

The Canada Lancel

VOL. XLIII. TORONTO, OCTOBER, 1909

No. 2

EDITORIAL.

EXPERT EVIDENCE.

There is, perhaps, nothing that can tend to lower the tone and standing of the medical profession more than the present tendency of calling in expert medical witnesses in cases. To the giving of medical evidence in cases where such evidence is necessary there can be no objection. Indeed, justice might often fail if it were not for the valuable assistance the court receives from the medical witness. But it is painful beyond expression to see a bold attempt made by medical men of high standing to prove a certain condition true by wrenching all the facts into some perverted relationship to each other.

The storm centre of this expert evidence is usually the plea of insanity as an excuse for some monstrous act. There must always be a strong distinction drawn between mere badness and real madness. The difficulty, however, comes in to decide where the one ends and the other begins. The borderland as it is called. While there is no doubt much trouble and difficulty in making a safe distinction, yet we think if medical experts would get together and weigh all the facts in a true, scientific and honest manner, as is done in a proper consultation, there would be but few conflicts of medical experts, as has been seen in several recent noted trials in this country and in the States.

It is almost impossible to take away from the citizen the right to a full and complete trial, and this means the right to call such witnesses as he may deem necessary for his defence. The size of the purse will, to a great extent, secure the amount and nature of the evidence. The painful part is, that prominent medical men are evidently open for the best bid for their assistance in the case. A skilful artist may make a small amount of paint cover a large canvass. So it is that a doctor with a good deal of knowledge may make a marked showing out of very little real material. A fit of ordinary temper is enlarged into a brain storm; or a little eccentricity is made to do duty for some profound lapse of memory that could account for the gravest of misdeeds.