

assimilated, amended and consolidated. It is to be regretted that the assimilation, amendment and consolidation partake very much of the nature of scissors legislation, and that the opportunity then afforded was not improved by the introduction of a Criminal Code.

Mr. Clarke in this Treatise has collected all the reported and some of the unreported cases on Criminal Law decided in the several Provinces, and all the cases on Criminal Law in "The Law Reports." Mr. Clarke has thus provided for a great want felt by the profession, as previous to the appearance of his work there was no treatise in existence by means of which the carrying into effect of the Criminal Law in the several Provinces of the Dominion might be compared.

Mr. Clarke's treatise, however, is to a very great extent like nearly all works published on legal subjects in England, a text book, a guide to reports of cases. The author rarely ventures to hazard an opinion of his own; he has collected the cases, but he leaves to the reader the task of discovering which are to be followed.

Mr. Clarke's chapter on Extradition is a valuable addition to our legal literature, but it is to be regretted that he should have noticed Mr. Justice Badgley's opinion given in a species of stage aside whisper in the case of *Reg. v. Bennett* H. Young 9, L.C.J. 48. Mr. Justice Badgley did not sit in that case, so that his opinion is of no authority, and as for Mr. Justice Smith's judgment that the 24 Vic. c. 6 did not require an order of Her Majesty in Privy Council to give it effect, there can be no doubt that it was erroneous, and Judge Coursol's decision that such order in Council was requisite, correct.

The cases referred to at page 71 as defining the meaning of the term crime fail utterly in giving a proper definition. In citing *Atty. Gen. vs. Radloff*, 10 Ex. Baron Martin's definition is given, but the definitions given by Parke B. at p. 105 and Pollock, C.B. at p. 109 are not referred to. The references to *Bancroft v. Mitchell* L.R., 2. Q.B. 549, and *Reg. v. Master*, as supporting the assertion in Mr. Clarke's book that the test of an act being a crime, is whether an indictment will lie for it, are erroneous, as in *Bancroft v. Mitchell* directly the reverse was held, and in *Reg. v. Master*, Mellor J. refers to *Bancroft v. Mitchell*, as showing that the assertion in question was disallowed in that case.

But there can be no doubt that Mr. Clarke's treatise will be