

make them legal before these courts of justice of the United States, which would be unnecessary. The only condition imposed by section 10 for depositions or statements taken in a foreign country is that they be taken on oath, and duly authenticated, which has been done here.

For their admissibility it is the law of the country where these depositions or statements are offered that is to be followed. See *The New International Encyclopedia*, Vol. 5, page 822, on this question under the word "Deposition" as follows:—

"Deposition.—The testimony of a witness legally taken and committed to writing, by, or in the presence of a judge, referee, commissioner, notary public, or other duly qualified official person. It is usually taken by virtue of a commission, or letters rogatory (q.v.) issuing out of the court in which the action is pending, or which has jurisdiction of the subject matter, if taken before trial.

The questions may be asked orally or may be submitted to the witness in the form of written interrogatories. The legal representatives of all parties to the action or proceeding are entitled to be present, and to cross-examine the witness, or submit cross-interrogatories to be answered. If the competency of the witnesses or the admissibility of the questions or answers is objected to, the objection must be stated to the court or officer taking the deposition, and he may either rule on the question at once, noting the objection, ruling and exception, or reserve it for the opinion of the court from which the commission issued.

The laws of the State having jurisdiction of the litigation in which the evidence is to be used regulate the manner of taking the testimony, irrespective of the jurisdiction where it is taken. The competency and admissibility of the testimony are determined by the rules of evidence in force where it is offered in court. Depositions are used in courts, and they may be ordered taken where witnesses are out of the jurisdiction, or, if within the State, if they are very old and infirm or in feeble health, in order to perpetuate their testi-