

DOCTORS AND THE LAW.

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It does not come within the scope of this paper to discuss the respective origins of medicine and law nor to compare the professions one with the other, as might be inferred from the foregoing heading. The law, deriving its origin from the relations between the members of the primeval family and of the village community, protects and safeguards the individual by defining his rights and duties. It to that extent therefore protects the person. Medicine, on the other hand, I use the term in its widest sense, has a more intimate relation with the person, inasmuch as by saving and protecting human life, it assists in enabling the individual to continue to enjoy the rights preserved by the law. Both seek the preservation of society, but in widely different manners. It does not follow however that they are upon an equality. Communities have lived without medicine. Law in some form or other is indispensable to their existence. Hence the latter is always the superior, though from its nature medicine may be the more noble. While the medical profession therefore, may be governed by its own rules and ethics, they do not and cannot effect society as a whole. Notwithstanding and irrespective of them, doctors are governed by the law, as fully and as absolutely as other members of society. Owing however to their intimate relations with the "person" of the individual, legal questions of unusual interest and difficulty arise.

So essential has the medical profession made itself to society and its immunity from disease, so valuable has its science become for the detection of crime, that its members may frequently be viewed in the light of public officers. The conflict between public and private duty is frequent cause of perplexity to them. In this paper, it is not my intention to discuss what may be termed Legal Medicine, or Medical Jurisprudence. That is a subject for the doctor rather than the lawyer. That is medicine as applied to law. I propose to deal with law as applied to doctors, to discuss the position of the doctor as respects the law—his personal rights and liabilities, as he performs some of his varied professional duties. He occupies a distinct place in society. Society, in virtue of statutory or common law places upon him certain obligations in addition to those of an ordinary member of it.