

CHAMBER APPLICATIONS IN THE COURT OF CHANCERY—EXTRADITION.

have applications disposed of by a Judge for the mere purpose of delay.

As regards the present incumbent of the former office the profession generally will we think be glad to leave with him the decision of their Chambers applications, and certainly none will regret a measure by which our already hard worked Chancery Judges would be relieved of a duty which must often encroach on their valuable time. The Act does not however deprive a party of his right to have his application heard before a Judge in the first instance if he so desires, while it shortens his road to an appeal to the three Judges in case he has brought on his motion before the Secretary and is dissatisfied with his decision.

The Act might perhaps go further and enact how the orders made by the Secretary should run (*i. e.* by inserting the name of a Judge or the Secretary in the margin,) and provide more explicitly for the manner of bringing on a motion before a Judge when a party desires that course; but no doubt the Judges can make provision for these and other matters of detail under the powers to make orders conferred by the third clause.

Altogether the Act is a good one, and we are pleased to see it introduced.

EXTRADITION.

We publish in another place the report of the decision, *The Queen v. Frank Reno and Charles Anderson*. This case, important in itself, has been impressed with additional interest and significance owing to the frightful end that has befallen these men, in common with the two brothers of Frank Reno. We read in the public papers these four men were murdered, for such is the only word that describes the act, in the gaol in which they were confined, in the State of Indiana, by a number of men calling themselves members of a "Vigilance Committee."

There is no reason to suppose, that we are aware of, that the authorities were in collusion with the men who committed this lawless act, except so far as they took no sufficient measures to protect their prisoners, though well aware of the existence of this "Vigilance Committee." The very thing that calls into existence bands of men who think it necessary to take the administration of criminal law into their own hands, is the incompetence or unwillingness of the authorities to carry

out the laws they are appointed to maintain and administer.

It is no business of ours whether a neighbouring power permits, or, which is much the same thing, allows its citizens to hang suspected criminals before trial or after, except so far as it concerns our relations with that nation. The present case, unfortunately, concerns us in various ways, and not the least in this, that it will in a great measure cause a re-action in the feeling in favour of greater free trade in criminals, so to speak, between ourselves and the United States, which has been growing of late years. And it does concern us that persons extradited should receive a fair trial for the offence alleged upon this side of the line, otherwise there is no knowing to what improper and scandalous ends this treaty, so necessary for the well-being of both countries, might be prostituted, and how far the citizens of our country might be sacrificed to the occasional and unfortunately frequent lawlessness of our neighbours.

The act of the would-be conservers of the peace for the State of Indiana will of course be repudiated by the American government, and there we presume the matter will end. But the bloody stain upon the faith of that government will be no reason why we should not for the future do as we hitherto have done—obey the law of extradition as we find it. If a similar case were to arise tomorrow, with similar results to follow, our judges would be bound to and would without hesitation, though it might be with great reluctance, act without reference to the consequences; and the Governor General might possibly feel bound, in the exercise of his duty in carrying out the treaty, order the prisoners to be handed over to the United States authorities, to be dealt with according to the law of the land, or Judge Lynch, as circumstances, or the popularity or unpopularity of the crime or criminal might dictate. With reference to this part of the subject, we beg to call attention, to the words of the Chief Justice in the close of his judgment. These frightful excesses are also to be deplored, as they tend to beget a feeling of mistrust in the good faith of our neighbours, most destructive of good feeling, and likely to lead to the unfortunate result of limiting, instead of extending, the law affecting the interchange of criminals, as at present existing.