

As most of the instances in which medical men come in contact with the law are cases of insanity, real or alleged, I have thought it not without advantage to deal with the law in respect of insanity so far as medical men are likely to be affected.

Sometimes a doctor is called upon to examine one alleged to be insane, in order that he may be committed or declared by the courts to be insane. The opinion of a medical man is considered by a Court practically worthless if given simply as an opinion. The Court determines the question of insanity, and requires the medical witness to set out in his evidence, affidavit or otherwise, in full, his reasons for his conclusions. Care should be taken to preserve and transmit all conversation (if any) and all other indicia from which the practitioner has formed his judgment.

Again—and this is the most frequent case—a medical man is called as a witness in court upon the question of insanity. He may be an ordinary, though skilled, witness to set out the facts of the condition of the person whose mental state is under investigation, or he may be an expert witness called simply to give an opinion, or he may act in each capacity.

A witness should always bear in mind that he is not the person who is to decide any question of fact; that is for the Court or the jury, as the case may be: nor is he to decide any question of law; that is for the judge alone.

The most commonly occurring occasions for such evidence are (1) when the capacity of a testator to make a will is under investigation, and (2) when the question is whether one who has committed a violent act is responsible to the criminal law.

In neither of these inquiries is the insanity of the party *in itself* of the slightest moment—hundreds of insane persons have made valid wills, and hundreds of insane persons have been executed. If people do not like that law, let them get it changed; but for the present that is the law.