

or notes of what you say. This ought generally to be accepted as an indication that he is with you, but is too considerate to interrupt you, and it is fairly safe to stop, though it is not an infallible guide.

A case actually occurred in our Supreme Court where a young lawyer from the West, who was appellant in the case, was arguing a point which seemed somewhat elementary. Finally, the Chief Justice stopped him, "Surely, you do not need to argue that point longer. It seems to us to be elementary." He replied, "Well, that is what I thought in the Court below, and that is why I am here."

I do not, of course, venture to throw out any suggestions with regard to the conduct of cases on the part of the bench, but I do think that argument might more often than is the case be shortened by a Judge intimating to one counsel or other during the argument what his impressions of the testimony are so that the advocate against whom his opinion inclined should have an opportunity of meeting his difficulties and the other party might possibly be saved a needless argument. However, this is getting apart from my subject.

Where you are arguing in the trial Court or in any Court of Review or Appeal, never allow yourself to make statements of fact which cannot be absolutely substantiated by the record and do not fail to deal fairly and frankly with any evidence which may make against you. No case is of sufficient importance to justify an advocate in departing from what is due both to himself and to the profession of which he is a member. The word of a lawyer ought to be as sacred and as much to be relied upon as his oath, and a reputation for making accurate statements of the evidence is of great value to the pleader.

I fear that these remarks have been unduly protracted and possibly you may think that I have conveyed to you nothing new and very likely I have not, but at all events sometimes a condensation of knowledge which we already have when put into the ideas of another is useful even to the experienced practitioner.

The treatises of Mr. F. J. Wrottesley on the examination of witnesses and of Mr. Reynolds will be found useful as well as interesting in respect of the examination of witnesses, and I have to acknowledge their helpfulness.