

the finding and sentence at the former trial. The latter being imprisonment for life. The grounds on which this reversal was granted were peculiar, and were entirely based on the medical testimony of Dr. Munroe and Dr. Olmstead, who stated, that the deceased, who had died shortly after his confinement, was poisoned by arsenic, supporting this opinion on circumstantial evidence alone, there having been no autopsy, there was no direct evidence of its truth, though it was strengthened by statements made by others. A weak point, also in the prosecution, was that fourteen years had elapsed between the commission of, and trial for the offence, however, sufficient evidence was produced to secure a conviction, and we now come to the medico legal aspect of the case, namely: The grounds on which a new trial was ordered. The judge, in delivering his judgment, says: "We shall consider only such exceptions as are the most important and material." Dr. Munroe made the only diagnosis of the fatal sickness of the deceased, stating to the jury the various symptoms that came under his observation, while other witnesses testified to other symptoms and appearances. On being asked by the Attorney-General: "What are the symptoms of poisoning by arsenic?" the counsel for the prisoner objected, on the ground that the witness was not shown to be an expert. The Court sustaining the objection until further examining as to his qualifications. Now, though the qualifications of this gentleman were not of a very high class, he had been in practice for thirty years and was a member for over twelve years of the County Medical Society, he acknowledged to having no expert training further than the general knowledge of particular subjects that men acquire from reading; and, further, that he had never seen a person die of irritant poison; and, that his knowledge of the symptoms of arsenical or irritant poisoning, was derived from his reading scientific and other works on that question. Dr. Olmstead, a Homeopathic practitioner, gave evidence on Dr. Munroe's testimony, and declared that on that evidence, he believed that the woman was poisoned by arsenic, but admitted that he had never

seen a case of arsenical poisoning, and, that his knowledge was derived from the perusal of books and authorities on the subject. There were two other medical men examined, who were familiar with arsenical poisoning, and who testified that the symptoms detailed indicated poisoning by the administration of arsenic; but the judge ruled their evidence as immaterial, and referred to a case, *Boyle vs. State (Wis.)*, where it was held that medical works and authorities could not be read in evidence. Mr. Justice Taylor had laid down that if the book itself cannot be read in evidence, the witness cannot be permitted to give extracts from it, depending on his memory for correctness. The final judgment was given on the grounds that the medical men had no practical knowledge of cases of poisoning by arsenic, and, therefore, the cause was remanded for a new trial. If this decision was to govern similar trials in other places, it would indeed be a very serious matter, and regarding the long time which had elapsed between the supposed commission of this offence and the accusation, and bearing in mind the readiness with which all doubt on the subject might have been set at rest by an autopsy and examination of the viscera, which most medical men would naturally insist on if they entertained any doubts on the subject. It is improbable that any English Court would entertain the charge. The law as thus laid down, is as weak in theory as it would be dangerous in practice. A thorough knowledge of the action and effect of drugs is essential in all medical education and every tyro in medicine is acquainted with the antidotes for poisonous matters. He is taught by professors and learns from various works on the subject, the symptoms arising from the effects of various poisons, on the system, and, though never having had any practical experience in this line, if, without sufficient acumen to diagnose a case of poisoning when he meets it, he has certainly mistaken his profession. The symptoms arise from some cause, if not from disease, what gives rise to them must, and it is presumed, always is sought for. Thousands of medical men pass through life without seeing a single case of