

husband could have no control over it—that it could not be taken in execution for the payment of his debts—and that, in a prosecution for the larceny of the property of the wife, it must be so laid in the indictment.

 RECENT ENGLISH DECISION.

*Essex Spring Assizes, England, 1853.*¹

REG. *vs.* STOKES.

A policeman ought not, in general, to question prisoners who are in his custody; but if he does, the interrogation ought not to be confined to questions calculated to compromise the party.—Per ALDERSON, B.

Arson, a policeman deposed to certain statements of the prisoner when in his custody. It appears that they were made in consequence of various questions put to him by the witness.

ALDERSON, B. (to the witness).—You should not have questioned the prisoner in the way you have done. I am not one of those who think that policemen should be blind and deaf to all that prisoners do or say in their presence, but then they ought not, in general, to ask questions of prisoners, for we are not always certain that that is done fairly. It is a more difficult thing to ask questions than you imagine, and still more so to hear the answers; for, when you get an answer, you twist it in your own mind so as to make it bear on the guilt of the prisoner. You merely ask questions to compromise the man, not questions to let him off. If you do either, you should do both. Verdict—*Not guilty*.

Charnock and *W. Collet*, for the prosecution.

T. Chambers, for the prisoner.

¹17 Jur. 192.