

*Attitude of Jurist.*

But surely no one would venture to call into question the good intentions and fair-mindedness of jurists or to maintain that the court means to be hard on the suspect? This would be an unwarranted statement savouring of calumny, since in the various text-books and treatises of law numerous paragraphs can be found on the admissibility and inadmissibility of confessions. Even in such an early treatise as "Jay's Confessions," published in 1840, hundreds of cases are cited where confessions of prisoners were not allowed as evidence against them because they were induced by threats or promises. Furthermore it is usual to warn the prisoner at the outset that whatever he says will be used against him, which warning shows that the prisoner is not divested of his rights. And yet amidst all the careful ruling out of court of such confessions as are not of a decidedly voluntary character, we find in the "Encyclopedia of Law" (2nd ed.) the following paragraph evidently referring to such a case as was above cited from the newspaper account. It reads as follows: "A confession made by the accused while confined in jail awaiting trial to a detective placed there upon a fictitious charge of crime in order to ingratiate himself with, and obtain the defendant's confidence may be admissible on the trial of the accused."

*The Root of a General Fallacy.*

The fault, it seems, is to be looked for in another direction. Is it not rather ignorance of certain mental phenomena that produces such an attitude as may be said to unite and confuse careful discrimination and lack of perception? Is there not still to be found in it a trace of the old belief that nobody would actually incriminate himself who has not committed the offence. It is recognized now that torture, threats of a severe penalty or promises of leniency might induce such a confession, but these incentives render the confession inadmissible, if and because they are of a physical kind only. Spiritual exhortations do not disqualify the con-