

and that in the case of opinions there are, and always have been and always will be, differences, it is not at all wonderful that expert witnesses do not agree in their testimony.

Concerning opinions there is constant disputing; and it is not doctors alone who are constantly disputing. Take the clergy: the *odium theologicum* is worse than the *odium medicum*, and the *odium forensecum*, and both of these, God knows, are bad enough. The clergy of one church believe that the theology of another church is based upon error, and they know that the opinions of the clergy of that other church are wrong. Members of my church know that they are right, and the other fellows are all wrong. Orthodoxy is my doxy; heterodoxy is your doxy. Lawyers do not agree, even when they are put on the Bench. Occasionally a lawyer is put on the Bench; it is not always the case, but still those who are lawyers are put there. (Laughter.) I have in my mind more than one case of pure law, not matters of fact at all, but matters of opinion, where one court has given a verdict for the plaintiff, this has been reversed by the next court, that again reversed, and then in the Supreme Court this last was again reversed. The only reason, perhaps, this was not reversed again was because there was no other court to go to. Politicians—people generally—do not agree in their opinions. Over there in the adjoining Park in the Legislative Assembly this afternoon they will be discussing a matter of opinion, and if you will give me a list of the people who are going to vote, if you tell me their names, I will tell you the majority on one side or the other. Opinions must necessarily differ, and therefore it is that the expert witness who is called upon to swear, not to a matter of fact at all, but to a matter of opinion, almost as a matter of course, differs from another expert witness.

Now, you will say that I am travelling very wide from my subject, but that is not really so, as I hope to be able to show you in a few minutes. What is the object of a court? What is the witness in the box for? What are courts of justice kept up for? They are kept up for determining facts, in the first place, and then applying the law to those facts so found; the judge applies the law, the facts are found by a jury, or by a judge sitting instead of a jury—and I shall for convenience use the word "jury" instead of judge sitting for a jury. The facts so to be found by the jury are not to be found by them from their own knowledge. In the jury box, as everywhere else, one is entitled to use common knowledge, that is, what everybody is supposed to know. Everybody is supposed to know that we have night and day, there are seven days in the week, that water is wet and fire will burn, and that when medical men get together at dinner they have a