

POLICEMEN AND THEIR DUTIES—THE PARRY SOUND LUMBERING CO. V. FERRIS ET AL.

cused person desire to call witnesses, the police should assist him to the best of their power. I cannot too strongly recommend every constable, however good he may fancy his memory to be, to write down word for word every syllable of every conversation in which an accused has taken a part, and of every statement made to him by an accused person, and to have that written memorandum with him at the trial. The last but most important duty I would enjoin upon you is, on every occasion, "Speak the truth, the whole truth, and nothing but the truth." Let no consideration, no anxiety to appear of importance in a case, no desire to procure a conviction or an acquittal, no temptation of any sort, induce you ever to swerve one hair's breadth from the truth—the bare, plain, simple truth. Never exaggerate, or in repeating a conversation add a tone or colour to it. Exaggeration is often even more dangerous than direct falsehood, for it is an addition of a false colour to truth; it is something more than the truth; and it is most dangerous, because it is difficult to detect and separate that which is exaggeration from that which is strictly true; and a man who exaggerates is very apt to be led on to say that which he knows to be false. On the other hand, suppress no part of a conversation or statement, nor any tone or action which accompanies it; for everything you suppress is short of the whole truth. Remember always that reliance is of necessity placed in Courts of justice upon the testimony of policemen; and bear constantly in mind that in many cases the fate of an accused man, which means his life or his liberty, depends upon that testimony; and seriously reflect how fearful a thing it is for a man to be convicted and put to death, or condemned in penal servitude or imprisonment, upon false testimony. Remember, also, when you are giving evidence, that you are not the person appointed to determine the guilt or the innocence of a person on his trial, nor have you any right to express an opinion upon the subject. Your duty is a very simple and easy one—namely, to tell the Court all you know. The responsibility of the verdict, whether it be guilty or not guilty, rests entirely with the jury or the magistrate (if the case is tried in a police Court), and they have a right to expect from you everything within your knowledge to enable them to form a just conclusion. It is right that I should tell you that wilfully to tell a falsehood, or pervert the truth, in a Court of

justice, is perjury; and you all know perjury is a crime punishable with seven years' penal servitude, and your own common sense will tell you that when perjury is committed by an officer of justice he deserves and ought to receive a very severe sentence. Resolve, then, on every occasion to tell the plain, unbiassed, unvarnished truth in all things, even though it may for a moment expose you to censure or mortification, or defeat the object or expectations of those by whom you are called as a witness. Depend upon it, the censure or mortification will be as nothing compared to the character you will earn for yourself as a truthful, reliable man, whose word can always be implicitly depended upon, and the very mortification you endure will be a useful warning to you to avoid, in the future, the error you have candidly confessed. I could write a great deal more on the subjects I have touched; but then my address to you would be too long for this little work, which is intended for your guide, and wherein you will find your duties upon various occasions more fully defined. I have only endeavoured, in a few friendly sentences, to point out to you a line of conduct, the steady adoption of which will enable every man in the police service to feel that he is on the high road to all that he can desire, having regard to the important and very responsible calling he has selected for himself."

REPORTS

ONTARIO.

(Reported for the LAW JOURNAL.)

THE PARRY SOUND LUMBERING CO. V.
FERRIS ET AL.*The Act respecting water privileges—R. S. O.
Cap. 114.*

Applicants petitioned to dam back the water of a lake some twenty miles distant from their mill so as to improve their water privilege. To do this they would flood over 200 acres of land, overflow a travelled road, and, according to the evidence, the effect of the flooding would be to make the neighbourhood of the lake very unhealthy.

Application refused as not being conducive to the public good, R. S. O. cap. 114, sect. 7, and for other reasons set out in the judgment.

The facts of the case and arguments sufficiently appear in the judgment.

T. S. Plumb, for applicants.

H. H. Strathy, for contestants.