

the standpoint of an outsider, that is, the man on the fence who watches the game as it progresses.

Approaching a case as one must in looking at it from an outside standpoint, you have to consider first, the mental attitude of the solicitor, because after all, much depends upon his mental condition and upon his personal attitude towards the subject-matter in hand. Then you have to consider more or less the human elements at work in the client himself, and you also have to consider what motives are underlying the litigation quite apart from the legal rights or the liabilities of the parties.

Now, it has been said, and I have heard some very learned and able judges say, that law is good business and common sense, and that when any particular Act of Parliament ceases to be business or common sense, we find an amendment or a repeal. The practical operation of the law, therefore, being more or less based upon business and common sense, we have to take this view of the situation, namely, that good judgment is absolutely necessary as well as legal knowledge. The ablest lawyer, the keenest mind, the man who knows the most law, may not be, and very often is not, the safest counsel for the client to employ. Indeed, when one comes to consider the question of an action at law, it is surprising what a very small portion of an action the law is; I think I would be safe in saying that in the ordinary course of litigation, law is the smallest part of the case. The knowledge of law is, of course, a foundation, the first step, but the whole superstructure of an action is not so much law as it is a question of fact, as it is a question of dealing with facts, the relation of facts to each other, the weight to be given to the individual or collective facts, the generalship in maintaining them or presenting them to the court or jury, and the skill in handling these facts under changed circumstances, which always change more or less from the beginning to the end of the suit. So you see, if I am right, the questions arising in an action have mainly to do with the management and control of your case, with the knowledge of the situation, with a careful appreciation of the facts and what they will lead to, and