

in substance, an assignment of its right to appropriate the territorial revenues arising from such lands, does not imply any transfer of its interest in revenues arising from the prerogative rights of the Crown. Lord Watson proceeds to deal with the reasoning of the majority of the judges in the Courts below, and admits that if the eleventh Article of Union had been an independent treaty between the two Governments, which obviously contemplated the cession by the province of all its interests in the land forming the railway belt, royal as well as territorial, to the Dominion Government, the conclusion of the Court below would have been inevitable, but the article in question does not profess to deal with *jura regia*; it merely embodies the terms of a commercial transaction, by which the one Government undertook to make a railway, and the other to give a subsidy, by assigning part of its territorial revenues. Their lordships were therefore of opinion that the judgment appealed from must be reversed, and that it ought to be declared that the precious metals within the railway belt are vested in the Crown, subject to the control and disposal of the Government of British Columbia, and they advised Her Majesty to that effect.—*Law Journal, (London).*

#### THE ELECTRIC WIRES DECISION.

It need not be said that this is a case of very great importance, and while the principles of law laid down by the court as to nuisances are not novel, it is in the application of well-known principles of law to a new state of facts wherein lies the importance of the decision.

As to whether or not a dangerous electric wire is a nuisance under the criminal law, the best answer can be found in section 385 of the Penal Code, which defines a public nuisance.

It is there said that "a public nuisance is a crime against the order and economy of the State, and consists in unlawfully doing an act, or omitting to perform a duty, which act or omission—1, annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons; or

. . . . 3, unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage a lake or navigable river, bay, stream, canal or basin, or public park, square, street, highway; or, 4, in any way renders a considerable number of persons insecure in life or the use of property."

In Stephen's "Digest of Criminal Law" the English criminal law as to a public nuisance is thus laid down: "Article 187. Every person commits a common nuisance who does anything which endangers the health, life or property of the public, or any part of it. . . . Everything is deemed to endanger health, life or property which in either case is actually dangerous thereto, or which must be so in the absence of a degree of prudence or care, the continued exercise of which cannot reasonably be expected."

Among the illustrations of this last section is given the case of *Lister*, 1 D. & B., C. C. 209. In that case the defendant kept in a warehouse in the city of London, a large quantity of mixture of spirits of wine and wood naphtha, forming a substance more inflammable than gunpowder, and of such a nature that a fire lighted by it would be practically unquenchable. It was held that the defendant in such a case commits a common nuisance, though he uses the most scrupulous care to avoid accidents.

That an act may be sometimes dangerous and sometimes innocent, according as it is negligently or carefully performed, see as to keeping gunpowder, on the one hand, the case of *Bradley v. People*, 56 Barb. 72; on the other, *People v. Sands*, 1 Johnson, 78.—*New York Law Journal.*

#### TRYING CASES IN CAMERA.

On November 22, before Mr. Justice Cave and a special jury, when the case of *Smythe v. Smythe*, an action by a wife against her husband to recover a sum of money due to her, covenanted to be paid by a separation deed, the husband refusing to pay on the ground of molestation, was called on, Mr. Henn Collins (for the defendant) said: I am instructed to ask your lordship that the case should be heard *in camera*. It is an action between husband and wife, and the evidence