

THE CASE OF CONSTANCE KENT AND THE PLEA OF GUILTY.

if a sufficient class can be made up to defray the expenses of the lecturer.

We may mention for the information of several amongst the students, that we have spoken to those in authority, as to publishing the examination questions, as also the number of marks obtained by the different candidates for call and admission; but it is not thought advisable or judicious, for various sufficient reasons, to publish them.

Mr. Justice Crompton, who was lately compelled, from ill health, to resign his seat in the Court of Queen's Bench in England, has since died, aged 68. Mr. Lush, Q.C., has been appointed to fill the vacancy. The appointment is said to be an admirable one, having been made, as it ought to have been, solely on account of the high legal attainments of the learned gentleman.

SELECTIONS.

THE CASE OF CONSTANCE KENT AND THE PLEA OF GUILTY.

(From the *Law Magazine and Law Review*.)

The case of Constance Kent, in any view of it, is without parallel in the history of crime. In any view of it—whether of her innocence or of her guilt—it belongs to the history of crime, and in either view, whether she was or was not the criminal, it is a case, not only extraordinary, but utterly without parallel. The more closely it is scrutinised, the more it will appear that the secret of that crime is still veiled in the darkest mystery; and the case not only extraordinary, but remarkably illustrative of the incurable vice and uselessness of our whole system of criminal procedure. From the first stage to the last, it is downright absurdity, but more especially in the first steps; for, of course, in the detection of crime, especially crime of any mystery and atrocity, time is everything; and it is of the very essence of criminal procedure, that the first steps should be swift, prompt, and keenly intelligent. It is not too much to say, and it has been said on this very subject by able writers, that if intelligent and obvious means were at once employed, hardly any murder could escape detection. In this case, for instance, had the inmates of that house, on the morning of the discovery of the deed, been separated, and separately examined, while, in the meantime, without the delay of an hour, while the inmates were being thus occupied, the premises had been carefully searched, and all this had been done under the guidance of some person acute, intelligent, educated, and

acquainted with the manifold motives of human nature, and the artifices and mysteries of crime, there can be no doubt that the mystery would have speedily been solved. As it was, however, what with a blundering coroner, and ignorant policemen, and stupid "detectives," and, above all, delay, the opportunity was lost for discovery, and the case has been left for ever a mystery. We say for ever, for though shallow-minded persons, when Constance made her admission of guilt (not confession, for confession in the proper sense she never made) said the mystery was cleared up, we shall have no difficulty in showing that, on the contrary, it has only left the mystery deeper and darker than ever; and all that is capable of being made clear is that the person who has thus asserted that she did the deed, did not do it. And in this last stage of the case, as in the first, the imperfection of our system of procedure is painfully made manifest; in nothing more than this—the blind confidence with which the so-called confession was received, and the entire absence in our law of any provision for an investigation—either on the part of the magistrates who received it, or of the court which gave effect to it—into its truth and reality. It is strange that it has occurred to no one to compare it with the undoubted facts of the case, and the sworn evidence of witnesses, in order to test its truth. It is unfortunate that the court could not do so at the trial, upon a plea of guilty; and though the magistrates took evidence as to the circumstances of the case, which, as we shall show, are utterly inconsistent with the statement of guilt, they, in the course of their duty, could only commit the girl for trial as she had chosen to say she did it. The learned judge at the trial expressed a wish that the case should be gone into with a view to test the confession, and see if it had been made from any other motive than a consciousness of guilt; which of itself implied his impression that it might be so, and that the confession might possibly be false.

Persons who are not acquainted with the history of criminal trials may fancy that the confession of a crime is certain to be true, but lawyers know that confessions are often, for some reason or other, untrue. And this even in capital cases, especially where, as in this instance, there is abundant reason to believe that the party making the admission of guilt knew that there was no danger of the capital penalty being inflicted. Persons commit suicide daily, and confession, if death ensue, is but a form and mode of suicide. And if the sacrifice is made in despair on one side, under the pressure of intolerable misery, and from the most powerful motives of affection on the other hand, with a view to save those who have been involved in ruin by some terrible event in which the world has implicated an entire family, the idea of such a sacrifice—under the combined force of the most powerful motives that can influence human nature