

through an interpreter by another policeman, after the prisoner had been placed under arrest and taken to the police station.

The substantial questions reserved were whether the evidence of these statements was properly admitted.

The case was heard by MOSS, C.J.O., OSLER, GARROW, MACLAREN, and MEREDITH, JJ.A.

J. M. Godfrey, for the prisoner.

J. R. Cartwright, K.C., and E. Bayly, K.C., for the Crown.

Moss, C.J.O.:—Upon the argument, counsel for the prisoner conceded that he could not successfully argue against the admission of the evidence of the firstly above mentioned statements; and, upon the facts and circumstances attending the occasion, which were proved before the learned Judge admitted the evidence, there is no reason for doubting the correctness of his ruling.

As to the statements made on the second occasion, it was strongly urged by the counsel for the prisoner that enough was not shewn by the Crown as preliminary to their reception to justify the learned Judge in admitting them in evidence.

The case and evidence shew that the prisoner was placed under arrest and taken to the police station, where the policeman in charge instructed the interpreter to tell the prisoner that, in view of any charge that might be brought against him, he need not answer anything unless he liked, but anything he said would be used in evidence against him. This was all that the policeman told the interpreter to say to the prisoner, and the interpreter told the prisoner exactly what he had been told to tell him. There was no negation in terms of the absence of threats or promises or inducements, but apparently all that actually took place was related. The learned Judge was satisfied that the statements were not made under the influence of threats, promises, or inducements made or held out to the prisoner.

It was contended for the prisoner that the evidence did not go far enough, inasmuch as there was no direct affirmation by the witnesses that no threats, promises, or inducements were made or held out. But all that was required was sufficient proof to satisfy the mind of the learned Judge, and from the facts sworn to before him he could readily draw the inference that the statements were not made under the influence of either hope or fear. The facts proved, themselves, demonstrated that neither coercion nor persuasion was resorted to in order to induce the prisoner to speak.