

conducted becomes important in another way. It exposes bias, detects falsehood, and shews the mental and moral condition of the witnesses, and whether a witness is actuated by proper motives, or whether he is actuated by enmity towards his adversary. But, perhaps, one of the most important bearings it has is that it either corroborates your own client's version of the issue or it weakens your adversary, and here I may say is one of the cardinal elements of cross-examination. Unless you corroborate your client by your cross-examination, the chances are very largely that you strengthen the hands of the adversary. Indeed, it presents, if properly carried out, the case in an entirely new light. You hear the evidence in chief passing away without any cross-examination—that is one case—but when you hear a successful cross-examination of witnesses, the case presents a totally different aspect, and may be so developed that it comes to be in favour of your client, instead of being in favour of the person on whose behalf it was given. Now, having said this much with regard to the importance of it, let me say a word about the difficulty of it—and here is where I find myself somewhat at sea in dealing with a question of this character. Cross-examination cannot be learned; there is no royal road to the successful cross-examiner. There is no means by which the cross-examiner may become perfect in his art. Experience does a great deal, observation perhaps, does more, knowledge of human nature is, perhaps, greater than the other two combined, but there is no way in which any man at the Bar can sit down and study out cross-examination as a science in the same way as he can study the law, or the legislation of his country from a scientific standpoint.

It has always occurred to me that to a great extent cross-examination is intuitive, just as music is, just as painting is, and whilst the amateur beginning his music or his painting may not be very successful, for it requires training, practice and experience, and by and by he develops into a great musician. or a great artist, but in order to do that he must have the intuitive genius, and the faculty for that which he is doing, otherwise he will always remain an unaccomplished musician or a mediocre artist.