

tion of the anomalies to which we refer, the expediency of removing them is no longer open to doubt. The rule which, in most cases, still prevents the wife or the husband of a person charged with an offence from giving evidence at the trial has already been impliedly condemned in the condemnation of the analogous doctrine which formerly prevailed in our law of civil procedure, and the strong natural bias under which such witnesses labour is in fact, and ought to be in law, an objection to their credibility and not to their competency. Again, the compulsory silence which, in the great majority of cases, the law has imposed upon persons charged with the commission of criminal offences is at variance with the settled principle that the best evidence ought to be adduced in proof or disproof of any alleged fact, and although, doubtless, intended for their protection, easily lends itself to injustice and oppression. At present a prisoner is too often a mere bewildered spectator of a game of chance or skill played by a number of legal experts, with a judge as umpire, and his own liberty or life as the stake. Lord Herschell's Evidence in Criminal Cases Bill attempts—and, in our opinion, attempts successfully—to redress the grievances to which we have called attention. It provides that a person charged with an offence, and the wife and husband of any such person, shall be a competent witness at his or her trial, "whether the person so charged is charged solely or jointly with another." But no prisoner will be examinable without his own consent, nor will the wife or husband of an accused person be permitted to give evidence without the consent of such person, save where a husband is prosecuted under the Vagrancy Act, 1824, for deserting his wife or refusing to maintain her. A person giving evidence in pursuance of the Bill will not be excused from answering any question on the ground that it tends to prove the prisoner guilty of the offence with which he is charged, but he shall not be asked, or, if asked, required to answer, any question the object or effect of which is to show that such a prisoner has committed some other offence, or is of bad character, unless such proof is legally admissible as evidence of the particular offence in issue, or the accused has himself called evidence with a view to establish the fact that his character is good. In our judgment, one Lord Chancellor's Bill has fairly preserved the *via media* between the laxity of continental and the exclusiveness of English criminal inquiries. It admits all evidence relevant to