done—obey the law of extradition as we find it. If a similar case were to arise to-morrow, 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.

SELECTIONS.

THE NEGLIGENCE OF FELLOW-WORKMEN.

The House of Lords has recently somewhat extended the doctrine concerning the non-liability of a master for an injury inflicted upon one of his servants by the negligence of another, they both being engaged in a common employment. The ordinary principle, as our readers well know, is that the master is not liable because there is no implied promise on his part not to expose his servant to extraordinary risk. The common employment is taken to embrace all cases where the risk of injury from the negligence of the one is so much a natural and necessary consequence of the employment which the other accepts, that it must be included in the risks which are considered in his wages: (*Morgan* v. *Vale of Neath Railway Company*, 33 L. J. 260, Q. B.) The necessary conditions accompanying this exemption from liability are that the master should employ servants of competent skill (*Tarrant* v. *Webb*, 18 C. B. 787); and if they are competent, inadequacy in their numbers does not affect the question: (*Skipp* v. *Eastern Counties Railway Company*, 9 Ex. 223.) And further, the master must not be aware of habitual neglect or violation of duty by any of his servants: (*Senior* v. *Ward*, 28 L. J. 139, Q. B.)

The recent case to which we referred as having been decided by the House of Lords is that of *Wilson* v. *Merry*, 19 L. T. Rep. N. S. 30; and there the Lord Chancellor grasped the principle instead of the application—the principle, that is, that a master stands in the position which any ordinary person stands towards another with whom he does not contract in person to do an act. But we will take the cases in their order, and in *Reid* v. *The Bartonshill Coal Company*, 3 Macq. 296, 420, all the previous cases were reviewed, and Lord Cranworth laid down some very clear definitions, which we will here cite. The liability of a master to the general public was thus defined:—"Where an injury is occasioned to anyone by the negligence of another, if the person injured seeks to charge with its consequences any person other than him who actually caused the damage, it lies on the person injured to show that the circumstances were such as to make some other person responsible. In general it is sufficient for this purpose to show that the person whose neglect caused the injury, was, at the time when it was occasioned, acting not on his own account, but in the course of his employment as a servant in the business of a master, and that the damage resulted from the servant so employed not having conducted his master's business with due care. In such a case the maxim *respondent superior* prevails, and the master is responsible. Thus, if a servant driving his master's carriage along the highway carelessly runs over a by-stander; or if a game-keeper employed to kill game carelessly fires at a hare so as to shoot a person passing on the road; or if a workman employed by a builder in building a house, negligently throws a stone or brick from a scaffold and so hurts a passer by: in all these cases (and instances might be multiplied indefinitely) the person injured has a right to treat the wrongful or careless act as the act of the master. *Qui facit per alium facit per se.* If the master himself had driven his carriage improperly, or fired carelessly, or negligently thrown the stone or brick, he would have been directly responsible, and the law does not permit him to escape liability, because the act complained of was not done with his own hand. He *is* considered as bound to guarantee third persons against all hurt arising from the carelessness of himself or those acting under his orders in the course of his business. Third persons cannot, or at all events may not know whether the particular injury complained of was the act of the master of the act of his servant. A person sustaining injury in any of the modes I have suggested has a right to say, "I was no party to your carriage being driven along the road; to your shooting near the public highway; or to your being engaged in building a house. If you choose to do, or cause to be done, any of these acts, it is to you, and not to your servants, I must look for redress, if mischief happens to me as their consequence." A large portion of the ordinary acts of life are attended with some risk to third persons, and no one has a right to involve others in risks without their consent. This consideration is alone sufficient to justify the wisdom of the rule which makes a person by whom, or by whose orders, these risks are