

the medical profession, and in some of the arts and sciences such knowledge being limited to a small class, it has become necessary, in many investigations, in order to get at the root of the matter, to permit or allow, not evidence of the facts, but skilled persons to tell us what the proper inferences should be from the given facts, and in that way has grown up this system of calling experts in many cases to assist the court in arriving at a proper and just conclusion.

A very familiar instance will illustrate: Take a case (I think it is cited in one of your text-books on jurisprudence), suppose that a child is badly burnt, and in order to soothe its pain, soothe its agony, ten or twelve drops of opium are administered (I am not measuring the dose, as I don't know much about it), and the child dies. A common jury could not tell whether it died from the burns or from the drug. A doctor probably could. He could describe the nature and extent of the burns. They might be so superficial as to displace the idea that death had resulted from that cause, or they might be so serious that he could at once say, "Although it was a heavy dose of opium, the child received sufficient injury from the burns to cause death." But a common jury or a common judge could not find out that fact with equal certainty or perhaps arrive at a just conclusion, and that is where the medical man is called in to help the court and the jury.

Now, expert testimony (and here is one of the difficulties of the position, one of the causes of a great deal of harsh criticism), can only be met by expert testimony, or other opinions supporting or confuting the theory set up by the first line of experts, and then we have the melancholy spectacle, sometimes of three or four men of reputation, of good professional standing and presumed acquirements, going into the box before twelve very common men and a judge and scoffing lawyers, and combatting each other's opinions, (under oath bear in mind), before the jury. This is lamentable, because both views cannot be correct. If they are matters of opinion, there may be a difference of opinion, but in the great majority of cases there is a tendency to exaggerate on both sides to such an extent that it is palpable to even those who do not know much about it; hence a great deal of the criticism and harsh remarks about medical experts.

A physician, if he is called as an expert and his opinion is going to be worth anything in assisting any court in arriving at proper conclusions upon the facts testified to, should certainly hear the witnesses who detail those facts, in order that he can express a safe opinion. Facts which would escape the lawyer, which would escape the layman, are necessary to be brought out to give the medical man proper data to arrive at a just and proper conclusion, and therefore I say that no physician, except under very extraordinary circumstances, in my judgment should go into the witness