signed would be, in my opinion, so more a deposition or an affidavit than a cheque unsigned."

This opinion of Mr. Rose is contradicted by the definitions and decisions above referred to. Besides, Mr. Frank Lloyd, Assistant U. S. District Attorney for the Southern District of New York, testified to the contrary view, and this opinion is supported by the following authorities:

Jackson v. Virgil, 3 Johnson Rep. 540, 1809.

People v. Campbell, 88 Hun. 547 (1895).

People v. Kenyon, 16 Hun. 195 (1878).

The only authority cited by the defence to support their pretension was the case of Hoke 14 R.L., p. 795, but I do not think they can derive any benefit from it. The same question was not at issue as appears by the remarks of Hon. Mr. Justice Dugas, the learned Judge who decided it. One of the objections raised in that case to the admissibility of the foreign evidence was, that the depositions taken in the foreign state did not show that the witnesses had been sworn before making their statement, and to support this pretension the defence did not rely on any foreign statute, but they cited the Canadian statute, Sec. 30 of Chapter 30, 32-33 Viet., which requires the Justice to administer the oath to a witness before he is examined. The decision of the learned Judge was that the extradition law did not exact this condition, and the depositions were admitted because they were on their face, statements on oath and duly authenticated.

See Worms 22 Lower Canada Jurist, p. 109.

Counhaye, Law Reports 8 Q.B., p. 410.

Although I have not to apply the foreign law on this question of the admissibility of the foreign evidence, even supposing the pretension of the defence be well founded, the evidence on this point is conflicting, and according to the rules of evidence in preliminary investigations, the defence could gain nothing by their objection, and if it was granted that the documents fyled are not copies of depositions, which I do not admit, these documents are at least