

summarizing and considering what method he should adopt with a particular witness in a particular case. The only way in which a man can ever hope to be a successful cross-examiner is to prepare and not wait until the moment, expecting favourable circumstances which will arise occasionally. I look upon the preparation for cross-examination as being infinitely more important, if there is a serious dispute about the facts, than the preparation of a brief. You have seen men who have gone into the witness box, you have seen them in the city of Toronto and elsewhere, who have told a story absolutely, and apparently straight and frank, and manifestly without any equivocation or any feeling of any kind whatever. You have seen that man leave the box, a wholly discredited witness. Why? Not cross-examined by the man who takes his brief and makes his notes on the margin as the witness goes along, but cross-examined by the man, whoever he might be, who has devoted hours and hours of preparation to that particular witness and who knows exactly his line of conduct and the way in which he should proceed with his art of cross-examination.

Now, I should say that the one great object is to avoid any complications with the positive facts. The way to do the work in that respect would be for a man to marshal his collaterals, to see what the bearings of these collaterals are, whether it is scientific, mechanical, or ordinary, everyday occurrences. Let him study and work out the problem, let him prepare his headings and methods carefully. In these days, of course, we all know pretty well what is coming on at a trial. We have our discovery, we have our witnesses; we all know what line the man is going to take. If a counsel will only devote himself to it, and will spend an hour or two, or a day, if necessary, to prepare his method of the cross-examination of that particular person, he will find that in every case he has accomplished infinitely more than he could possibly do, no matter how crafty he may be, by trusting to the spur of the moment. I can only say that as far as I am concerned—and I don't profess to be more skilled than anybody else—I can only say that in many, many cases I have spent more than