

I may perhaps be allowed to refer to another piece of expert testimony which I remember, in a case where a man had been killed by the bursting of an emery wheel. The defense was that it was due to his own fault in putting a tool or piece of iron against it for the purpose of sharpening it, which was the very thing it was intended for. The wheel was not strong enough to bear the number of revolutions which the machine to which it was attached made.

A very eminent scientific professor gave an hour's interesting lecture to the jury on how the wheel would never have burst if it had not been touched by the tool. He wound up by assimilating it to the case of a gun which was perfectly harmless until the trigger was pulled.

I remember the only question I asked in cross-examination was whether pulling a trigger would have exploded the gun if it had not been loaded. The eminent professor promptly replied, "Of course not," and the Plaintiff got a verdict.

The object of a cross-examiner should be either 1st, to get some facts from the witness which he has not disclosed in his examination-in-chief; 2nd, to weaken the effect of his testimony, particularly if he has testified with much positiveness, by testing his memory; or 3rd, to discredit him. If he has testified on a number of points, even though they are immaterial to your opponent's case, it gives you the greater opportunity to cross-examine, as if you can shake him on one point, you more or less discredit his testimony on all.

A close cross-examination of a witness on all the surrounding circumstances attending the matter upon which he has given testimony, will, if he is not telling the truth, often convict him out of his own mouth, but here is where your imagination has got to come in to a great extent and you must try to follow the working of the witness's mind. If he is telling a part of the truth only, such an examination with regard to collateral circumstances may elicit the whole truth and put a different light upon his testimony.

I would repeat, however, that an injudicious and ill-directed cross-examination is worse than no cross-examination at all, as it only serves to give the witness an opportunity to emphasize what he has already said. If you succeed in getting an admission in cross-examination which you think is useful to you, do not