was called to give expert testimony in such action. Such data are not reliable. The witnesses should be seen and heard. The higher courts, when reviewing the findings of a trial judge, even with the transcript before them, will generally decline to interfere with the trial judge's findings of fact alleging that the latter saw the witnesses, observed their demeanor in the witness box, and was, therefore, in better position to determine the questions of fact, and though the finding is at variance with the apparent facts disclosed by the transcript, the court will generally refuse to disturb the verdict. It is extremely difficult to get a higher court to upset a verdict, based upon a finding of fact, unless the finding is manifestly wrong or clearly irreconcilable with the sworn testimony.

Now, doctors sometimes have a hard time in the box and why? In the first place, if one side is going to call a doctor, the opposite side must have a doctor, too. Then the lawyers, who do not possess any too much knowledge on the questions that are to be debated, have got to be coached. You can understand that a man is very superficially prepared who merely scans a few medical books furnished by the doctor, and yet he is coached quite enough to bother a witness, and he puts, as a consequence, many questions which are very defective in their clearness and difficult, if not impossible, to answer, and we find the medical witness becoming interested in the case to outwit counsel. This attitude shows advocacy, or a partizan spirit, whereas the proper aim of all testimony should be to deal with the facts in a fair, candid and impartial manner, and without any suggestion of an interested motive on the part of the witness.

Take a very common case, the case of an ordinary witness going into the box to meet evidence as to occurrence of certain facts; if from the moment he is put in the box he shows a strong desire to put the facts most favorably for the side that calls him, such an attitude at once destroys his credit with the jury. His adjectives, his little exaggerations, his eagerness to anticipate the question, all indicate a bias and a desire to serve the interests of the man on whose behalf he is called. Juries quickly notice such indications, and a common witness who shows any desire to give his evidence with a view to helping the man who calls him as a witness, is at once discredited by the jury. A witness may be honest in his intention, but his eagerness to tell favourable facts, and to conceal little matters which might modify them or affect their importance, shows a bias. If the jury observe this, they say, "That man is a biased witness. His statements must be viewed with suspicion."

Now, doctors sometimes manifest the same spirit. They show too deep an interest in the side that calls them, in giving their testimony.