

THE CANADA LANCET.

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Criticism and News.**

Communications solicited on all Medical and Scientific subjects, and also Reports of Cases occurring in practice.
Address, DR. J. L. DAVISON, 12 Charles St., Toronto.

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AGENTS.—DAWSON BROS., Montreal; J. & A. McMILLAN, St. John, N. B.; GEO. STRAET & Co., 30 Cornhill, London, Eng.; M. H. MAHER, 23 Rue Richer, Paris.

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THE LESLIE CASE.

Practitioners will have noticed with pleasure the reports in the daily press, showing that the plaintiffs in the celebrated case of Routh v. Leslie, lost their case entirely.

Dr. Leslie, of Hamilton, was called in May last to administer chloroform to Mr. Routh, who was to undergo an operation for hæmorrhoids. The man died on the table, and after a considerable interval, his widow brought an action for damages against Dr. Leslie. At the first trial the jury disagreed, but at the last trial held last March, they brought in a verdict favorable to Dr. Leslie on all the counts.

The evidence all went to show that Dr. Leslie, who is an old practitioner, had exercised the most scrupulous care in the administration of the anæsthetic; more care, we venture to say, than is usually thought necessary. Amyl nitrite was provided, as also forceps for dragging forward the tongue, and every conceivable precaution was taken to prevent untoward result, and to meet any possible emergency which might arise; the drug was given slowly and with the skill and care which years of experience had taught the administrator, and yet the man died while under the influence of the anæsthetic.

Law firms ever since the days of the celebrated case of *Bardel v. Pickwick*, have been found willing to undertake the defence of widows on

spec. It is rather an anomalous thing, however, that counsel for the plaintiff in the case should have been so closely connected with the solicitor for the Ontario Medical Council, and should have used all his genius to get damages against a reputable practitioner, in a case that, even the evidence of the plaintiff's witnesses, showed quite clearly was a manufactured one. How it may appear to the medical mind at large of course we cannot undertake to say, but it seems to us that better taste would have been shown by the learned counsel from Toronto, in this case, had he passed the business over to some of his professional friends.

It is one of the anomalies of the nineteenth century that a jury, that "palladium of the people's liberties," composed of twelve men, honest and true, but totally incapable of forming a correct estimate of purely scientific and technical questions, such, for instance, as the action of chloroform upon the nerve centres, should have in their hands the assessment of damages in such technical and scientific cases.

It was a matter of street report that one of the jurors, a worthy farmer, whose knowledge of the functions of the medulla is no doubt limited, was heard to remark that he thought Dr. Leslie had exercised due care, etc., but that "Mrs. Routh was a widow" and should have some damages, because if it had not been for the doctors her husband might still have been living, and, besides, "it would learn the other doctors a lesson." To place in the hands of such men the power to mar a professional gentleman's reputation, and rob him of his property, is, we submit, one of the crying evils of the present day.

It will be remembered that a scheme was suggested by Dr. Henderson, of Kingston, at the last meeting of the Ontario Medical Association, for the formation of a Mutual Protection Fund, to enable medical men to defend themselves against unjust action for malpraxis; we hope to hear more of the elaboration of the scheme at the next meeting of the Association in June of this year. The idea is a good one and deserving of all support. Many a young man in Dr. Leslie's case might have been ruined, by not having the necessary means to employ counsel and carry on the defence in a proper manner.

It will not be out of place to refer to the absurdly low fees charged by some members of the