

end of the case, if the facts are at all material, and a great risk is avoided, and many apparent dangers escaped by not calling the accused. Many a clean, strong defence is utterly ruined by the suspicion cast upon it through the hesitating, nervous conduct of the prisoner as a witness. The jury are apt to find guilt not because the Crown case is strong, but more often because the accused having undertaken to prove his innocence, has not succeeded in doing so. It is the old story of an alibi. The Crown may not put forward a very convincing case as to the presence of the prisoner at the scene of the crime. If, however, the prisoner undertakes to show he was not there on the occasion alleged, and fails to do so conclusively, the jury are naturally, and perhaps not unreasonably quick to come to the conclusion that he committed the offence, because he has failed to show his absence from the locality of the crime. They try him upon his alibi, and not upon the issue. This is one of the peculiar phases of experience in jury trials where an alibi is set up. The weakness or failure of the defence in establishing its theory is made the criterion, and not the guilt or innocence of the person charged. It may be a wrong test to apply, but it is not an unnatural one, and juries often judge more by every day experience of the immediate world they live in than by strict logical deductions or rules of evidence. The fear of falling into a trap, the desire to put the best side of the story foremost, and the anxiety to explain away doubtful points, tend to increase the difficulties in the way of even an honest and innocent prisoner. These feelings and desires hamper a witness very much, and the moment hesitation in manner or speech becomes apparent, much injury is done to the defence. Women, as a rule, are safer witnesses to call on their own behalf than men. They are quicker to see a point, are more self-possessed, and are not subjected to the same force of cross-examination. Pressure brought by counsel in cross-examining women may prove disastrous to the examiner. He may not be as acute and sharp as the witness. If he is, and presses his advantage too strongly, the current of sympathy for the helpless woman unconsciously affects the