

It is generally admitted that a person to whom a confession is made, is a competent witness, but various exceptions to this rule are allowed. Thus, a witness was allowed to detail a confession he heard the prisoner make to a third party, although he did not see either party, and only identified the prisoner by his voice.

THE WHOLE CONFESSION MUST BE INTRODUCED.—Fairness and justice demand that everything the prisoner said which would tend to qualify his confession, should be admitted, and this should be adhered to, no matter if what the prisoner said was favourable to his case. Thus, when the prisoner was proven to have sold the goods immediately after they were stolen, but in his confession he said, among other things, that he honestly bought and paid for them. It was held that this part of the confession should be admitted with the rest. This rule as to the introduction of the whole confession did not prevail in the early law. It was usual in state trials then to select arbitrarily from a prisoner's examination, any part that might be prejudicial to him, although the whole examination taken together, might have had a different effect. The salutary rule requiring the whole confession to be introduced does not mean that it should be repeated verbatim, but the substance is always sufficient.

PROBATIVE WEIGHT OF CONFESSION.—We must now consider the final question in regard to a confession, to wit: its probative force or weight.

It is universally recognized by the courts that an oral confession should be received with great caution. "For, besides the danger of mistakes from the misapprehension of witnesses, the misuse of words, the failure of the party to express his own meaning, the infirmity of memory, and the too zealous effort on the part of those engaged in collecting evidence, to rely on slight grounds of suspicion which are exaggerated into sufficient proof—all these tend to impair that kind of evidence."

It is generally considered, however, that a confession voluntarily made is entitled to the greatest weight. "*Habemus*