

## Notes on Recent Cases

A SOMEWHAT UNUSUAL case was recently investigated in Manitoba in connection with the death of "Mike" Mandziuk, a farmer of the Sundown District, who, it is alleged, was shot by his neighbour, John Klym. The two men, who owned adjoining farms situated immediately north of the International Boundary Line, quarrelled regarding the ownership of hay, cut by Klym, which was growing on the road allowance between the United States and Canada. Mandziuk secured a team and wagon, and, while attempting to load the hay cut by his neighbour, was mortally wounded by a 12 gauge shotgun allegedly discharged by Klym, who was later charged with the offence and taken to Headingly Gaol to await trial. Subsequent investigations disclosed the fact that the two men were, at the time of the shooting, standing several feet south of Canadian territory and, therefore, the wounds which caused the death of Mandziuk were inflicted in the State of Minnesota. However, the death resulting from the wounds took place in Manitoba.

A similar situation had arisen during 1934 when one, Oscar La Lier, a person residing in Manitoba, was assaulted and beaten at Sarles in North Dakota, by a resident of that village. La Lier returned to Manitoba where he died some four days later as a result of his wounds. In this case it was ruled that the correct place to hold a preliminary hearing was in North Dakota.

The question of the trial of Klym was made the subject of correspondence between the Attorney General of Manitoba and the State of Minnesota, with the result that application has been made to extradite Klym from Manitoba to stand trial in Minnesota. It is of interest to note that while the offence of murder in Manitoba, as in all parts of Canada, is punishable with death, in Minnesota the maximum penalty is imprisonment for life.

Owing to the great difference between the wording of murder charges laid in Canada and the State of Minnesota, the charge laid in this case is quoted hereunder as of general informative value and interest.

### INFORMATION AND COMPLAINT

CANADA PROVINCE OF MANITOBA EASTERN JUDICIAL DISTRICT	} THE INFORMATION and complaint of
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of the city of Winnipeg in the Province of Manitoba taken this . . . . . day of July in the year one thousand nine hundred and thirty-seven before the undersigned . . . . . a Judge under the Extradition Act, who saith that he is informed and verily believes that John Klym of Sundown, Manitoba, now in custody in the gaol at Headingly in Manitoba, on the 23rd day of June, 1937, in the County of Roseau in the State of Minnesota in the United States of America did wilfully, unlawfully and feloniously, without authority of law and without excuse or justification, and with a premeditated design on the part of him, the said John Klym, to then and there effect the death of a human being to wit: one Onefrey Mandziuk, kill and murder the said Onefrey Mandziuk, by means of a deadly weapon to wit: a firearm commonly called a shot-gun, loaded with powder and bullets, by then and there shooting the said Onefrey Mandziuk with said shot-gun, and thereby inflicting