is clear, then, that, as the law stands, the prisoner is absolutely protected against all judicial questioning before or at the trial, and that, on the other hand, he and his wife are prevented from giving evidence in their own behalf. In recent statutable offences, the tendency of legislation has been to allow the accused person to be examined. By the Criminal Law Amendment Act of 1885 (48 & 48 Vict., c. 69), s. 20, every person charged with an offence under that Act shall be a competent, but not compellable, witness in every hearing at every stage of such charge. Such evidence would not be admissible in a case of common assault.

The rule that a prisoner is incompetent as a witness at his own trial is highly favourable to guilty persons. A prisoner who is guilty of the crime with which he is charged necessarily knows more about the details than any other person. On the other hand, an innocent person cannot, except by some combination of blunders, strengthen the case for the prosecution, and, therefore, his examination would probably tend to exonerate him. The old saying that it is better ninety-nine guilty persons should escape than that one innocent person should suffer is based on a humane sentiment; but the better maxim to adopt would be: "Let no guilty person escape punishment, and let no innocent person be condemned." When an ignorant man or woman happens to be accused of an offence, without a chance of explaining the facts as a witness at the trial, the result is often the conviction of one who is entirely guiltless. Sir James Stephen gives a curious instance of this. A man was indicted at Quarter Sessions for stealing a spade. The evidence was that the spade was safe the night before, and was found in his possession next day, and that he gave no account of it. He made no defence, and was immediately convicted. When asked whether he had anything to say why sentence should not be passed on him, he replied: "Well, 'tis hard I should be sent to jail for this spade, when the man I bought it from is standing there in court." The chairman caused the man referred to to be examined, and, the innocence of the prisoner having been demonstrated, the verdict was recalled, and he was set free.

The accused should be competent to give evidence in his own defence, and might then be cross-examined by the counsel for the prosecution. If this were done, guilt would frequently be brought home through the agency of the prisoner himself. The Crown should not, however, have the right to call the prisoner as a witness, for this would be an obvious injustice. The examination of the prisoner should not be compulsory. If he preferred not to give evidence, he should be allowed to exercise his own discretion. It may be assumed that if the competency of the accused to give evidence, no matter what may be the nature of the offence, were once established, innocent persons would almost invariably offer themselves as witnesses in their own defence, even at the cost of undergoing a severe cross-examination.—*Irish Law Times.*

RECREATIONS OF LAWYERS.—Angling (salmon fishing, perhaps, excepted) is not a favourite sport with lawyers. It is, as old Isaac Walton calls it, "the con-