

psychological course of cross-examination, I can point to a man who was a past master in that—the late Mr. D'Alton McCarthy. You know their methods. You know the difference between them—one went direct taking the aggregate as a whole, and dealing with that with the witness; the other laid his plans and drove his stakes as he went along, caring nothing whether in the aggregate the witness admitted the contention or not. The counsel had got the individual circumstances from which the court and the jury would draw the aggregate conclusion.

A writer named Cox, fifty years ago, put the case of cross-examination perhaps as well as any man could put it, and he says: "In considering these remarks on cross-examination, the rarest, the most useful and the most difficult to be acquired of the accomplishments of the advocate, we would again urge upon your attention the importance of calm discretion. In addressing the jury you may sometimes talk without having anything to say, and no harm will come of it. But in cross-examination every question that does not advance your cause, injures it. If you have not a definite object to attain, dismiss the witness without a word. There are no harmless questions here; the most apparently unimportant may bring destruction or victory. If the summit of the orator's art has been rightly defined to consist of knowing when to sit down, that of an advocate may be described as knowing when to keep his seat. Very little experience in our courts will teach you this lesson, for every day will shew to your observant eye instances of self-destruction brought about by imprudent cross-examination. Fear not that your discreet reserve may be mistaken for carelessness or want of self-reliance. The true motive will soon be seen and approved. Your critics are lawyers, who know well the value of discretion in an advocate, and how indiscretion in cross-examination cannot be compensated by any amount of ability in other duties. The attorneys are sure to discover the prudence that governs your tongue. Even if the wisdom of your abstinence be not apparent at the moment, it will be recognized in the result. Your fame may be of slower growth than that of the talker, but it will be larger and more enduring.