

Even genius sometimes will not be developed along the line of study or thought or education. Education itself requires a vast amount of experience to make it effective in the hands of the cross-examiner. Then, as I said before, it becomes more difficult by reason of this fact that there must be a very delicate, sensitive, and very extensive knowledge of human nature. There must in addition to that be a very extensive knowledge of the ordinary business and personal affairs of human life, because it is by this and this alone that we reach the motives, the passions and the methods of the witnesses.

Having said this, it follows as a natural consequence that many able lawyers fail as cross-examiners. A man to be a cross-examiner does not necessarily need to be an able lawyer technically. You know from your past experience, and from looking over the records for the last 30 or 40 years, that there have been many of the ablest lawyers who could not cross-examine upon the simplest possible point. Then it is most important by reason of what we daily see, by reason of the apparent facts at every court, namely, that many cases are lost by lack of proper cross-examination, and I am sorry to say, that more cases are lost by too much cross-examination. The whole system is like a piece of delicate machinery; the skilful hand knows when to turn on the power, when to withdraw, when to change the angle or the volume of force, and having such a complex mechanism before me, it is no wonder that I approached it with a good deal of hesitation and with the thought of preparing something more in the nature of an essay than a speech from notes however copious. However, I was afraid to prepare a speech and write it out because the story of the old Presbyterian minister was in my mind when he, to the chagrin of some of his followers in his tribulation sermon, read it, which was rather opposed to the feeling of the parish people, and he asked his elder after the sermon how he liked it, and he said he didn't like it at all. He wanted to know what objection he had, and the elder said: "I have three objections, first, you read your sermon; secondly, you read it very badly; and the third is, that it wasn't worth reading." Now,