

school to disagree is wrong, it is unseemly, it has caused the public to censure the whole profession, and the presiding Judge to stigmatize medical evidence, here and in England, as an intolerable nuisance. I repeat, Dr. Hingston *attempts* to say this, for the paragraph is so ambiguous and ungrammatical that it is difficult to ascertain his real meaning.

Now it may doubtless wound the self love of so sensitive an individual as Dr. Hingston, to hear the correctness of his opinions openly questioned, and the justice of his conclusions doubted, and it may even offend the taste of some over-fastidious persons, to see members of the same profession ranged upon opposite sides; but if a medical man is to withhold an honest opinion in a case involving life or death, merely because a confrere may have expressed one in some degree conflicting, it is high time a new code of medical ethics should be established. Such an amiable concurrence of opinion may be very desirable for those who are more anxious to secure the approbation of the public than of their own consciences; but thus to allow an overstrained delicacy on the one hand, or a servile dread of public opinion on the other, to outweigh the importance of justice and human life, is altogether opposed to the spirit of British freedom and independence.

The whole of this storm of indignation has arisen because the unfortunate accused availed himself of the self same privilege, which the Crown Officers have for years, out of the plenitude of the public purse, been in the habit of securing. It is notorious, that at every term of the Court of Queen's Bench during the last five or six years, the Crown Officers have been in the habit of *retaining* medical gentlemen to give opinions in favour of the prosecution; these gentlemen, be it remarked, rarely if ever being *direct* witnesses in any of the cases. It is needless to say that when their opinions are found to be unfavourable to the interests of their employers, they are carefully kept out of the witness box; but when they coincide with the Crown witnesses, they are then paraded before the jury and the public to throw all their weight into the scale against the prisoner.

I have not been able to learn that a similar course is pursued in any other Court of Justice in the civilized world, and it is devoutly to be hoped that our bright example may not be followed elsewhere.

This one-sided evidence having been given with all due emphasis against the prisoner in the present case, it is not surprising that his counsel, indignant at this perversion of justice, should use every effort to neutralize this out-side testimony, and that medical men in the interests of humanity, should be found to come forward as readily for the defence as others were found to do for the prosecution.

If we had not been already told that medical evidence in England is a nuisance, I might cite the constant practice of that country as a precedent; for it is there considered a matter for congratulation, that owing to the rigid scrutiny to which every man's evidence is subjected, the prisoner is seldom likely to suffer from the ignorance or presumption of the Crown witnesses. The late Smethurst case furnishes an excellent illustration. Had a gross blunder on the part of one of the witnesses for the Crown not been discovered and exposed in time, the prisoner would undoubtedly have been executed; and the *London Lancet* (an authority second to none) in a long leading article, shows the great advantage to the cause of