

says: "He that is first in his own cause seemeth just, but his neighbor cometh and searcheth him."

I would like to be able to give you some rules or even hints with regard to the best methods and practice of cross-examination, but I have never been able to find such rules myself or to get any real help thereon in concise form. I have come to the conclusion that a successful cross-examiner is something like the poet, he is born, not made.

One or two points which will help you very much, I have already referred to, namely, a close attention to the language of the witness-in-chief, and also a close attention to the form in which the questions were put which he had answered.

My own impression is that it is extremely seldom that a man will deliberately perjure himself, particularly in a civil case, and that is the only class of case of which I feel qualified to speak.

I am not like the subject of enquiry by the man who descended from a train at a country railway station and hurriedly asked the first man he met if he lived there and knew the place. His reply was that he did. The new arrival then said, "I am looking for a criminal lawyer. Have you got one here?" The reply which he received after some deliberation was, "Well, we think we have, but we have never been able to prove it on him."

The tendency of most men, I believe, is to tell the truth, but generally a witness who is called on one side or the other has a human tendency to do all he can fairly, to help the side which calls him. I do not, of course, speak of the parties to the case. He accordingly will perhaps unconsciously lay stress on the points which he thinks are most favorable to that side, and he will gloss over, or perhaps entirely omit to refer to other circumstances. He cannot very well be blamed for ignoring that part of his oath which calls upon him to tell the *whole* truth, because he probably thinks that the whole truth is limited to the questions which are put to him and that the Court and the lawyers ought to know better than he what that whole truth as regards the case is. He tells the truth as far as he goes, and nothing but the truth, but there may be numerous chinks which, if they were filled in, would give a different complexion to the whole story and it is just here where the faculty of a cross-examiner must come out.