

Justice to administer oath or affirmation.

Depositions of persons who have died or who are absent may in certain cases be read in evidence.

and the Justice or Justices before whom any such witness shall appear to be examined as aforesaid, shall, before such witness is examined, administer to such witness the usual oath or affirmation, which such Justice or Justices shall have full power and authority to do; and if upon the trial of the person so accused as first aforesaid, it shall be proved upon the oath or affirmation of any credible witness, that any person whose deposition shall have been taken as aforesaid is dead or is so ill as not to be able to travel, and if also it be proved that such deposition was taken in presence of the person so accused, and that he had a full opportunity of cross-examining the witness, then if such deposition purport to be signed by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence in such prosecution without further proof thereof, unless it shall be proved that such deposition was not in fact signed by the Justice purporting to sign the same.

After examination of the accused, Justice to read depositions taken against him, and caution him as to any statement he may make.

X. And be it enacted, That after the examinations of all the witnesses on the part of the prosecution as aforesaid shall have been completed, the Justice of the Peace or one of the Justices by or before whom such examination shall have been so completed as aforesaid, shall, without requiring the attendance of the witnesses, read or cause to be read to the accused the depositions taken against him, and shall say to him these words, or words to the like effect: "Having heard the evidence do you wish to say any thing in answer to the charge? You are not obliged to say any thing unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial;" and whatever the prisoner shall then say in answer thereto shall be taken down in writing (N) and read over to him, and shall be signed by the said Justice or Justices, and kept with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned; and afterwards upon the trial of the said accused person the same may if necessary be given in evidence against him without further proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same: Provided always, that the said Justice or Justices, before such accused person shall make any statement, shall state to him and give him clearly to understand that he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall then say may be given in evidence against him upon his trial, notwithstanding such promise or threat: Provided nevertheless, that nothing herein contained or enacted shall prevent the prosecutor in any case from giving in evidence any admission or confession, or other statement of the person accused or charged,

Proviso.

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