

glue factory), aurait été fermé pour cause d'utilité publique, a été édicté en conformité des pouvoirs conférés à la dite Corporation, défenderesse, par la législature de cette province pour la prohibition dans les limites de la cité de Montréal, d'établissements malsains et insalubres ;

"Considérant que la dite autorité législative, en conférant les dits pouvoirs, n'a pas pourvu à l'octroi d'une indemnité à être accordée en pareil cas au propriétaire de l'établissement fermé ou prohibé, et qu'en l'absence de telle disposition, aucune action en dommages-intérêts ou pour indemnité ne peut être portée contre la Corporation défenderesse, laquelle n'a fait qu'exercer, dans l'espèce, que les pouvoirs qui lui sont conférés, et une discrétion qui lui est laissée dans l'intérêt public.

"Maintient la défense au fond en droit, produite par la dite Corporation, défenderesse, et déboute le demandeur de son action avec dépens."

Ainsi donc l'acte du défendeur d'exercer l'industrie de faire de la colle et de faire fondre du suif, industrie qui répand une odeur désagréable dans tout le voisinage, est nuisible.

Le défendeur est donc trouvé coupable, et comme le règlement suscité ne me laisse aucune alternative, je suis obligé de le condamner à \$100 et les frais ou deux mois de prison."

(J. J. B.)

THE UNITED STATES EXTRADITION TREATY.

The new Extradition Treaty between the United States and Great Britain which has been agreed upon by Mr. Phelps and Lord Rosebery has been long delayed. The negotiations which have been going on for nine years have at length been brought to a head, and there can be little doubt that the result is due largely to the energy and experience of law possessed by the present United States Minister in London. The existing extradition treaty between these two English-speaking countries is at present represented by one clause of the Ashburton Treaty of 1842, and applies only to the crimes of 'murder, assault with intent to commit

murder, piracy, arson, robbery, forgery, and the uttering of forged paper.' In addition to these offences, the new treaty is to apply to manslaughter, burglary, embezzlement, and larceny of the value of 10*l*. and upwards, and malicious injuries to property, whereby the life of any person shall be endangered. A long list of crimes will still remain unprovided for, such as counterfeiting money, rape, abduction, and perjury. These additional cases and others of inferior gravity are to be found in most of the treaties between Great Britain and other European countries. Mr. Phelps, in his despatch to his Government, says: 'It is not intended to be asserted that there may not be other offences proper to be included in an extradition treaty. A large class of crimes justly punishable by law are, in my judgment, not only beneath the dignity of a treaty between nations, but, having different definitions and degrees under different statutes, are likely, if embraced in such a treaty, to be fruitful in controversy.' It would be ungracious to criticise the words of a man who has done so much to improve the international law of two great countries, but if it be possible to work treaties of more extended application between England and France, and England and Austro-Hungary, how much more easy must it be to do so between two countries speaking one language and owning the same fundamental laws. It appears, however, that the length of the negotiations was due to differences of opinion in regard to minor offences, and it was a wise proceeding to postpone these questions for future consideration while putting at once in formal shape the subjects upon which an agreement could be arrived at. The treaty, as signed, has not yet been formally sanctioned by the United States Senate, where a two-thirds vote must be given in its favour, but there is no reason to doubt that it will receive every formal sanction in its present shape.

Attention has naturally in these times been concentrated on the crime described in the new treaty as 'malicious injuries to property, whereby the life of any person may be endangered.' This, no doubt, must be read in conjunction with the clause which prevents a criminal being surrendered for 'a crime of a