

the different surgeons who explained with much elaboration and care to the jury that such symptoms would indicate in their opinion, imperfect healing and imperfect treatment of the wound.

I had not expected such evidence, as the Plea though sufficient to allow it to be made, did not disclose the nature of it, and I was faced with the alternative of either not cross-examining, which I felt would have had a very bad effect on the jury, or of finding myself lost in a mass of technical medical terms and parts of the human body of which I knew absolutely nothing except what I had heard from the learned gentlemen who had been in the box.

All the surgeons who testified were undoubtedly in perfectly good faith and were very eminent men in their profession, and I could not have hoped to have broken them down on their medical theories, but I did ask them one after the other whether they knew Dr. Bell, the operating surgeon, whose testimony had been given on behalf of the Plaintiff and what his character was. They gave him, of course, the highest professional character. I then asked whether even the most eminent surgeon did not sometimes make a wrong diagnosis. They admitted it might occur. I then asked them whether they would be prepared to swear that the cause of the Plaintiff's trouble was what they had said and that they were not wrong and Dr. Bell right. One after the other, with one single exception, they all declined to swear anything of the sort, and admitted that it was all theory and that Dr. Bell might very well have been right and had the best opportunities of judging as he had seen and treated the patient, and that was the end of the effect of their testimony which otherwise had been extremely interesting to the Court, the jury and a large audience.

The jury gave a unanimous verdict which was promptly given effect to by the Judge and subsequently unanimously confirmed in appeal.

I hope you will pardon me for referring to cases in which I may have been personally concerned. I only do so because I can speak of the incidents there with certainty and not as a matter of hearsay, so that you may know that even though not on oath, I am giving legal evidence.

I am satisfied that in the last case I have referred to had I attempted to cross-examine on scientific lines the jury would have become finally so confused that I could not have obtained a verdict.