

The purchaser moved for an *interim* injunction to restrain the breach of the covenant. The vendor submitted that what was contemplated by the covenant was active competition.

CHITTY, J., held that, looking at the object of the agreement, which was to secure the subject-matter of the sale, and also looking at the particular words of the covenant, and taking into account that the acts complained of were such as were likely to injure the purchaser's fair chance of obtaining that which he had purchased, the purchaser was entitled to an injunction.

COURT OF APPEAL.

LONDON, May 5, 1888.

Before LORD ESHER, M.R., LINDLEY, L.J.,
BOWEN, L.J.

Re WOODALL (No. 1).

'*Habeas corpus*'—*Committal on Extradition Warrant*—'Criminal cause or matter'—*Judicature Act, 1873 (36 & 37 Vict. c. 66), ss. 19, 47—Extradition Act, 1870 (33 & 34 Vict., c. 52), s. 10.*

Motion by way of appeal from the decision of FIELD, J., and WILLS, J., for a rule *nisi* for a *habeas corpus* to have before the Court the body of Alice Woodall, committed to prison, with a view to surrender as a fugitive accused of an extradition crime under the Extradition Act, 1870 (33 & 34 Vict., c. 52).

Their LORDSHIPS held that no appeal lies from the refusal of a *habeas corpus* by the High Court to a fugitive accused of an extradition crime committed to prison with a view to his surrender to a foreign State.

Motion disallowed.

QUEEN'S BENCH DIVISION.

LONDON, May 9, 1888.

Re WOODALL (No. 2).

Extradition—Fugitive criminal—Trial for offence other than the Extradition Crime proved on surrender—33 & 34 Vict., c. 52, s. 3, subs. 2.

A rule *nisi* for a writ of *habeas corpus* had been obtained on behalf of Alice Woodall, in

custody in England upon an alleged charge of forgery committed in America.

Shortly, the point was whether the Government of the United States had by law made provision to carry into effect subsection 2 of section 3 of the Extradition Act, 1870. This subsection provides that 'a fugitive criminal shall not be surrendered to a foreign State unless provision is made by the law of that State, or by arrangement, that the fugitive criminal shall not, until he has been restored, or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign State, for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded.' The suggestion was that Alice Woodall would, upon being delivered up, be put upon her trial in America for some charge other than the alleged charge of forgery, upon which she had been taken into custody in England.

The COURT (LORD COLERIDGE, C.J., FIELD, J., and WILLS, J.), held that the Government of the United States of America had made provision for this subsection, and that a fugitive criminal would be tried there only for the offence for which he had been given up under the Extradition Act. The point had been clearly stated in *Rauscher's Case*, 12 Davis Supreme Court Reports, 407, decided December 6, 1886, and this decision of the Supreme Court of America was binding on all State Courts there.

Law J. N. C.

Rule discharged.

APPEAL REGISTER—MONTREAL.

Tuesday, May 15.

Clark & Thompson.—*Congé* of motion (not presented after notice given) asked for.—Application rejected.

The Herald Printing Co. & Pelletier.—Motion for leave to appeal from interlocutory judgment. C.A.V.

Mail Printing Co. & Laflamme.—Re-hearing. Part heard.

Wednesday, May 16.

Senécal & Beet Root Sugar Co.—Petition en *reprise d'instance* granted by consent.