

been granted in contempt of English law; that in the country under the sway of the English Crown extraditions can only be granted in cases provided for by law; that the law which regulates this matter of extradition with respect to France is the Bill which approved the Treaty of 1843; and that this Bill does not permit the granting an extradition on the demand of a Consul for a crime which the English law does not recognize as a forgery?

To this it is easy to answer, that foreign Powers who demand and obtain the extradition of criminals who have taken refuge in England are not obliged to trouble themselves with the question whether the English authorities who decide on the extraditions have observed, or not, the special laws of their country.

The English Minister cannot, indeed, maintain that there has been a violation of the principles of international law, for Lamirande has not been taken by violence or fraud from British soil.

We can understand a diplomatic demand with reference to an act which has been done against the will or in contempt of the rights of the Power making the demand. But there is hardly any explanation for a demand by a Government with reference to an act that emanates from itself. If the extradition of Lamirande ought not to have taken place, according to the English law, its consent ought not to have been given. But extradition once effected, it cannot possibly be retracted.

French justice has now pronounced sentence. It has condemned Lamirande for the crime of forgery. If, after the decision of the French jury, it should be necessary to restore Lamirande to liberty, to send him back to England, there to enjoy with impunity the fruits of his misdeeds, this would be a public scandal. It is only with great reluctance that the French Government can entertain the demand of England. Happily there exists in the Treaties no stipulation which obliges France to restore Lamirande.

But if, through some impossibility, France found herself forced to make this restitution, this would be the most manifest condemnation of the Treaty of 1843.

Up to the present time this Treaty had remained a dead-letter. The French Government had not been able to obtain any extradition from England.

Here, however, an extradition has been granted, on account of a crime that had strongly excited public opinion. The culprit surrendered to French justice has been condemned by a jury of his country, and now we must restore him to England, in order to hinder him from undergoing his penalty!

This Treaty of 1843 between England and France, which has been denounced by our Government, and which has since only been provisionally prolonged, six months at a time, ought to be definitively adjudged. Even while appealing to it in cases which were expressly provided for in it, France, previous to 1866, was not able to obtain the extradition of accused persons who had taken refuge in England. Matters of fact have always hindered the demands for extradition of accused persons from succeeding. Neither was it possible to obtain the extradition of persons who had taken refuge in British possessions, on account of a strict legal technicality, derived from the fact that the Treaty only mentioned accused and not condemned persons. So that, whether from considerations of fact, or from considerations of law, accused and condemned were able to find impunity in England.

In this instance, were the demand admitted, it would be necessary that the operation of justice should be stopped again on a fresh ground, for the result would be impunity for accused persons delivered up by England and condemned after their extradition by our tribunals.

Would there not, then, be occasion to acknowledge that the Treaty of 1843 has been tried long enough for the dignity of France?

(Signed)

CH. DUVERDY.

No. 38.

*Mr. Fane to Lord Stanley.—(Received February 27.)*

(Extract.)

*Paris, February 25, 1867.*

THE brother of M. Lamirande called upon me this day for the purpose of placing in my hands two letters addressed to Earl Cowley, copies of which I have the honour to inclose. The one is from M. Lamirande himself, withdrawing the application made by him to Lord Cowley in September last, that Her Majesty's Government would demand his surrender by the French Government; the other, which is signed by the father and brother of M. Lamirande, transmits his letter and approves its contents.