

R v Robert Wood 1907

MacCowan's evidence was that he had heard the man behind him leaving the gate of a house and going down the road. He had turned round and seen the man's back and his peculiar jerky shoulder movements. But the statement he had made to the police was subtly different. It had read "I looked round and saw a man coming down the steps of number 29".

Marshall challenged him on the discrepancy and MacCowan became flustered, saying:

"When we have got to make a statement, we are not so fly as when we come to be cross-examined. I was not so particular - I did not listen particularly to what was read over to me".

In response, Marshall's exploded into an outpouring of manufactured outrage, largely aimed at reflecting the jury's disquiet with this answer, but not actually losing his temper.

Marshall Hall: *You were "not so fly"? Do you mean to say that knowing that a man's life might depend on your description you did not take particular notice of what Sergeant Ball read over to you??*

MacCowan: My description was that I saw the man's back.

Marshall Hall: Have you no regard for human life?

In his first statement to the police MacCowan had described the mystery man as "stiffly built with broad shoulders." Marshall demanded that Wood, the defendant, now stand up in the dock, put on his overcoat and turn his back to the court. *"Now would you describe that man as broad shouldered?"* he shouted.

MacCowan answered: He had broader shoulders than I.

Marshall Hall: Would you describe the bluebottle as an elephant because it's bigger than a fly?

MacCowan: I described him as broader than I.

Marshall Hall: Now MacCowan, look again and think. Will you now describe that man as of broad shouldered?

MacCowan: He is broader than me.

Marshall Hall: I ask you again, as an honest man, where a man's life may be hanging on your words would you describe him as a broad shouldered man?

MacGowan: I would describe him as broader than me.