

of testimony not only of no value, but even worse than that, it is in his judgment that of medical experts.' Lord Campbell said: 'Hardly any weight is to be given to the evidence of what are called scientific witnesses; they come with a bias on their minds to support the cause in which they are embarked.' Taylor says: 'Perhaps the testimony which least deserves credit with a jury is that of skilled witnesses. . . . Being zealous partizans, their belief becomes synonymous with faith as defined by the apostle, and it too often is but the substance of things hoped for, the evidence of things not seen.' On the other hand, Best says: 'It would not be easy to overrate the value of the evidence given in many difficult and delicate enquiries, not only by medical men and physiologists, but by learned and experienced persons in various branches of science, art and trade.' And many judges have spoken of the essential aid to courts and juries rendered by the opinion of the experienced, skillful and scientific witness who has a competent knowledge of the facts involved."

Since we cannot deny that foundation for grave criticism exists in our present methods of expert service, it is proper to examine into the cause and possible cure.

The principal cause is, of course, money. While occasionally, professional or institutional rivalry may lead to antagonism, the temptation of high fees is a sure influence to secure a prostitution of talent and abilities. We cannot expect such temptation to be avoided until human nature undergoes much change and the consciences of men are more generally developed. We must, therefore, look to methods of reform in manner of securing and employing experts to ensure that the influence of the fee may be less potent.

The literature of this subject, as it appears in American journals and text books, inclines very strongly to a system of State experts analogous to that in vogue in some of the nations of continental Europe. Many of those who advocate such a system have but little knowledge and less experience of the details of this method, and a careful study of it in operation, might show serious defects, but it will be sufficient to consider the questions of the applicability of these methods to American practice.

In the first place it must be noted that the system of jurisprudence in vogue on the continent of Europe is materially different from that of England and the United States. The continental procedure is essentially that of the Romans, and has far less of that consideration for the right of the accused, which is so humane a feature of English law.

Indeed, it has been tersely said that under the continental system a man is presumed to be guilty until he demonstrates his innocence. In actual criminal practice the defence depends largely upon the will of the court for its privileges of cross-examination, and the judge often questions the accused at great length. Apart, however, from the great difference of judicial procedure, we must bear in mind the difference in systems of government. That political corruption, both as to dishonesty and favoritism, exists in the best governments of Europe cannot be doubted, but it is certain that they are free from the extraordinary development of party politics as seen in the country. The civil service of England, France, and Germany is by no means perfect; it is not by long odds made up wholly of honest or able men, but there is at least not this continual feverish contest for spoils, and the selection of experts under government auspices can be kept in part out of the vortex of political life. In the United States, however, nothing that concerns public office can yet be kept wholly from politics. The high fees and professional distinction to be attained by service as State expert in criminal cases will be likely to develop the evil influences to a high degree. There are, moreover, difficult questions of detail to be considered by those who favor this system. All sciences are now divided into many specialties. While our specializing tendencies have not gone so far as to suggest the case of the man who had devoted his life to the study of the Greek definite article, and died lamenting that he had not confined himself to the dative case of it, yet proficiency in one department may co-exist with superficial knowledge in closely related fields. Good all-round men, to use a colloquial expression, are becoming scarcer every day. It will, therefore, be no easy task for the appointing powers to select experts qualified to give evidence in the various cases that come before the courts; indeed, it is probable, that if the system should