

over, that the length of the re-examination is very often in proportion to that of the cross-examination.

Now, if the cross-examination of a witness always resulted in some substantial benefit to the opposite party, it might fairly be said that no time was unnecessarily lost, and that counsel was not unreasonable in taking up the time of the court and jury.

It often happens, however, that in such cases much time is unnecessarily wasted—the time of the court, of the jurors, of the counsel, of the witnesses, of the suitors in that particular case, as well as of the suitors in other cases standing for trial, and their witnesses.

Where an old experienced counsel takes a witness in hand for cross-examination he generally devotes himself to one or two particular points, either to get the witness himself to unsay what he has said, or, what is much the same, to make him contradict himself—or to shew out of his own mouth, that, even should he adhere to what he said on his examination in chief, he is unworthy of credence.

In dealing with such a witness a counsel of experience will generally be able to tell, after a few questions, on what line he should continue his investigation. If he sees that the witness is honest in his adherence to what he has already said, he will take care about continuing a course which will make the evidence already given more impressive, and more confirmed in the minds of the jury.

If he sees or suspects, that, though the witness is dishonest, there is no prospect of his being induced, either by the extreme pressure that can be sometimes brought to bear on such a witness, or by tripping him up, to “go back” on what he has said, then counsel will adopt another line—and it is then that great latitude should be, and generally is, given to the cross-examination, even though much time may appear to be thereby wasted.

It constantly happens, however, and it can be seen by attending the sittings of any court engaged with jury cases, that an immense amount of valuable time is wasted by the utterly aimless and unpointed way that a cross-examination is conducted, generally, of course, by young and inexperienced counsel—but, alas! not always. And this is carried to such an extent sometimes that sympathy for the witness is excited, not only in the breasts of the surrounding listeners, but also among the jury; that sympathy extending itself sometimes to that party to the suit, whose witness is being thus treated.

We are aware that in the case of young and inexperienced counsel, we must not look for that mode of conducting a cross-examination which can only be attained to after, perhaps, years of practice, and from a tyro, the proficiency of a master cannot be expected. And so, when we see a youthful counsel engaged in a contest of right and wrong, we must make every allowance for him, in his endeavor to establish and uphold the former.

But when it is evident to everyone that a witness trying to be honest, is subjected to a system of bullying and browbeating, and often of insult, then there should be some way of calling for interposition.

That interposition can only be looked for and can only take place from the court itself, and, we are free to admit, it is sometimes difficult to say when that right should be exercised.