

# MANITOBA LAW REPORTS.

## VOLUME II.

Re G. A. STANBRO.

*Extradition.—Habeas Corpus.—Forgery.—Judicial knowledge of Orders-in-Council (a).*

Prisoner was charged with committing forgery in the State of Minnesota.

*Held*, 1. Upon the evidence, that a *prima facie* case had been made out.

2. Judicial notice must be taken of Orders-in-Council bound up with the Dominion Statutes, in pursuance of 38 Vic. c. 1.

*N. F. Hagel and Ghent Davis* for Stanbro.

*S. Blanchard, Q. C., and J. S. Ewart, Q. C., contra.*

[2nd December, 1884.]

DUBUC, J.—The first ground on which the discharge of the prisoner is moved, is that the evidence did not establish any crime under the Extradition Act. In support of that ground, the counsel for the prisoner referred to the evidence of the professional witness who stated that, under the laws of Minnesota, if a man obtains money by false representations, without signing anything, he commits the offence of obtaining money under false pretences; and if he goes back and signs a receipt for said money previously obtained, but gets nothing more, it would only be evidence to sustain the first offence. But it is not a parallel case to this one. Here, the evidence shews that the prisoner already had the money lawfully in his possession, and when he signed the name of "Hulgeson" to the receipt for the purpose of appropriating the money, he then committed the crime complained of, and that crime is forgery.

The learned Chief Justice, sitting as a judge under the Extradition Act, having so found, we think that his finding should be maintained, and that the objection is not sustainable.

(a) See article in 2 *Man. Law Journal*, p. 1.