

**Government by virtue of its sovereignty.** It is not Extradition Treaties which confer upon the Power of the country where the culprits have taken refuge, the right of surrendering them to their own Government. The only object of these Treaties is to facilitate the relations of the Contracting Powers, and to record that they reciprocally bind themselves to use towards each other, in certain cases and in a certain manner, the right which belongs to them of granting extraditions.

But because a Government shall have entered into an arrangement with another Power to surrender criminals accused of such or such crimes when claimed in such or such manner, by diplomatic means for instance, it does not follow that this Government is unable, should it think proper, to consent to the extradition of a person accused of a crime not provided for in the Treaty, even if the application be made in a manner other than that stipulated.

England had, therefore, full power to surrender Lamirande even for a crime not recognized as such by the English law, and even although the demand for extradition were presented by some one not a Diplomatic Agent. When, therefore, in the exercise of her right, she has granted an extradition, whether in a case provided for by a Treaty, or whether in a case beyond the provisions of a Treaty, is it allowable for her to recall the accomplished fact, and modify the act of sovereignty emanating from herself, by which she has effected the extradition! What is still more singular in the British Government's demand for the rendition of Lamirande is, that that demand would involve the contradiction of those principles on which they rely, and of other principles appealed to previously by one part of the members of the English Parliament, and even by some publicists of our own country.

By their demand the English Government wishes to recall an act which emanated from themselves or from their agents; they wish to revise this act on the plea that those who ordered it committed a legal error. This is for the Royal power, the highest representation of the Administrative power, to declare that its inferior agents have been deceived, that they have taken wrong proceedings, and to wish to substitute a decision different from that which had at first been taken.

If the English Diplomatic Agents, acting in the name of their Queen, demand an individual, surrendered by their Government to a foreign Power, affirming that the Queen and her Cabinet, i.e., the Executive Power of England, regard his extradition as having been improperly granted, and that they have resolved to cancel it, it is because that for the English Government itself the fact of granting, refusing, or cancelling an extradition, is an act of sovereignty.

This is not precisely the same doctrine as that hitherto maintained by the English, and by the enthusiastic administrators of the constitution and laws of Great Britain. It was said that among our neighbours extradition was a judicial act, and not an administrative measure. In demanding Lamirande, the English Government would give the final blow to this doctrine; for if Lamirande has been given up in virtue of a judicial decision, how can the administrative power arrogate to itself the right to judge, appreciate, and revise that judicial decision, which has acquired the authority of a matter adjudged?

Again, if the English Government believes that, in the countries under its rule, extradition is a judicial act, there is no explanation for the talked-of demand.

For, it is to be noticed, according to what is said of this demand, that no question is raised on these points advanced before the French tribunal in the interest of Lamirande. Thus, the English Government does not complain of a judicial decision which was not definitive, having been executed in spite of an appeal, or the right of appeal, by Lamirande. We could understand, to a certain point, the executive power of a country which gives executive force to the decisions of justice, complaining of the execution of a decision to which it has not given this executive force, or that the executive force, which can only emanate from itself, has been erroneously given to the sentence of a judge. We may reply to a demand based on these pleas, that it was the business of the Government which makes the demand to watch the execution of the acts of the tribunals or of the Administrative Agents in its territory, but that, the acts once carried out, they can no longer be revised, since the persons to whom they apply are no longer within its jurisdiction. But, we repeat, in this case the demand might be intelligible to a certain point; whereas in the demand, as it is at present framed, England avows that she has no formal objection to make against the decision of the Judge who ordered the extradition—she only pretends that the Judge has given a wrong decision, that he ought not to have entertained the demand.

What becomes, then, of that grand principle of the authority of an adjudged matter, which is acknowledged, proclaimed, and respected by all Governments?

Does the Cabinet of London wish to pretend that the extradition of Lamirande has