

Irving, J.]

LEVY v. LEVY.

[March 20.

Divorce—Practice—Affidavit of documents—Discovery tendering to shew adultery.

In a petition for dissolution of marriage, the respondent applied for an affidavit of documents.

Held, on the authority of *Redfern v. Redfern* (1891) P. 139, that discovery will not be ordered of a party to divorce proceedings when it is sought for no other purpose than to prove such party guilty of adultery; but that, on respondent filing an affidavit shewing that discovery is not sought for the purpose of proving the adultery of the petitioner, but for the purpose of discovering documents relating to the matters in question, other than the misconduct of the petitioner, discovery will be ordered.

Walls, for petitioner. *Helmcken*, K.C., for respondent.

North-West Territories.

SUPREME COURT.

Sifton, C.J.]

RE LATIMER.

[Jan. 25.

Extradition—Evidence to justify—Offence under both foreign and Canadian law—Analogy to committal for trial for similar offence in Canada—Extradition Act, R.S.C. 1886, c. 142, s. 11.

The duty of an extradition judge in hearing an information for an extraditable offence is to order extradition if the evidence adduced, in the absence of contradiction, is such that a magistrate holding a preliminary enquiry in a similar case should commit for trial.

Semble, the extradition judge must be satisfied that the offence disclosed in the information is criminal both under Canadian law and under the law of the demanding country and that it is within the extradition treaty.

James Short, for State of Pennsylvania. *W. L. Walsh*, K.C., *M. S. McCarthy*, and *P. J. Nolan*, for *W. H. Latimer*.