

the county of Saugaman, Illinois, found a true bill against the prisoner, for that "he did wilfully and without lawful authority, forcibly and feloniously take and carry away one Catharine H. Watts, an infant under the age of 12 years, without the consent of the lawful custodian of such child, contrary to the form of the statute in such case," etc.; another count charged the same offence, leaving out the word "forcibly," and adding that the child was taken away with intent to deprive its lawful custodian of its custody. The prisoner was arrested and lodged in jail at Sandwich for extradition, and subsequently admitted to bail.

A. B. Aylesworth, K.C., and F. A. Anglin, for prisoner.  
G. F. Shepley, K.C., for complainant.

STREET, J., held, following *Re Murphy*, 26 O. R. 177, that proof of foreign law by the complainant is unnecessary, and in absence of proof to the contrary on behalf of defendant, it must be assumed that the law relating to crimes scheduled to extradition act is the same in Canada as in the State of Illinois; also, that sec. 284 Crim. Code, as to child-stealing, is wide enough to cover this case; also, that objections to the validity of the foreign decree on the ground of collusion, and that prisoner acted in the *bona fide* belief of his right, are matters of defence open to prisoner on a trial, but not on these proceedings; and also, that the fact that the act charged may be a contempt of Court does not prevent it being also a crime. Prisoner remanded to custody.

Murphy, Sale, & O'Connor, Windsor, solicitors for prisoner.

Clark, Cowan, Bartlett, & Bartlett, Windsor, solicitors for complainant.