

guarded, but it must be remembered that that principle has never been held to prevent a person from being found guilty on his own confession. Very often a prisoner after pleading guilty is permitted to withdraw his plea and substitute one of not guilty, but a confession freely and voluntarily made is perfectly good evidence. The fact that such a confession may be used against the person making it, is necessarily a wholesome deterrent against persons confessing to crimes of which they are really guiltless in order to shield the person who is really guilty. Now it is very important that this deterrent should not be lightly removed. The decision in *The Queen v. Hammond* may lead to this unpleasant result, that if A. B. is accused of a murder which he really has committed, his friend C. D. may step into the box, in order to shield him from the consequence of his crime, and swear in the most positive and unequivocal and circumstantial manner that he, C. D., committed the murder, with no other danger to be apprehended to himself than a prosecution for perjury. In the face of such evidence it may be very difficult to induce a jury, even with the most circumstantial proof of guilt, to find a verdict against the real criminal.

This seems to be by no means an improbable case, and the annals of the criminal law would disclose many instances in which a false confession of this kind has been made to shield another. The law as interpreted in *The Queen v. Hammond* may, it is to be feared, open the door to that kind of testimony, and especially as the terror of incurring the risk of having such evidence used against the party giving it is altogether removed.

It is submitted that the section of the Evidence Act under discussion needs reconsideration, and that more ample safeguards should be provided than there are at present, against the manufacture of false evidence in order to shield the guilty.

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