

to be a riot. The facts were that about nine o'clock in the evening a number of boys met together on the pavement adjoining a nine inch wall on the plaintiff's property and that some of them ran against the wall with their hands extended and by their joint efforts a portion of the wall was thrown down to the extent of about twelve feet. As soon as it fell the caretaker came out into the street and the boys ran away in different directions. The Divisional Court (Phillimore and Bray, JJ.), held that this did not constitute a riot and therefore that the plaintiff could not recover. The Court held that to constitute a riot five things must concur: (1) an assembly of persons not less than three, (2) a common purpose, (3) execution or inception of common purpose, (4) intent to help one another by force, if necessary, against any person who may oppose them in the execution of their common purpose, (5) force or violence not merely used in demolishing, but displayed in such a manner as to alarm at least one person of reasonable firmness and courage—we presume it is to be understood that the common purpose must be an unlawful one.

EXTRADITION—DISCHARGE OF CRIMINAL—EXEMPTION FROM PUNISHMENT BY LAPSE OF TIME.

*The King v. Governor of Brixton Prison* (1907) 2 K.B. 861. This was an application for the extradition of a criminal by the German Government, under the Extradition Treaty between that country and Great Britain. By that treaty it is provided that extradition shall not take place if the person claimed has already been tried and discharged, nor if exemption from prosecution has been acquired by lapse of time according to the laws of the state applied to. The prisoner had been convicted of an extraditable offence in Germany and sentenced to four years' imprisonment. After he had served a part of his sentence he was discharged on the ground that imprisonment would endanger his life, but according to the laws of Germany the discharge was not an absolute discharge from punishment, but a prisoner so discharged is liable, on recovering his health, to be called on to complete his sentence. The prisoner had recovered his health and had been ordered by the Court to surrender himself to prison in order to complete his sentence, but had refused to do so, and escaped to England. A Divisional Court (Lord Alverstone, C.J. and