

enough appertaining to America to find them in files to gnaw and in crocodiles to eat In history the great moment is when the savage is just ceasing to be a savage, with all his hairy Pelasgic strength directed on his opening sense of beauty, and you have Pericles and Phidias not yet passed over into the Corinthian civility. Everything good in nature and the world is in that moment of transition, when the swarthy juices still flow plentifully from nature, but their astringency or acridity is got out by ethics and humanity We say that success is constitutional; depends on a *plus* condition of mind and body, on power of work, on courage; that it is of main efficacy in carrying on the world, and though rarely found in the right state for an article of commerce, but oftener in the supersaturate or excess which makes it dangerous and destructive,—yet it cannot be spared, and must be had in that form, *and absorbents provided to take off its edge.*" Bullying barristers ought then either to be sent off in search of physical glory, or be required to spend half an hour with a prize fighter before appearing in court.

It is more cowardly to bully a witness than an opposing counsel, as it is less sportsmanlike to shoot barn-yard fowls than grizzly bears. But the fowls must sometimes be killed, and so witnesses must for their disingenuousness frequently be vigorously attacked. But this is the exception—the rule must be based on the right of every witness to be treated civilly, *if he answer fully and fairly the questions put to him.* Counsel may disbelieve a witness—usually a cross-examiner thinks he has good reason for his disbelief—but the witness may, nevertheless, be perfectly honest and truthful, and counsel has no right, upon his own opinion of a statement—the truth of which he, personally, has no means of testing—to tell the witness that he lies. If it were otherwise, in every case each counsel would be justified in assuming his opponent's witnesses to be perjurers, and in treating them accordingly. Counsel is entitled to receive a full and fair answer to his questions, and that is all; evasion he may denounce, and assumed stupidity he may ridicule, but this