Now, experts, as it has been said, are not in very great credit with jurymen, or even lawyers. I suppose specialists breed theories, and theories breed dogmas, and sometimes when a specialist is called he will endeavor to air his peculiar views, if there is the slightest opening afforded him in the case.

Lord Campbell says hardly any weight is to be placed on the testimony of what are called "scientific witnesses." Such witnesses come with a bias on their minds to support the cause they are embarked on.

Different doctors, of course, with apparently equal confidence, equal dogmatism, express contrary opinions upon the same condition of things. When such contradictions occur, is it a wonder that judges are sometimes constrained to make a few strong remarks on the subject, and is it surprising that they should tell the jury, "Gentlemen, I cannot help you out in this. I cannot determine which of these men is the more reputable or the more reliable. The confusion and conflict in their testimony and opinions is so great, perhaps, you had better pay no attention to either."

Is there any explanation of this condition of affairs apart from the fallibility of human nature, any root cause, if I may so express it? I think there is. I think it is largely due to the method in which expert witnesses are secured.

In the first place, the party calling the expert makes sure that his expert's views are favorable to his contention before he calls him. (Applause). I am almost tempted to tell a little story here. On one occasion in London, England, a solicitor was consulted with reference to a case of an alleged infringement of a patent. The solicitor, like the layman in medical matters, did not know much about mechanics (it was a mechanical patent), and he heard the man's story, and said: "That is a question for skilled or expert witnesses to determine, and you had better go about London, interview mechanical engineers and others, and see as to what their opinion is, and if you can get intelligent men to adopt your view, and agree with you that this invention is a novelty, and, therefore, not an infringement on the other man's patent, you will probably win your suit." Well, the trial came off. Seven or eight experts were called by the plaintiff—reputable, skilled men, and they all declared that the question was not worth discussing, any tyro in mechanics would see that the machine in dispute was a mere copy of the other, and was, therefore, clearly an infringement. The defence was called upon; four of five experts went into the box and stood a pretty good examination, but gave their reasons for concluding that the machine complained of was a novelty, but could be properly differentiated from the machine alleged to have been infringed upon. The weight of the testimony, however, was in favor of the plaintiff, so that there was a judgment for the plaintiff.