

and his conscience, but he has no option. In case he refuses to answer, he is liable to all the penalties for contempt. A clergyman is not privileged any more than a medical man. A witness may refresh his memory by looking at notes if such notes were made at the time or immediately after the happening of the events to which they relate. They must be his original notes, though, and not a copy; or should he use a copy, he ought to have with him the original notes, that they may be compared with the copy if desired. Thus he may refer to notes for measurements, names, places, etc., but should not read his notes as testimony, but refer to them only for his data. His testimony must be oral. It often happens that books are quoted by counsel as authorities for statements or contentions made by them. A medical expert witness or common witness, if asked questions upon these lines, disagreeing from the conclusions of counsel, should ask to see the book before contradicting, so that he may examine the context before he attempts to refute or contest the dictum of the writer. An expert's opinions are supposed to be the outcome of his own knowledge and experience, and therefore, if he is called upon to express an opinion upon a disputable question, he should hear the witnesses before being asked to give his own opinions upon the facts. The mere reading of the transcript of evidence given by witness is highly unsatisfactory as a method of preparation to answer theoretical propositions or give expert opinions. Then another important fact not to be overlooked, is that an expert witness, if present, is able frequently to suggest to counsel certain questions whereby doubtful facts can be cleared up, or needed data, not to be gathered from the facts stated by the witness, can be supplied.

It is highly important that professional jargon should be avoided as much as possible in the witness box. There are in almost every case English equivalents for medical forms of expression or medical terms. The impropriety and confusion likely to arise to lay minds by the use of technical and scientific expressions can be easily illustrated. A number of physicians listening to lawyers discussing a point of law in court would hear many expressions and terms which would be quite as unintelligible to the doctors as a similar technical medical account of the injuries of an individual would be to the jury, or to the counsel in the case. A description which might be suitable to a medical society would convey but little meaning to a jury. The effect of technical terms on a jury is confusing and misleading; as, for instance, the expression, "a black eye," is a simple thing and would indicate but a trifling offence, but to describe the condition as a large amount of extravasation of blood beneath the cuticle under the left orbit might in the minds of a jurymen be the result of a