

EXTRADITION CASE—LEGAL LEGISLATION.

ran away. During the chase Fant fired, and wounded the chief in the leg. Fant escaped, but was arrested at Pembina, and sent back under extradition proceedings. For the defence it was urged that the prisoner was now being tried for an offence for which he was not extradited, that this was contrary to good faith, and that the prisoner had rights in the matter apart from any question between the Governments of the two countries. It seemed, however, to be the opinion of the Chief Justice, that the court should not consider, in a case where it is made to appear in evidence that the prisoner was extradited, and is there taking his trial as a consequence, whether or not the offence in the indictment is the same as that for which he was extradited, or whether it was an extradition offence at all. This view, if we understand the matter correctly, does not seem in accord with *Reg v. Burley*, 1 C. L. J. N. S. 34. The prisoner Fant was, however, ordered to be acquitted on the ground that the evidence would not justify a conviction for the offence charged.

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LEGAL LEGISLATION.

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THE report of the Committee on Legislation appointed by the County Law Associations to the Law Society on the progress made in the work undertaken by them, was published in our last issue. It is of sufficient importance to be referred to more at length.

The immediate object of the appointment of the committee was the revision of the practice and procedure in the courts, and the labours of the committee have, it appears, resulted in the framing of a code of civil procedure, which it is proposed shall supersede all existing written rules of procedure, and it is proposed that matters not expressly provided for shall, after the code takes effect, be settled by

analogy to the code and not to the former practice.

One of the principal changes sought to be effected by the code is the establishment of fixed periodical sittings of the High Court in the various county towns throughout the Province. It has been found, as we anticipated, that it is impossible to provide for holding as many as four courts annually in every county town. But we think it will be found that in every county town at least as many sittings will be held as at present, and in some, where the business demands it, more sittings will be held than at present. The increase in the number of sittings involves the payment of extra circuit allowances to the judges, and the Dominion Government may possibly have something to say to the proposed increase in the number of sittings.

For the convenience of practitioners it is also proposed that instead of two judges sitting each week, the weekly business of all the Divisions shall be taken by one judge. There are two or three considerations to recommend this provision. It will possibly do something to get rid of the notion still prevailing that the Chancery Division is "still the Court of Chancery," and it will possibly tend to make the High Court somewhat more homogeneous than it is at present.

The concentration of the Toronto offices for filing pleadings and entering judgments in all the Divisions in one central office, is also aimed at, and is in every way desirable, and would no doubt be found beneficial. The principal difficulty in the way of its accomplishment however, is the non-existence of any suitable chamber at Osgoode Hall, where all the clerks who transact this part of the business in the various Divisions could be brought together. This we fear will be found a formidable obstacle in the way of carrying into effect this proposal of the committee.