

young people were similarly stirred with hope and expectation in consequence of the Intercolonial Conference at Quebec. Among the young men of that day was Mr. Wm. Fraser Rae who has been chairman of the Library Committee since 1873, and who was then practising as a barrister and connected with the *Westminster Review*, the *Times* and other journals. Through family connections he was kept *au courant* events and politics of the old Province of Canada and threw all his ardour into the scheme whose importance he foresaw; interesting the English public through articles of his own, inserting articles by young Canadian writers like the late W. A. Foster and Chas. Belford in the *Westminster Review* and other popular magazines. When the Conference resulted in the Confederation Act, Mr. Rae assisted the delegates, and the Reform Club was one of the most influential centres of influence on the side of greater Canada and Greater Britain among the politicians and statesmen.

Of the Library Committee of five two retire every year, but are eligible for re-election and the list of names of members since 1852 comprises those of men eminent in many various branches of literature.

CLEVER LAWYERS.

The lawyer who is most convincing to juries is often least convincing to courts. The lawyer that knows the most law is often the least skilful in applying it. The lawyer whose advice is best is often the least capable of defining the principles from which his judgments are drawn. The lawyer who can make a discreet, logical, eloquent speech is often the least tactful and intelligent in examining witnesses. And the lawyer who is supremely great must combine all these capacities in such a measure as to be ready for every emergency. It is in the art of cross-examination that a lawyer's knowledge of humanity most often discovers itself to his advantage. A certain case of damages for false imprisonment mentioned by the *New York Tribune*, furnishes an illustration of this point. The plaintiff was an extremely attractive young woman. She had been a saleswoman in a large dry goods establishment. Suspecting her of theft, her employers procured a search warrant and went with a policeman to her apartments, found there the goods they believed she had stolen, and arrested her. On the criminal trial, however, they were unable positively to identify these goods, and with the result that the woman was acquitted. Thereupon she brought suit for \$50,000 damages for false imprisonment. The defendant's advocate was Judge Barrett, now of the supreme court in New York city. He fully realized the hopeless character of his case. Against him was a beautiful woman, in herself a powerful appeal to the jury's sympathies. Then there was the judgment of the criminal court, determining her innocence of the charge. The woman took the witness stand and told her pitiful story. Then Judge Barrett arose to cross-examine her. He said to himself, as he got upon his feet, "If this woman is intellectually honest she will beat me. But if her integrity is not an integrity of mind, I shall catch her somehow."

"Madam," he said, quietly, and with great respect of manner, "I shall have but few questions to ask you. You say that your accusers brushed past you as you opened the door and began to search your rooms?"

"Yes, sir," was the reply.

"And that in a bureau they found articles which they claimed to be theirs, and which they accused you of having stolen?"

"Yes, sir."

Suddenly the lawyer's manner grew intensely earnest and dramatic. "Then, madam, of course on the instant of that accusation, at the very second when they said that you, an honest woman, were a thief, you indignantly denied the charge and boldly asserted your innocence; you did that, surely, didn't you?"

The woman hesitated. The way the question had been asked implied that the lawyer desired for his own purposes, an affirmative reply. She glanced from him at the jury, then at her lawyer, and in an uncertain tone said: "N-o, I don't think I did."

"What? You didn't? Why not?"

"I scorned to answer them."

He had caught her. "That's all," he said.

The plaintiff's attorney called another witness, but Mr. Barrett interrupted and said to the court: "Is it necessary, sir, for this case to proceed? This woman says that although she was innocent she made no denial of this terrible charge when, with the goods exposed before her, she was accused of having stolen them. Did not that furnish a reasonable ground of suspicion? I move that your honor dismiss the case."

A shrill cry arose from the chair in which the plaintiff sat. "He's tricked me! He's tricked me! I deny it!" she almost screamed.

"Let her go back on the stand," said her lawyer. "Let's have the whole story."

But the court said no. The woman admitted a perjury and her testimony must stand. The case was dismissed, and a signal illustration of shrewd judgment of human nature on the part of a perceptive lawyer had been displayed.

The instinct that enables the lawyer to judge juries is not less important than that which enables him to see the weak spots in a witness's character. A case was tried lately involving the tremendous fortune of \$6,000,000, and it is literally true to say that although four days were occupied in the examination of witnesses, it was really won within five minutes after the jury was sworn. Joseph H. Choate opened the case for the plaintiff in about these words:

Gentlemen of the jury, you are here to determine which of two men is the rightful owner of a certain \$6,000,000. There is no opportunity here for an appeal to your sympathies. It is not the case of rich against poor, of capital against labor, of power against weakness. All of us here are reasonably well-to-do. If you will permit me, gentlemen, I will present to you the parties to this controversy. This is Mr. Smith, my client and the plaintiff. You will observe that he is an elderly gentleman, that he has a portly, comfortable appearance, that he wears a suit of broadcloth and the manner of a man to whom the fates have been kind. He is a hard-headed Scotchman, gentlemen, a solid, substantial business man, out of whose energy, thrift, sagacity, prudence and careful economy a great fortune has been earned. Every dollar he possesses is the reward of honest industry and frugal habits. There, gentlemen, sits Mr. Jones, the defendant. It might, perhaps, be more appropriate were I to leave it to my learned opponent to make you acquainted with him. But, being on my feet, and the main point being that you should

know him, and know him just as he is, I will introduce him, gentlemen, and in such terms, I think, as will enable you to know him as well as if you had been his next-door neighbor all his life. Sometimes he lives in one place, sometimes in another. Most of his life has been spent in San Francisco, and in that part of the country he owns many houses, many railroads, many banks, many legislatures, many judges, many newspapers—and they call him there the Jay Gould of the Pacific Slope!

From that time until the end of the case there was no moment when the jury would not have rendered their verdict in accordance with Mr. Choate's interest and desire. He had told them that it was not a case in which there was an opportunity for an appeal to their sympathy, but he had made that appeal with a scientific skill that came of a superb intelligence and a long experience.

After all, it is only in a case of life and death, where the stake is the highest, that the great qualities of an advocate have their largest opportunity. Because the stake is so great a lawyer's courage is often put to severe tests. He often feels that the result of this or that experiment on a witness might be good, but in the infinite peril of a different result he seldom dares to take the risk. An instance in which that risk was taken, and soundly judged, occurred in the famous trial of Miss Borden at New Bedford. One of the witnesses against her was a policeman, who, being called upon to describe the dress she wore when she appeared at the Borden house, some twenty minutes after the discovery of the homicides, proceeded to rattle off an amazing fashion-plate description, freighted with dressmaker's terms, and containing a minute account of every part and parcel of the dress, ribbons, braids, trimmings and all. Miss Borden's attorney, in cross-examining the policeman, asked him to furnish to the jury that description again, satisfied that if he did so in precisely the same phraseology he had employed before it would be plain evidence that he had learned it by heart, and that it did not proceed from his own ability to tell what he saw. In reply to the lawyer's question the policeman whirled off his description again, line for line, word for word, without the change of a monosyllable.

"How long have you been in the police business?" asked the lawyer.

"Six years."

"Have you ever been a dressmaker?"

"No."

"Is your wife a dressmaker or a milliner?"

"I have no wife."

"How did you come to know that Miss Borden wore the dress which you have just described?"

"I saw it on her."

"Did you ever see it more than once?"

"No."

"And at a single glance you took in all those colors and ribbons, those 'shirrs,' those flutings, those flounces, those 'cuts bias' and those 'en train,' did you? You took 'em in all at once, just with a sweep of the eye—is that it?"

"Well, I looked at her and saw what she had on."

"Well, look at her again. Look at her now. Then turn to this jury and tell them what sort of a dress she is wearing, and, let me warn you, Mr. Policeman, to put in all the flutings and flounces, the shirrs and the cuts bias this time."

It was a risky thing to do. If the offi-