

the one intended by the contract, and there was no ambiguity requiring evidence to explain; and (b) if judicial notice of such surveys could not be taken, then the ambiguity, if any, was a latent one, and oral testimony was admissible to ascertain what land was meant.

It was suggested in argument that defendant was merely a homesteader under the Dominion Lands Act, and had not received his patent, and that, under s. 42 of that Act, he could not validly create a charge on the land.

*Held*, that the defendant could not raise such an objection in this action, and that the plaintiff was entitled to an order for the charge on the land and the chance of realizing on it, though he might afterwards be defeated by the action of the Dominion Government.

*Howell*, K.C., for plaintiff. *Bonnar*, for defendant.

Full Court.]

KING v. TODD.

[June 1.

*Criminal law—Evidence—Confession.*

This was a case reserved for the opinion of the Court as to whether the evidence of certain confessions of the prisoner obtained by a detective in the manner described below was admissible.

The accused was suspected of having been guilty of the murder of one John Gordon, and the Chief of Police employed detectives to associate with him and try to secure an admission of his guilt. These detectives, who were not peace officers, worked themselves into the confidence of the accused, and represented to him that they were members of an organized gang of criminals, who were engaged in operations that would yield large profits to those participating therein, and induced the accused to make overtures for admission to the gang. They then intimated to him that it would be necessary for him to satisfy them that he was qualified for such membership by shewing that he had committed some crime of a serious nature, whereupon, according to their evidence, he claimed that he had killed Gordon as the result of an altercation with him. No charge was then pending against the prisoner, and he did not know that the detectives were such.

*Held*, that an inducement held out to an accused person, in consequence of which he makes a confession, must be one having relation to the charge against him, and must be held out by a person in authority, in order to render evidence of the confession inadmissible, and that both these grounds of objection were wanting in this case, and that, therefore, the evidence was rightly received, and that the conviction of the prisoner should be affirmed.

*Bonnar*, for Crown. *Howell*, K.C., for prisoner.