

can he strike from the minds of the jurors the lasting impression the statements in the involuntary confession have made?

CASES IN WHICH CORPUS DELICTI CAN BE ESTABLISHED BY A CONFESSION.—It is generally admitted that the confession must relate to the offence charged in the indictment; but it is a very important question sometimes in a criminal case whether the confession can be used to prove the "*Corpus Delicti*." In the Roman law such confessions only amounted to a "*semiplena probatio*" upon which alone no verdict could be rendered. In England and in this country the prisoner's confession, when the "*Corpus Delicti*" is not otherwise proven, is insufficient for a conviction. Yet the modern authorities, while still adhering to the rule, have relaxed it considerably, and it is now held that the confession, when the body of the crime is not proven, may be taken and used for that purpose with the other evidence.

ADMISSIBILITY OF JUDICIAL CONFESSIONS.—We have just been considering what are called extra-judicial confessions as distinguished from judicial confessions, which are those made in due course of legal proceedings. How far a confession made before the court will invalidate it, is a question upon which the authorities differ. According to the common law rule in England, prior to the Statute of 11 and 12 Victoria, ch. 42, no caution of a prisoner in a preliminary examination was required and the failure to warn the witness of his rights in no wise affected the confession. In the United States, the courts are not at all in harmony on the question of caution, or how far an examination before a magistrate may prevent the confession from being voluntary. In most states now by statute a caution is required to be given.

It might be interesting to note a few of the decisions of the various courts on the question of the voluntariness of a confession before a magistrate. Professor Greenleaf says: "There is no principle, not the vestige of an argument, for excluding a confession because it was made before an examining magistrate." In a Mississippi case the court said: "The principle is that no statement made upon oath in a judicial investigation