

*Medical Evidence in Courts of Law.**

BY DANIEL CLARK, M. D.,

Superintendent of the Asylum for the Insane, Toronto, Ontario.

Any one, who has paid even a superficial attention to medical evidence given in courts of law, must have noticed, from time to time, how easily medical witnesses can be procured to give evidence on both sides of a case. It matters not how clear may be the merits of the question, nor how little ground exists for difference of opinion, yet, medical men are found who will give positive testimony on either side, at the shortest notice, and on very flimsy premises. Lawyers take advantage of such conflict of opinion, and set up one medical man against another, until both judge and jury value the evidence by the reputed credibility and professional standing of each, and virtually neutralize the evidence of all by a system of offsets. This only refers to medical opinions, for in respect to facts, all witnesses—lay or professional—stand on common ground, and state what are matters of observation, “without note or comment.” It is true, medical science gives room for great differences of opinion, seeing it has not the exactness of mathematics. Herein lies the error in dogmatizing on much which is so obscure. Many of these varieties of opinion arise from a vain endeavor to explain everything connected with causes of litigation. In the presence of a court and the assembled multitude it may not be pleasant to pronounce our ignorance; yet, in the endeavor to give answers hedged round with vain

* Read before the Canada Medical Association, at Hamilton, Ontario, September 12th, 1878.