

say the word. In the evidence for the defence a parallel may be found in tenacity, but not in reason. The advocate who should succeed in making a jury believe that black was white, would, according to Lord Brougham, be merely doing his duty; the duty of a physician is one, and the duty of an advocate is another. The former has to state facts, and to state them truly: he has to go further, and to deduce certain conclusions, which he alone can deduce, from the facts; but in no case is he required to "confute, change hands, and still confute," as in the Connell trial. That the mode of tendering medical evidence is felt to be an abuse in England, I should glean from an able review of "Taylor on Poisons," "We (the reviewer) have ourselves expressed our opinion strongly as to the disreputable mode in which medical evidence is proffered. We have said that the witness box seems to be sought by some as a cheap advertisement, by others as the means of discomfitting a rival; but from whatever cause it may arise, the worst danger to the administration of justice, and the greatest injury to the scientific character will be incurred wherever it shall be known, that professional witnesses may be retained to establish indifferently a case for either side. This is no fanciful danger; for we believe that there are few lawyers of considerable practice who could not within their experience give instances of the profligacy with which scientific testimony is tendered..... That there have been frequent occasions where (to use Lord Campbell's expression) *the medical witness is turned into the retained advocate*, is as true as it is grievous, and when such occasions occur they call for most unrelenting comment."

I shall not say whether I do or do not assert the applicability of the above to Canada, for I must bear in mind that at least one of the gentlemen for the defence was an experienced physician, long before the writer was a fetus; whilst another had entered upon the study of his profession before the writer had entered this breathing world. The same disparity would prevent insisting that my evidence should be received in preference to that of an ignorant woman, as to the consciousness or unconsciousness of a dying person; and it might appear vain in me to attempt to establish my claim to credence upon the possessing of commissions of competency from high medical tribunals in Britain, on the Continent of Europe, and in Canada; but I may claim, and I do claim, for the gentlemen associated with me, an advantage over those for the defence in having seen things with his own eyes, an advantage over any real or written evidence or description. Dr. R. P. Howard's talents and habits of close observation are well known, and his position as professor of legal medicine in the University is, or should be, a guarantee of efficiency.

A few words in conclusion: Come my co-mates and brothers in physic, are not these exhibitions unseemly? or are they calculated to advance the interests of, or respect for that profession whose members so frequently appear in open array against each other? Is it modest to deny to the medical witnesses who saw things with their own eyes, and who, from the poverty of language could not convey what they saw to others—those others being non-medical persons who require to have submitted to them non-medicated evidence, the right to judge of certain facts? who is the best qualified to judge, the physician who walks through the wards of an hospital and prescribes for what he sees, or he who

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