

grounds, and that it is not safe to act on either opinion. It leaves both opinions open to ridicule as being uncertain, and in many cases, where the result of the litigation turns upon the case being made out by medical testimony, this leaving of all opinions open to ridicule is sufficient for the purpose of one of the parties to the litigation.

In my humble judgment, there is nothing which has a greater tendency to bring into disrepute expert medical testimony than the lack of consideration which some medical witnesses extend to the testimony of their fellow-practitioners. Indeed, so great is the sin of the profession in this matter that it has become absolutely distasteful for medical men of high mind and character to testify at all. This should not be. There should be no higher duty in the work of the medical man than the giving of expert testimony when called upon to do so. In its nature it should not be disagreeable. This leads me to a consideration of the nature and object of expert medical testimony.

Before entering upon this important branch of the matter in hand, let me raise for examination a matter which is claiming a good deal of attention by both medical men and lawyers. It is this question: Is it the part of wisdom to retain in our system of jurisprudence the time-honored custom of seeking to get at the best result in cases requiring the assistance of medical experts by the examination and cross-examination of medical men; or would it be better to refer the part of the case requiring such assistance to a board of physicians or surgeons appointed by the court, or in some suitable way, for a majority report on the medical side of the case? I know well that a great many medical men favor the report method; and this method is not without its supporters from the bench and bar. I state the matter here because I think its consideration can be most expediently carried on while examining the true nature and character of expert medical testimony.

A further matter I wish to state here by way of clearing the ground of what I deem a common error. It is often assumed in considering this question that in the trial of actions in courts of justice exact truth can, if not always, at least generally, be arrived at. It is not so. Exact truth is not known in any science, not even in mathematical science. What we call nothing mathematically is only something infinitesimally small, but not absolutely non-existent. Both legal science and medical science are far from being exact, yet this question is often discussed as if there was an absolute point or place which could be arrived at in each case by some process of reasoning not understood or appreciated by judge or