

cause the originals of these so called depositions or statements were not read over to the witnesses nor signed by them. It seems to me that I have not to enquire whether the originals are or are not depositions or statements on oath in the United States, so as to be taken cognizance of and be given legal effect to by the tribunals of the United States, but whether the documents filed as copies of depositions or statements on oath are such as to be received in Canada for the purposes of this investigation. If ever they are offered to be used as depositions in the United States, then I suppose, it will be time for the competent authority to enquire whether it can be legally done or not.

The originals of these depositions appear to have been taken by shorthand, in a regular judicial proceeding had before United States Commissioner Shields, for the removal of accused to Georgia, in the presence of the accused, who were represented by two of the leading members of the New York Bar, and who cross-examined the witness, and who made no objection whatever to the manner in which the depositions were taken. This is exactly the manner in which depositions are legally taken in preliminary investigations here, and even in the present case the depositions taken before me were taken in this manner, without objection on the part of the accused. The stenographer who took the notes of the foreign evidence swore that his transcript of these notes was correct, and Commissioner Shields, an officer qualified to administer oaths and examine witnesses, certifies that the documents filed are true copies of these depositions.

The taking of evidence in extradition cases by shorthand has been recognized as legal. In *re Garbut* 21 Ont. Reports, 179, 182, 183.

Neither the Treaty nor the Extradition Act requires, though, that these depositions or statements be taken according to the requirements of special statutes of the foreign countries, so as to be given legal effect before the courts of justice of the foreign country. They are not intended to be used before the courts of justice of a foreign country, and it would not be reasonable to exact the conditions that would