

come into vogue a board of experts would be required for each district. I doubt very much if the medical profession in its present condition could furnish a sufficient number of competent persons to meet the requirements of all the courts of the country.

I leave out of consideration many details which concern the mere machinery of system, such as tenure of office, compensation, method of appointment, extent of authority, though these involve great difficulties in settlement.

Let us assume that some State has inaugurated a system of official experts, and by some happy chance has secured a board including several men of established honor and ability to whom all questions involving expert testimony are to be submitted. Let us further suppose that one of these experts has been duly consulted in the case of a prisoner on trial for murder, for whom a defence of insanity is set up, and whose lawyers have considerable money for defence. If the official report favors the theory of the defence, all may be well; but if the decision is against that theory, the contests between experts will not be set aside, for the Constitution of the United States, and of many States, guarantees the accused the right to be confronted by the witnesses against him, and compulsory process for obtaining witnesses in his favor. Advantage will certainly be taken of this constitutional privilege, and an array of experts produced to contradict the official report. The unseemly contests will not be avoided. To take away this right of contradiction by the defence would be to inaugurate a system of most vicious character. A correct system of jurisprudence lies at the very foundation of happiness. The evils of the social life of the middle ages are often ascribed to bigotry and superstition, but, in reality, a large part of the wrong was wrought by an erroneous system of jurisprudence. Defects undoubtedly exist in the English and American methods, but they depend upon the nature of Anglo-Saxon liberty, and they exemplify the humane principle of our laws, that a prisoner is considered innocent until he is shown to be guilty, and that all doubt or error must be resolved in his favor.

Finding then, that apart from the crude manner in which the system of State experts is conceived, it will hardly accord with our methods of trial, we may consider whether there is any other way

of increasing the efficiency and securing the ability and impartiality of experts.

Now a large part of such reform undoubtedly depends on advancing the force of honor and conscience in the individual, and is scarcely to be considered here. The influence of example will be powerful for good, and it is to be hoped that a sentiment may be cultivated in the profession which will render it impossible for a man or woman to retain prominence in medical circles while basely selling talent in defence of wrong. It would be, however, a great injustice if lines should be so tightly drawn as to prohibit the utterance of facts, or of opinions based on facts. "Error of opinion may be tolerated when reason is left free to combat it." The vilest criminal, the basest swindler, the most corrupt merchant is entitled to have the facts set clearly forth on the same principle that a physician treats a disease that is the result of vice as readily and as carefully as that which is due to the noblest self-sacrifice.

While systems of education cannot give honor or conscience where these do not exist, or strengthen them where feeble, it is not impossible for selective action to be exerted which will exclude some of the flagrantly unworthy. I look with some hope to the development of an elaborate system of instruction in medical expert work. At the present time medical colleges in the country are dabbling more or less in this line. All of them have courses on medical jurisprudence, but in many cases these courses are like the lithia in mineral waters, principally on the label; that is in the announcement or schedule. If we inquire as to the instruction, we will find it either a brief lecture course, by auxiliary teachers at a nominal salary, or that it is attached to the department of some member of the faculty, who "runs in" a few lectures in the course of the winter. A professor of medical jurisprudence is an impossibility at the present day. The time was, no doubt, when one man could qualify himself to give opinions upon poisoning, infanticide, abortion, rape and wounds, but one small head cannot now carry all that is to be considered upon these topics, and if a single expert is called on to serve in all fields, he will, if not protected by arbitrary exclusions of criticism, be discredited by counter-testimony. Some years ago I succeeded in introducing into