

plainest and simplest language. They appear in fact to get drier and drier as the case mounts from one Court to another, till by the time they reach the Judicial Committee of the Privy Council, they partake of the character of almost whispered confidences imparted with diffidence into the ears of their Lordships during the intervals when counsel is allowed an opportunity to communicate his views.

If you are addressing a jury do not attempt to be declamatory. I am speaking, of course, always of civil cases. In criminal cases I believe the jurors are still swayed a good deal by the magnetism and power which is exercised by an eloquent speaker, but a jury drawn from amongst business people to try a civil case, which resolves itself into a pure question of dollars and cents, I can assure you is not influenced at all by any flights of oratory, and I doubt very much if they are materially influenced by a Judge's charge. They generally size up the evidence pretty accurately as it goes in and are ready to arrive at a conclusion without the help of counsel or court when the evidence is finished. If you impress them at all, it is by your close analysis of the evidence, by recalling to them the points which you think are proved in your favor and emphasizing them, and by dealing frankly with the evidence of your opponent and explaining or reconciling it with your theories. You must also impress them with the fact that you are earnest and sincere and that you believe absolutely in the truth of the statements which you ask them to find in your favor.

Any spirit of levity in addressing a jury is apt, I believe, to have a very bad effect and above all, never attempt to deceive them by representing a fact otherwise than as it has been absolutely established in evidence. You discredit your case and your other statements by so doing. If the jury do not perceive it, either your adversary or the Judge will certainly do so and your whole argument will go for nothing.

If your case is before a Judge be as brief as possible, and here particularly, any oratorical efforts are to be discouraged. The Judge has probably followed the evidence closely and has formed his own opinion on the facts, but you can, of course, recall his attention to those which you think are most important to you and you should also analyse your adversary's. Above all, if a Judge shows that he is with you, do not continue argument any further. He may evince his views by failure to take notice of your argument