

and received by the witness Whidden. But it was argued that it was not a confession in law, i.e., that it was not a voluntary statement or admission of participation in a crime, so as to entitle the Crown to give it in evidence, even as against the person making it. This point was not expressly taken before the Chief Justice. The objection, as stated by counsel at the trial, was as follows: "Just at this stage will come up the objection Mr. Hassard and I take to this evidence going in. I am quite prepared to admit that anything she said after proper caution would be evidence against herself, but certain things may be said by Mrs. Martin in the absence of her husband which I submit can hardly be used as evidence against him." And the form of the question submitted shews that what is sought from this Court is an opinion as to the validity of the objection raised to the admissibility of the statement when the prisoners were tried together. It was assumed that if Ethel Martin was being tried alone the statement was receivable, but it was sought to exclude it because it might contain something prejudicial to her husband, who was being tried with her on the same indictment.

Assuming, however, in favour of the prisoner, that the point is open, it cannot prevail. The question must be considered in the light of sec. 592 of the Criminal Code, which enables the prosecutor to give in evidence any admission or confession or any other statement of the accused. It can serve no useful purpose to enter upon an inquiry as to the exact signification of the different words of the section, or to undertake to say whether the words spoken by the female prisoner are to be termed an admission or a confession or a statement. Any of these is permitted to be given in evidence by the prosecutor. And, in order to the admissibility of a statement made by an accused person, it need not appear that it is a full acknowledgment of guilt so as to be a confession in the strictest sense of the term. If it connects or tends to connect the accused, either directly or indirectly, with the commission of the crime charged, it cannot be excluded on the ground that it is not a plenary confession. It is for the jury or other tribunal to judge of its weight and to deal with it as with any other piece of evidence, having regard to the other circumstances of the case as given in evidence: *Rex v. Clewes*, 4 C. & P. 221, at p. 226; *Rex v. Steptoe*, ib. 397.

In the present case, it having been shewn that the statement was made under conditions that rendered it in law clearly admissible against the female prisoner, the Chief Justice could not have declined to permit it to be given in evidence.