

in matters of alleged malpractice, before entering a Court of Law, to give security for costs in case of defeat: to this we would add a clause rendering it a misdemeanour to prefer a charge of malpractice which cannot be fully proven and substantiated.

We would as fully expose a glaring wrong done to an individual or society, by the criminal negligence of a physician or surgeon as we would lay bare a crime perpetrated against law, but it is a subject of deep concern to all practitioners to know that at any moment they may be called upon to answer to a charge of malpractice instigated through malice or the desire of gain. Regarding the law as it stands at present, no man is safe, and if it is to become the rule it will result in physicians and surgeons refusing absolutely to assume the responsibility of the medical or surgical charge of every doubtful case.

We cannot hide the unpalatable fact that many of the cases of alleged malpractice have been suggested and hounded on by some unworthy member of the craft. Some wretched brother, who, through ignorance or jealousy, is induced to make statements glaringly untrue, and thus misleads the complainant, but it is not always so, as the hope of gain will induce many a man of straw to enter an action against his physician or surgeon for malpractice, more especially if he thinks that the defendant will "come down handsome," rather than be bothered with a prosecution which may affect his reputation. This appears to have been the object of the parties in two cases of alleged malpractice recently disposed of in the United States. We allude to the suits for malpractice preferred against Dr. Lewis A. Sayre of New York, and Dr. John J. Rees of Philadelphia. Both these cases could at any time have been settled by an insignificant sum; but these gentlemen, fully alive to the high interests involved, refused all compromise, and the merits of the case in each instance was handed to, and adjudged upon by, a jury of their countrymen; in both instances the plaintiffs were discomfited. This happy result has not attended every case of the kind; on more than one occasion the practitioner has been heavily mulct in damages, even in cases where no malpractice has been proven; such is the uncertainty of the law, more especially when questions of this nature are referred to a jury of unprofessional men. We give below an extract from Judge Thayer's charge, in the case of "*Haire vs. Reese*," which is to the point, and we hope, with the Editor of the *New York Medical Record*, "that the results in these two cases will do much towards putting an end to these experiments of unjustifiable lawsuits, against skillful, attentive and humane physicians."

Extract from Judge Thayer's charge to the jury in the case of *Haire vs. Reese*.