

PREFACE.

WHEN I was asked by Messrs. Sweet and Maxwell to adapt that part of Mr. Hardwicke's book which deals with the examination of witnesses, for English readers, my first intention was merely to annotate those passages which, owing to the difference between the practice of the two countries, seemed to require it.

But on attempting to do this, I found that, in respect of discovery and other interlocutory matters, the differences of procedure, though slight in principle, were so numerous as to make the result unwieldy. Consequently I abandoned the attempt, and substituted the first chapter of the present book, which gives the beginner a rough sketch of the manner in which evidence documentary and otherwise, is obtained from opponents before the trial.

Similarly with regard to the chapters on the treatment of witnesses in Court, I have been obliged from time to time to take liberties with the text of Mr. Hardwicke's work. So far as questions of policy and rules of conduct for the advocates are concerned, I have left the text practically untouched. And Mr. Cox's book, from which Mr. Hardwicke borrowed largely, was written for advocates practising in the English Courts.

But in matters relating to professional etiquette, the separation of the two professions of barrister and solicitor in England has made it necessary to alter or re-write passages which Mr. Hardwicke wrote for the combined