BENJAMIN E. K. SPEARE-HARDY, Appellant, *v.* REPUBLIC OF LIBERIA, Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT, MONTSERRADO COUNTY.

Argued November 10, 11, 1961. Decided December 15, 1961.

1. Any person who with intent to defraud, falsely makes or materially alters any writing which, if genuine, would be the foundation of private or public liability, or which would be prejudicial to public or private right, and which on the face of it purports to be good and genuine, is guilty of a felony and punishable by imprisonment for not more than five years. Restitution of anything of value obtained by the forgery may be required. 1956 Code, tit. 27, § 303.
2. Consular officials are not entitled to the same extraterritorial privileges and immunities as diplomatic officials, and are ordinarily subject to the laws of the countries where they are stationed.
3. A Liberian consular official who is a citizen and domiciliary of Liberia may be indicted and tried in his home county on a charge of having committed the crime of forgery, as defined by the penal laws of Liberia, in connection with consular accounts.
4. Except as otherwise provided by law, a witness may be cross-examined on all matters touching the cause or likely to discredit him; but he shall not be asked irrelevant or hypothetical questions for the mere purpose of entrapping him. 1956 Code, tit. 6, § 765.
5. Sufficient foundation for admission into evidence of a letter is laid by showing that the offered letter purports to be from the addressee of a prior letter and to be in reply thereto.
6. A letter which contains an admission against the interest of the writer thereof will not be excluded from evidence as hearsay.
7. A witness may be cross-examined as to motive and inclination.

On appeal from a judgment of conviction of forgery, *judgment affirmed.*

O. Natty B. Davis for appellant. *Solicitor General J. Dossen Richards* for appellee.

MR. JUSTICE MITCHELL delivered the opinion of the Court.

A close perusal and study of the records on appeal satisfies us that this is a case of forgery in which the present

appellant was indicted, tried and convicted at the August, 1959, term of the Circuit Court of the First Judicial Circuit, Montserrado County, and that the said appellant was employed by the Government of the Republic of Liberia as financial secretary in the Liberian Consulate at Takoradi, Ghana, from December, 1957, until June, 1958. It was charged that during this period of service the appellant intentionally, feloniously, falsely and materially did alter certain checks drawn on the Bank of British West Africa with intent, in so doing, to defraud the Government of Liberia.

At the call of the case for hearing in the court below, the present appellant, then defendant, filed the following motion to quash the indictment:

> "Comes now, Benjamin E. K. Speare-Hardy, defendant in the above-entitled cause, and most respectfully moves this court to quash the indictment brought against him in this case, vacate the entire proceeding, and discharge him without delay for the following legal and factual reasons, to wit:
>
> "1. Because defendant says that this court has no territorial jurisdiction over this matter, in that an inspection of the indictment discloses upon its face that the alleged offense was committed in Takoradi, Ghana, a territory outside and beyond the domains of the Republic of Liberia, and not a part of the territory of the said Republic. Defendant contends that this court can exercise no jurisdiction over offenses alleged to have been committed outside and beyond the territorial confines of the Republic of Liberia. Defendant therefore challenges the jurisdiction of this court. Therefore defendant prays that the indictment be quashed, and that he be discharged without delay.
>
> "2. And also because, further seeking to quash the indictment, defendant says that the Constitution of Liberia provides that any person criminally

charged shall be charged by a jury of the vicinity wherein the offense is committed, except where the party himself, because of local prejudice, prays for a change of venue. Defendant therefore submits that, for him to be tried by a jury in Liberia, when the offense for which he is charged is alleged to have been committed in another country, namely Ghana, would certainly be depriving him of his constitutional right and guarantee. Wherefore, defendant prays that the indictment be quashed and that he be discharged from further answering, and his bond returned to him."

This motion was resisted by the plaintiff below, now appellee. The court below, in a very elaborate and exhaustive ruling, denied the said motion; whereupon issue was joined. Defendant was tried, and the empanelled jury returned a verdict declaring him guilty of the charge. It is from this verdict and final judgment of the court pronouncing defendant guilty of the crime of forgery that exceptions were taken and the case brought before this Court for further review and adjudication on a bill of exceptions containing 14 counts which we shall endeavor to review in an exploratory manner as the legal import of the respective counts requires. But before doing so, we wish first to establish that forgery is a crime cognizable under our law. The 1956 Code defines forgery as follows:

"Any person who with intent to defraud, falsely makes or materially alters any writing which if genuine would be the foundation of private or public liability, or which would be prejudicial to public or to private right, and which on the face of it purports to be good and genuine, is guilty of a felony and punishable by imprisonment for not more than five years. Restitution of anything of value obtained by the forgery may be required." 1956 Code, tit. 27, § 303.

That definition of forgery under our penal statute, is the law upon which the prosecution has based its case as

far as the records show, and we have undertaken to quote it herein before we assume to probe into the merits or demerits of the issues presented in the case.

Count "1" of the bill of exceptions is taken in confirmation of defendant's exception in the lower court, noted against the ruling of the court on the motion to quash and states as follows:

> "On the __ day of September, Your Honor did enter a ruling denying and dismissing appellant's motion to quash the indictment and vacate the proceedings because, as appellant insisted in said motion, the court had no territorial jurisdiction over the cause in that, the offense having allegedly been committed in Ghana and not within the territorial confines of the Republic of Liberia, this court could exercise no jurisdiction over the matter."

Since this count is one of the few of the bill that appellant's counsel so strongly argued before this bar when the case was being heard on appeal, we shall endeavor to address our attention thereto in a very elaborate way. It is established beyond contradiction by the records that the defendant below, now appellant, is a citizen of the Republic of Liberia; that he was employed by the Liberian Government and sent into the foreign service from Monrovia, Montserrado County, his place of residence, with assignment as financial secretary in the Liberian Consulate at Takoradi, Ghana; and that, whilst serving in this employ as aforesaid, he issued all checks for and in the name of the Government of Liberia on the Bank of British West Africa, Takoradi, which checks, although signed by appellant and the counsel, one J. Rufus Simpson, yet the said checks were, by prefixing, altering and adding other figures on their respective faces after being signed by the said consul, increased respectively from the original amounts for which they were issued before they were cashed by the appellant, with intent thereby to defraud the Government of Liberia.

It is a settled principle of international law, otherwise known as the law of nations, that, unlike ambassadors and ministers serving in foreign countries, who enjoy inviolable immunities, consular officials, being considered as the mercantile agents of their governments, do not enjoy those rights and benefits; therefore it is their individual responsibility to answer for offenses committed by them in violation of the laws of the country in which they are assigned unless there are conventions extant between the two countries which go to relieve them of such liability; but upon no stretch of imagination or legal theory can it be accepted that, because they may be answerable for the violation of the laws of the country in which they temporarily reside—if they do not enjoy the right of exemption—they can equally and in the same manner be held to answer, tried and punished in the country in which they hold temporary residence for violation of the laws of the country in which they hold their allegiance; nor can they be convicted and sentenced out of the territorial jurisdiction of the Republic of Liberia for any crime committed against its laws. On the other hand, the principle of extraterritoriality has always been interpreted to import that the area occupied by persons in the foreign service of their government residing temporarily within the confines of another country, is the territorial domain of the country to which they hold their allegiance; and therefore, all crimes in violation of the laws of the government they represent are cognizable under such laws, and not under the laws of the country in which they hold temporary residence by reason of their appointments, because they continue to be subject to the laws of their own country which governs their personal status and rights of property. (See 16 AM. JUR. 959, 962 *Diplomatic and Consular Officers* § § 4, 8.)

It has not been disputed that the appellant does hold citizenship in the Republic of Liberia; nor is he excused under our law by way of exemption or otherwise from

answering in our courts for the commission of any crime. Professor Ballentine has defined extraterritoriality as:

> "The operation of the law of a state or country beyond or outside of its physical boundaries." BALLENTINE, LAW DICTIONARY *Extraterritoriality* (1948 ed.).

Now, let us ascertain if these principles of law may apply to the case in point. Defendant's citizenship is known to be in Liberia. He must therefore be subject to the laws of Liberia for the violation thereof. He was employed by the government of Liberia and worked in her service. Enjoying those extraterritorial rights, he is supposed to have been residing within the Liberian territorial jurisdiction at the time the crime for which he is held liable was committed in violation of the laws of Liberia. If that is correct, as it appears to us to be, then the charge could not have been brought against him in any other place than in the Circuit Court of the First Judicial Circuit, Montserrado County, his place of residence, where the pure application of the Constitution in its guarantee of a trial by a jury of the vicinity is enjoyed.

Article IV, Section 1st of our Constitution provides that the judicial power of this Republic shall be vested in one Supreme Court and such subordinate courts as the Legislature may from time to time establish. But the Constitution makes no provision for any other court without the territorial jurisdiction of the Republic to exercise judicial function for the violation of the laws of this country.

Article I, Section 8th of our Constitution provides that no person shall be held for a capital or infamous crime, except in cases of impeachment, cases arising in the army or navy, and petty offenses, unless upon presentment by a grand jury.

These provisions of our Constitution cannot become operative in any territory other than within the territorial confines of Liberia. Therefore, since there is no law which authorizes anything to the contrary, the conclusion must be that the defendant was indicted and tried within

the proper judicial forum and within the right jurisdiction.

> "At common law the right to trial by jury included the right to a trial by a jury of the vicinage or neighborhood, and, while some of the constitutions expressly provide for a trial by a jury of the vicinage or of the county or district, it has been held that the right is secured by provisions which merely guarantee in general terms the right to a jury trial. In this connection, the term 'vicinage,' while subject to various definitions depending on the sense in which it is used, has been held to refer to an area corresponding with the territorial jurisdiction of the court in which trial is had; and the term 'district,' while ordinarily meaning no more than the term 'county,' has also been held to mean that portion of territory or division of the state over which a court at any particular sitting, may exercise jurisdiction." 50 C.J.S. 721 *Juries* § 8.

Therefore Count "1" of the bill of exceptions cannot be sustained by this Court. In Count "2" of the bill, the appellant alleges as follows:

> "And also because on the 17th day of September, 1959, when prosecution witness Rufus Simpson was on the stand, the defense counsel asked the following question: 'Mr. Witness, is it not a fact that there was an understanding between you and the defendant whereby he, upon your instructions as consul, prepared these checks in a manner making the amount stated in the check greater than the amount stated on the stubs in order that the two of you might split the surplus which was sent by the Government?' The prosecution objected to said question and said objections were sustained."

A witness may ordinarily be cross-examined on all matters touching the cause or likely to discredit himself. The witness was not on trial and was privileged from testifying to any fact that would have a tendency to self-

incrimination. Moreover, even if the court had permitted the question embraced in this count to have been answered, it still would have had no tendency to prove the innocence of the defendant; rather, it does seem that it would have gone to establish defendant's guilt.

> "Every individual in a community is responsible for his own acts and conduct and infractions of the criminal law of the state, without regard to any usage or custom that prevails in the community, and without regard to the acts and conduct of others. Hence, it cannot be set up as a defense to a prosecution for the commission of a crime or offense, that another individual or individuals who have committed the same offense, have not been indicted." 1 WHARTON, CRIMINAL LAW 505 (11th ed. 1912).

In our opinion the trial judge did not err in sustaining objections interposed to the question, and hence this count is not sustained.

As to the third count of the bill of exceptions we are of the opinion that the premise has already been explored in our views expressed on Count "2," and we sustain and uphold the position of the trial judge.

Count "4" is laid as follows:

> "And also because on the 17th day of September, 1959, when the prosecution offered its written evidence, the defendant objected to a document marked 'P2' by the court on the grounds that the same was a copy and not an original; that no effort had been made for the production of the original; and that the said document was not a public document. Which objection of the defendant Your Honor overruled and admitted said document into evidence. To which the defendant then and there excepted."

Before approaching this ground of exception, we shall first take recourse to the records in the case. The records show by the testimony of witness Rufus Simpson that the documents marked "P2" and "P3" were respectively the letter that he the said witness wrote to the manager of

the Bank of British West Africa at Takoradi, and the manager's reply. This statement of witness Simpson stands unbroken and even corroborated by defendant himself when on the witness stand; and here we quote a portion of defendant's statement in chief that goes in corroboration of the witness's statement:

"I received a letter from a friend of mine working in the State Department in Monrovia, informing me that the government had sent Foreign Service Inspector Frank J. Stewart and one White, a man from the Bureau of Internal Revenues, to go and audit all of the Liberian missions abroad. When I received this letter I went in to Consul Simpson's office to tell him the news. Hearing this he asked me if Frank Stewart was going to reach Takoradi. I told him that the young man who wrote me simply said that Mr. Stewart had gone in the foreign field on auditing service, but did not give me any particular place or places; and this is the time Consul Simpson asked me about the second quarter bank statement. I told him that I had not received it yet but we would check with the chief accountant. He told me that, if they got through with it, they were going to post it to us at the consulate. One morning I went to the post office and brought the bank statement and other statement of important documents which I placed in the hands of Consul Simpson. The following night I was in the room resting, about 9:30 p.m., and my wife was in the living room. She called to my attention that my office window at the consulate was open, and the light was shining in there; so I told her I didn't think anybody had anything to do there, but it might be the consul typing a letter to the bank manager that he had not received the second quarter bank statement. This letter the consul himself carried to the bank, and delivered it in person.

"On his return he told the clerk in the office, Mr. David Koffa, that the bank would send me a document, and when the secretary came in, not to put it on

his desk first, but to bring it in to me directly. When I reached the office, the clerk came to my desk and told me what the consul had said. I was surprised, and asked the clerk why he had given such instructions. The clerk told me that the consul was after something. When the consul heard us talking, he sent his driver to the bank to wait for his document and bring it along, so as to deliver it in person, which the driver did. After two days, the consul called me to his office, and said that he had two copies of the bank statement of account, and that the figures appearing on these two statements were different, and he did not know how such a thing could happen. When I looked at these statements I reminded the consul that all checks were issued at his desk, signed by both of us, and each amount placed on the face of each check was named by him. He got vexed with me, and said that he was leaving for Accra to report to Ambassador David about the shortage in the bank, and he did not know anything about it, and he was going to request an investigation."

From this portion of appellant's statement in chief, it can be clearly seen that he fully corroborated the statement of Rufus Simpson concerning the two documents marked "P2" and "P3," which were the copy of the Consul's letter to the bank manager and the manager's reply. Thus, there could be no doubt with respect to their genuineness; moreover, they had been identified by witness Rufus Simpson to be such. It was also established that the original letter addressed to the bank manager was with the manager at Takoradi, which is without the territorial jurisdiction of the court; and both being official documents from the office of the consulate, we are of the opinion that the trial court did not err in admitting them into evidence against appellant's objections. In support of our opinion we cite hereunder the following:

"The rule that documentary evidence must be authenticated to be admissible is relaxed in the case of

reply letters. The generally accepted rule is to the effect that a *prima facie* case of authenticity of a letter is made by showing that the offered letter purports to be from the addressee of a prior letter, and to be in reply thereto, and that it was received through the mail in due course, there being indulged in such a case a presumption of fact of the genuineness of the signature to the reply letter sufficient in itself to render it admissible in evidence without further identification or authentication." 20 AM. JUR. 806 *Evidence* § 956.

Under this principle of law, we cannot sustain Count "5" of appellant's bill of exceptions.

Count "6" contains objections made to the admission of a document marked "P4," which is the letter of acknowledgment of the forgery which was tendered by the defendant in Takoradi, Ghana, and which he alleged to have been obtained under duress. This document is herein laid as follows:

"As result of an investigation conducted by the Liberian Ambassador in the office of the consulate at Takoradi, in reference to some irregularities of funds of the consulate deposited at the Bank of West Africa Limited, I, B. E. K. Speare-Hardy, do hereby acknowledge that I am indebted to the consulate in the sum of six hundred and ninety pounds (£690:-) as refund for amount overdrawn from consulate account here at the above-mentioned bank.

"I do faithfully promise to refund this amount by installment to be liquidated between now and February, 1959. This document should be considered binding in all respects.

[Sgd.] BENJAMIN E. K. SPEARE-HARDY,
Secretary.

"Witness:
[Sgd.] CECELIA APPIAH."

Witness Rufus Simpson for the prosecution testified as follows:

"In the months of April and May, 1958, the Li-

berian Consulate did not receive its bank statement for these two months respectively. On several occasions, I instructed the defendant, Benjamin E. K. Speare-Hardy then Secretary of the Liberian Consulate, whether he had received the bank statement, as he had in his possession the post office key. I also instructed him to inquire from the bank why we had not received our bank statement of account. Each time he told me that the bank said they were busy, but they would be sending them soon. After two months had expired, and mails were coming in, I told the defendant to go back to the bank on Friday, June 6, 1958, to investigate. He came back with the same story that the bank would be sending the statement soon. On Monday, June 9, 1958, I asked the defendant again about the two statements. He told me that he had been to the post office, but there were no statements in the box. That afternoon on leaving the office, I told the defendant that he should go back to the post office to see whether he would be able to find the statements. He said to me that he would do so and that, if he got them, he would send them to me by his boy together with any other mail; but the statements were not in the midst of the mails sent. Then I said to myself that this matter was becoming serious, so I went to the office and wrote the manager of the Bank of West Africa; since the defendant could not get the statements, I wrote to the bank officially. On the morning of Tuesday, June 10, 1958, the bank manager phoned me requesting that I should send for my reply to my letter. Before sending for the letter, defendant came to the office but went out; and on his return he brought statements for April and May. When I read through these statements, I observed something unusual, that is, some of the figures had pound signs and others did not. At about 10:30 I sent my driver to the bank, and he brought the bank manager's reply to my letter. After reading the let

ter, I observed that the manager was surprised that I had not received the bank's statements for the months of April and May because he had given them to the defendant upon his request on May 16, 1958. Therefore, he advised me to investigate, and told me that he was also attaching duplicate copies of the bank's statements. After going through and comparing the original statement of the checks and the duplicate statement, I saw that the stubs carried figures that coincided with the originals, but the originals had unusual pound signs, and the duplicates had different figures also. For example, while a stub called for the figure of nine pounds, the original had the same nine pounds, but the duplicates had thirty-nine pounds. Also there was on a stub ten shillings, another twenty-one pounds fifteen shillings, thirty-five pounds and another thirty-five pounds, but on the duplicates we had thirty pounds, one hundred pounds and two hundred pounds. The originals had the same figures as the stubs excepting these unusual pound signs. So, after making a summary, I discovered that the correct amount the consulate had issued came to two hundred and fifty pounds nine shillings, and the additional amounts came to seven hundred and seventy pounds; so I therefore made a statement saying that, according to the bank's statement, seven hundred and seventy pounds had been unlawfully drawn from the account of the Government of the Republic of Liberia; therefore this amount should be forthwith refunded regardless of the consequences. So I called in the defendant, and laid before him the documents, and asked for his observations on the matter. He said to me that he did not know why the bank wrote such a letter, because he knew nothing of the matter, and he asked why I should ask him about it. I asked him if he expected me to go out on the street and ask John Brown when something happened in the Liberian Consulate when both

of us are responsible for the operation of the office. He asked me why I said that seven hundred and seventy pounds had been unlawfully withdrawn. I said to him: 'Why should I not say so when you issue all checks?' Then I said to him: 'Well, we have to investigate this matter with the bank—did you issue a check for thirty-nine pounds and have nine pounds on the stub?' He said no, he had issued a check for nine pounds. So I said that, before going into the matter, I would like to bring it to the hearing of the Liberian Embassy. Therefore, I went to Accra on June 11, 1958, and reported the matter to the ambassador. He was quite alarmed and, on the next day, he came to Takoradi to go to the bank to check on the money. But before going on the 13th of June, he said that he would discuss this matter in the office with the defendant, and we did so, at which time defendant said: 'Mr. Ambassador, if I were a woman I would cry.' The ambassador asked him why; then he said he did not know what made the devil fool him to eat this money. The ambassador then asked him: 'In this case, what do you intend to do?' He said that he would prefer to refund the money. The ambassador asked: 'Through what means?' He said that he would pay from his salary, and also that he had just received a letter from Monrovia and made an arrangement with the Bank of Monrovia for an L.P.A., and he was prepared to pay the money between June, 1958, and February, 1959. He said further to the ambassador that the amount was not seven hundred and seventy pounds, because he had credit with the Liberian Government in the amount of eighty pounds. The ambassador asked him where he had so much money to credit the Liberian Government eighty pounds. However, the ambassador agreed to deduct the eighty pounds from the seven hundred and seventy pounds, leaving a remaining balance of six hundred

and ninety pounds, but the ambassador told him that he could not agree on this orally; he must make a written statement; so defendant made the statement that he would pay this six hundred and ninety pounds between June, 1958 and February, 1959. He gave me a copy of the statement and gave a copy to the ambassador, and he also kept a copy. This statement was signed by defendant and witnessed by Cecelia Appiah, a clerk in the office."

On cross-examination, the same witness testified as follows:

"Q. You said in your general statement that, after the bank sent you this statement, you went to Accra to the ambassador to report the incident. Did you take the defendant along with you to the ambassador, and was he present when you reported the matter, since you said that he was involved?

"A. When the discrepancy was discovered I called the defendant, and I asked him if he knew anything of the matter, and he said no. I did not know whether the defendant was involved, as I held the bank responsible because defendant said he did not know anything about it. I did not take the defendant with me, nor was he present when I reported the matter to the ambassador.

"Q. As to the statement identified by you and marked 'P4' by the court, which you alleged was made voluntarily by defendant, please tell the court and jury whether Ambassador David himself did not get on the typewriter and prepare that statement and give it to defendant to sign.

"A. The statement was prepared by defendant himself.

"Q. Is it not a fact, Mr. Witness, that this statement was prepared by Ambassador Wilmot David behind closed doors and that he, David, in his capacity as ambassador, threatened defendant in

this closed room that if he did not sign that statement he, as an ambassador, would call in the police because he, the ambassador, stressed to the defendant that defendant was not enjoying diplomatic immunity?

"A. No; this is not correct."

To all of these answers made by the witness, appellant's counsel gave notice to the court that he would in due time introduce evidence to rebut the witness' answers; but we have been taken with great surprise to observe that nowhere is it shown by the records that defendant, now appellant, made the slightest attempt to rebut any portion of so strong a piece of evidence except by his testimony alone, which was uncorroborated; yet at the offering of the said document for admission into evidence, he objected thereto without having made the slightest effort to prove to the court and jury that the aforesaid document was tendered under duress.

Inspection of the records shows that the witness was cross-examined further as follows:

"Q. You have said that, whenever checks were drawn, afterwards the stubs were kept by you under lock and key. I suggest you also kept unused check books. Is this correct?

"A. No.

"Q. Who kept the check books?

"A. As I said, I kept the check books.

"Q. When defendant Hardy signed the statement marked 'P4' by court as you have said, where were you?

"A. He signed in the presence of the Ambassador, myself and the witness.

"Q. You have said that Cecelia Appiah was present in the room when defendant prepared and signed this document. Is it not a fact instead that this document was prepared in this room closed by Ambassador David himself, when Cecelia Appiah

was on the outside shut out of said room and that, after David had forced defendant to sign it, the door was opened and Cecelia was called in and instructed to sign same, and not until the ambassador insisted that she must sign and did she reluctantly do so?

"A. Ambassador David was in the room with me. After defendant prepared this document in his office, he brought it in, so Ambassador David told him to get someone to witness it; that was the time defendant brought Miss Cecelia Appiah, who worked in his office, to witness his signature.

"Q. Where is the woman, Cecelia Appiah, now?

"A. She left our office in December, last year, to get married.

"Q. But is she still in Ghana?

"A. That I cannot say."

The statement-in-chief of witness Simpson and the questions and his answers on cross-examination, together with the other written evidence, to our minds have a great bearing on the case, and show that the document in point was voluntarily prepared and signed, especially when it was not contradicted that the defendant did tell the ambassador that the devil had fooled him to falsely alter the checks. Yet, in spite of this strong chain of evidence unchallenged by anything other than the statement of the defendant when on the witness stand, his counsel argued that appellant's guilt had not been proven. Moreover, the appellant failed to introduce any proof to rebut the evidence for the prosecution, although he announced that he would do so. Letters which contain admissions against the interest of the writer are competent evidence against him in the same manner and to the same extent as oral admissions against his interest. Hence, the court below did not err in admitting the written evidence marked "P4"; and this count is also overruled.

Count "7" of the bill of exceptions notes objections

raised against the admission into evidence of a document marked "P5." This document is shown to be a duplicate copy of a statement reecived from the manager of the Bank of British West Africa, Takoradi; and it is dated June 10, 1958. It is the very same statement that both witness Simpson and the appellant admitted had come from the bank; and further, it is the selfsame document that was identified by the witness whilst on the witness stand. But even if the court had entertained said objection and denied admission of the document in question into evidence, that still would not have destroyed the merits of the case when all of the stubs of the falsely altered checks had been admitted into evidence without the slightest objection coming from the appellant. Hence, we have not been able to understand what benefit the appellant sought by this objection. The records certified to us show that an identical statement was solicited by the consul as the outgrowth of the suppression of the original copies from the bank by the defendant; and we are of the opinion that the identification made of it by witness Simpson was sufficient for its admission, since its credibility and effect rested exclusively within the province of the trial jury. Therefore, we cannot sustain this count.

When the defendant was on the witness stand, the prosecution asked him the following question on cross-examination: "The statement you said you were forced to sign carries on its face that it was issued as refund for an amount overdrawn from the consulate's account at Takoradi. Please explain if the account that was overdrawn is in connection with "P1," the batch of checks passed to the court, and therefore you decided to become a party to what you term a deceit." Defendant objected to the question on the grounds that it was both immaterial and unconstitutional, which objection was overruled. Exceptions taken thereto were those which mainly constitute Count "8" of appellant's bill; and Counts "9" and "10" refer to similar exceptions.

According to our statutes, it is the province of the opposing party to put such questions to a witness as would have a tendency to test his motives and inclinations; and so the law permits such questions to be asked; and unless the defendant, as a witness, had good cause to show that his answers might have imputed a criminal liability to himself, which the records do not show, it was permissible for him to have answered the said questions. Therefore, the trial judge did not err in refusing to sustain objections thereto. Besides that, the defendant sat supinely and allowed the stubs of the purported checks that had been falsely altered to be admitted into evidence without objection; so it was legal and right for the court to have permitted him to be questioned as a witness on all circumstances in connection with the said checks and their stubs. Moreover, defendant himself had introduced into the evidence the question of a dedeba which necessarily went more to prove his guilt; although this Court holds the view that the six-hundred-pounds-sterling dedeba question introduced into the evidence by the defendant was not relevant to the case then pending before the court; but the record thereof had still been made.

Counts "11," "12," "13" and "14" being counts that propose objections to the judge's charge, the motion for new trial, the verdict and the final judgment, the backgrounds of which we have already reviewed in this opinion, we are of the opinion that there is no further necessity for comments thereon.

Therefore, having endeavored to exercise all diligence in exploring all of the grounds of this appeal, we are of the strong opinion that the judgment of the court below should not be disturbed, because the verdict of the petty jury upon which it is founded is in harmony with the facts adduced at the trial. The said judgment is therefore affirmed, and it is hereby so ordered.

Affirmed.