

good time. (Laughter.) I won't say anything further on the latter matter, lest it might lead to painful misapprehensions. (Laughter.) A juryman or a judge has no right to found a verdict upon his own knowledge of facts. He determines the facts upon the evidence given in the witness box and by the witnesses; and therefore it is that the witness is probably the most important man in the court of justice after all, although you will find difficulty in convincing the unhappy litigant of that.

What is the object of cross-examination? It is to determine two things. The object ultimately is the truth, and that is determined in two ways: finding out first of all how near the witness is trying to tell the truth, and secondly, how far he is worthy of belief even if he is trying to tell the truth. Now, both of these two matters must be considered. A man may be perfectly truthful, telling what he believes to be the exact truth, and by reason of his want of capacity, or by reason of some idiosyncrasy, which can only be determined by careful investigation, he is not succeeding in telling the truth.

Again, the value of the evidence of a witness depends upon a number of things. In the first place, it depends upon the opportunity which the witness has had to investigate the matters concerning which he is giving evidence. This is the case with the common witness as well as the expert witness. I have heard medical men swear (I have never heard medical men say it outside of the witness box) that a man who has examined a patient once will have as good an idea of the extent of his injuries, and the probabilities of his making a rapid recovery, as the man who has been with him from the time the injury took place, who has waited upon him, prescribed for him over and over again, who has joyed over him when he has shown signs of recovery, and whose heart has gone down as his patient's health has gone down. However that may be, the means of observation which a witness has is the first thing of importance. The second thing is his capacity to observe, his capacity to form an opinion, his capacity to understand what he sees. That is a matter largely of education and of experience. Again, the value of the testimony depends upon a man's memory—how accurate is a person? how retentive is his memory? does he remember what he thinks he remembers? Is it the fact that he is telling the truth concerning something that has taken place in the past? Another thing is his capacity to say what he means. You may think that is an extraordinary statement; it is not. No man who has been much in a court of justice but will agree with me in this. Not one man in twenty appreciates the value of an accurate use of the English language. Not one man in twenty can express exactly what he means so that