

commendable, it is very doubtful if there is any legal duty incumbent on, or imposed upon, states of extraditing such criminals. Express agreements have been entered into between certain countries whereby it is therein provided that criminals shall be delivered up for certain named crimes, and under specified conditions, and these agreements are invariably acted upon by the nations who are parties thereto. It would appear that the Fugitive Offenders Act, 1881,¹ infringes the right of asylum of Oriental countries. The Aliens Act² is a good illustration of the power which a country has of regulating and laying down the conditions under which foreigners shall enter a country, and the penalties they incur by evading or failing to fulfil these conditions. The admission of foreigners to a particular country carries in its train the right, often exercised, of granting them the status and the privileges of subjects of the state they enter; and here again Parliament has provided for this by the Naturalization Act of 1870. But the limits of the powers of such a state are clearly defined and restricted by the fact that the state cannot impose the duties of nationality, nor divest the foreign subject of his nationality of origin. It appears to be established by authority that the house of a diplomatic agent gives no protection either to ordinary criminals or to persons accused of state crimes. Asylum to political refugees in the houses of diplomatic agents still exists in the Spanish-American republics; and in modern times the right has been recognized and acted upon in 1841, and in 1848, 1865, and 1875, in Madrid; in 1862 in Greece; in the United States in 1873; and in England in 1910. In 1862 a British ship, on the outbreak of a revolution in Greece escorted a Greek man-of-war, with the King and Queen on board, out of Greek waters, and granted them hospitality. The right of asylum is that of the state and not of the foreigner; and the latter cannot insist that protection should be extended to him as a matter of right; he can only ask that it should be conferred upon him as an act of grace, which as a matter of

1. 44 & 45 Vict. c. 69.

2. 1905, 5 Edw VII.