

## SECTION III.

## CONFESSIONS.

## CONTENTS.

- 1.—By pleading guilty, or submitting to the King's mercy.
- 2.—Before magistrates.
- 3.—Before other persons.
- 4.—Their effect, and how proved.

## I.

If the defendant on being brought up to plead, confesses in open court, that he is guilty of the offence charged against him, a trial is unnecessary, and the court have only to award judgment: And when a defendant upon an indictment for a misdemeanour, yields himself to the King's mercy, and desires to submit to a small fine, the court may accept of such submission, if they think fit, without putting the defendant to a direct confession.

Pleading guilty, &c.

## II.

Confessions before magistrates are strong evidence against the prisoner, but they must be voluntary, and made without *threat*, or *promise*, or they cannot be received in evidence; although it "is no objection, that they were made after an admonition by a stranger, that the prisoner ought to tell the truth; nor under a mistaken supposition, that some of the prisoner's accomplices were in custody; nor that the prosecutor who was present, first desired the prisoner to speak the truth, and suggested, that he had better speak out, if the magistrate or his clerk checked the prosecutor, and desired the pri-

Before magistrates.