

WINSLOW'S CASE.

courts to observe similar restriction. This law was, in its essence, declaratory only of that which already obtained; but, so far as it required an arrangement with foreign governments beyond what existing treaties called for, it could, of course, have no effect; and there is a somewhat obscurely expressed clause in the statute which appears intended to except them from its operation. At all events, the government of Great Britain made no attempt to apply it to the Ashburton Treaty until the extradition of Winslow was asked for; and thereupon arose the controversy which we hope will be settled to the satisfaction of both parties, before these pages are read.

The case of Winslow is inextricably bound up with that of Lawrence, which is the *fons et origo* of the bitter waters of this dispute. Lawrence is a person who calls himself an Englishman,—we know not with what truth,—and who had lived a long time in New York. He was accused of having defrauded the revenue to an immense extent, and fled to England. Our government produced in England evidence that he had forged twelve or thirteen bonds and other papers; forgery being one of the few crimes within our somewhat old-fashioned treaty. By some mistake of our agents in London, the warrant for Lawrence's extradition mentioned the forgery of only one bond and affidavit. Soon after the prisoner reached this country he was indicted for his frauds, and petitioned the President that he might be tried for the forgery specified in the warrant, and for nothing more. Mr. Bliss, the Attorney for the United States for the Southern District of New York, where the indictments were found, furnished a brief of the cases we have above mentioned, and contended that they warranted the government in trying him for other crimes; though, as we have seen, they have no relation to executive action. The Attorney-General, having been of counsel in the case, took no part in deciding this point; but it seems, by Mr. Fish's despatch, that the Solicitor-General agreed with Mr. Bliss. The President, with admirable good sense, sent orders to have Lawrence tried for the crime mentioned in the warrant, and for no other. Thereupon he was arraigned for that offence, as the district-attorney

understood it; but, taking advantage of some real or supposed ambiguity in the indictment, he pleaded that it set forth a different offence; and the government, instead of taking issue upon the fact, demurred. Judge Benedict reiterated the rule laid down by him in 1871, and, as we understand, for the same reason,—that it was inconvenient and improper for the courts to pass upon the question. Within a short time now past, Lawrence has pleaded guilty to this indictment; admitting, we believe, that it is for the forgery mentioned in the original warrant. To the outside world, it looks as if this plea were part of an arrangement that is to settle all pending cases, including the surrender of Winslow. If so, all's well that ends well.

In the mean time, months had passed since Lawrence was sent to the United States, and he was still awaiting trial; and the rumour filled the newspapers that he was to be tried for all his frauds upon our revenue, whether forgeries or not. And there was abundant foundation for such a report; though, happily, it was untrue. The British government, instead of making Lawrence's case the subject of direct complaint, took the opportunity of our demand for Winslow, whose offences could not possibly be misunderstood or substantially varied in any event, to require of us a conformity with their law of 1870, with which we had no concern, by requiring an assurance that Winslow should only be tried for the forgery or forgeries specified in our demand. They merely referred to Lawrence's case to account for their present action. Our government had a ready answer to the Lawrence allusion; but they did not choose to avail themselves of it, and took the broad ground, which we have ventured to call that of criminal rather than of international law, that, when we hold a man, it is of no concern to any one how we obtained him. As part of a diplomatic discussion, we have no criticism to make upon this reply; but we repeat, that, whatever may be the rights of the party, the surrendering nation has a right to require that its treaty shall not be used for such a purpose in good or bad faith. When this right is finally abandoned, the end of all extradition treaties can be confidently predicted. The United States,