

monstrous offence. In a very valuable little work written for the amusement and instruction of lawyers, the following illustration is given by the learned author. He says a medical man in giving evidence as to the condition of a man who had been assaulted, stated the condition of the victim as follows: "I discovered considerable ecchymosis under the left orbit caused by extravasation of blood beneath the cuticle." The learned judge interrupted and said: "I suppose you mean the man had a black eye?" The witness: "Precisely, my Lord." It is just as easy to say arm, elbow, knee, feet or head as to use Latin equivalents. The medical man should always use as simple language as possible, and preserve an attentive and impartial demeanor, and try to remember that every part of the body almost that can be thought of has an equivalent English name. You should also be sure that you understand the question. Be sure that the facts are sufficiently stated to form an opinion. It is much wiser to say you do not know than to give an ambiguous answer. If a counsel insists on an answer of yes or no, should the question allow such an answer, answer it; if it does not, qualify your answer and appeal to the Court to relieve you. Above all things, keep your temper. Do not volunteer information. If the counsel calling on you does not know enough to ask you proper questions, that is not your fault or your business. It is better to talk as if you were trying to explain or express your idea intelligently to a boy in the second or third class at a public school. Always consider the capacity of your audience to take in your meaning, and that you are giving your testimony to a number of laymen. Do not talk above people's heads. Medical men are prone to theorize. They are very tenacious of their opinions. They too often take diametrically opposite sides and arrive at opposite and diverse conclusions, not exactly from the same premises, but from a different conception of the same premises or from regarding them from a different standpoint. It often makes all the difference in the world whether a witness forms his opinion from the facts, or whether he starts a theory and then endeavors to make the facts square with them.

The general public have not a very high opinion of expert testimony. They believe that expert evidence can be hired. They believe that the number of experts obtainable on each side of the case is only limited by the length of purse of the litigants. They are of the opinion that most experts have no conscience or scruples as to which side they may be called on. That their attitude or the side for which they usually give their testimony is determined largely by questions of priority and the extent of the fee. It is also unfortunate that experts are frequently charged with partisanship; with occupying the position of hired advocates. The true position of an expert should be judicial, impartial and fair.