

AN INTERESTING LEGAL DECISION.

A decision of great importance to the medical profession of Maryland, in fact epochal, was handed down by the Maryland Court of Appeals in the celebrated Stevenson case, in which the lower court last March had affixed damages at \$1,000 against Dr. Guy L. Hunner. Briefly, the controversy was whether a physician is responsible for the acts of his subordinates. Unfortunately, the lower court believed thus and so placed the above-mentioned damages against Dr. Hunner. The case in point is the one in which Dr. Hunner, after an exploratory incision to determine the condition present in the patient's kidney, found it tubercular and after appropriate treatment instituted drainage by means of cigarette tubes. In removing these drains the resident overlooked one, it evidently having slipped into the wound and thus lost to view as well as in the actual sense. The tract was so tardy in healing that the patient in question, a woman, prevailed upon Dr. Hunner to permit her to return to her home, where the family physician continued to supervise the dressing of the wound. After the lapse of some time while probing around in the wound, this individual discovered the lost drain, which was immediately removed, but the wound continued to drain. The patient was appraised by her physician of what he had discovered and immediately drew the conclusions that the continued state of her ill health was due to the lost drain, and as a consequence instituted suit in the amount of \$30,000. After an extended as well as remarkable trial damages were awarded in her favor to the amount of \$1,000. As Dr. Hunner believed the decision unjust, he immediately had his attorneys appeal the case. In the eyes of most of the profession, however, the ultimate outcome looked very uncertain, as Dr. Hunner had previous to the trial inadvertently written a letter to the family physician admitting that he was at fault, and regretting the unfortunate occurrence exceedingly; so the reversal of the decision by the Court of Appeals is doubly pleasant to the surgical fraternity. Naturally surgeons will breathe easier when performing operations in which pieces of gauze or drainage material of any sort might in the hurry be lost. The cost of the trial is placed upon the plaintiff, but with the reservation of a new trial, if she so desires it. It is, however, believed the decision of the higher court will end the case.

The gist of Judge Boyd's decision is as follows: A surgeon who is called merely to operate on a patient in a hospital, which he does not own or control, is not to be held responsible for any mistakes in the after-treatment of the patient, administered by the hospital staff, unless he was cognizant that such mistakes had been made. The decision can