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Others ( 11 Cox C.C.686) Reg v Doherty(13 Cox C.C.23) Reg v Fennell ( 7 Q.F.D.147) The finding that the words were "calculated to elicit the truth" shews that they operated as an inducement, by conveying to the accused that he would find it advantageous to admit his guilt. A confession shewn to have been brought about by such an inducement cannot be proved. (3 Russell on Crimes, pp.441,442, 5th.ed.)

Segar (with him, C.M.Wilson) for the prosecution. Evidence of the confession was admissible. It is not shewn that what passed between the prisoner's brother and the prosecutor was communicated to the prisoner. The words used were also advice on moral grounds. Confessions preceded by exhortations of this kind were held admissible in Reg. v Jarvis ( Law Rep. 1 C.C.R.96) and Reg. v Reeve ( Law Rep. 1 C.C.R.362) The Justices have found that the confession was voluntary, and it was for them to decide what words were used, and whether they were repeated to the prisoner in such a manner as to convey a promise or threat. Evidence of a confession is *prima facie* admissible, and can only be excluded upon proof by the prisoner that the confession was not voluntary.

( They also cited Rex v Court ( 7 C.& P. 486); Reg v Moore ( 2 Den C.C.522) and Rex v Clewes ( 4 C. & P. 221) )

Shee in reply.

Cur.adv.vult.

April.29. The following judgment was read by

Cave J. The question in this case is whether a particular admission made by the prisoner was admissible in evidence against him. This is a question which must necessarily arise for decision in a number of cases both at petty and quarter sessions; and to my mind it is very <sup>un</sup>satisfactory that the principle which must guide the decision of magistrates in these cases should be loosely or confusedly interpreted.

Many reasons may be urged in favor of the admissibility of all confessions, subject of course to their being tested by the cross-examination of those who heard and testify of them; and Bentham seems to have been of this opinion (Rationale of Judicial Evidence, Bk. v., ch.vi., s.3). But this is not the Law of England. By that law, to be admissible, a confession