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ALL THE WORLD OVER.

*"I must have liberty,
Withal as large a charter as the wind—
To blow on whom I please."*

THE utter worthlessness of expert testimony in criminal cases was fully illustrated in the recent trial of Sydney Lobb, charged with murdering his wife at Nanaimo during the month of June. Mr. Lobb was accustomed to go on protracted drunks, which quite naturally caused his wife great annoyance. His employer had informed Mrs. Lobb that he would be forced to discharge her husband for his drunken habits. Notwithstanding the warning Lobb got drunk again and his wife, as it was afterwards given in evidence, was driven to despair at the prospect of her husband being deprived of the opportunity to earn a living for herself and little family.

While Lobb was recovering from the effects of his latest debauchery, his wife was found dead with a revolver at her side. The prosecution scouted the suggestion of suicide or accident, and produced two medical experts to prove that it was impossible for Mrs. Lobb to commit suicide. These men swore to the number of inches that the revolver was held from the body at the moment of the fatal discharge, and their testimony was to the effect that Mrs. Lobb could not have reached the distance at which the weapon was held. This was about all the evidence offered by the Crown, except that Lobb was in the house at the time of

the death of his wife. The theory of the defense was that there was an entire absence of evidence of violence by accused when under drink—an entire absence of appearance of motive, and an absence of any disorder in the room. Evidence was produced to show that it was quite possible for Mrs. Lobb to have committed suicide, and this evidence was also that of medical experts. One witness stated that Mrs. Lobb had threatened to commit suicide, and there was more testimony to this effect. Consequently the prisoner was discharged by the jury, after deliberating a few minutes. The public will agree with the verdict, and the only wonder is that Lobb should ever have been placed on trial on such weak evidence.

All of the above goes to show that expert testimony is almost valueless, and that medical men will differ just the same as men in other walks of life. Particularly were they open to this imputation in a murder case which came before the New York courts a few years ago. One Buchanan was accused of murdering his wife by administering an overdose of morphine. Professor Witthaus, a chemist of recognized standing and a large experience, a teacher in a leading college and the author of a standard work on chemistry, testified positively for the prosecution that he found morphine in the body of Mrs. Buchanan. He was corroborated by Professor Doremus, also a chemist of recognized standing. The processes and various steps in the analysis were minutely described. Thereupon Professor Vaughn, of the University of Michigan, a chemist of international repute, a specialist in poisons and the author of a standard work on the subject, testified for the defence that it was impossible to determine the presence of morphine from the results of the tests used by Professor Witthaus. He declared that the presence of morphine in a body in which decomposition had set in could be shown only by finding and separating morphine crystals, and that in the absence of these the color reactions were not to be taken as proof. He went on to explain that ptomaines without morphine, a natural poisonous matter found in a body and due to decay, would give the same color reactions as such matter with morphine. He illustrated

this by saying that he had been called upon to analyze the stomach of a man supposed to have been poisoned by morphine, and finding no crystals reported no morphine. This finding, he said, was subsequently corroborated by the discovery that death was caused by a blow on the head. Professor Vaughn then undertook to demonstrate to the court and jury the accuracy of his views by an object lesson showing that the same tests applied to ptomaines without morphine, and to ptomaines with morphine would give the same color reactions. His testimony was corroborated by Dr. Scheele, a young chemist from the universities of Berlin and Bonn, who testified among other things that the tests used by the experts for the prosecution were not to be depended on, and were not now accepted by the most advanced German chemists. It is not for the lay mind to say whether in this instance the experts for the prosecution or those for the defence were right. It was evident that one side or the other must be wrong. Yet on this evidence largely a jury of twelve average citizens were expected to determine the question of innocence or guilt in case of life or death. On medical testimony of a like contradictory character twelve men were asked to acquit or convict Lobb, and it is to their credit that within the space of a few minutes they decided to restore him to liberty.

James Beatty, of Brandon, Man., was accused of shooting his wife, and he was acquitted on the ground that he went out wife shooting "under a specific delusion." Temporary insanity used to be a popular excuse for offences of this kind, but science ever advances, and why should not counsel for the defence advance with it, since law is a science. That which used to be the "offence" of shooting one's wife, remarks the *Manitoba Free Press*, commenting on this case, and which in old time was calculated to insure the disapprobation of both judge and jury, must now be regarded as a proceeding the character of which depends very much on the sportsman being accurately acquainted with all the facts bearing on the case. If under an ordinary everyday delusion such an act may be—we are not at all sure that the next jury will say that