

consumed and does not exist, then restitution will be in fine metal. (*This means that if the actual illegally obtained property that was originally stolen or obtained was gold or silver that has already been consumed and no longer exists, then restitution will be in fine metal.*)

Article 25. *The Perpetrator of an Offence who Confesses.*

1. Everyone who commits an offence that is not discovered, who confesses, will avoid the penalty. (*If there is illegally obtained property, although the penalty is avoided still there will be a levy on and restitution of the illegally obtained property. This means that if [there is receipt of consideration], whether or not there is perversion of the law [Art. 344], the illegally obtained property is levied on by the government. If there is the use of force that causes an event to occur as a result of which [property] is obtained, or if there is extortion, or fraud, or excessive levying [of taxes], or solicitation, etc., as well as in the case of forcible theft [Art. 266] or non-manifest theft [Art. 269], it—the illegally obtained property—must be given to the owner.*) If, although a minor offence has come to light, [the offender] confesses to a more serious one, he will avoid punishment for the serious one. (*That is to say, if non-manifest theft [Art. 269] has come to light and he confesses to counterfeiting copper cash [Art. 359], he will avoid the punishment for [the more serious offence] counterfeiting, and only be punished for non-manifest theft.*) If in the course of the investigation of a matter as to which he has been prosecuted, he speaks of other offences, decide the matter in the same manner as above. (*Merely sentence in accordance with the nature of the offence under investigation and do not sentence for the other offences. That is to say, if he is investigated because of private salt-manufacture and trade [Art. 141], and, without torture, he confesses to the non-manifest theft of a cow [Art. 270], and, moreover, to the defrauding of another [Art. 274], merely punish him because of the private salt-manufacture and trade. The remaining penalties may be avoided.*)

2. If (*although the offender himself does not confess,*) he sends another to represent him in confessing, or if those who, by law, may conceal each other [Art. 32] (*as, some of his relatives*) confess for (*him*), or if they make accusations against one another (*incriminate each other* [Art. 337]), then each may be treated like the offender who himself confesses (*[i.e.] they all avoid punishment. 'Sending someone else to represent him' and confess*

*means that if A commits an offence and sends B to confess for him, whether they are relatives or not, in any case it is just as if he had confessed himself—he will avoid punishment. The phrase 'those who, according to the law, may conceal each other' who confess means relatives who live in the same household and are in the third degree of relationship and above. If [they or] a slave or hired servant confess for the household head, or they mutually accuse each other, all may avoid punishment just as if the offender had confessed. If a relative of inferior rank, or one who is junior, makes an accusation against a relative who is superior or older, the relative who is superior or older, according to the law of confession, will escape punishment. The relative who is of inferior rank or younger will be adjudged according to the law of offending against one's status and violating duty [Art. 337].*) If the confession is not accurate or complete (*for a serious offence he confesses to a minor one, for a large amount of illegally obtained property he confesses to a small amount of illegally obtained property*), punish him for the part of the offence that was incorrectly or incompletely reported. (*If the amount of the illegally obtained property that is confessed to is incorrect, merely calculate the amount that was omitted and sentence on that basis.*) If [the punishment] is death, let it be reduced one degree. If he [the offender] knows that someone else intends to accuse him, or if he has run away (*as, if he flees to the mountains or the marshes*), or if he engages in plotting treason (*that is, does something like fleeing his own country*), and he confesses, reduce the penalty two degrees and sentence him accordingly. If the one who runs away or commits treason, even though he does not confess, returns to his own jurisdiction, reduce his punishment two degrees.

3. If he injures another (*because of his offence he kills or injures another, and confesses, he will avoid the punishment for the original offence. He will still be punished under the law applicable to the killing or injury. If it is a case of a non-intentional [offence], then follow the law for that case. If he injures a thing that cannot be compensated for in money (this means something like throwing away or destroying a sealed letter or government document or a prohibited military weapon or prohibited books—things that a private household may not have or that cannot be repaid—he is not permitted to confess. If the thing exists, and he confesses, he may avoid punishment in accordance with the law of confessions.*) If the matter is discovered while he is in flight (*if he has already been imprisoned and escapes from prison but confesses, then although he may not confess and avoid punishment for the fault he has committed [i.e. injuring something that cannot be compensated for], he may reduce the penalty for fleeing by*

two degrees, though the principal offence is not reduced. If he flees before being delivered to the government, there is no additional offence. The penalty for the principal offence is reduced two degrees.) If he has crossed the frontier without authority, or been guilty of fornication, then he is not within the rule of [avoiding the penalty by] confession.

4. If he obtains the property of another by either forcible [Art. 266] or non-manifest theft [Art. 269], or by deceit [Art. 274], and goes to the owner of the property and confesses, or if he has received illegally obtained property from another, whether or not it causes perversion of the law [Art. 344], and, regretting this, he returns it to the owner, then, as in the case of the confession to an official, he will avoid punishment. If he knows another intends to denounce him and goes to the owner and confesses and restores [the illegally obtained property], his punishment is reduced two degrees. In the case of those who have committed forcible theft [Art. 266] and non-manifest theft [Art. 269—the offence being carried out with others], if they can apprehend their companions [accomplices] and deliver them to the government, they also may avoid punishment. Moreover, they will be given a reward in the same way as ordinary people. (If, after someone has committed the offence of forcible or non-manifest theft, he confesses, and [thus] avoids punishment, [and then] he again commits an offence, he is not permitted to [avoid punishment by] confessing.)

**Article 26. In the Case Where Two [Offences] Come to Light, Sentence on the Basis of the More Serious.**

If two or more offences come to light, sentence on the basis of the more serious. If they are of the same degree, then fix the sentence according to one of them. If one offence comes to light first, and the sentence has been adjudged, and the other offences subsequently come to light, if [the subsequent ones] are less serious or equal, they will not be punished. If they are more serious, then there should be re-sentencing. Compute the amount [of the sentence] of the first offence (*the one for which a sentence has already been adjudged*), and it will be included in the penalty for the subsequent (*ones to come to light. This means that if there are two instances of non-manifest theft [Art. 269], and the illegally obtained property in the first case amounts to 10 taels, and [the offender] has already received 70 strokes with the heavy bamboo, and then the second comes to light, and the value of the illegally obtained property amounts to 40 taels for which*

*the penalty is 100 strokes with the heavy bamboo, the difference to be administered is 30 strokes with the heavy bamboo. [Again, consider the case of someone who is receiving a salary from the government [an official on the payroll] who, on several occasions, has obtained property illegally from others in the amount of 40 taels and caused perversion of the law [Art. 344], and a matter of 20 taels came to light first, and he has already received 60 strokes with the heavy bamboo and penal servitude of one year, and then the matter of another 20 taels comes to light. This amount, when added to the previously discovered amount makes 40 taels. In that case, change the sentence to [a sentence appropriate] for the entire amount, [that is to say] penal servitude of three years. [For the offences of] obtaining property illegally without causing perversion of the law [Art. 344], and illegally obtained property [Art. 345], do not decide on the basis of the entire amount added together.) If the (illegally obtained property) must be forfeit to the government, or (the property) must be compensated for, or (the thief) must be tattooed, or (the official) must be dismissed, or if the punishment is limited [to a maximum] (whether the penalty is not to be imposed because there is a heavier one [i.e. the penalty for the second offence is less than that for the first], or because of [the rule of] punishing only one offence), in each case the complete punishment provided for in the special law for that act will [nevertheless] be applied. (That is to say, if a person commits a number of offences, and, for example in the case of [receiving consideration] whether or not it causes perversion of the law [Art. 344], the illegally obtained property must be forfeit to the government; [in cases where] there is injury to things, this must be compensated for; if there is non-manifest theft [Art. 269], there must be tattooing; if an official on active service commits a private offence with penalties totalling 100 strokes or above, he will be dismissed; if a person who is not on the government payroll receives property in the amount of 120 taels or more illegally and does not cause perversion of the law, the punishment is limited to 100 strokes of the heavy bamboo and exile to 3000 li. In each case of this type apply the complete punishment which that special law provides.)*

**Article 27. Common Flight by Offenders.**

In every case where those who have committed offences run away together, if one who was convicted for an offence entailing the lighter punishment is able to catch the ones who have committed the more serious