

## REVIEWS.

made the Criminal Laws of the several Provinces uniform.

Mr. Clarke in view of this fact was encouraged to prepare the Treatise now before us. It will therefore be read with as much interest and be of as much service in British Columbia, Manitoba, Nova Scotia, or any other of the Provinces as in the Province of Ontario where it has been published. And in order that the work may reflect the law of each Province as well as the law of all the Provinces the author has collected decided cases on Criminal Law in the several Provinces. To these he has added the decisions from the English Law reports. The result is a treatise tolerably complete.

The work appropriately opens with an introductory chapter on the Criminal Laws prevailing in the Dominion. It is a valuable historical sketch, and has evidently been prepared with much industry. References to decisions early and late in the several Provinces are frequent. Though by no means a practical chapter, it is one to which the student may refer with profit and advantage.

The next chapter in the work is devoted to the Law of Extradition. The author discusses this difficult and little known branch of law with much intelligence. We have been agreeably surprised to find references made to every Canadian case on this branch of the law of which we have any knowledge. Few men who have not been engaged as counsel in Extradition cases could treat the subject more satisfactorily than Mr. Clarke has done. He has not spared himself any trouble in the collection of his materials. And we must say he has made a very creditable use of them. The chapter on Extradition alone, containing about 50 pages, is worth more than the entire cost of the work to a man engaged or likely to be engaged in an Extradition case. The Treaty in which this country is chiefly interested is of course the Ashburton Treaty. It is restricted in its operation to the crimes of murder, assault with intent to commit murder, piracy, arson, robbery, forgery, and the uttering of forged paper. It might with advantage to this country and to the United States be extended to cases of larceny and fraud. It is not to the interest of either country that it should be the asylum of the thieves or swindlers of the other. Our Government is remiss in not

having long since done something towards the extension of the Treaty. Canada being a much smaller country as regards population than the United States, the proportion of thieves and swindlers that we receive for those that we lose is greatly against us. It is a kind of reciprocity that may be desirable, but we do not like to find "the balance of the trade" yearly so strongly against us. It has always appeared to us that, without reference to the Imperial Government, we have power to expel thieves and swindlers as a matter of simple police and domestic legislation. The Legislature of the old Province of Upper Canada exercised such a power. It is a power as it seems to us as necessary for domestic comfort and self-preservation as the hanging of murderers or imprisonment of thieves who commit crimes in our own country. Should our Government fail to take any step in the matter we hope some independent member of the Dominion Legislature will introduce a measure on the subject, and we cannot but think that the simple pressure of sound reason and ordinary common sense will carry it through. Legislation of this kind is imperatively demanded. This in all probability is the reason that we have not yet obtained it. Legislation in modern days in Canada is not had to meet the requirements of the age, so much as to amuse young members, flatter their vanity and air their eloquence.

The two chapters which we have so far noticed are merely introductory to the main body of the treatise. The remaining chapters are devoted to the following subjects:—Crimes in General, Persons capable of committing Crimes, Offences principally affecting the Government, the Public Peace or Public Rights, Offences against the person, Offences against Property, Perjury, Conspiracy, Annotations of Miscellaneous Statutes, Evidence, Pleading and Practice.

These are the ordinary divisions of treatises on crime. We have neither time nor space to examine these chapters much in detail; but we may say that throughout them we observe a general sprinkling of Canadian cases which cannot be found in any similar treatise. There are some omissions and some typographical blunders, but where there is so much to praise we do not care to censure. We certainly look upon the work as a perform-