

it off the hinges, to let in all facts calculated to affect the minds of the jury in arriving at a correct conclusion.

In examination of a party's own witnesses, leading questions—that is, such as are calculated to instruct the witness how to answer on material points—are not allowed. This rule is based partly on the supposition that the witness is favourable to the party who calls him, consequently it is relaxed whenever it appears to the satisfaction of the Court that the witness is hostile, or that a more searching examination is necessary to elicit the truth.

The presumption is that a party who has an opportunity before trial to examine his witnesses, will only introduce those favourable to him, and in practice this is generally found to be the case ; but of course there are exceptions, and it sometimes becomes necessary for the party to a cause to introduce, in his behalf, a witness who is extremely hostile to him.

The advocate should particularly guard against leading questions asked by his opponent, when the object of inquiry is to obtain the exact details of an admission, or of a conversation or agreement, and upon objection duly made the Courts in such cases are more rigorous in confining the direct examination to its strict rules.

But questions are objectionable as leading, not only when they directly suggest the answer which counsel examining desires, but they are also objectionable when they embody a material fact, and may be answered "yes," or "no," though neither is directly suggested.

The reason leading questions are excluded is founded in reason and common sense. Evidence extracted from a witness by skillfully arranged questions, contrived by counsel for the purpose of meeting his theory of the case, is very different, usually, from the genuine *unassisted* testimony of the same witness if left to tell his own story in his own way.

But great discretion is vested in the Courts in allowing