

and that to some extent pacifies his mind and satisfies his claim; therefore, he is in a better humour to settle than he would have been a week before. And costs are not serious enough to be an obstacle.

We come now to the question of pleading. This again is technical and I do not propose to deal with that question further than to say this, that I believe—again I cannot speak from the experience of those who have had to deal judicially with these matters, and, therefore, I submit what I have to say with the greatest deference—I believe that in many cases the plaintiff claims too much, he does not claim intelligently, or, at any rate, does not claim it convincingly. Now a judge is human just the same as the rest of us, that is, his mental operation must run along some line similar to the mental operation of any lawyer who is possessed of a clear head and calm, cool judgment. You put into the hands of a judge or counsel, a complicated claim, with a statement of the facts which is accurate, clear, concise, consecutive and intelligent, and you at once get a convincing statement of claim; but if you put in a statement of claim that jumps from Dan to Beersheba, the first difficulty you have is one of your own creating; you cause the tribunal that has to deal with that very matter, a good deal of trouble sometimes in finding out exactly what you do want, and, therefore, you have to overcome that; whereas taking the opposite course, it would have been absolutely plain sailing; and it is always easier to sail before the wind than against it.

Then as to the defence. Now the defence differs—speaking again from an outside and not from the lawyer's standpoint—the defence differs from the claim in a very material way. The claim generally tries to get at the facts that are relied upon and to express the claim you are making. The defence is often set up for purposes that even a lawyer himself could not define, and if he were asked why he put in such a defence in that particular case, he could not perhaps tell you, but he would answer, "Well, I am trusting to luck, or I will take chances. Some judge," he will argue, "might think there was something in it, and it might