

(CROWN CASE RESERVED.)

THE QUEEN v THOMPSON.

L.R. 2 Q.B.D. 1893 pp. 12 - 19.

Criminal Law-Evidence-Confession-Evidence of Confession,
when admissible.

(In order that evidence of a confession by a prisoner may be admissible, it must be affirmatively proved that such confession was free and voluntary, that is, was not preceded by any inducement to the prisoner to make a statement held out by a person in authority, or that it was not made until after such inducement had clearly been removed.

The prisoner was tried for embezzling the money of a company. It was proved at the trial that, on being taxed with the crime by the chairman of the company, he said "Yes, I took the money", and afterwards made out a list of sums which he had embezzled, and with the assistance of his brother paid to the company a part of such sums. The chairman stated that at the time of the confession no threat was used and no promise made as regards the prosecution of the prisoner, but admitted that, before receiving it, he had said to the prisoner's brother, "it will be the right thing for your brother to make a statement," and the Court drew the inference that the prisoner when he made the confession, knew that the chairman had spoken these words to his brother;-

Held, that the confession of the prisoner had not been satisfactorily proved to have been free and voluntary, and that therefore evidence of the confession ought not to have been received.

Case stated by the acted chairman of quarter sessions for the county of Westmoreland.

At the Westmoreland Quarter Sessions, held at Kendal on October 21, 1892, Marcellus Thompson was tried for embezzling certain moneys belonging to the Kendal Union Gas and Water Company, his masters.

Mr. Crewdson, the chairman of the company, at whose instance the warrant for the prisoner's apprehension had been issued was called as a witness by the prosecution to prove