

Thus the French code provides that a Frenchman who has rendered himself guilty abroad of a crime punishable by French law may be prosecuted and judged in France, unless he has previously been definitely judged in the foreign state. England on the other hand, only claims the right to exercise jurisdiction over British subjects in certain special cases. The principle upon which English criminal jurisdiction is founded has been well expressed by Lord Halsbury in the case of *Macleod v. Attorney-General for New South Wales* (65 L.T. Rep. 321; (1891) A.C., p. 458), where he says: "All crime is local. The jurisdiction over the crime belongs to the country where the crime is committed, and, except over her own subjects, Her Majesty and the Imperial Legislature have no power whatever." The real objection to a wide extension of the jurisdiction even over British subjects lies rather in the difficulty of procuring the attendance of witnesses from foreign countries, who after all could not be compelled to attend. And there is always a risk, which no state would willingly incur, of there being the appearance of an interference in the internal affairs of another country. The matter might well be considered to be a question of police more properly to be dealt with by the state where the crime was committed.

The exceptional cases where the English courts have the power to try British subjects for crimes committed abroad are all the result of statutory provisions carefully limited in their scope. One of the earliest instances of such a statute is the Act of 35 Hen. VIII. c. 2, which provides that a person guilty of treason outside the realm may be tried for his offence in the Court of King's Bench. The gravity of this offence, directed as it is against the state itself, and the necessity of preventing plots being hatched abroad which would endanger the safety of the realm necessitated British subjects at least being made amenable to our courts. It has not been deemed advisable to follow the example of some continental states who even claim to exercise this right against foreigners. By 51 & 52 Vict. c. 41, s. 89 (3), the venue for treasons committed abroad is in the county of London and the county of Middlesex, and this was where the venue was laid in the case of Arthur Lynch, an Irishman, who joined the