

imputation is well-founded or true, without ascertaining, so far as is practicable in the circumstances, that such person can give satisfactory reasons for his statement.

4. Such questions, whether or not the imputations they convey are well-founded, should only be put if in the opinion of the cross-examiner the answers would or might materially affect the credibility of the witness; and if the imputation conveyed by the question relates to matters so remote in time or of such a character that it would not affect or would not materially affect the credibility of the witness, the question should not be put.

5. In all cases it is the duty of the barrister to guard against being made the channel for questions which are only intended to insult or annoy either the witness or any other person, and to exercise his own judgment both as to the substance and the form of the questions suggested to him.

#### THE DANGERS OF CROSS-EXAMINATION.

It is interesting to consider these very proper limitations to the powers of the cross-examiner from the standpoint of an advocate who desires to win his case. Keeping that object steadily in view, the advocate has always to remember that an attack upon some person who is no party to the suit may recoil upon the client of the person who makes the attack. This is more likely to be the case when a question to credit is met by indignant denial and is not followed up (as in many cases it cannot be) by further questions which elicit a discreditable admission. No doubt his instructions, as indicated in Rule 2, *supra*, ought to be sufficient to justify an advocate in presenting an attack; but there are very few advocates who venture in to the danger zone of "cross-examination to credit" without going very fully into the matter beforehand. It is to be observed that the Rules above indicated refer solely to the duties of the advocate *as such*; they have nothing to do with his relations to his client. In a criminal Court, however, counsel for the prisoner may put his client in grave peril by an attack upon a witness. For if the prisoner either personally or through his counsel attacks a witness for the prosecution, he may be himself attacked. A case occurred not long since