

tice, but far more as it bears upon the future administration of criminal law. The credence so largely given to this impostor's story, had it been confirmed, would have gone far towards paralyzing the action of justice so far as its pursuance depends upon evidence to establish the identity of any person accused of wrong, or pleading for right; it would have given a dangerous justification to the cynical phrase of Goethe, "Der Schelmsitz überall im Vortheil"—the rogue has always the best chance.

In future cases depending upon personal identification a precedent would have been available to show that the most ordinary, most natural, most conclusive proofs hitherto relied upon were no longer relevant to that issue. It would have been established as a law of evidence that the specific testimony of a few persons unable to recognize an individual as one with whom in past years they had been most intimately acquainted, unable to awaken in him recollections of them, unable to vivify in him a single memory of the thousands of joint family experiences and associations of events and feelings which are stored up by long intercourse and affection, could not be so weighty as testimony in a case of disputed identity as the recollections of a larger number of witnesses with whom the person in question had only had a casual acquaintance. The Claimant's success would have changed the natural theory of the dynamical value of all evidence in judicial proceedings, for it would have raised testimony which might be mistaken or vitiated from the scanty observation on which it is based, and the consequent possibility of recollections thereof being vague or erroneous, to a higher power than testimony resting upon life-long observation and memories so interwoven with the very life of the testifier that madness or death only could obliterate them. It is one of the many dramatic aspects of this case that the love of two women should have played so prominent a part in it—so opposite in nature, yet so harmonious in effect—the vivid memory of a woman's slighted love being the most cogent defence of the slandered affection of another, the remembrance of one lover confirming so strongly the conviction of an-

other's absence. Lady Radcliffe knew not the Claimant, nor he her,—an ignorance which his tale of slander renders incredible. But Miss Loder knew him; so the non-recognition of one woman and the recognition of another were very justly affirmed by the Judge to be ample testimony that the Claimant was not the old lover of the former, but of the latter, and far more convincing than any negations or assertions made by witnesses having had lesser opportunities of, and lesser motives for, storing up indelible memories of personal appearance, speech, and all that goes to make a man's individuality. Besides this revolution in the estimate of what we may term the *quality* of evidence which the Claimant's success would have brought about, it would have established a precedent which would have rendered nugatory all arguments in future cases based upon the impossibility of the utter obliteration from the mind of the ordinary effects of education and social circumstances. It would have been established as a fact that a man in a few years may forget his native language, which he has used up to manhood, so as to be totally ignorant of it, incapable even of uttering or reading a single sentence; that having learned Greek he may be so lost to all remembrance of it as to forget whether the characters are Greek or Latin; and, what first convinced us of his being an impostor, that a young man of high social rank, fond of correspondence, may in a few years so sink, intellectually, as to use for the pronoun "I," the small "i" seen constantly in Orton's letters, which we take to be the sign of not only ignorance of the art of writing, and that the art has been self-taught and little exercised, but of a vulgarity which is inconceivable in the most illiterate person of high rank. Happily, these very dangerous precedents have not been created, and the revolution in the value of evidence we have indicated will not occur until our common nature is radically changed. Another question will, we believe, be raised by this case: the present system of conducting trials in England. The French mode has its drawbacks, but for probing promptly into the very marrow of a case it has signal advantages over the British. The Tich-