there is no other oval spore or cell which has an eccentric hemispherical nucleus.

And, furthermore, this not only shows that they are spermatozoa, but also that they are from man. For in no other animal is there a deep staining. For in all the others, the head stains of a very diffuse light green, with only a very narrow zone of a pale red color about it. Then, too, the shape of the head is different, being more pointed in man (wedge- or lance-shaped), while it is rounder (shovel-shaped) in the lower animals. Those of the dog are most like the human, both in shape and details of staining; but a little experience will show differences quite plainly.

With this method, stains varying from a few days to two and a half years old were examined, and in all the differentiation of staining was preserved, and the identification could be easily made.

From the above it is evident that with Florence's test and the double staining of the spermatozoa, there should be no doubt in the mind of the medical examiner of the presence or absence of semen in a suspected spot.

ON THE DUTIES OF A MEDICAL EXAMINER AS A WITNESS.¹

BY SHERMAN HOAR,
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MR. PRESIDENT AND GENTLEMEN: When I was at Cambridge, an instructor once gave out to six members of my class the same subject upon which to write a theme, giving us opportunity to read over each other's compositions, and telling us to then make our own compositions original, if possible. Then the Instructor took our papers, and read them out aloud to the class; mine happened to be the last one. When he came to mine, he asked me to read it, and I began. As I read he said, "That is true; but Smith has already said that." And then he took up the next proposition, and said, "That is true, but Sewall has said that." And so on, one page after another, with all my propositions, until he came to my name; then he said that was the original thing in my composition. I think when I get through, the name will be the only original part of my propositions. For, like the Attorney-General, I have not been able to prepare myself for such an occasion as this.

I entirely agree with the Attorney-General that the first duty of anybody connected with the prosecution of crime is judicial; that no person can properly, either as prosecuting officer or medical examiner, or as a witness, serve on a case except as a judicial officer in the first instance; and I think that is too often lost sight of both by prosecuting attorneys and by medical examiners. I think it is very essential for everybody first to ascertain the facts and to find out exactly what is true, and then to be able to express that truth in such a way as to convince twelve men of at least ordinary intelligence.

I have had little experience with medical examiners. I have tried but one murder case in all my life, and that is all I want to. In that murder case I had a medical examiner from this district who gave evidence, and a medical examiner from Halifax who gave evidence, and the difference between the two men illustrates exactly what I want to say. One of them had

made his investigation as a judicial officer; the other had made his seemingly for his own aggrandizement. He had his own dignity to maintain; he had his own opinion to maintain. He had an absolute inability to make himself understood by any human being who listened to him.

Now you have not only to ascertain your facts judicially, to keep your mind open, to do what the Attorney-General said so well, "ascertain all the facts"; but I would like to add that not only should the medical examiner ascertain all the facts which the autopsy shows, but should be able to make twelve men selected almost at random understand what he means when he states those facts. I have heard medical experts give testimony a great many times; sometimes I have understood them, and sometimes I have not. I have heard two medical experts give testimony in the same case, one of whom I understood and the other I did not understand. And I say that a knowledge of the English language is essential, as essential as a knowledge of medical terms. You must remember that Dr. Holmes once said of a lawyer that he had to half-know more things quicker than anybody else in the community; and you have got to get your lawyer, your prosecuting attorney, to half-know what you know, and be able to draw it out of you on the instant on the witness-stand; and you have got to get him into a condition of mind, by the use of ordinary, plain, Anglo-Saxon words, to understand your exact view of the case. You have got to get him into a condition where he can draw out from you what you want to present to the jury, to the twelve men, often of very limited understanding. And if I could add anything to what the Attorney-General has said, it would be to urge the right and simple use of the English language in putting in your evidence.

When you come to testify, you are so apt to qualify your judgment that you don't give your opinion, but your qualifications first. And if I should make a suggestion to you, it would be to give your judgment first, your reasons for it next, and any limitations upon your judgment last. I think the jury would understand you better if you did that.

I should like to have medical examiners remember that they are judicial officers; that they are part of the machinery of the Commonwealth to detect crime. I don't believe that, as such judicial officers, they have a right to take sides in any case whatsoever; neither do I believe that, as such judicial officers, they have any right to take the side against the Commonwealth in any case which may be presented in the Commonwealth. I believe that they ought to always keep their minds open; to learn all the facts accurately—medical and otherwise; that they ought to keep themselves in a judicial condition of mind until the case is through; that they ought to give their opinion first, their reasons next, and qualifications of that opinion last; that they ought to try to reduce everything they say to the ordinary language of human beings who are on the jury before them.

¹ An Address before the Massachusetts Medico-Legal Society, February 3, 1897.

LEAD-POISONING FROM SNUFF.—A case of poisoning from snuff adulterated with lead has been discovered in New York, and the tobacconist who sold it has been arrested for obtaining the price of the snuff upon false pretences. As snuff was not a food, he could not be held for selling adulterated food.