

DIARY FOR SEPTEMBER.

1. Friday. Paper Day Queen's Bench. New Trial Day C. P.
2. Sat Paper Day Com. Pleas. New Trial Day Queen's B.
3. SUN ... 12th Sunday after Trinity. [Court sits.
4. Mon ... Paper Day Q. B. New Trial Day, Com. Pleas, Rec.
5. Tues... Paper Day Com. Pleas. New Trial Day Queen's B.
6. Wed.... Paper Day Queen's B. New Trial Day Com. Pl.
7. Thurs. Paper Day Common Pleas.
8. Friday .New Trial Day Queen's Bench.
9. Sat ... Trinity Term ends.
10. SUN ... 13th Sunday after Trinity.
12. Tues... Quarter Sessions & Co. Court sittings in each Co.
Last day for services for York and Peel.
17. SUN... 14th Sunday after Trinity.
21. Thurs. St. Matthew.
22. Friday. Declare for York and Peel.
24. SUN ... 15th Sunday after Trinity.
29. Friday. St. Michael. Michaelmas Day.
30. Sat Last day for notice of trial for York and Peel.

NOTICE.

Owing to the very large demand for the Law Journal and Local Courts' Gazette, subscribers not desiring to take both publications are particularly requested at once to return the back numbers of that one for which they do not wish to subscribe. •

The Local Courts'

AND

MUNICIPAL GAZETTE.

SEPTEMBER, 1865.

JUDGE SHERWOOD.

The Honorable George Sherwood, Q. C., has been appointed Judge of the County Court, for the County of Hastings, in the room of the late Mr. Smart. Mr. Sherwood was called to the Bar in Michaelmas Term, 1833, and is a Bencher of the Law Society. He was a member of the Executive Council, holding the office of Receiver General for several years. He will be a welcome addition to the ranks of the County Judges.

CONFESSIONS BY PRISONERS.

This question has been discussed in the late case of *The Queen v. Finkle*, and it is advisable that constables and others, having the custody of persons accused of any crime, should be conversant with the law affecting confessions by prisoners, and the effect of any inducement to confess held out to them.

The evidence of the prisoner's confession at the trial was first that of Jackson, the constable, who stated that after prisoner had been in a second time before the coroner, he stated there was something more he could tell. The constable asked what it was, but not to say

what was not true. He said he went over to the house, got in at the window, and set the place on fire. Mrs. Finkle had told him to go over and get a note or paper, and if he could not find it he was to set the house on fire. The constable did not recollect that any inducement been held out. The constable asked him if he wanted to go in and state that before the jury. He said he did. It further appeared that on the third day after he had been taken into custody, he told the coroner he wished to confess. The coroner said to him that anything he said might be used against him; not to say anything unless he wished—just the ordinary caution. He then made a second statement. He had only been absent a few minutes when he returned and made the last written confession, after the constable had informed the coroner of the prisoner's desire.

But it was shewn by the evidence for the defence that the prosecutor had offered direct inducements to prisoner to confess, promising to get up a petition in his favour, &c. When this appeared, the Judge, who tried the case, directed the jury to exclude the confession from their consideration, and all that the constable had said of it, and directed them to acquit the prisoner unless the other evidence satisfied them beyond reasonable doubt that the prisoner was guilty.

The general rule which has been laid down by text writers is, that "though an inducement has been held out by an officer or prosecutor, or the like, and though a confession has been made in consequence of such inducement, still if the prisoner be subsequently warned by a person in equal or superior authority that what he may say will be evidence against himself, or that a confession will be of no benefit to him; or if he be simply cautioned by the magistrate not to say anything against himself, any admission of guilt afterwards made will be received as a voluntary confession. More doubt may be entertained as to the law, if the promise has proceeded from a person of superior authority—as a magistrate—and the confession is afterwards made to the inferior officer; because a caution from the latter person might be insufficient to efface the expectation of mercy which had been previously raised in the prisoner's mind."

The statement made to the constable was *prima facie* receivable in evidence, though