

about their affairs and what they are talking about than you or I do; they have lived with them; they are people who are very quick of observation and they have a certain amount of cunning, and that cunning the most careful counsel sometimes is unable to circumvent even when the court and when the counsel are both convinced that the witness is not telling the truth.

Then again, one, in cross-examining, has always to keep the point in view. Immediately you lose sight of the point that you are immediately at, that moment your adversary is gaining a step or two in your direction. It is all very well to say, pick it up again. The golden rule is, when you get your point keep it, and don't let go until you are through with it. Another matter that I think counsel ought always to observe, and which I think we all ought to consider, and that is to overlook discrepancies that are not very material, because discrepancies are often the strongest evidence of truth; and yet I have heard counsel—not excluding myself—examine for want of something better to be asked, about discrepancies that I felt in my own mind if proved up to the hilt could not possibly affect the issue in the mind of the tribunal trying it. Then one has to keep not only his eye on the witness, but he has to keep his mind on the witness. The moment the cross-examiner begins to play to the gallery his client ought to discharge him and engage another. A man cross-examining, for the time he is actually cross-examining, ought to eliminate himself, ought to eliminate the public, ought to eliminate everything in the exciting moment of cross-examining, even to eliminating the judge and the jury. And so far as he is within his right and limit, and within his proper province his mind ought to be singly concentrated upon that of the witness, his eye ought to watch every move, and when he has made his progress with that witness, it is time enough for him to see whether it has satisfied either the judge or the jury. A man cannot do two things at once and do them both successfully. Further, a man should never shew disappointment. It is very hard to prevent it. When a man has a nice, carefully prepared case, and has led up to a certain point, and just when he thinks it is within his grasp, the witness goes