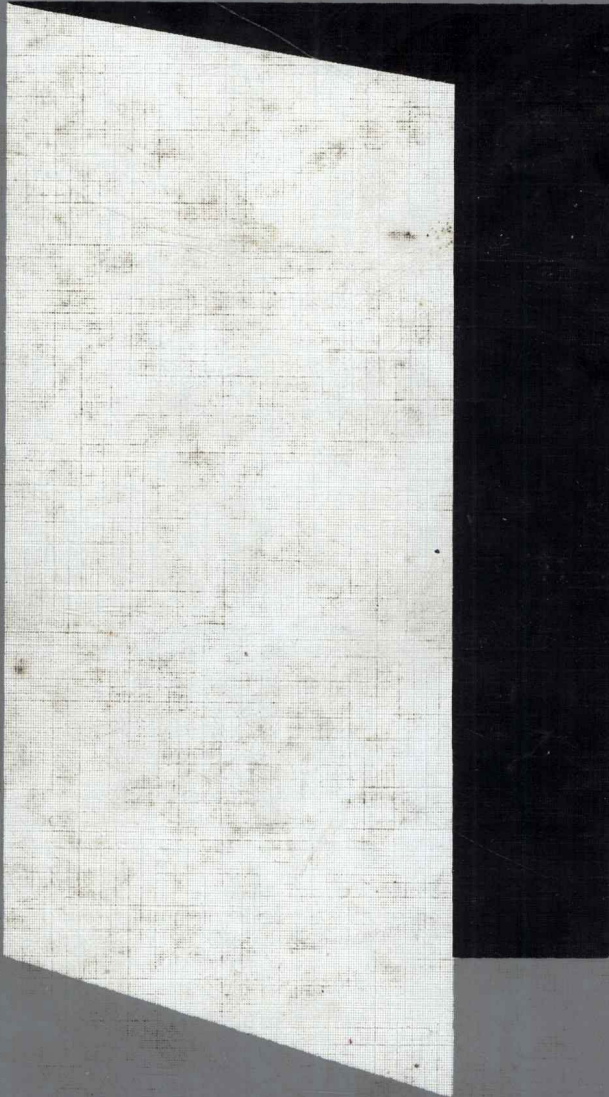


**V.E. HARTLEY BOOTH**

**BRITISH  
EXTRADITION LAW  
AND PROCEDURE**



**volume I**

# BRITISH EXTRADITION LAW AND PROCEDURE

Including Extradition between the  
United Kingdom and foreign States,  
the Commonwealth and dependent  
countries and the Republic of Ireland

Volume I

by

V. E. HARTLEY BOOTH

*LL.B. (Bristol) LL.B. (Cantab.)  
Diploma of International Law  
Barrister of the Inner Temple*

assisted by

PETER SELLS

*MA (Cantab.)  
Barrister of the Inner Temple*

SIJTHOFF & NOORDHOFF      1980  
Alphen aan den Rijn      The Netherlands  
Germantown, Maryland      USA

ISBN 90 286 0079 5

Library of Congress Catalog Card Number: LC 79-90516

Copyright © 1980 Sijthoff & Noordhoff International Publishers BV  
Alphen aan den Rijn, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright owner.

## PREFACE

### 1. ORIGINS AND CONTENTS

*British Extradition Law and Procedure* is intended to fill the gap in currently available literature on this subject. In particular, it seeks to provide useful material for the practitioner concerned in extradition proceedings in this country, as well as to make some suggestions for future development in this field.

Most of the detailed works on the subject are out of date now, and belong principally to the late 19th and early 20th century.<sup>1</sup> The first detailed book dealing with British law of extradition, *A Treatise upon the law of Extradition*, was written by Sir Edward Clarke in 1866 and ran to four editions, the last of which, now largely out of date, appeared in 1903.<sup>2</sup> In addition to much other literature on the subject,<sup>3</sup> extradition law was reviewed twice towards the end of the 19th century (in 1867 by a Select Committee of the House of Commons,<sup>4</sup> and in 1878 by a very strongly constituted Royal Commission under Lord Cockburn, C.J.,<sup>5</sup>) and it has been the subject of much comment in

---

1. For a bibliography of early books touching upon the subject see O'Higgins, and in particular E. Wynne, *Eunomus: Or, Dialogues Concerning the Law and Constitution of England* 2nd ed., (London, 1809) vol. 2, pp. 208–211; R. Ward, *An Enquiry into the Foundation and Making of the Law of Nations from the time of the Greeks and Romans to the Age of Grotius*, 2 vols. (London, 1795); F. Hutcheson, *A System of Moral Philosophy*, 2 vols. (London, 1755), vol. 2, pp. 362–363. The first English book on extradition was by Charles Egan, *The Law of Extradition comprising the Treaties now in force between England and France, and England and America* (London, 1846).

2. E. Clarke, *Extradition*, 4th ed. (London 1903).

3. E.g. Sir George Cornewall Lewis, *On Foreign Jurisdiction and the Extradition of Criminals* (London, 1859); Frederick Waymouth Gibbs, *Extradition Treaties* (London, 1868); Sir Henry Biron and K. E. Chalmers, *The Law and Practice of Extradition* (London, 1903); Sir Francis Piggott, *Extradition: A Treatise on the Law relating to Fugitive Offenders* (London and Hong Kong, 1910); A de Mello, *A Manual of the Law of Extradition and Fugitive Offenders Applicable to the Eastern Dependencies of the British Empire*, 2nd ed. (Singapore, 1933).

4. Parliamentary Papers, 1867–1868, VII, 129.

5. C. 2039: Royal Commission on Extradition (1878).

legal journals<sup>6</sup> and international law literature.<sup>7</sup> More recent treatment of British extradition law includes sections in works on constitutional and administrative law,<sup>8</sup> as well as in Halsbury's *Laws of England*, now in its fourth edition.<sup>9</sup>

To cover the subject fully would require treatment of three aspects:

(i) *History*: since the historical aspect of extradition has been covered fully elsewhere,<sup>10</sup> only a brief historical outline and such information as is necessary for a proper understanding of the subject has been included.

(ii) *The current state of the law*: an attempt has been made, without reproducing existing academic studies of exposition and analysis, to clarify procedural and practice rules, including all that a practitioner requires in respect of substantive law which must, of necessity, be included in a study of this kind.

(iii) *The future*: some suggestions for modifications to British extradition law are included in a general discussion of the subject.

While this book deals mainly with the extradition law of the United Kingdom,<sup>11</sup> that is to say, with British law governing the return of fugitive criminals to and from the United Kingdom, some space has been devoted to the legal provisions for extradition existing in Commonwealth countries in order to provide information for the practitioner faced with problems of extradition to and from such countries (see chapter VIII). The book begins with a general and historical

---

6. E.g. the *Quarterly Review* (1890), January: anon; Paul O'Higgins, *The Grotian* (1960), vol. 1.

7. E.g. Lord McNair, *International Law Opinions*, 3 vols. (Cambridge, 1956); *British Digest of International Law*, vol. 6, chap. 17 (1965); G. Schwarzenberger, *International Law in Early English Practice*, *British Yearbook of International Law* 25 (1948), pp. 52–90; Shearer, *Extradition in International Law* (Manchester, 1971); Cherif Bassiouni, *International Extradition and World Public Order* (Sijthoff and Oceana, 1974).

8. E.g. S. A. de Smith, *Constitutional and Administrative Law*, 3rd ed. (London, 1977), pp. 427–431; O. Hood Phillips, *Constitutional and Administrative Law*, 5th ed. (London, 1973), pp. 379–382; E. C. S. Wade and G. Godfrey Phillips, *Constitutional and Administrative Law*, 9th ed. (1977), pp. 433–440 and p. 459.

9. 4th ed., vol. 18, paras. 201–300.

10. See O'Higgins: bibliography therein, and in particular P. Bernard, *Traite Theorique et Pratique de l'Extradition*, 2 vols. 2nd ed., (Paris, 1890), vol. 1; Sir Edward Clarke, op. cit., in particular chaps. 2 and 5; Charles Egan, op. cit.; Frederick Waymouth Gibbs, op. cit.; W. B. Lawrence, *Commentaires sur Les Elements du Droit International et sur l'Histoire Des Progres du Droit des Gens de Henry Wheaton*, 4 vols. (Leipzig, 1868–1880), vol. 4. (*Etudes sur la Jurisdiction Consulaire en Pays Chretiens et en Pays non-Chretiens et sur L'Extradition*), pp. 362–540; Lord McNair, op. cit., pp. 40–52; G. Schwarzenberger, op. cit., pp. 52–90; Paul O'Higgins, *The Grotian*, vol. 1 1960; I. A. Shearer, op. cit., pp. 5–21; N. S. Holdsworth, *A History of English Law*, vols. V (pp. 49–50), X (pp. 398–400), XIV (pp. 86–90); Sir Francis Piggott, op. cit.

11. For references to foreign law, see I. A. Shearer, op. cit.

introduction. Part 1 of this book (chapters I to VII) deals with extradition between the United Kingdom and foreign States, Part 2 (chapters VIII to IX) with the surrender of fugitive criminals between the United Kingdom and Commonwealth countries, Part 3 (chapters X to XI) with the surrender of fugitive criminals between the United Kingdom and the Republic of Ireland, and Volume II of this book contains a list, country by country, of current extradition arrangements and suggestions for reform (chapter XII).

## 2. ABBREVIATIONS

Lengthy source references which occur frequently have been abbreviated to avoid cluttering the text. Full details of these references will be found under "Abbreviations".

## 3. ACKNOWLEDGEMENTS

My gratitude is due to a number of people. I have made considerable use of the comments and experience of practitioners and legal advisors in this field, and I have been kindly assisted by the present and former, Chief Clerk at Bow Street Magistrates' Court R. H. Hines and Mrs J. M. Ferley members of the diplomatic services of various countries, unofficially by various government departments, the Crown Office in England and Scotland and the Commonwealth Secretariat. My thanks are also due to all those persons who patiently answered my questions, and in particular, to John Hopkins, M.A., LL.B, Maurice Bathurst, C.M.G., C.B.E., Q.C., LL.D., Ph.D. and Paul O'Higgins, B.A., LL.B., Ph.D. and Claud Allen a colleague at the Bar all of whose assistance has been invaluable. Most of all I have had enormous practical help from Peter Sells, M.A., a colleague at the Bar, who wrote the two Irish Chapters, Part 1 of Volume II and gave marvellous assistance with some early Chapters. And last but not least I want to thank my wife for her great patience and particularly for her help with the index and tables. *The law as stated in this volume is up to 1 June 1979.*

V.E.H.B.

5 Kings Bench Walk  
Temple

**CONTENTS (Volume II)**

**ABBREVIATIONS**

**INTRODUCTION**

**Part 1**

List of states

Current arrangements

**Part 2**

List of orders in council

Texts of extradition treaties (embodied in orders in Council)

Appendices

## ABBREVIATIONS

A.C.	Appeal Cases, Law Reports
A.C.T.R.	Australian Capital Territory Reports
A.L.R.	Argus Law Reports (Australia)
A.L.R.S.C. (N.S.W.)	Argus Law Reports Supreme Court (New South Wales)
A.L.R. (A.)	American Law Reports (Annotated)
All E.R.	All England Reports
Allen	Allen, Claud. "Extradition: A case for law reform. <i>Zeitschrift für die Gesamte Strafrechtswissenschaft</i> , (1977) vol. 89, p. 239.
Anglo-Extradition	An extradition treaty entered into by the United Kingdom with a foreign state
Archbold	Archbold, <i>Criminal Pleadings, Evidence and Practice</i> . 29th ed., S. Mitchell, ed. London, 1976.
B. & C.	Barnwell and Cresswell (1823-1832)
B.C.R.	British Columbia Reports
B. & S.	Best and Smith Reports
B.D.I.L.	<i>British Digest of International Law</i> , Phase One. C. Parry, ed. London, 1965.
B. & F.S.P.	British and Foreign State Papers
B.I.L.C.	British International Law Cases
B.Y.I.L.	<i>British Year Book of International Law</i>
Biron and Chalmers	Sir Henry Biron and K. E. Chalmers. <i>The Law and Practice of Extradition</i> . London, 1903.
Bow Street Court	Material obtained directly from the Chief Clerks at Bow Street Magistrates' Court (formerly R. H. Hines and now Mrs J. M. Ferley)
C.C.A.	Circuit Court of Appeals (United States) prior to 1 September 1948
	Court of Criminal Appeal (England)
C.C.C. or	
Can. Crim. Cas.	Canadian Criminal Cases
Ch.	Law Reports Chancery Division 1891 onwards
Ch. App.	Chancery Appeal Reports
Ch. D.	Law Reports Chancery Division 1876-1890
C.L.C.	Current Law Consolidation
C.L.R.	Irish Common Law Reports 1850-1866
	Commonwealth Law Reports (Australia) 1903 onwards
Clarke	Sir Edward Clarke. <i>Extradition</i> . 4th ed. London, 1903.
Clunet	<i>Journal du droit International Privé; Cas intéressant d'extradition en Angleterre</i> . W. F. Craies, ed.
Co. Rep.	Cokes Reports 1572-1616
Cornell L.Q.	<i>Cornell Law Quarterly</i>
Cox C.C.	Cox's Criminal Cases 1843-1945



Crim. L.R.	<i>Criminal Law Review</i>
Cr. App. R.	Criminal Appeal Reports 1908 onwards
D. & B.C.C.	Dearsly and Bell's Crown Cases Reserved 1856–1858
D.C.	Divisional Court
Davis Sup. Ct.	Davis Supreme Court Reports
Digest (Repl.)	<i>The English and Empire Digest</i> (Replacement Volume)
Dyer	Dyer's King's Bench Reports 1513–82
E.R.	English Reports
El. & Bl.	Ellis and Blackburn's Queen's Bench Reports 1852–1858
Ex. D.	Exchequer Division
F.	Federal Reporter (United States) (Second series)
F.C.	Federal Cases (Canadian)
F.L.R.	Federal Law Reports (Australia)
H.L.	House of Lords
H.L.R. or Harv. L.R.	<i>Harvard Law Review</i> 1889 onwards
H.K.L.R.	Hong Kong Law Reports
Halsbury	Halsbury, <i>Laws of England</i> , 4th ed., vol. 18. London, 1977. Any other edition or volume is specifically referred to in text.
Hansard	Hansard, <i>Parliamentary Debates</i> , 3rd series.
Holdsworth	<i>A History of English Law</i> . 7th ed. London, 1952–1966.
Home Office	
Memorandum	H.O. Practice in Extradition Cases 1.11.1907. Revised 1.7.1913
I.R.	Irish Reports
I.C.L.Q.	<i>International and Comparative Law Quarterly Journal of Criminal Law</i>
J.P.	Justice of the Peace Reports
J.P.Jo.	Justice of the Peace Journal
Jenk.	Jenkin's Reports, 1220–1623, English Reports 145.
Jur.	The Jurist
K.B.	Law Reports, King's Bench
Kyshe	Kyshe's Reports (Straits Settlements) 1885–1890 Vol. I–IV
L.G.R.	Local Government Reports
L.J.M.C.	Law Journal Magistrates Cases 1831–1896
L.J.P.C.	Law Journal Privy Council 1865–1946
L.J.Q.B. or K.B.	Law Journal Queen's Bench or King's Bench 1831–46
L.Q.R.	Law Quarterly Review
L.R.Q.B.	Law Reports, Queen's Bench 1891 onwards
L.T.	Law Times Reports
Lloyd's Rep.	Lloyd's List Reports 1951 onwards
M.C.	Magistrates' Court
M.L.R.	Modern Law Review
Man. & Ry. K.B.	Manning and Ryland's King's Bench Reports 1827–1830
Man. & Ry. M.C.	Manning and Ryland's Magistrates' Courts Reports
McNair	McNair, Lord A.D. <i>International Law Opinions</i> . Cambridge, 1956, vol. 2.
Moore K.B.	Francis Moore's King's Bench Reports 1512–1621
N.I.M.R.	Northern Ireland Monthly Reports
N.R.	New Reports
N.S.W.R.	New South Wales Reports
N.S.W.Sup.Ct.	New South Wales Supreme Court Reports
N.Y.L.J.	<i>New York Law Journal</i>

N.Y. Sup. Ct.	New York Supreme Court Reports
N.Y. Supp.	New York Supplement
N.Z.L.R.	New Zealand Law Reports
O'Connell	O'Connell, D. P. <i>International Law</i> . 2nd ed. London, 1970, vol. 1.
O'Higgins	O'Higgins, P. <i>British and Irish Extradition Law and Practice</i> . 1961. Unpublished Ph.D. Thesis Cantab.
Oppenheim	Oppenheim, Sir Hersh. <i>International Law</i> . 8th ed. London, 1955. vol. 1.
P.R.O./H.O./F.O.	Public Record Office Papers (Foreign & Home Office: F.O./& H.O.)
Piggott	Piggott, Sir Francis. <i>Extradition: A Treatise on the Law Relating to Fugitive Offenders</i> . London and Hong Kong, 1910.
Public Law	Public Law: The Constitutional and Administrative Law of the Commonwealth (London Annual)
Q.B.D.	Law Reports Queen's Bench Division 1876–1890
Roberts-Wray	Roberts-Wray, Sir Kenneth. <i>Commonwealth and Colonial Law</i> . London, 1966.
Royal Commission	Report of the Royal Commission on Extradition, 1878 (c. 2039). Reprinted in full in 6 B.D.I.L. pp. 805–810 and see Parliamentary Papers, XXIV, 903.
S.A.L.R.	South Australia Law Reports 1865–1926
S.C. (J.)	Session Cases (High Court of Justiciary)
Sc. L. R.	Scottish Law Reporter
S.C.R.	Supreme Court Reports (Canada) 1876–1922
S.I.	Statutory Instruments
S.J.	<i>Solicitor's Journal</i>
Shearer	Shearer, I. A. <i>Extradition in International Law</i> . Manchester, 1970.
Sorensen	Sorensen, Max. <i>Manual of Public International Law</i> . London, 1968.
S.R. (N.S.W.)	New South Wales State Reports
S.R. & O.	Statutory Rules and Orders
State Tr.	Howell's State Trials 1163–1820
Syracuse L.R.	<i>Syracuse Law Review</i>
T.L.R.	Times Law Reports
T.S.	Treaty Series
the 1870 Act	Extradition Act 1870 (33 & 34 Vict. c. 32)
the 1873 Act	Extradition Act 1873 (36 & 37 Vict. c. 60)
the 1895 Act	Extradition Act 1895 (58 & 59 Vict. c. 33)
the 1906 Act	Extradition Act 1906 (6 Edw. 7 c. 15)
the 1932 Act	Extradition Act 1932 (22 & 23 Geo. 5 c. 39)
the 1935 Act	Counterfeit Currency (Convention) Act 1935 (25 & 26 Geo. 5 c. 25)
the 1881 Act	Fugitive Offenders Act 1881 (44 & 45 Vict. c. 69)
the 1969 Act	Fugitive Offenders Act 1967 (1967 c. 68)
the 1965 Act	The Backing of Warrants (Republic of Ireland) Act 1965 (1965 c. 45)
the 1978 Act	The Suppression of Terrorism Act 1978 (1978 c. 28)
the Extradition Acts	The 1870 Act, the 1873 Act, the 1895 Act, the 1906 Act, the 1932 Act and the 1935 Act (see chapter II for definition)
U.S.	United States Reports

<b>U.S. Sup. Ct.</b>	<b>United States Supreme Court Reports</b>
<b>W.L.R.</b>	<b>Weekly Law Reports</b>
<b>W.N.</b>	<b>Weekly Notes 1866–1952</b>
<b>W.R.</b>	<b>Weekly Reporter 1853–1952</b>
<b>W.W.R.</b>	<b>Western Weekly Reports (Canada) 1912–1950, 1971 onwards</b>

## TABLES OF CASES

The tables of cases list all the cases included in this book from any source, either reported, unreported, noted in public documents at the Public Record Office, in journals or text books. The first table includes all the cases from the United Kingdom, excluding Scotland. The subsequent tables set out Scottish and Irish cases separately and also a number of foreign and Commonwealth cases under each country.

### I. UNITED KINGDOM (excluding Scotland)

A	PAGE
AGG, CHARLES Case of, P.R.O./H.O. 45/O.S. 7202 (1861)	300
AITKEN, H. C., Case of, P.R.O./H.O. 45/9740/A 55504/1 (1893)	300
ALLEN AND TAYLOR, case of (1888) Craies in Clunet (1890) Vol. 17, 42; Clarke's Law of Extradition (4th Ed.) 252; 24 Digest 880, 70	73, 89
AMAND v. HOME SECRETARY AND MINISTER OF DEFENCE OF ROYAL NETHERLANDS GOVERNMENT [1943] A.C. 147	115, 120, 192
ANDERSON, EX PARTE (1861) 3 El. and El. 487; 121 E.R. 525	51
ARKINS, RE See R. v. Metropolitan Police Commissioner ex parte Arkins	
ARMAH v. GOVERNMENT OF GHANA [1968] A.C. 192; [1966] 3 W.L.R. 828; 131 J.P. 43; 110 S.J. 890; [1966] 3 All E.R. 177; Reversing sub nom R. v. Brixton Prison Governor ex parte Armah [1968] A.C. 192; [1966] 3 W.L.R. 23; 110 S.J. 468; sub nom Kwesi Armah, re [1966] 2 All E.R. 1006	25, 57, 96, 97, 98, 110, 116, 118, 121, 175, 182, 191, 192, 248
ARTON, RE (1893) 20 Clunet 493	119
ARTON, RE (No. 1) [1896] 1 Q.B. 108; 65 L.J.M.C. 23; 73 L.T. 687; 44 W.R. 238; 12 T.L.R. 131; 40 S.J. 195	C, 32, 79, 81, 82, 92, 98, 136, 178, 190
ARTON, RE (No. 2) [1896] 1 Q.B. 509	32, 48, 54, 110
ARTON'S CASE H.O. Memorandum p. 14 (x 38, 150/6.7.), sub nom Arton, Emile, F.O. 97.560	32, 91
ATHANASSIADIS v. GOVERNMENT OF GREECE [1971] A.C. 282; [1969] 3 W.L.R. 554; 133 J.P. 577; [1969] 3 All E.R. 293, H.L. Affirming sub nom R. v. Brixton Prison Governor ex parte Athanassiadis, 110 S.J. 769; [1966] Crim. L.R. 677 D.C.	49, 99, 101, 102, 104
ATKINSON v. U.S.A. GOVERNMENT [1971] A.C. 197; [1969] 3 W.L.R. 1074; 113 S.J. 901; [1969] 3 All E.R. 1317, H.L. Reversing in part, affirming in part, sub nom R. v. Brixton Prison Governor, ex parte Atkinson (1969) 133 J.P. 617. 113 S.J. 690; [1969] 2 All E.R. 1146 D.C.	60, 61, 63, 81, 92, 93, 98, 107, 118, 126, 257, 267
ATTORNEY GENERAL FOR CANADA v. FEDORENKO [1911] A.C. 735	25, 26
ATTORNEY GENERAL FOR THE COLONY OF HONG-KONG v. KWOK-A-SING (1873) L.R. S.P.C. 179; 3 B.I.L.C. 812; 42 L.J.P.C. 64; 29 L.T. 114; 37 J.P. 772; 21 W.R. 825; 12 Cox C.C. 565	49, 122, 123

## B

BALFOUR, J. S. Case of, P.R.O./H.O. 45/9696/A 49812 (1892)	300
BARTUE AND THE DUCHESS OF SUFFOLK'S CASE (1567) 2 Dyer 176 b. 73 E.R. 388	133
BEESE v. GOVERNOR OF ASHFORD REMAND CENTRE AND FEDERAL GERMAN REPUBLIC [1973] 1 W.L.R. 1426; sub nom Beese v. Governor Ashford Remand Centre 117 S.J. 835; [1973] 3 All F.R. 689 H.L.; affirming sub nom R. v. Governor of Ashford Remand Centre ex parte Beese [1973] 1 W.L.R. 969; 117 S.J. 545; [1973] 3 All E.R. 250; [1973] Crim. L.R. 524 D.C.	38, 42, 56, 143
BELLENCONTRE, In re [1891] 2 Q.B. 122	27, 51
BENMAX v. AUSTIN MOTOR CO. LTD [1955] A.C. 370; [1955] 2 W.L.R. 418; 99 S.J. 129; [1955] 1 All E.R. 326	193
BERNARD, Case of H.O. Memorandum p. 13-14 (126, 987)	32
BIDWELL, A. Case of, S.J. and Reporter 37 (1872-73) 691	300
BLUHM, in re [1901] 1 K.B. 764	42, 116
BOARD OF TRADE v. OWEN [1957] A.C. 602; [1957] 2 W.L.R. 351; 121 J.P. 177; 101 S.J. 186; [1957] 1 All E.R. 411; 41 Crim. App. R. 11; Affirming sub nom R. v. Owen [1957] 1 Q.B. 174; [1956] 3 W.L.R. 739; 120 J.P. 553; 100 S.J. 769; [1956] 3 All E.R. 432; reversing in part [1956] 3 W.L.R. 252; 100 S.J. 545; 40 Crim. App. R. 103	168
BOROVSKY, in re, ex parte SALAMAN [1902] 2 K.B. 312	39
BOUVIER, Re (1872) 27 L.T.R. (N.S.) 844; 42 L.J. Q.B. 17; 12 Cox C.C. 303	30, 66
BRUNIER, in re (1969) 1st April (unreported) D.C.	126
BUDD, EX PARTE [1941] 2 All E.R. 749	123
BURSEN, R. A. EX PARTE The Times Dec. 19th, 1878	131

## C

C. v. E. (1946) 62 T.L.R. 326; Annual Digest 1946 case No. 65	LV
CABORN-WATERFIELD, Re See R. v. Governor of Brixton Prison ex parte Caborn-Waterfield	
CALDOUGH v. GOVERNOR OF BRIXTON PRISON see R. v. Gover- nor of Brixton Prison ex parte Caldough	
CAMPOS, DE, Case of P.R.O./H.O. 45/9710/A 51128/1 (1889)	300
CARD v. SALMON [1953] 1 Q.B. 392; [1953] 2 W.L.R. 301, 117 J.P. 110; 97 S.J. 115; [1953] 1 All E.R. 324; 51 L.G.R. 174	63
CALVIN'S CASE (1608) 7 Co. Rep 1a; 4 B.I.L.C. 133; 2 State Tr 559; Moore K.B. 790; Jenk 306; 77 E.R. 375	4
CARROLL, Re [1931] 1 K.B. 104 and 317.	115
CASTIONI, Re [1891] 1 Q.B. 149; 60 L.J. M.C. 22; 64 L.T. 344; 55 J.P. 328; 39 W.R. 202; 7 T.L.R. 50; 17 Cox C.C. 225	79, 96
CHAPPELLE'S CASE H.O. Memorandum p. 14 (x. 61, 917A)	65
CHATTENAY v. BRAZILLIAN SUBMARINE TELEGRAPH CO [1891] 1 Q.B. 79	52
CHENG v. GOVERNOR OF PENTONVILLE PRISON [1973] A.C. 931; [1973] 2 W.L.R. 746; 117 S.J. 146; [1973] Crim. L.R. 362; sub nom Cheng (Tzu-Tsai) v. Governor of Pentonville Prison [1973] 2 All E.R. 204, H.L.; affirming sub nom R. v. Governor of Pentonville Prison ex p. Cheng (1973) 117 S.J. 146 [1973] 1 All E.R. 935; [1973] Crim. L.R. 180	74, 75, 79, 80, 81, 95, 228, 254

CLEMETSON, Re [1956] Crim. L.R. 50 The Times 23rd Nov. 1955	187, 188, 189
COBBETT v. Hudson 15 Q.B. 988	112
CONNELLY v. D.P.P. [1964] A.C. 1254; [1964] 2 W.L.R. 1145; 128 J.P.	
418; 108 S.J. 356; [1964] 2 All E.R. 401; 48 Cr. App. R. 183; affirming	
sub nom R. v. Connelly [1963] 3 W.L.R. 839; 107 S.J. 793; [1963] 3 All	
E.R. 510	60, 62, 92, 98, 126, 138
COPPIN, Re (1866) L.R. 2 Ch. App. 47	7, 55, 119
COUNHAYE, in re (1973) L.R. 8 Q.B. 410	25, 49, 55, 110
COX v. HAKES, (1890) 15 A.C. 506	115
CREOLE, THE, B.D.I.L. Vol. 6 Ch. 17 p. 456	LII

## D

DE DEMKO v. HOME SECRETARY [1959] A.C. 654; [1959] 2 W.L.R.	
231; 123 J.P. 156; [1959] 1 All E.R. 361, H.L.; affirming sub nom R. v.	
Brixton Prison Governor ex parte De Demko [1959] 1 Q.B. 268; [1958]	
3 W.L.R. 624; 102 S.J. 827; sub nom De Demko, re, 122 J.P. 477;	
[1958] 3 All E.R. 360 C.A.	190, 192
DIAMOND v. MINTER [1941] 1 K.B. 656	38
DROBIG, CONRAD, Case of, H.O. Memorandum p. 13 (x. 73, 916)	38
DRUMMOND, Re [1957] Crim. L.R. 682; The Times 27th July 1957	187
DUFF DEVELOPMENT COMPANY LIMITED v. GOVERNMENT OF	
KELANTAN [1924] A.C. 797; [1924] All E.R. 1	59
DWYER, Re Unreported 13th April 1970 D.C.	227

## E

ELEKO v. GOVERNMENT OF NIGERIA [1928] A.C. 459	115
ELIAS v. PASMORE [1934] 2 K.B. 164; 103 L.J.K.B. 223; 150 L.T. 438;	
50 T.L.R. 196; 98 J.P. 92; 78 S.J. 104; 32 L.G.R. 23	38
ELLIOTT, ALLEN CHARLES, THE MATTER OF, Q.B.D. No. 171/75;	
see also R. v. Governor of Pentonville Prison ex parte Elliott	159, 164, 175
ENGELKE v. MUSMANN [1928] A.C. 433	59
EXTRADITION ACT 1870, Re, ex parte TREASURY SOLICITOR	
[1969] 1 W.L.R. 12; 112 S.J. 823; sub nom Gross, re, ex parte Treasury	
Solicitor [1968] 3 All E.R. 804	43, 44, 79
EZEKIAL, ex parte [1941] 2 K.B. 169; 111 L.J.K.B. 237; 39 L.G.R. 252;	
[1941] 2 All E.R. 546	55

## F

FERNANDEZ v. GOVERNMENT OF SINGAPORE [1971] 1 W.L.R.	
987; [1971] 2 All E.R. 691; sub nom R. v. Governor of Pentonville	
Prison ex parte Fernandez; 115 S.J. 469, H.L. See R. v. Governor of	
Pentonville Prison ex parte Fernandez	172, 179, 188
FRANCOIS, Re, The Times Dec. 2nd, 1892	60
GALWEY, Re, [1896] 1 Q.B. 230; 12 T.L.R. 150	71, 96, 110, 111, 118
GILMORE, ex parte, see R. v. Ashford (Kent) Justices ex parte Gilmore	
GOMES, MILTON, Case of, P.R.O./H.O. 45/O.S. (1959)	300
GOVERNMENT OF AUSTRALIA v. HARROD, [1975] 1 W.L.R. 745;	
119 S.J. 371; [1975] 2 All E.R. 1; [1976] Crim. L.R. 57, H.L.	
	63, 161, 170, 175, 182, 186

GOVERNMENT OF CANADA v. WILLIAM WARREN KIRBY (1976) (unreported) 25th June 1976 D.C., 27 July 1976 H.L.	56
GOVERNMENT OF INDIA v. MUBARAK ALI AHMED, See R. v. Governor of Brixton Prison ex parte Mubarak Ali Ahmed	
GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY v. SOTIRIADIS, [1975] A.C. 1; [1974] 2 W.L.R. 253; [1974] 1 All E.R. 692; sub nom R. v. Governor of Pentonville Prison ex parte Sotiriadis (1973) 117 S.J. 913; [1974] 1 All E.R. 504; [1974] Crim. L.R. 44 D.C.	20, 22, 27, 28, 33, 34, 35, 36, 42, 109, 161, 162
GOVERNMENT OF SINGAPORE v. SLATER, The Times, January 6, 7, 8, 11, 18, 19, 27, 28, 1977	54, 199, 260
GOVERNOR OF BRIXTON PRISON, ex parte STALLMAN, See R. v. Governor of Brixton Prison ex parte Stallman	
GREENE, Re (1941) 57 T.L.R. 533	114
GROSS AND OTHERS, Re, EX PARTE TREASURY SOLICITOR, see Extradition Act ex parte Treasury Solicitor	
GRUNDFELDT'S CASE, H.O. Memorandum p. 14-15 (x. 81531)	22
GUERIN, Re (1888) 58 L.J.M.C. 42; 60 L.T. 538, D.C.; 5 T.L.R. 188, sub nom Guerin v. Bank of France (1888) 5 T.L.R. 160	73, 93, 94, 113
GUYOT'S, ALEXANDRE CASE, P.R.O./H.O. 45/9593/49816/6	24

## H

HARRISON v. BUSH (1855) 5 El. and Bl. 344; 3 C.L.R. 1240; 25 L.J. Q.B. 25; 25 L.T. (o.s.) 194; 1 Jus. (n.s.) 846; 3 W.R. 474	8
HASTINGS, Re, No 2 [1959] 1 Q.B. 358	115
HASTINGS, Re, No. 3 [1959] 1 Ch. 368	115
HECTOR WHALING LTD., Re [1936] Ch. 208	222
HENDERSON, Re, also sub nom Henderson v. Secretary of State for Home Affairs; [1950] 1 All E.R. 283	188, 190, 192
HERZ, Case of, Law Journal 31 (1896) 297, Clunet 23 (1896), The Times July 20th p. 12 col. 5, 21 p. 5 col. 2, 22 p. 7 col. 6, (1897)	40, 123
HOFFMAN'S CASE, H.O. Memorandum p. 15	31
HOLT'S CASE, H.O. Memorandum p. 15 (x. 32, 853)	30
HUGUET, ex parte (1873) 29 L.T. (n.s.) 41	94, 110
HUMBLE, ISAAC, Case of, P.R.O./H.O. 45/O.S. 2389	300

## J

JAMES, in re, The Times Nov. 28th and 29th 1961	26
JOHNSTON, ex parte [1959] Crim. L.R. 524; The Times May 15th 1959	58
JOSEPH v. JOSEPH [1948] L.J.R. 513	233

## K

KAKIS v. GOVERNMENT OF CYPRUS (unreported), H.L. 19/4/78; The Times 19th Dec. 1977 D.C.	90, 187, 188, 189
KAJEE, in re, The Times April 11th 1946	110
KAMS, ALFRED ILLET, ex parte The Times April 30th, 1900	23, 31
KEANE v. GOVERNOR OF BRIXTON PRISON [1972] A.C. 204; [1972] 1 All E.R. 1163	209, 219, 227, 231
KENT, JOHN, Case of, P.R.O./H.O. 45/9678	123
KIRBY v. GOVERNMENT OF CANADA, See R. v. Governor of Pentonville Prison ex parte Kirby; also sub nom Kirby, re;	

KNOWLES v. LUCE (1588) Moore K.B. 110; 72 E.R. 473	133
KOHEN, Re, The Times May 20th, 1910	60
KOSSEKECHATKO v. A.G. for Trinidad [1932] A.C. 78	93, 102
KRAY, re; KRAY Re; SMITH, Re, [1965] Ch. 736; [1965] 2 W.L.R. 626; [1965] 1 All E.R. 710; sub nom R. v. Kray; R. v. Kray; R. v. Smith (No. 2); 109 S.J. 176; 49 Cr. App. R. 164	115

## L

LAPRIERE, ex parte The Times July 6th, 1906	119
LE GROS, ex parte (1914) 30 T.L.R. 249	115
LINDEMAN'S CASE, H.O. Memorandum pp. 24-29 (x. 77744)	23
LIPPERT'S CASE, W.A. (1893) 6 B.D.I.L. 690	142
LITTLEJOHN, Re (1973) Unreported 19th Feb. D.L.	226, 227
LENNIE MUTINEERS, The Times 4-5 May 1876	140

## M

McDONOUGH, JULIUS, Case of, P.R.O./F.O. 372/525	60
MANI'S CASE, H.O. Memorandum pp. 14-15 (x. 57284)	22
MARKS, Re (Unreported) 12th December 1973, D.C.	224
MEURNIER, in re [1894] 2 Q.B. 415	57, 79
MILLER, Case of (1899) 31 L.J. 485, 523: Craies in Clunet Vol. 26, p. 314, 319	73
MOCHREZEWSKI'S CASE, P.R.O./F.O. 10/762; B.B.D.I.L. p. 519	143
MOSER, ex parte [1915] 1 K.B. 76	104
MOURAT MEHMET, Re, See R. v. Governor of Brixton Prison ex parte Mourat Mehmet	

## N

NEWTON, Re (1885-6) 16 Q.B. 97	112
NOBBS, Re [1978] 3 All E.R. 390; sub nom R. v. Farringdon Police Station Officer in Charge ex parte Nobbs [1977] Crim. L.R. 422	113, 114, 232

## O

O'KELL, JOHN, Case of, P.R.O./H.O. 45/O.S. 7899/2 (1853)	300
OTIS, Jacob, Case of, P.R.O./H.O. 459313 (x. 13, 894)	28, 123

## P

PARISOT, in re (1889) 5 T.L.R. 344	27, 30, 56, 58, 103
PAVELIC, in re and KATERNIC, 23rd November 1934 Annual Digest and Reports of International Law Cases 1933-4 p. 372, Case No. 158	81
PINTO'S CASE, The Times 26th Oct. 1960	41
PIOT, ex parte (1883) 48 L.T. (n.s.) 120; 15 Cox C.C. 208, 47 J.P. 247	27, 54
POOLEY v. WETHAM (1880) 15 Ch. D. 435	139, 142

## R

R. v. ALLEN & TAYLOR, See Allen and Taylor, case of	
R. v. ARTON (No. 1), See Re Arton No. 1	
R. v. ASHFORD (KENT) JUSTICES ex parte GILMORE, 110 S.J. 709; [1966] Crim. L.R. 618, D.C.	117



R. v. ASHFORTH (1892) 8 L.T. 283	27, 54
R. v. AUBREY-FLETCHER ex parte ROSS MUNRO [1968] 1 Q.B. 620; [1968] 2 W.L.R. 23; 132 J.P. 109; [1968] 1 All E.R. 99; sub nom R. v. Fletcher, ex parte Ross-Munro (1967) 111 S.J. 911 D.C.; [1967] The Times December 1st.	140, 141
R. v. BALFOUR, The Times 26, 29, 30, 31 Oct. and 1, 2, 5, 6, 29 Nov. 1895	140
R. v. BENNETT [1975] Crim. L.R. 654	144
R. v. BERTRAND, 16 L.T. (n.s.) 752	94
R. v. BLACK, The Times 7th August 1896	89
R. v. BOOTER and KOHEN, The Times April 8th & 30th, May 5th, 1910; and see R. v. Kohen	89
R. v. CONNELLY, See Connelly v. D.P.P.	
R. v. CORRIGAN [1931] 1 K.B. 527; [1930] W.N. 235; 100 L.J.K.B. 55; 144 L.T. 187; 47 T.L.R. 27; 22 Cr. App. R. 106	91, 140, 141, 142, 262
R. v. DAVIDSON (1976) 64 Cr. App. R. 209; [1977] Crim. L.R. 219, C.A.	140
R. v. DEMERIAN, The Times, April 16th, 1910	81
R. v. DE TOWVILLE, The Times 7th Dec. 1876	60
R. v. DIX (1902) 18 T.L.R. 231	48, 49
R. v. FARRINGTON POLICE STATION OFFICER IN CHARGE ex parte Nobbs (See Re Nobbs)	
R. v. FINKELSTEIN AND TRUSCOVITCH (1886) 16 Cox C.C. 107	53, 56, 139
R. v. GANZ (1882) L.R. 9 Q.B.D. 93	8, 53, 69, 108
R. v. GODFREY [1923] 1 K.B. 24; [1922] W.N. 285; 128 L.T. 115; 86 J.P. 219; 67 S.J. 147; 39 T.L.R. 5; 92 L.J.K.B. 205; 27 Cox C.C. 338	72
R. v. GOVERNMENT OF GREECE ex parte ATHANASSIADIS, See Athanassiadis v. Government of Greece	
R. v. GOVERNOR OF ASHFORD REMAND CENTRE ex parte Beese, See Beese v. Governor of Ashford Remand Centre and Federal German Republic	38
R. v. GOVERNOR OF BRIXTON PRISON ex parte ARMAH, See Armah v. Government of Ghana	
R. v. GOVERNOR OF BRIXTON PRISON ex parte BRUNIER (Unreported) 1st April 1969 D.C.	113
R. v. GOVERNOR OF BRIXTON PRISON ex parte CABORN-WATERFIELD [1960] 2 Q.B. 498; [1960] 2 W.L.R. 792; 104 S.J. 369; sub nom Re Caborn-Waterfield, 124 J.P. 316; [1960] 2 All E.R. 178	7, 60, 81, 100, 101
R. v. GOVERNOR OF BRIXTON PRISON ex parte CALBERLA [1907] 2 K.B. 861; 76 L.J.K.B. 1117; 98 L.J. 100; 71 J.P. 509; 23 T.L.R. 737; 51 S.J. 721; 21 Cox C.C. 544	104
R. v. GOVERNOR OF BRIXTON PRISON ex parte CALDOUGH [1961] 1 W.L.R. 464; 125 J.P. 250; 105 S.J. 157; [1961] 1 All E.R. 606, D.C.; sub nom Caldough v. Governor of Brixton Prison [1961] 1 W.L.R. 738 H.L.	85, 86
R. v. GOVERNOR OF BRIXTON PRISON ex parte CAMPBELL [1956] Crim. L.R. 624 D.C.; The Times July 12th 1956	188
R. v. GOVERNOR OF BRIXTON PRISON ex parte COOK (1970) 114 S.J. 827; [1970] Crim. L.R. 699, D.C.	188
R. v. GOVERNOR OF BRIXTON PRISON ex parte ENAHORO, The	