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to the lock-up Yule asked prisoner what he did it for. He said to see the engine jump. He asked me not to put his name in the papers. . . Yule came into the office when I was examining prisoner's boots. Yule heard all that took place. . . When Yule was out he said to me that he had been telling ^{the} ~~his~~ ^{Chief} and myself lies. He was now going to tell the truth - that he did it. He was not through stating this when Yule came. I gave him the warning just before he wrote the paper. This was after he said that he had done it. The Chief told him to be cautious. I had not warned the ~~the~~ prisoner before he made the verbal admission. I heard Yule ask the prisoner if anyone had prompted him to do the act, and that the truth would go better than a lie. I did not hear the prisoner say that he did not do it. . . I did not say, I have enough here to convict you."

In the case the learned County Court Judge added; "It was proved that the prisoner was a person of a very low order of intellect, but capable of distinguishing between right and wrong."

I decided that the admission might be received, and convicted the prisoner.

The question submitted to the Chancery Division of the High Court of Justice for their opinion is: "Was the admission made by the prisoner properly received in evidence against him?"

The case came on for argument on June 12th. 1889, before Boyd, C., and Ferguson J.

A.B. Aylesworth for the prisoner: The prisoner made the confessions under promises of benefit, or representations by police officers that it was ^{the} best thing he could do. There is ~~no~~ doubt obstructions were placed on the track Regina v Fennell, 7.Q.F.D. 147, is, I think, entirely ~~and~~ indistinguishable from this case. There the prisoner was told that he "had better tell the truth". This case with others is cited in Taylor on Evidence 8th. ed. sec. 884.

(Boyd, C. - The confession in Queen v Bates, 11 Cox 505, was very like that in this case?)

No one appeared for the Crown.