

moment, and in that I have a short quotation here which covers the point better, perhaps, than I can say it to you, and this deals, with a counsel in the very act of cross-examining. "Be mild with the mild; shrewd with the crafty; confiding with the honest, merciful to the young, the frail or the fearful; rough to the ruffian and a thunderbolt to the liar. But in all this never be unmindful of your own dignity. Bring to bear all the powers of your mind, not that *you* may shine, but that *virtue* may triumph, and your *cause* may prosper. Like a skilful chess player, in every move fix your mind upon the combinations and relations of the game—partial and temporary success may otherwise end in total and remediless defeat."

Now, we come to the trial, and there are certain plain rules that must be apparent to most people; but yet I think the remarks upon the art of cross-examination would not be complete without some reference to them. A man may become energetic, he may apparently become scornful or satiric, or he may apparently become angry, as a cross-examiner. But the golden rule of all cross-examination is, *Never lose your temper*. There is no time in the practice of the profession, there is no incident in the history of our lives that requires a more calm, a more cool, and collected mental condition than that in which the cross-examiner is placed. And it might be that I can go on very usefully with a series of "Don'ts" in this connection, but I have only one or two don'ts noted; and these are: Don't expect a witness to fall into any trap, no matter how skilfully it may be prepared. Don't expect that you are going to smash any witness—and when I use the word "smash" I use it in the ordinary colloquial term spoken of by lawyers in conducting a vigorous cross-examination. The man who goes into the court with his brief, I care not how eminent a counsel he may be, I care not what his experience may be, I care not how good a case he may have, if he goes into court with the idea in his head that he is going to smash a witness by cross-examination, that man retires from the field defeated in nine cases out of ten, and perhaps in a larger percentage. Witnesses are knowing people; they are crafty; they know more