

it is infinitely better that we should ask too little than too much. There is another thing that I would like to throw out for the consideration of the members of the Bar, and it is this: Never ask for mere information, because if you do you are sure to get it. I have heard many very clever cross-examiners say to witnesses, "Well, I am only asking that for my own information," but the information came with a sting that the cross-examiner didn't expect. If it is information that the cross-examiner is seeking he should read an encyclopedia and perfect himself in the knowledge sought for through a medium other than the witness.

Another thing which I desire to point out is to keep out of the unknown field. The unknown field of cross-examination is full of pitfalls and full of trouble. A man who cross-examines well upon that which he knows or has reason to believe he knows, or that he thinks exists, and who cross-examines well upon that point, is doing his whole duty to his client and to his solicitor; but the man who ventures into an unknown field, the man who goes without a lantern to his path will find that the first head that runs up against a tree is the head of the cross-examining counsel. That is so by reason of the circumstances. I do not care who the witness is. Take the farmer from the plow, take the mechanic from the bench, and put him into the box and ask him to tell a story—these men, generally speaking, although they look simple, and they are simple in their ideas, and they are limited, perhaps in their knowledge of many things—these men in nine cases out of ten, make the very best witnesses. Why? Because they are generally familiar with all the ins and outs of the subject-matter; because they know the ways of living, the methods of life, the peculiarities of that kind of life, and they know what is likely to have occurred, or what might have occurred under a set of given circumstances; they are familiar with the case, more familiar than the counsel.

Then let me strongly urge upon the members of the Bar here who take their own cross-examinations never to attack a man's character unless they have it of record. I do not know how often