

*THE EXTRADITION DIFFICULTY.*

The possibility and probability of the extradition to the United Kingdom of Tynan and his supposed accomplices arrested in Holland has continued to be the subject of much discussion in its diplomatic, political and legal aspects. There is, we fear, no possibility that, under the treaties, any of the accused will be extradited. The charges of dealing with explosives apply equally to Tynan and Hall and Kearney. At present there is no distinct allegation that these three men have done anything within British territory which is an offence against the Explosives Act of 1883, but merely that they were co-conspirators with Bell, arrested in Scotland. Nor is there yet any information as to an overt act by Bell within the jurisdiction. So far as yet appears, none of the accused is a British subject; consequently their acts outside our territory do not create any criminal liability within it. But there remains the question whether they have sent letters or explosives into British territory under such circumstances as to bring them within the scope of the much doubted decision in accordance with which a German was extradited as a fugitive offender for obtaining money by false pretences by letters written in England and posted to Germany. It is hardly consistent even with continental views of criminal jurisdiction to surrender to a foreign State persons not subjects of that State in respect of acts done outside its territory. In such a case the proper course would be to prosecute them in the State in which the acts are done if they are criminal there. If they are not prosecuted there, by all rules of extradition practice they would not be liable in any event to be surrendered. In the case of the men arrested in Rotterdam, their offence, if any, would seem to have been committed in Belgium, and surrender by Holland, if made at all, would be to Belgium, the proper forum for their trial. And even assuming that any act has been done in British territory, we do not see how the accused fall within the treaties. Those with Belgium, France, and Holland all deal with murder or attempt to murder; but there is nothing at present from which more than conspiracy or incitement to murder could by any means be inferred, and we have grave doubts whether these forms of offence fall within the treaties. The treaties with Belgium and France include malicious injury to property where the offence is indictable, but