

held to be sufficient to raise the inference that the deceased was not unreasonably thrown off his guard and led to suppose that there was no danger in crossing the line when he did, without looking out for a train. And Lord Esher is of opinion that it was immaterial whether the gate-keeper's duty was to the general public or only to the railway company. In a note to the report are printed the judgments delivered in the Court of Appeal in *Wakelin v. London & S. W. Ry.*, subsequently affirmed by the House of Lords (12 App. Cas. 41). These judgments are important on the question of evidence in actions of this kind, and particularly that of the late Lord Justice Bowen.

CRIMINAL LAW—EXTRADITION—SURRENDER OF BRITISH SUBJECTS—EXTRADITION TREATY WITH BELGIUM—EXTRADITION ACT, 1870 (33 & 34 VICT., c. 52) SEC. 6—R.S.C., c. 142).

*In re Galwey*, (1896) 1 Q.B. 230, was an application by the Belgian Government for the extradition of a criminal. The criminal in question was a British subject, and by the terms of the extradition treaty with Belgium it is expressly provided that "in no case, nor on any consideration whatever, shall the high contracting parties be bound to surrender their own subjects, whether by birth or naturalization." By the Extradition Act of 1870, sec. 6, it is provided that "where this Act applies in the case of any foreign state, every fugitive criminal of that state, who is in, or suspected of being in any part of Her Majesty's dominions . . . shall be liable to be apprehended and surrendered in manner provided by this Act." It was contended on behalf of the prisoner that he could not be surrendered except after express consent by the British Government to the extradition. But the Court (Lord Russell, C.J., and Wright and Kennedy, JJ.), held that although the British Government was not forced to surrender a British subject, yet as the Attorney-General appeared on the application and expressed the desire that the prisoner in this case should be surrendered, that was sufficient, and that the above-mentioned stipulation in the treaty furnished no ground for refusing extradition, and that it was not necessary that it should be