

to British Law, and therefore does not do so according to the mind of the British negotiator of the Treaty, or the intention of the British Legislature when giving effect to it.

The French Government are understood to hold that the crime was within the term *faux*, employed in the French version of the Treaty as the equivalent of the term *forgery* employed in the English version.

Each Government may be right in their respective contentions as to the import of terms used in the several languages, but when so material a difference exists between the two parties to a Treaty, it may not be unreasonable in the party who will suffer by an adverse construction, to press the other party not to insist on its own.

But even admitting with the French Government (which, however, Her Majesty's Government are by no means prepared to do), that under exceptional circumstances the requisition of a Consular Agent for the surrender of a prisoner under the Extradition Treaty may be accepted in lieu of that of a Diplomatic Agent, Her Majesty's Government must observe that no such exceptional circumstance can be pleaded in the case of M. Lamirande. His crime, whatever it may be, was not committed in a French colony, nor was the warrant for his apprehension issued by a French Colonial Magistrate and conveyed direct to Canada without passing through France; but the crime was committed in France, the warrant was issued by a Magistrate in France, and it was probably conveyed by the person who was the bearer of it through England, or at all events, might have been so conveyed without any inconvenience or sensible delay. There was, therefore, no necessity for disregarding, in this case, the usual practice of applying to Her Majesty's Government for the Extradition of M. Lamirande under that warrant through the French Diplomatic Agent in England.

On all these grounds, therefore, Her Majesty's Government trust that the French Government will be disposed to accede to the application which I have now the honor of addressing to your Excellency for the surrender of M. Lamirande.

I avail, &c.,

(Signed,)

JULIAN FANE.

(No. 32.)

Lord Stanley to Mr. Fane.

FOREIGN OFFICE, January, 14, 1867.

I have to acquaint you, in reply to your despatch of the 13th instant, that I approve of the note which you propose to address to M. de Moustier respecting the case of M. Lamirande.

I am, &c.,

(Signed,)

STANLEY.

Mr. Fane to Lord Stanley (Received, January, 16).

(Extract.)

PARIS, January 14, 1867.

I had the honor of receiving, this afternoon, your Lordship's Telegram, informing me that the draft of note which I proposed to address to the French Government, upon the case of M. Lamirande, was approved; and I accordingly sent my communication to the Marquis de Moustier without delay.

Your Lordship will perhaps be good enough to direct that the date "14th of January," shall be attached to it. It will then be identical with the note which I have addressed to the Marquis de Moustier.

(No. 34.)

Mr. Fane to Lord Stanley (Received, January 16).

PARIS, January 15, 1867.

MY LORD,—With reference to my despatch of the 11th instant, stating that I had requested M. Treite to inquire into the exact state in which M. Lamirande's appeal is, I have the honor to inclose, herewith, a copy of a report which I have just received from that gentleman.

I have, &c.,

(Signed,)

JULIAN FANE.