

genuine unassisted testimony, but a statement artfully contrived, shaped and colored by professional skill, with a complete knowledge of the facts which the party seeks to establish.

Questions which are intended merely as introductory, and which, whether answered in the affirmative or in the negative, would not be conclusive in any of the points in the case, are not liable to the objection of leading. If it were not allowed to approach the points in issue by such questions, the examination of witnesses would run to an immoderate length. For example, if two defendants are charged as partners, a witness may be properly asked such a question as this: whether the one defendant has interfered in the business of the other?

Although leading questions are permitted in the cross-examination of a witness, yet, even in cross-examination, while you may lead the witness to bring him directly to the point upon which he has to answer, you cannot go the length of putting into the witness's mouth the very words which he is to echo back again.

On the other hand, when an omission is caused by want of memory, a suggestion may be permitted to assist it, even on the examination-in-chief. Thus when a witness stated that he could not recollect the names of the members of a firm, but thought he might possibly recognise them if suggested, this was permitted to be done. So, for the purpose of identification, the witness may be directed to look at a particular person, and say whether he is the man. So, where a witness is called to contradict another respecting the contents of a lost letter, and cannot, off-hand, recollect all its contents, the particular passage may be suggested to him, at least after his unaided memory has been exhausted. So, where a witness is called to contradict another, who has denied having used certain expressions, counsel are sometimes permitted to ask whether the particular words denied were not in fact uttered. Again, the Court will sometimes allow a pointed or leading question to be put to a witness of tender years, whose attention cannot otherwise be called to the matter under investigation. There are other cases in which some suggestion may be allowed to be given to a witness, as, where he is called to prove a delivery of goods, consisting of various items, or delivered at various times. Such cases evidently do not fall within the principle which prohibits leading questions. And it must always be remembered that the Judge has a discretionary power of relaxing the general rule, under any circumstances, and to whatever extent he may think fit, so far as the purposes of justice require. On the other hand, under a rule of the Supreme Court, first made in 1383 (Q. 36, r. 37), the Judge may now, in all cases, disallow any questions put in cross-examination of any party or other witness which may appear to him to be vexatious and not relevant to any matter proper to be inquired into in the cause or matter. There is no distinction recognised by the law between questions which are, and questions which are not, leading. To object to a question as leading is only another mode of saying that the examination is being conducted unfairly. It is entirely a question for the Judge whether or not the examination is being fairly conducted. The objections to leading questions do not by any means apply with equal force to all witnesses or to all parts of an