

Mathers, J.] *Re ROYSTON.* [March 27.
Extradition—Preliminary hearing of indictable offence—Criminal Code, ss. 682-686—Practice when evidence taken in shorthand.

Under s. 13 of the Extradition Act, R.S.C. 1906, c. 155, which provides that the judge before whom the fugitive is brought should hear the case in the same manner as nearly as may be as if the fugitive was brought before a justice charged with an indictable offence, the proceedings are regulated by ss. 682-686 of Crim. Code and, under s. 683, if the evidence is taken in shorthand it is imperative that the transcript be signed by the judge and be accompanied by an affidavit of the stenographer that it is a true report of the evidence before there can be a committal of the accused for extradition and, if these be lacking, the prisoner is entitled to his discharge on habeas corpus, although there would be nothing to prevent fresh proceedings being taken against him.

In re Stanbro, 1 M.R. 325, and *Dale's Case*, 6 Q.B.D. 376, followed.

Matheson, for prosecution. *McKay*, for prisoner.

Macdonald, J.] [March 29.
ANGLO CANADIAN LAND CO. v. GORDAN.

Contract—Agreement to enter into an agreement for purchase of land—Description.

An agreement to purchase one of a number of parcels of land sufficiently described to be selected by the purchaser is not void for uncertainty of description and, after the selection had been made, the purchaser will be bound by the agreement.

There is, however, no binding contract where the writing signed appears to be only an agreement to enter into a formal contract for purchase of the land to be prepared in the future, although it sets forth the terms agreed on as the basis of such formal contract. *Frost v. Moulton*, 21 Beav. 596, followed.

Hansford, for plaintiffs. *Hogg*, for defendant.

Cameron, J.] [April 2.
CANADIAN FAIRBANKS CO. v. JOHNSTON.

Vendor and purchaser—Agreement of sale of land—Rescission of contract by notice pursuant to conditions thereof—Forfeiture—Time.

The defendant held possession of the land in question under