

TRIAL OF CARROLL FOR MURDER.

While the criminal code of England has been anathematized as the most sanguinary of modern days, its humane administration has been the theme of universal approbation. The principle that every man is presumed innocent, until his guilt be established upon irrefragable proof, is not only the dictum of the law, but a sentiment of christianity upon which every honest Englishman practically acts, with reference to any individual, high or low in degree, who stands arraigned before the tribunals of his country, charged with a violation of its laws;—and nowhere, either in England or in Canada, is that principle more sincerely invoked, and more seriously enforced, than in the courts of justice of both countries. In no instance is this principle more beautifully illustrated, than in the jurisprudence which has obtained, in relation to the confessions or admissions of parties charged with crime. Justice, and more especially English criminal justice, regards as a thing polluted, any confession made under circumstances calculated to shake its sincerity, or to leave a doubt as to its being a purely voluntary, unbiassed act. Not only does the purity of the administration of English criminal justice require that no threat of punishment, or promise of reward, or leniency, or any inducement whatever, should be made or held out towards a party accused, but the investigating magistrate is strictly enjoined to put him on his guard against making any admission whatever. In practice it emphatically rejects whatever has the semblance of the rack, or savours of the fabled tortures of the Inquisition, because such a process is as likely to produce error, as it is to bring out the naked unbiassed truth.

These observations are the result of the persual of the reported trial of an individual of the name of Carroll, lately convicted of the crime of murder, in the criminal court of Montreal. It appears by that report that the confession, or some admission of the accused, made in the police-station-house, while under arrest, in presence of the constable (*Jé-*