

A magistrate is summoned and the woman dies. The affair becomes public. The excitement contributed to the death of the patient, she was dishonored, the relatives of both parties were disgraced, and after all the real offenders were not punished. From no point of view can the action of the doctor be justified. Knowledge of malpractice was essential to the proper management of the case, but beyond that he had no right to ask questions, and he took an ungenerous and improper advantage in doing so.

The duty of the physician in regard to testimony as a witness is a matter for careful consideration. It may happen that medical ethics and the laws relating to testimony do not agree: that is, he may be called upon to give testimony on matters which he regards as medical secrets. He must decide in such a case whether he will abide by his convictions of ethical duty and accept the consequences whatever they may be. English law makes the divulging of professional secrets compulsory. The leading case in England which fixes the law is that of the Duchess of Kingston, in which Lord Mansfield said, "If a medical man voluntarily revealed these secrets, to be sure, he would be guilty of a breach of honor and of great indiscretion, but to give that information which by the law of the land he is bound to do, will never be imputed to him as any indiscretion whatever." In this case Sir C. Hawkins, who attended the Duchess, was compelled to disclose what knowledge he had gained professionally in confidence. Such a decision considers only the rights of the medical man, and not those of his patients, and, to my mind, debars from the right to medical services. Canadian law probably follows the English, but I have been unable to find any reference to it. American law varies in different states. That of New York State is in harmony with the code of Ethics. The statute reads as follows:—"A person authorized to practise physic or surgery shall not be allowed to disclose any information which he acquired in attending a patient in a professional capacity, and which was necessary for him to act in that capacity." The profession in Canada may very properly ask for similar protection.

J.C.C.