

This last observation leads us naturally, or rather necessarily, to investigate the most important part of the subject, as well in a theoretical, as in a practical point of view.

If it is urged, on the one hand, that it would be cruel to force a witness to reveal his own infamy, may we not ask whether it would be very humane to bring to the block, an innocent man, in order to save a witness from the revelation of an offence for which he alone is to be blamed? Is it very philosophical, very Christian like, to hang an innocent man, to save the reputation of a scoundrel?

And now, for the practical view of the case. If the question be answered affirmatively, the Jury *must* disbelieve all the witness has stated, and the innocent man *must* be acquitted. In that case, can a Court hesitate for a moment?

If it should be objected that the Jurisprudence both in England and here, will thereby be subverted, a very plain, just and sound observation will, we trust, be sufficient to set at rest the conscientious scruples of the more timid: an unlimited subserviency to the principle of protection to the witness, may be, and, no doubt, has oftentimes, been, the means of obtaining the conviction of innocent men; whereas the contrary course may bring to light, the infamy of miscreants, and thereby, oftentimes, save the life of many an injured and persecuted man.

It only requires a little moral courage for a Judge to raise his voice against a course which it suffices to point out, to enlist against it, all men who value the lives of their fellow beings, and who have sufficient respect for themselves, to reflect on the meanness of one slavishly following in a tract, at the risk of lending himself to (sometimes) the commission of murder, judicial murder.

It is scarcely necessary to observe, that in civil cases, the same principles should be acted upon.

It will be said that the evil which it is intended to guard against, will be of very rare occurrence, and that it is out of the question to make rules that will apply to all cases. Without admitting that "the evil" will be "of rare occurrence," it will suffice for our purpose, that it has happened and still may occur. Is it not more than sadly sufficient, that an innocent man is hanged who would have been acquitted, had the witness deposing against him, been forced to answer a question, the answer to which would have discredited him in the opinion of the Court and the Jury? Unquestionably.