

construing the testimony if possible so that the witness will be considered both truthful and rational. When a case is called the judge scans the pleadings much as you go over the headlines of your newspaper. As the barristers advance to the bar the judge demands: "What is this all about, anyway?" He has already formed some idea and noted the names of the parties. In a minute or two the plaintiff's counsel informs the court of the matter in controversy. The defendant is then permitted to confess what is not in dispute and frequently it is possible at the outset to dismiss most of the witnesses. The trial will be half over in the time it takes to cross-examine one witness in an Illinois court. And why not? The lawyer in his office gets the testimony from several witnesses in an hour or two at most. Why should it take more than twice as long in open court to accomplish the same thing?

Coincident with the examination of witnesses there may be a comparison of precedents between counsel and judge and not infrequently these informal discussions so fully cover the case that argument after evidence is in is quite unnecessary. If there be no jury the argument is not likely to exceed five minutes. It will commonly be confined to consideration of the application of a precedent. Throughout the trial there can be no wearisome reiteration of questions, no horsing between counsel, no bombast, no rhetoric, but there is usually a matching of wits and knowledge of the law which makes a trial an intellectual treat to a visiting lawyer. Some of the older barristers find it hard to forget the practice of their youth, but the younger men and the more clever of the older ones have abandoned the old dramatic way of trying law-suits.

Sitting with Mr. Justice Riddell in the Toronto Assize I heard a case which typifies the informal and flexible procedure of Ontario courts. The plaintiff, Mary Smith, sued a certain broker. She had bought mining shares over a period of five years and on final accounting believed that she had been defrauded. Following the usual custom the broker had held the certificates in his vault and plaintiff had never had them in