



**Select Cases on the Law of Evidence: As Applied
During the Examination of Witnesses; With Notes
(Classic Reprint)**

Austin Abbott

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Excerpt from Select Cases on the Law of Evidence: As Applied During the Examination of Witnesses; With Notes

In this volume I have brought together the leading authorities that now define our practice in the examination of witnesses. I have arranged them so that the reader perusing them in order will find the law systematically developed in groups of doctrines easy to be understood and remembered when their relation is thus made visible.

Every attorney is becoming familiar with the disposition of appellate courts to press with increasing strictness the necessity of clearness and precision in framing the questions put on the trial so as to bring out legal evidence without drawing improper and prejudicial statements before the jury; while at the same time they require with the like increasing strictness, that objections be so specifically stated in the trial court, as to enable the judge clearly to understand the ground, and the adverse counsel to change his question or his offer so as to obviate the objection if it be one which can be obviated.

In the selection of cases I have had in view the great practical importance of promoting regularity in the trial court, in these respects; and (except in a few cases where it has seemed unnecessary) I have prefixed to the opinion, as reported in the books, a statement from the record, which I have examined for the purpose, of the facts material to the point of evidence, and the colloquy between judge, counsel, and witness, at the trial, to enable the reader to see the exact line of discrimination which the appellate courts have drawn between obscurity and clearness in question and objection.

I trust that this volume will be useful both to the bench and to the bar in aiding, alike, to avoid mistake and error, and to secure efficacious objections such as will preserve to the unsuccessful party his rights on appeal.

I believe that nothing could be more advantageous to the profession than a better common understanding of the rules of forensic contest, so that less time may be lost and fewer disappointments incurred by fruitless controversy upon questions of irregularity, and less prejudice to litigants by erroneous procedure.

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