

months this change has been in general really appreciated. Although the Criminal Evidence Act, 1898, was cautiously drafted and every effort was made for the purpose of safeguarding prisoners, it cannot be denied that the forecasts made as to the effect of that measure when it was before Parliament have been amply proved accurate. It has always been our boast, so far as the administration of our criminal law is concerned, that a prisoner must be deemed to be innocent until he is proved guilty of the specific crime with which he charged, and that the onus is upon the prosecution to prove his guilt of such specific crime without a shadow of a doubt. The effect of the Act of 1898 has been imperceptibly and gradually to change that position, and to a large extent nowadays the onus of proving his innocence in many cases in fact falls upon the accused.

This has been brought about by the fact that juries are well aware that a prisoner can go into the witness-box, and, if he does not do so, are apt to draw unfavourable conclusions therefrom, although his omission to give evidence cannot be made the subject of comment. Further, where the prisoner does elect to give evidence on oath, he often does not make the best of witnesses when subjected to cross-examination. This is so whether he be innocent or guilty, for a person charged with a serious offence, who possibly has been confined to prison for weeks before his trial, cannot be supposed to be in the best mental condition for doing himself entire justice. An even more difficult position is created by the statute by the provision which allows cross-examination as to previous convictions and character where the accused "has personally, or by his advocate, asked questions of the witnesses for the prosecution with a view to establish his own good character, or has given evidence of his 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."

In this way, if the prisoner's past does not bear investigation, the defence is undoubtedly placed in a very difficult position, which becomes more accentuated the more disreputable the witnesses for the prosecution may be.—*Law Times*.