

Then even if the confession were rejected, we would still have before us the facts which it has brought forth, and those alone would, in my mind, be sufficient.

I now come to the third and last point which I have to look into. Has the defence adduced any reason or raised any objection sufficient to prevent the surrender of the accused?

The first objection urged by the defence is that there is no proof of the legal existence of the National Park Bank. I do not think it was necessary on a charge of this nature. In cases of forgery it is not required to prove the intention to defraud any particular person; it is sufficient to prove generally an intent to defraud. I believe that the existence of the bank has been proved sufficiently by the evidence of the witnesses examined. See *Reg. v. Langton*, 2 Q. B. D., p. 296.

The second objection of the defence is that the depositions taken in the United States are worthless, because in the jurat no place is mentioned, or that the Justice who received them acted within his jurisdiction. It is true that this does not appear in the jurat, but it does in the heading or margin. Besides, Mr. Justice Patterson, who received the depositions in New York, has annexed a certificate to them under his signature, in which he states that the witnesses were examined in New York and within his jurisdiction.

The third objection is that the certificates pasted on the depositions are unreliable, and should either be on the documents or properly attached to the same. I must say that I see nothing in this objection—certificates appear attached to each document. It is one of the most complete records I have ever seen. There is, I should say, a superabundance of authentication, and it reflects credit on whoever was the author of it.

The fourth objection is that the depositions taken in the States are now of no value since the same witnesses have been examined here in Court. Well, if this is true, the second and third objections to these same depositions are of no consequence. The depositions might now be set aside and the prosecution can rely merely on the evidence adduced here. The record got up on the other side has served its purpose in affording the means

to issue on it the warrant for the arrest of the accused.

The fifth objection urged by the defence is that there is no proof that the alleged crime was committed in the State of New York. I do not exactly see the force of this objection. It is sufficient if the evidence raises a reasonable presumption that the crime was committed in the country seeking extradition. Surely it could not be pretended that it was necessary to bring a witness who saw the accused alter the document in question with his own hand. This account was sent from one bank in the States to another in New York, and when presented to the clerk in the latter bank, who had the special charge of reconciling the account, it is found to be altered. Can we not fairly presume that it was altered in the United States? Besides, we have the fact proved that this forged document was put off on the bank in New York. This is sufficient outside of any other presumptions which could be reasonably entertained with regard to the forgery itself.

The sixth objection is because the grand jury of New York having found an indictment for embezzlement against the accused, his extradition cannot now be demanded for forgery. The embezzlement was found first under the Federal laws. I do not see that this would prevent the accused being indicted under the common law or State law for forgery, if such a crime has been committed. It sometimes happens that, in the investigation of a charge before a magistrate for a certain offence, if a crime of a graver nature is disclosed by the evidence, the defendant is committed for the higher crime.

In the seventh objection it is said that the Park Bank officers have shown bad faith in not causing the arrest of the accused before he left for Canada, but on the contrary trying to compromise the matter with his friends. I do not think this objection requires an answer on my part.

The two objections, eight and nine, might be answered together. It is said that the complaint alleges a forgery in April last; there is no proof that money was taken then, or that the accused intended to defraud at that time; that the last taking of money pretended to be proved was in the month of