mentally very honest who can resist the working out of a result induced by the method under which the evidence is obtained.

One class of cases I may point out to you where these results are perhaps more apparent than in some others. Take the case of the ordinary railway surgeon. We will say he is paid a good salary. Now, what are his interests? His interest, in the first place, excites the feeling, "I don't want to see my railway company saddled with a heavy bill of damages." He will have a sort of pardonable pride along this line. "I will have to go into this case pretty carefully, because I want to justify the railway company in selecting me as their medical adviser." Then his long experience may justify him in saying: "A large number of these claims are dishonest; the chances are this is one of the same kind. Perhaps there are a few honest claims, but when they are honest generally the claim for damages is excessive," and so the process goes on and he begins his examination into the facts; he works along the line thus indicated; he wishes to justify his retainer; he is impressed with the idea that the claim is exaggerated, if it is genuine; there are a good many claims which are fraudulent, and the question is how far, consciously or not, his mental attitude may influence his conclusions. He may be honest in his conclusions. The retainer, however, is too often paid and received in the literal sense of the term, as a sum paid to retain the knowledge, skill and reputation of the so-called expert witness in the sole interest of the party who pays the fee. It would hardly be natural to expect such a witness to lead the jury to correct and impartial conclusions between the contested issues. Would not his position rather tend to cause him to develop, fortify, defend and prove a theory, which, if accepted, would enable his employers to escape liability?

Gentlemen, I find my time is getting short. Take the ordinary course of a trial. An expert is called and gives an opinion and his reason. The counsel, superficially prepared, as I said before, by some smart lawyer or doctor, puts the witness through a cross examination. Is it to learn the truth? Far from it. It is to demonstrate that the opinions expressed are wrong, and the reasons unsound; or that the witness is ignorant or dishonest, and his opinions or conclusions, to use a mild term, ridiculous.

Then the expert on the other side is called. He expresses quite as strong contrary opinion, gives grave reasons for his opinion, and the opposing counsel gets up to question him, to endeavor to show that this witness is as dishonest as the other one. We will assume both the doctors are honest in expressing opposing views, but is it a dignified exhibition in the witness box? Is evidence given under such conditions a help either to the court or jury to a conclusion?