

the car movement swear that the car was going at six miles an hour. The man who doesn't understand the street railway system in Toronto, or at any rate, who hasn't had very much experience perhaps in cross-examination, will press the witness to increase the speed to 10 or 12, and by the time the examiner is through the witness has got it down to 5, thus shewing the danger of cross-examination. That is a fact which I have seen on more than one occasion. Now, see how near the evidence is to the facts, and what the cross-examiner should do with it. Take the collaterals. You take the trip the car had to make in the time allotted for the purpose; you take what the mortorman, or whoever he might be, was doing at the particular moment; you test him on his observation and his chance of observation—his opportunity. You shew that perhaps he had no cause to note the speed until after the accident had happened, not before. Then, there is always the question of the fear of dismissal, which would be important. Now, these facts are impressions, if I may call them facts, that is, the collaterals are impressions, and it is the duty and the business of the cross-examiner to ascertain them from his witnesses, leaving the question of speed to the witness himself. Now, that evidence as to the positive fact is due of course to a very common cause. As witnesses we study the facts, but our natures and our dispositions, and often our consciences, are more or less blurred. We may be trying to do the best we can and to tell in the witness box the very truth and nothing but the truth. The only way you can reach the true object of a cross-examiner is to ascertain from your witness the correctness, not of the fact deposed to but the absolute correctness, if you can, of the impressions from which he draws his conclusion of fact. Now, this means what? It means a great deal more than many of us very often pay attention to, and I shall try and explain it. It means the most careful preparation—a man will prepare the heads of his speech to a jury, he will often be rash enough to prepare the heads of an address to the members of the Ontario Bar Association—but few people, I venture to say, sit down and spend an hour or two hours or a day, if necessary,