

sudden death, being present in those organs ; if Professor Ellis could only conclude from his failure to discover any trace of the poison, that its absence made death from this cause possible but improbable, surely the law officers of the Crown charged with conducting the case ought to have known these opinions of their experts long ago, they ought to have recognized that evidence of such a nature completely destroyed their case. And the question is, why did they persist in their charge ?

Two answers may be given to this question. Either they disregarded the fact that conviction depended upon the strength of the medical evidence that they could adduce,—that the gist of the case lay in the statements of their experts,—or they had neglected to consult those experts properly as to their opinion and the admissions they would necessarily have to make upon cross-examination. Probably both of these answers contain a large amount of truth. It is but natural that lawyers should fail to appreciate the value of medical testimony, and should be specially prone to overlook it when they are in possession of a rich supply of circumstantial evidence. This, however, is scarcely an excuse. And with regard to the experts, we believe that we state the matter correctly, when we say that there was no consultation with them until after the indictment had been drawn out, and then, doubtless, the endeavours of the crown officers were not to discover so much what their experts had to say against the charge, as what they could adduce in favour of the prosecution.

Herein, it seems to us, lies the terrible weakness of the present method of procedure ; a weakness that has cost the province not thousands, but tens of thousands of dollars. Without consultation with any leading members of the medical profession, the law officers of the case determined to continue with a charge, in which the medical aspects were all important, a charge which any impartial physician, given the depositions at the coroner's court and acquainted with the facts of the case, must have reported as being incapable of being sustained.

It is a matter of urgent necessity, therefore, that some change should take place in the method of procedure in this respect.