

the mode of trial, should give the prisoner all the information set forth in paragraph (b) of sub-s. 2 of that section as re-enacted by 8 & 9 Edw. VII. c. 9; and, if he omits to inform the prisoner that he has the option "to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction," he does not acquire jurisdiction to try the prisoner summarily, although he consents thereto, and a conviction following will be quashed as made without jurisdiction.

King v. Walsh, 7 O.L.R. 149, followed.

Prisoner not discharged, but ordered to be brought again before the magistrate for the taking of proceedings de novo.

Dennistoun, K.C., for the Crown. *Howell*, for prisoner.

Full Court.]

[March 7.]

ISBISTER v. DOMINION FISH CO.

Negligence—Fire on vessel—Absence of precaution against spreading of fire—Dangerous conditions—Failure to warn passengers to escape.

Appeal from judgment of METCALFE, J., noted, ante, p. 38, dismissed with costs, RICHARDS, J.A., dissenting.

Hogel, K.C., and *Blackwood*, for plaintiff. *Affleck*, and *Kemp*, for defendants.

KING'S BENCH.

Metcalfe, J.]

RE MOORE.

[February 23.]

Extradition—Extradition Act, R.S.C. (1906), c. 155, s. 16—Proof of foreign law—Affidavit evidence, use of—Grand larceny—Evidence of guilt, sufficiency of—Criminal Code, s. 686.

1. Proof of the foreign law is not necessary to shew that "grand larceny" is included in the crime of larceny mentioned in the extradition treaty between the United States and Great Britain.

In re Murphy, 22 A.R. 386, followed.

2. When, at the close of the evidence for the demanding country, at the hearing of an application for extradition under the Extradition Act, R.S.C. (1906), c. 155, the judge calls on