

**A TREATISE UPON THE LAW OF
EXTRADITION. WITH THE CONVENTIONS
UPON THE SUBJECT EXISTING BETWEEN
ENGLAND & FOREIGN NATIONS, AND
THE CASES DECIDED THEREON**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649068227

A Treatise upon the Law of Extradition. With the Conventions upon the Subject Existing Between England & Foreign Nations, and the Cases Decided Thereon by Edward Clarke

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

EDWARD CLARKE

**A TREATISE UPON THE LAW OF
EXTRADITION. WITH THE CONVENTIONS
UPON THE SUBJECT EXISTING BETWEEN
ENGLAND & FOREIGN NATIONS, AND
THE CASES DECIDED THEREON**

A TREATISE UPON
THE LAW OF EXTRADITION.

*The Leader of the Surrey Sepoys
with Edward Clarke's copy*

A TREATISE

UPON

30615

THE LAW OF EXTRADITION.

WITH

THE CONVENTIONS UPON THE SUBJECT
EXISTING BETWEEN ENGLAND & FOREIGN NATIONS,
AND THE CASES DECIDED THEREON.

BY

EDWARD CLARKE,

OF LINCOLN'S INN, BARRISTER-AT-LAW, AND TANGRED STUDENT.

LONDON:

STEVENS AND HAYNES,

Law Publishers,

11 BELL YARD, TEMPLE BAR.

1867.

TO
THE GOVERNORS OF THE TANCRED TRUST

This Book

IS WITH ALL RESPECT DEDICATED,

BY

THEIR OBLIGED AND FAITHFUL SERVANT,

EDWARD CLARKE.

8-26-31

MVP

10/20/31

PREFACE.

THE Law of Extradition has, until very recently, attracted little attention in England. Various circumstances have of late brought it into frequent public discussion, and it seems advisable that the information upon the subject should be gathered into a convenient form. Several cases, three of them of great importance, have lately been decided in the English courts; and during a Parliamentary discussion which took place a few months ago Lord Stanley assured the House of Commons that an opportunity would be afforded next session for a full and deliberate consideration of the whole subject. The only English book expressly devoted to it is a small pamphlet, published twenty years ago, by Mr Charles Egan. This pamphlet, written soon after the treaties with the United States and France were concluded, never pretended to be in any sense a text-book, and has long ceased to be of practical utility. Some valuable remarks upon the question were contained in a pamphlet, pub-

lished by the late Sir George Cornwall Lewis in 1859, but he referred almost exclusively to the theory of the subject. No attempt has hitherto been made to collect and compare the cases decided in England and the countries with which in this matter she is most closely connected.

Having been engaged in the three most recent cases in England, I have given a good deal of study to the subject, and I venture to hope that the results of that study, extended for the sake of completeness to the laws of America and France, may not only be useful to the members of my own profession, but may help the public to understand, and the Legislature satisfactorily to deal with, a question which becomes every year of more importance to the world.

EDWARD CLARKE.

3 PUMP COURT, TEMPLE,
December 1, 1866.

CONTENTS.

	PAGE
CHAPTER I.	
UPON THE DUTY OF EXTRADITION,	1
CHAPTER II.	
EARLY TREATIES AND CASES,	13
CHAPTER III.	
HISTORY OF THE LAW IN THE UNITED STATES,	23
CHAPTER IV.	
HISTORY OF THE LAW IN CANADA,	50
CHAPTER V.	
HISTORY OF THE LAW IN ENGLAND,	67
CHAPTER VI.	
HISTORY OF THE LAW IN FRANCE,	88

CHAPTER VII.

PRACTICE IN THESE COUNTRIES,

PAGE
96

CHAPTER VIII.

CONCLUSION, 106

APPENDIX.

Convention of 1843 between Great Britain and France,	114
6 & 7 Vict., c. 75, (France)	118
6 & 7 Vict., c. 76, (America,)	122
8 & 9 Vict., c. 120, (Practice,)	126
Convention of 1852 between Great Britain and France	130
Demands made by Great Britain upon France, (1852, 1865)	150
25 & 26 Vict., c. 70, (Denmark,)	151
29 & 30 Vict., c. 121, (Practice,)	157
Note upon the Lamirande Case,	158
Convention of 1864 between Great Britain and Prussia,	162
Case of Charles Dubois, (otherwise Coppin,)	165
Note upon Political Offences,	177