is strange to find that the right of asylum with regard to envoys who claimed the power to grant the right within the confines of their residential quarters was not, in the opinion of Grotius, recognised by the law of nations, because he says<sup>3</sup> with regard to it: "Ex concessione pendet eius apud quem agit. Istud enim iuris gentium non est."

Although foreigners who thus enter a country or state in circumstances and conditions such as these are bound by the laws of the country or state they so enter, there is a class of foreigner who is not liable to the jurisdiction or amenable to the laws of such a country, and that class of foreigner is the foreigner to whom the laws of extritoriality apply. This fiction of the law was attempted to be carried to its furthest limit in 1867, when a Russian subject named Mickilchenkorff, being guilty of an attempt to murder in the Russian embassy at Paris, and having been arrested and his prosecution commenced by the French police, the ambassador disputed their competence and claimed his extradition. The French government, however, refused to admit that the fiction of extritoriality could be so widely extended, and that notwithstanding that at the time of the attempt the Russians had themselves invoked the aid of the local force.<sup>4</sup> The rule of international law as not permitting asylum in legations to either foreign criminals or political refugees has been well settled by two cases, one in 1726, and the other in 1747, both reported.<sup>5</sup> In the former the Spanish government forced an entrance into the British embassy at Madrid, in order to effect the arrest of the Duke of Ripperda, whose surrender had been refused; and in the latter the Swedish government endeavoured to arrest Springer, charged with treason, who had sought asylum in the British embassy at Stockholm, and the ambassador surrendered him under protest.

The High Court of Justice has, for example, subject to certain exceptions, no jurisdiction to entertain an action or other

3. Bk. II, c. 18, s. 8.

4. 1 Calvo, s. 571.

5. Martens, 1 Causes Célèbres, 174.