

The art of cross-examination, however, is not limited to the detection of *mistakes* in a witness. Sometimes it happens that you have good reason to believe that he is not mistaken, but that he is *lying*; and when you are *assured* of this in your own mind, but not otherwise, you may treat him as a liar, and deal with him accordingly. Your object will now be to *prove* him to be so, out of his own mouth; and it will be permissible to resort to many a stratagem, for the purpose of *detection*, which might not be fairly used towards a witness whom you really believed to be honest, but mistaken.

The question has often occurred to us, whether

it is more prudent to show such a witness that you suspect him, or to conceal your doubts of his honesty? Either course has its advantages and its disadvantages. By displaying your doubts, you incur the risk of putting him upon his guard, and leading him to be more positive in his assertions, and more circumspect in his answers; but, on the other hand, a conscious liar is almost always a moral coward; when he sees that he is detected, he can rarely muster courage to do more than reiterate his assertion; he has not presence of mind to carry out the story by ingenious invention of details and a consistent narrative of accidental circumstances connected with it. A cautious concealment of your suspicions possesses the advantage of enabling you to conduct him into a labyrinth before he is aware of your design, and so to expose his falsehood by self-contradictions and absurdities. Perhaps either course might be adopted, according to the character of the witness. If he is a cool, clever fellow, it may be more prudent to conceal from him your doubts of his veracity, until he has furnished you with *proofs*. If he is one of that numerous class who merely get up a story, to which they doggedly adhere, it may be wise to awe him at once, by notice that you do not believe him, and that you do not intend to spare him. We have often seen such a witness surrender at discretion on the first intimation of such an ordeal. This is one of the arts of Advocacy which cannot be taught by anything but experience. It is to be learned only by the language of the eye,

the countenance, the tones of the voice, that betray to the practised observer what is passing through the mind within.

But having, after a glance at your man, resolved upon your course, pursue it resolutely. Be not deterred by finding your attacks parried at first. Persevere until you have attained your object or are convinced, by your examination, that your impression was wrong, and that the witness is telling the honest truth. If you determine to adopt the course of hiding from him your doubts, be very careful not to betray them by your face, nor by the tone of the voice, where the feeling is so often shown while the words are otherwise framed. To be a good Advocate you must be a good actor, and it is one of the faculties of an actor to command his countenance. Open gently, mildly; do not *appear* to doubt him; go at once to the marrow of the story he has told, as if you were not afraid of it; make him repeat it; then, carry him away to some distant and collateral topic, and try his memory upon *that*, so as to divert his thoughts from the main object of your inquiry, and prevent his seeing the connection between the tale he has told and the questions you are about to put to him. Then, by slow approaches, bring him back to the main circumstances, by the investigation of which it is that you purpose to show the falsity of the story.

The design of this manœuvre is, of course, to prevent him from seeing the connection between his own story and your examination, so that he

may not draw upon his imagination for explanations consistent with his original evidence; your purpose being to elicit inconsistency and contradictions between the story itself and other circumstances, from which it may be concluded that all or a great part of it is a fabrication.