

would have answered, that she understood that her subjects accused of forgery should be delivered up, although the law of France does not punish, and does not consider as forgery several alterations and material falsifications committed in passports, march-routes, and certificates of exoneration from military service. England would only have looked at the character of the crime according to the law of England, and she would have replied that she was prepared to surrender French subjects regularly accused of the crime of forgery such as the law of France defines and punishes as forgery, without distinguishing between material and intellectual forgery, admitted by the penal theory in France, a distinction which is a matter for internal legislation, beyond the competence of foreign Governments.

France will maintain that, in spite of the abnormal circumstances which have accompanied the extradition of Lamirande, she has nothing to do with acts and laws which are beyond her competence, and that the accused, from the moment that he was regularly accused of the crime of forgery, ought to have been surrendered to her, and has been justly surrendered. Treaties of Extradition are not made in the interest of criminals, but against evil-doers. These cannot appeal to them; the co-contracting Governments alone are qualified to interpret them, and to prevent their violation, the one by the other respectively. The French Government has violated neither the law of France nor that of England. If Lamirande had been acquitted by the jury on the charge of forgery, it would have caused him to be reconducted to the frontier, without trying him for theft and abuse of confidence.

I have thought it my duty to submit these considerations to you, which are current in France.

I doubt whether a demand, founded on the violation of the law of England by English functionaries, would be entertained.

I have, &c.,

(Signed,) TREITE.

(No. 35.)

*Mr. Mackenzie to Lord Stanley (Received, January 30).*

77, GRESHAM HOUSE, OLD BROAD STREET,

January 29, 1867.

MY LORD,—I am sorry again to trouble your Lordship on this case, but having sent out to our correspondents and clients at Montreal, the particulars of the trial in France, and with all the facts connected therewith, up to the 8th December, I have just received a reply to that communication, and am urgently requested to draw your Lordship's attention to the facts set out in the extract from his letter, which I now inclose.

My attention has been drawn to a paragraph in the *Standard* of Saturday last, to the effect that the *Gazette des Tribunaux* says, "it is asserted that the English Government has made an application for the surrender of Lamirande." Will your Lordship be kind enough to state whether there is any foundation for this paragraph, and how the matter stands at present?

I have again to urge upon your Lordship the great importance of our Ambassador making a further application to the French authorities for M. Lamirande's release.

I have, &c.,

(Signed,) J. H. MACKENZIE.

(Inclosure in No. 35.)

*Extract from a Letter of Mr. Doutre, dated December 28, 1866.*

I hope you have already taken steps for drawing the attention of your Government to the fact, that Lamirande has been tried for facts different from those for which he was extradited. The trial has not brought out the shadow of the facts for which extradition was asked. It has never even been attempted to make out that Lamirande had ever made false entries in the books of the Bank of France. The British Government have as much right to ask his release as if he had been tried for embezzlement or robbery. The trial raises a totally new issue between the two Governments, and the question on which Lord Stanley has abandoned the demand of restoration has in no way prejudiced the ground on which the prisoner may now be claimed.