

where the fact was committed *Carpxov. Crim. part 1 qu. 16 n. 17 & seqq. part 3 qu. 108 n. 11. 12.* Or if goods stolen or lost be put out of the way or destroyed, the oath of the owner of the goods may sufficiently justify the robbery or theft, *Carpxov. Crim. part 2 qu. 81 n. 15. 16. 17.* Or if a coin be lost, the act of false coining may be cleared by Public Rumour and presumptions *Carpxov. Crim. part qu. 108 n. 11.* In occult and secret Crimes that are hard to be proved, or in those Crimes whose effects are transient and disappear or leave no vestige, as Hecstasy, Incest, Sodomy, Blasphemy, a Compact with the Enemy or which are perfected solo Animo, as Hecstasy, Confession of the party with strong Concurrent presumptions, suffice to found a sentence condemnatory without further Enquiry after a corpus Delicti *Prosp. Garin. de Inquis. qu. 2 n. 12. 13.* *Carpxov. Crim. part 1 qu. 16 n. 4. qu. 49 n. 57. 58. Part 2 qu. 81 n. 3 qu. 76 n. 50 & seqq. part 3 qu. 108 n. 33. 36. 37. qu. 148 n. 49 & seqq.* In Crimes not inferring Capital punishment, it is not necessary that the Corpus Delicti be extant, or made apparent other ways than by presumptions and Conjectures *Jul. Clar. sentent. lib. 5 § ult. qu. 20 si quis tamen. Carpxov. Crim. part 3 qu. 108 n. 39. 40.*

Evidence in Criminal cases is either by Confession of the party, or oath of party, or writ, or presumptions, or witnesses.

A Confession that appears to have been uttered out of Weariness of life, or by persons having disordered Brains, makes no faith if there be no other proof *Carpxov. Crim. part 2 tit. 24 § 2.* It was debated but not decided (28 Feb. 1676 William Kennedy) whether a Minor having Confessed that he had murdered poisonous drugs too supposed to have died thereby, the he might be condemned upon his Confession, might revoke and be restored against the same upon the head of Minority and his Confession as Elicited or drawn from him without Consent of his

Curators? It was urged for the Affirmative; 1^o A Minor's Libricity of Judgement may prejudice him as much and more in Criminal cases, than in Civilibus; and therefore he ought rather to be Relieved Against the Confession of a Prime which tends to take away his life, than against the Acknowledgement of a Delict, which perhaps is but Inconspicuous. 2^o The Doctors of the law are clear that a Minor may revoke a Criminal Confession *Jul. Clar. § fin. qu. 60 n. 3 Prosp. Garin. de Rec. Confess. qu. 81 n. 374 & seqq.* And Gomphus (3 Var. Resol. cap. 1 de Delictis) affords an Instance of a Minor Restored Against his Confession of a heinous Crime Against Nature. 3^o Nor Constat de Corpore Delicti in this case of a Continuance to poison by Drugs: seeing the Minor was liable to a fatal Mistaking the cause of the persons death, who might possibly be cured of some other Disease, which the Minor could not take up. It was Answered; 1^o Did not law consider Minors to be so far Soli Capax as to Understand the Nature and hazard of a Crime; it would not, as it does, punish them for Crimes: and it is unreasonable to think, that those who know the Import of a Crime are ignorant of their Danger in Confessing it. seeing the Judgement of the wisest is ordinarily blinded with passion and error in the Commission of Crimes; whereas people have time and leisure to Confess seriously and Deliberately. Again, if the Confession of Minors did not bind guilt upon them, they might over privately commit Crimes at their pleasure without any Check. 2^o Where is neither law nor Reason for restoring a Confessing Criminal upon the head of Minority, unless he can shew, that he was Circumodded, or had over seen himself by omitting to add to his Confession any quality or Circumstance that might have been the ground of a Defence or Exculpation: as that it was in self Defence he killed a Man; or that he knew not the person with whom he committed Incest, to be within the forbidden Degree, or that he committed Incest, n. 9 or that his Confession was Elicited upon the promise of Indemnity, or was Extorted by threats &c. and no more