

## MEDICAL MEN'S FEES.

A test case was recently tried in Belleville, Ont., to determine whether or not a patient is liable for the fees of a medical man who is called by a friend or relative. In this case the brother of the patient summoned the consulting physician, who assisted in the amputation of a finger. The patient refused to pay the consulting physician on the ground that he had not engaged him, and told him to look to the attending physician for his fee. The Judge who tried the case ordered a non-suit, holding that the patient was responsible only to the physician he engaged. We are a little surprised at the ruling of the Judge in this case, as we had always entertained the idea that if the patient accepted the services of a physician, he was bound to pay him. It is a well-recognized principle among the medical profession that when a medical man is called in consultation the patient is responsible for the payment of the fee. In view of the Judge's ruling in this case the question might well be asked, Who is to be responsible for the fees where the patient is unconscious and incapable of engaging anyone? One not versed in the intricacies of the law would naturally suppose that a patient's brother could safely be considered an authorized agent to engage the services of a medical man, but such it seems is not the case. And if a patient is not responsible for the fees of a medical man who has been engaged by his brother, what are the chances of having a legal claim to remuneration for services rendered when the party who calls the physician is only a neighbor, a friend, or, in case of emergency, possibly a stranger?

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**MALPRACTICE SUIT.**—A suit to recover \$2000 damages for alleged malpractice was recently tried in Walkerton, Ont. The plaintiff, Mr. Robertson, received a fracture in the lower third of the thigh in November last, and the defendant, Dr. H. A. Bonnar, of Chesley, Ont., was called to treat him, which he did in the usual way by means of a weight and pulley, together with the use of coaptation splints. The treatment was continued eight weeks and upon examination there was found to be  $\frac{3}{4}$  of an inch shortening, besides a considerable degree of angular displacement at the seat of fracture. There was also some stiffness of the knee joint.

The plaintiff alleged that the defendant had not treated the fracture properly, and also that he allowed him to use his limb before union had taken place. The plaintiff's views were supported only by the evidence of Dr. Cooke of Chesley who was called in to treat the patient after Dr. Bonnar had discontinued his attendance. For the defence it was shown by Drs. Fulton and White of Toronto and several other medical gentlemen in the locality, that Dr. Bonnar had treated the plaintiff skillfully and carefully, and was not in any way to blame for the result. The shortening was not more than the average in fracture of the thigh, and the deformity did not interfere with the utility of the limb. At the close of the plaintiff's case the Judge said there was no evidence to go to the jury as to the allegation that the method adopted by the doctor was an improper one, as it had been proved to be a method sanctioned by the highest authority. He would have to leave the other portion of the case to the jury, as to whether the doctor had carefully attended his patient and to say whether the result had been what might naturally be expected if the plaintiff had been properly treated, even assuming the method adopted to be a proper authorized one. The jury failing to agree were discharged. We congratulate Dr. Bonnar on the result of the trial.

## ONTARIO MEDICAL COUNCIL ELECTIONS.—

The following gentlemen have been recently nominated as candidates for the Erie and Niagara Division in the Medical Council, viz.: Dr. Philip, of Brantford, and Dr. Thos. T. Harrison, of Selkirk. With one or two exceptions the old members will be candidates for re-election, and as they were for the most part faithful to their trust, we hope to see them returned. We give the following extract from the by-law for conducting the elections which take place on the 4th Tuesday in May, 1885:

"Any member presenting himself for election as the Representative to the Medical Council for a Territorial Division, must receive the nomination of at least ten (10) registered practitioners resident in such division, and such nomination paper must be in the hands of the Returning Officer for the division not later than 2 o'clock on the afternoon of the first Tuesday in May, 1885. The Registrar shall send to every registered member of the College, entitled to receive the same, a voting paper,