

harm can be done by such a witness, as the judges need only one or two repetitions of such conduct to enable them to place witnesses of that character in a proper light before a jury.

In order to remove this class of expert evidence from the region of discussion and put it beyond any imputation of partisanship, several proposals have been made. The most feasible would appear to be that providing for the appointment of a medical board of witnesses. The first qualification of the members would be competence and experience, and the second, their moral standing in the profession. We have now in practice, a very limited application of this principle. A medical man is frequently appointed by the court to make an examination and report with regard to the injuries and condition of the person complaining. This, however, is not of any great practical value, because in many instances, his evidence may be literally swamped by a large volume of equally credible testimony, adduced on behalf of the party affected adversely by the report. In cases of crime where insanity is urged as a defence, a board of say five medical men would be very satisfactory. Appointments to the board would be made by the court, but the law would no doubt make provision for all parties interested being represented before the judge making the appointment. In negligence actions, the same principle might apply, but limiting the membership of the board to three medical men. With reference to issues involving mechanical or scientific construction or operation of machinery, a similar board of skilled artisans, engineers, or machinists might be constituted. These boards would pass upon the questions specially submitted to them, and the members would be subject to cross-examination to the same extent as the expert witness is under our present practice. The evidence required in these cases partakes somewhat of the nature of the judgment of the court, and the appointment of a board of skilled witnesses is analagous in principle. Two men cannot agree upon the facts necessary to determine their respective interests, or upon the law governing their relative rights. Figuratively speaking, they call in a judge to determine the matters in issue. He determines the matter in the capacity of a skilled expert. The party dissatisfied goes to a court composed of several judges, and there seeks what he thinks is the redress to which he is entitled. The proposition as to expert evidence takes the opinion of the larger court of three or five experts in the