

That being the case, it was the right of the female prisoner to insist that the statement should be presented as a whole. The words with which the prisoner had opened, "They say I killed my baby, I did not kill it but I saw it killed," which had been allowed to be given in evidence before the objection was taken, if left unexplained, would manifestly have been prejudicial to her, and she was entitled to have all that followed presented to the jury. The confession or statement, if sought to be proved at all, must be proved as made. Eminent Judges have not considered the apparent hardship of this rule, where the confession or statement in its terms affects other prisoners and implicates them by name, a sufficient reason for omitting their names or any other part of the confession or statement. In Barstow's Case, 1 Lewin 110, Parke, J., did direct the omission of the names of other prisoners implicated by a statement proved to have been made by one, observing that he knew that Littledale, J., was of the contrary opinion, but he did not like it; he did not think it was fair. But he appears to have been singular in this respect.

In *Rex v. Fletcher and others*, 4 C. & P. 250, 1 Lewin 107, which was the case to which Parke, J., referred in Barstow's Case, two persons were indicted. A letter was tendered in evidence written by one of them, but it immediately implicated the other. It was objected by the prisoner's counsel that on reading the letter the names of all persons except the prisoner's own should be omitted. But Littledale, J., declined to so direct, and said: "There has been much doubt upon this point, and in one of the Courts the contrary was the practice. I have, however, considered it a good deal, and, though my opinion was once different, I am now satisfied that to make it evidence the whole of the letter must be read. But I shall take care to make such observations to the jury as to prevent its having any injurious effect against the other prisoner, and I shall tell the jury that they ought not to pay the slightest attention to this letter, except so far as it goes to affect the person who wrote it."

In *Hall and Ritson's Case*, 1 Lewin 110, the two prisoners were tried together before Alderson, J. A question similar to that in the two previous cases having arisen, the learned Judge's attention was called to the differing opinions. He adopted that of Littledale, J., and ordered the whole of the examination of one of the prisoners to be read, though it directly implicated the other.

A similar ruling was made by Denman, C.J., in *Foster's Case*, 1 Lewin 110. And the present rule may be stated as in *Phipson on Evidence*, p. 231: "As in the case of admis-