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figures were originally $500.00, and were raised by adding one new cipher and making the period resemble a comma so as to read $500,000. The last cipher shows that it was blotted immediately after being written, while the other ciphers show no blotting, indicating that the last cipher was added some time after the original figures were written.

Mrs. Herbert had plenty of friends to testify to numerous conversations with the Colonel during his lifetime, and one of them who claimed to have been present when the instrument was signed and delivered, performed the miraculous economic feat on the witness stand of reproducing word for word an instrument most peculiar in its phraseology which she had heard read but once, and which had not been seen or discussed by her or anyone else in her hearing for the full period of five years. This was too much for the Supreme Court of California; it could not put trust in such remarkable feats of memory.

ENDORSING NAMES OF WITNESSES ON INFORMATIONS

By FRANK SWANCARA, *of the Denver Bar*

MEMBERS of committees on Criminal Procedure have laboriously searched for defects in the administration of criminal justice in order to have some reform to recommend or "report" to make to a bar association. Yet there is one obvious imperfection in our code that seems to have been ignored. It is the requirement that names of witnesses be endorsed on the information or indictment. The necessity for that practice hampers and burdens the prosecution without giving any substantial benefit to an innocent accused.

If the accused is guilty, he does not deserve the statutory aid or favor. If he is innocent, he derives little, if any, help

from the code provision. He knows who the perjurers will be without being given a list of them in advance. If the proposed witnesses are honest, still their names are of little use to him. They will not likely reveal to him their intended testimony, nor will he be disposed to visit them in an effort to find out what they think they know relevant to his case.

If the defendant is guilty, he already knows who the potential witnesses are. To be given a list of them, as relied on by the district attorney, simply enables him to determine whom to frighten, dissuade from appearing, bribe, etc. In some states prospective witnesses have been killed before the date set for trial. If killing is not contemplated, the defendant at least knows whom he desires to brand as a "rat" that has "squealed." The citizen willing to testify then becomes odious not only to the criminal but also to all of the latter's associates. Prospective witnesses know this. Hence persons will, if possible, avoid being witnesses. That is where and why prosecuting officials are greatly hampered.

By way of a "P. S." something may be said of the psychology of, for example, a swindler. His conscience seems not to be troubled over his having defrauded aged widows, but his ethical sense does cause his indignation to reach a high pitch when discovering that some acquaintance has become so depraved as to divulge information to a district attorney. And the rabble sympathize with him. Unpopular as it is to "snoop," particularly on politicians, it is even more so to "squeal." Hence the "prohibitionists" used to refrain from reporting law violations known to them, but employed stool pigeons instead. One is disposed to feel like a despised squealer when he permits his name to be endorsed on an information, even though knowing he is performing a public duty. For the sake of the witnesses, as well as of the prosecution, our committees on Criminal Procedure ought to consider the subject herein briefly discussed.