

the contract, he held that after a judgment for specific performance that could only be done with the leave of the Court. That although a purchaser on finding out that his vendor is unable to make a good title may promptly repudiate the purchase, yet that after judgment for specific performance (though the title is not made good until after judgment), the fact that the vendor had not a good title at the time of the contract or at the date of the judgment, does not entitle the defendant to repudiate without leave of the Court, and that such leave in the exercise of its discretion ought not to be granted by the Court after a good title has been in fact shewn. He also held that interest did not begin to run on the purchase money until the date the good title was shewn. The defendant having been an unwilling purchaser, and the action having been thereby occasioned, he was ordered to pay the costs of the action up to judgment, and the plaintiff was ordered to pay the subsequent costs down to the time the title was shewn, and thereafter no costs were given to either party.

EXTRADITION—JURISDICTION—FUGITIVE OFFENDER—EVIDENCE OF CRIME PUNISHABLE BY IMPRISONMENT WITH HARD LABOUR FOR TWELVE MONTHS OR MORE—FUGITIVE OFFENDERS ACT, 1881 (44-45 VICT. c. 69), s. 9—(R.S.O. c. 155, s. 3.)

*The King v. Governor of Brixton Prison* (1907) 1 K.B. 696 was an application by a prisoner for a habeas corpus. He had been committed by a magistrate under the Fugitive Offenders Act, 1881, and the question raised was whether there was proper and sufficient evidence before the committing magistrate that the offence of which the applicant was accused was punishable in the Court of the Colony to which he was to be extradited, by imprisonment with hard labour for twelve months or more: (see R.S.C. c. 155, s. 3). The offence charged was larceny, in the Colony of Victoria, in the year 1898, and the only evidence of the law of Victoria, was a statement by a senior police constable, that larceny was punishable by the Crimes Act, 1890, of Victoria, with hard labour for a term not exceeding five years.

The Divisional Court, (Lord Alverstone, C.J., and Darling, J.,) held that Colonial law can only be proved like foreign law by the evidence of experts, and that the evidence of the constable was not sufficient; and that though it was competent for the Court to remit the case to the magistrate to receive further evidence, yet having regard to the fact that the offence had been committed so long ago, and that the applicant had endeavoured