

evidence to shew that he is guilty of the offence wherewith he is then charged; (2) he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character . . . or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution." The prisoner, whose defence was that the case was one of mistaken identity, had during his evidence cast aspersions upon the conduct of the police and other persons in connection with his identification and the taking of the charge at the police-station. Although none of those police or other persons were called at the trial the learned judge allowed the prisoner to be cross-examined as to his previous convictions. It would seem abundantly clear that the section above quoted only authorizes such a course to be taken when the questions are asked of, or imputations are made upon the character of, persons who are called as witnesses at some stage of the trial. It was also suggested that, inasmuch as a statement made by the prisoner before the magistrate, and put in by the prosecution, involved an attack upon the witnesses called against him in the police-court, the nature and conduct of his defence made the cross-examination admissible at the trial. The court, however, declined to accept that view. As stated in *Rex v. Preston* (21 Cox C.C. 773; 100 L.T. Rep. 303; (1909) 1 K.B. 568), "when the defence is so conducted, or the defence is of such a nature, as to involve the proposition that the jury ought not to believe the prosecutor or one of the witnesses for the prosecution upon the ground that his conduct . . . makes him an unreliable witness, then the jury ought also to know the character of the prisoner who either gives that evidence or makes that charge." It does not appear to have been clearly decided in any case yet reported whether the statute, or the above reasoning, applies in the case where an imputation is made against the prosecutor or his witnesses at the police-court, but not at the trial. It is the practice of prosecuting counsel to put in any statement made by the prisoner before the magistrate, which is, of course, evidence against him under the Indictable Offences Act, 1848, s. 18, if made after being duly cautioned,