

declined to take further action in the matter, on the ground that whatever irregularity there may have been in the extradition, was the fault of the Canadian officials, and not of the French detective.

The indictment very shortly set forth that the prisoner had, by fraud and forgery, embezzled various sums of money belonging to the Bank of France, amounting in the whole to 700,000fr. After the reading of the indictment, M. Lachaud, the prisoner's counsel, took a preliminary objection. He handed in written exceptions submitting that the extradition under and by virtue of which the prisoner stood at the bar, ought to be declared null and void as illegally obtained. The document charged that French courts of law were competent to examine the regularity of the extradition of any prisoner brought before them, and that this principle was laid down by the Court of Cassation on May 9, 1845. It then stated the well known facts that pending the argument on a writ of *habeas corpus* before Judge Drummond, in Canada, and after an adjournment had been asked for by the counsel for the Bank of France, Lamirande was fraudulently, and in breach of international law, carried off and sent a prisoner to France; that the order of the Governor-General of Canada, under cover of which the extradition was effected, was obtained by fraud and surprise; and that Judge Drummond, before whom the matter was pending, had subsequently declared judicially that the extradition was illegal.

M. Gast, the advocate-general, denied that the court had anything to do with the legality of the extradition. Its only business was to try the prisoner whom it found before it, no matter how he was brought there. Any irregularity in the extradition was a question between the two governments. Even if the court were to annul the extradition it would be an idle proceeding, in no way beneficial to the prisoner, because he might be arrested *de novo* as he left the bar. There was no law which said, assuming the extradition to have been illegal, that the prisoner was entitled to a safe conduct to the frontiers in order that he might be restored to the *status quo*. Extradition treaties were not made for the benefit of criminals, but for high international purposes, and an accused party, once before a French court, was not competent to argue that his arrest has been illegal.

M. Lachaud, in reply, said that Lamirande had been "stolen" from England.

The President here interrupted him and said—M. Lachaud, I cannot allow that expression; you are not now addressing a jury, and such observations are lost upon the court.

M. Lachaud persisted in the use of the word "stolen," which he said was perfectly borne

out by Judge Drummond's judgment, which, out of respect to the court, he would not read, although the court knew what it said. He contended that, according to the Court of Cassation and the doctrine of M. Helie, a great text writer, the court had at least a discretion to consider whether the extradition was legal.

The Court overruled the objection.

An attempt, which was very nearly successful, was then made to entrap Lamirande into a consent to be tried upon all the charges in the indictment. In answer to the first question of the president he said he would consent. But M. Lachaud rising to insist that he did not understand the meaning of the question, the court adjourned for a few minutes to allow him to consult with his counsel. He subsequently said that he wished to profit by all the irregularities of his extradition, and that he would not consent. Thereupon M. Lachaud contended that the triple charge on which he was indicted must be submitted to the jury, namely, forgery, abuse of confidence, and embezzlement. The Court, however, held that in default of his consent he must be tried for the forgery only, that being the only accusation which justified his extradition. The object of M. Lachaud was to have a case for the Court of Cassation on the ground of the want of the prisoner's consent. He now hopes to prove that the charge of forgery is not technically sustainable.

Lamirande, when interrogated by the President, confessed that he had robbed the Bank of France of 704,000fr., that the abstractions were going on for nearly three years, and that every day during that period he submitted to the manager of the Poitiers branch, a falsified balance. His system was to take *rouleaux* of gold and replace the coin by silver pieces in bags, supposed to contain gold. He expressed contrition, especially because his crime tended to throw suspicion upon his respectable chief, M. Bailly. The examination relative to what he had done with the stolen money is interesting.

Q. What did you do with the money?—A. I gave 7,000 fr. to an English interpreter, who, in return, informed against me. Then I am persuaded that I was robbed of three securities of the value of 10,000fr., at London and Liverpool. I was weary; I had passed several nights, as many as nine, I think, at play—for play has been my ruin. Further, I trusted a sum of 6,000 fr. to a Canadian who was going home.

Q. That money has been restored?—A. Yes.

Q. What next?—A. I spent a great deal of money at New York—somewhere about 1,500fr.

Q. But you have upwards of 700,000fr. to account for.—A. I cannot tell what has