

have tried it in my own cases, and when I have not done it, I have always thought that I would have been better off if I had taken the rule and followed it, and that is this: Always attack your witness in the *weakest* point at the opening unless it is some complicated matter involving long accounts or something of that kind. Always attack your witness where he is least prepared or protected. And the reason for that, when you come to think of it, is very apparent. When a cross-examiner gets up to put his questions the witness is more or less nervous. In many cases he has been told, "Oh, well, wait until John Smith or James Jones, the eminent K.C. gets hold of you; he will turn you inside out in three minutes." Well, Mr. Jones gets up, and the witness has some apprehension, he is a bit nervous; he is unused to your tone of voice, and there is a complete and sudden change of style in the method of cross-examining from the method of the examination-in-chief. There is no time at all for him to get his evidence in mind, and the first moment that you strike the weakest point of his testimony under these conditions, you strike when he is least prepared for it, because in a few minutes, even a nervous witness will regain his confidence, and he feels you are not such a tremendous man after all, that you cannot turn him inside out, that you cannot smash him, and that he can hold his own fairly with you. You ask him the same question in fifteen minutes after he has become prepared, and he has everything in his mind, he says, "Yes or no," and "I will explain that to you," and he will at once explain, whereas, if he had been attacked in the first place, and you caught him just at the moment when the sudden change occurred between the methods of examination, you might have got the answer that you were seeking, and very likely a true answer, because when a witness has his time to think, knowing that he is a witness there in favour of the man who calls him, naturally and without any malevolence or without any wrong-doing on his part, his mind intuitively and unconsciously gets a sudden twist or turn that is very difficult to straighten out.

Now the danger, as I have said, is in asking too much, and