

cumstances leading up to the issue what that evidence and that contention will be? Then, another most important thing is, that whether it is a matter of courtesy, or because we do not desire to offend our client, we never question our clients or cross-examine them sufficiently to get at the real truth. I believe that if our client, if every client who comes into an office, was thoroughly cross-examined upon all the details, we would get as a result a very different version of the facts to what we got when the man first came in and gave his story. We should also consider the weakness of our own case. Remember that I am dealing with this matter more on general lines and not attempting or pretending to dictate or to say that I can instruct you upon these points. I am only dealing with these questions as they strike me in a general way, and I might perhaps use the word psychologically only. The weakness of our case is even more important to us than the strength of it, because that is where the guns should be placed to protect. The weak part requires nursing and attention more than the strong point. This would, therefore, lead one to the conclusion that there are three matters which we should consider as essential to success in starting a case.

1. What the solicitor should do. As I pointed out, he should take the side opposite to his client, he should look out for dangers instead of successes, he should ascertain what the other side are likely to prove, he should consider what is the legal evidence that may be against him, what are the probabilities that are likely to be shewn in the witness-box when he comes to trial, and above all, what is the law on the other side. Very often, whilst I have felt great difficulty in getting law to suit the case I happened to be in, I have always been surprised at the enormous amount of law there is on the other side. Why it should be, I do not know; but generally speaking, when a man has a case and finds a few authorities, he is happy and satisfied, and he seldom appreciates the fact, until he finds them quoted against him, that there are volumes of cases quite the contrary to the view he took when he launched his action.