

upon the poor cross-examiner, and through him upon his still poorer client.

What is the object of cross-examination? Just for a moment let us consider that, and let me put it in plain, simple English. The object of cross-examination from a litigious standpoint, not from the high moral ground of getting at the real truth and exposing falsehood and all that, but from the purely litigious, professional standpoint, may be stated as follows: First, it is to get something, no matter how small, to help your own case. If you fear further examination is dangerous and absolutely fruitless, far better leave it alone, far better to stop the witness if you feel that what you are getting is not as a fact aiding or assisting your client in the litigation. Another object is when you cannot get that which helps your client, try to get something to weaken your opponent, but that is got by a different process entirely; and the third—I put it last, although it is not the least by any means—is to endeavour, if you can, to separate the truth from the falsehood, more particularly if the truth told by your opposing witnesses would be of assistance to your case—for no cross-examiner is a common prosecutor to discover wrongdoing. Now, how should we best attain this object; in what way are we going to further the interests of cross-examination? In order to give an answer to that it will be necessary to consider for a moment, what evidence is—and I don't propose to enter upon any disquisition as to what evidence is or is not, in a legal or technical sense, but what I want to point out for the purposes of cross-examination is that evidence is not facts, but is the impression of facts, and the result of certain facts or certain things which have happened. Now, the object of cross-examination is to reform these impressions, to minimize them, to explain them, to question them if you will, to doubt them if you will. But the facts themselves are something quite apart from the evidence. There are no facts in evidence at all, because, as I have said, evidence is merely and mainly a record of facts expressed through the witness box. In law and in the trial of a case, as you all know, facts are the result of evidence and are found independ-