

altercation, distracting the attention of the advocate on the one side, and giving the other an opportunity of showing off his talents for interruption, and exhibiting a pertness which may impress the bystanders with an idea of spirit and ingenuity.

"It is said, that if a witness deposes falsely in any part of his testimony, the whole of it is to be rejected, and this is certainly correct so far as the falsehood supposes the guilt of perjury; the ground of credit being there destroyed; but if nothing can be imputed to a witness but error, inaccuracy, or embarrassment; if there does not appear to be a real intention to deceive or misrepresent; neither the objection nor the reason for it applies. The argument is sometimes urged with considerable vehemence, that a party who relies upon the testimony of a witness, must take it altogether, and cannot rely upon the one part and reject the other; whereas there is no inconsistency in asserting the general veracity of a narrative, and contending for the inaccuracy of some of its incidental particulars; much less is a party to be driven from his reliance upon the matters of fact related by a witness, because he contends that the witness is ill-founded in his reasonings and inferences deduced from them, as I have endeavoured to illustrate in a preceding part of the present section.*

"It is a general rule that a party cannot call witnesses to the discredit of others, whom he has before examined; but if a witness proves facts in a cause which make against the party who calls him, that party, as well as the other, may call other witnesses to contradict him as to those facts; for such facts are evidence in the cause, and the other witnesses are not called directly to discredit the first; but the impeachment of his credit is incidental and

* In *Bradley v. Ricardo*, 8 Bing. 57, the view contended for by Mr. Evans was upheld, and it was said that where a party called other witnesses to contradict his own witness as to some particular fact, the rest of the evidence of the contradicted witness was not on that account to be rejected. But Lord Campbell, C.J., took a different view in the case of *Faulkner v. Brine*, 1 F. & F. 255.