

is, at the present time, a feeling in some quarters against cross-examination. Take some of those very papers which are now crying out against cross-examination, and let anybody charge them with libel; and let that person be put in the witness box in order to give evidence against them, and they will be the very first person to say, "It is the duty of a counsel to test in every possible way how far the witness is trying to tell the truth, and how far the witness is succeeding in telling the truth." Of course, this will lead to inquiry into matters apparently irrelevant, but all proper cross-examination is directed to the sifting of opportunity, capacity, honesty.

Now, a witness has two duties. I suppose that probably will be news to you. I do not think you will find this in any of the books of medical jurisprudence. I don't think you will find it in any book of any kind—but I am not a man of theory, I am a man of practice. My profession calls upon me, and I am employed to get verdicts, if I can; that is my life-work, and I propose to get verdicts by every honorable means, and I don't care one rap for theory. Your books tell you the witness has got only one duty, that is, to stand up there and tell the truth. That is grossly wrong. I have heard witnesses tell the truth in the witness box and nobody believed them. A witness has more than one duty. In addition to actually telling the truth, a witness owes it to himself and to his position to tell the truth in such a way that the jury and spectators will believe him. Your text-books tell you, "Go into the witness box and answer the questions truly, and then leave the witness box secure in the approval of your own conscience." I say, however, that not only should a witness tell the truth, but he should tell the truth in such a way as that people will believe him—and that, after all, is the main object of a witness—to say something which will be believed and have an effect upon the verdict.

Now, that leads me a little further. A witness box is no place for frivolity. A witness box is no place for jesting or trifling. The man who has taken an oath to tell the truth is under a serious obligation, and that obligation he ought to have in his mind before he goes into the witness box. Those are common-places, perhaps, to you, but none the less they are exceedingly important. If a man is going to be a witness, it is his duty to prepare himself by finding out all the facts concerning which he is likely to be asked. An expert witness who is going to be asked about his opinion ought to prepare himself with authorities backing up his opinion; he ought to be in a position to justify his opinion to the very utmost, because if the cross-examining lawyer is worth his salt that opinion may be severely tested. Physical