

## POLICEMEN AND THEIR DUTIES.

feres unnecessarily upon every trifling occasion, stirs up ill-feeling against the force, and does more harm than good. An over-zealous man, who is always thinking of himself, and desiring to call attention to his own activity, is very likely to fall into a habit of exaggeration, which is a fatal fault, as I shall presently show you. Much power is vested in a police constable, and many opportunities are given him to be hard and oppressive, especially to those in his custody. Pray avoid hardness and oppression; be firm, but not brutal; make only discreet use of your powers. If one person wishes to give another into your custody for felony you are not absolutely bound to arrest. You ought to exercise your discretion, having regard to the nature of the crime, the surrounding circumstances, and the condition and character of the accuser and the accused. Be very careful to distinguish between cases of illness and drunkenness. Many very serious errors have been committed for want of care in this respect. Much discussion has on various occasions arisen touching the conduct of the police listening to and repeating statements of accused persons. I will try, therefore, to point out what I think is the proper course for a constable to take with regard to such statements. When a crime has been committed, and you are engaged in endeavouring to discover the author of it, there is no objection to your making enquiries of, or putting questions to, any person from whom you think you can obtain useful information. It is your duty to discover the criminal if you can, and to do this you must make such inquiries; and if in the course of them you should chance to interrogate and to receive answers from a man who turns out to be the criminal himself, and who inculpates himself by these answers, they are nevertheless admissible in evidence, and may be used against him. When, however, a constable has a warrant to arrest, or is about to arrest, a person on his own authority, or has a person in custody for a crime, it is wrong to question such person touching the crime of which he is accused. Neither judge, magistrate, nor jurymen, can interrogate an accused person, and require him to answer questions tending to criminate himself. Much less, then, ought a constable to do so, whose duty as regards that person is simply to arrest and detain him in safe custody. On arresting a man the constable ought simply to read his warrant, or tell the accused the na-

ture of the charge upon which he is arrested, leaving it to the person so arrested to say anything or nothing as he pleases. For a constable to press any accused person to say anything with reference to the crime of which he is accused is very wrong. It is well also that it should be generally known that if a statement made by an accused person is made under or in consequence of any promise or threat, even though it amounts to absolute confession, it cannot be used against the person making it. There is, however, no objection to a constable listening to any mere voluntary statement which a prisoner desires to make, and repeating such statement in evidence; nor is there any objection to his repeating in evidence any conversation he may have heard between the prisoner and any other person. But he ought not, by anything he says or does, to invite or encourage an accused person to make any statement, without first cautioning him that he is not bound to say anything tending to criminate himself, and that anything he says may be used against him. Perhaps the best maxim for a constable to bear in mind with respect to an accused person is, "Keep your eyes and your ears open, and your mouth shut." By silent watchfulness you will hear all you ought to hear. Never act unfairly to a prisoner by coaxing him, by word or conduct, to divulge anything. If you do, you will assuredly be severely handled at the trial, and it is not unlikely your evidence will be disbelieved. In detailing any conversation with an accused person, be sure to state the whole conversation, from the commencement to the end, in the very words used; and, in narrating facts, state every fact, whether you think it material or not, for you are not the judge of its materiality. Tell, in short, everything; as well that which is in favour of the accused as that which is against him; for your desire and anxiety must be to be fair, assist the innocent, and not convict any man by unfair means, such as suppressing something which may tell in his favour, even though you feel certain of his guilt. Unfairness is sure to bring discredit upon those who are guilty of it. If an accused in a conversation with you states any circumstances which you have the means of inquiring into, you ought, whether those circumstances are in his favour or against him, to make such inquiry, and the witnesses who can prove or disprove the truth of the statement ought to be taken before the magistrate when the prisoner is examined; and if an ac-