

Mr. Cameron then addressed the jury for the defendant. The defendant, he said, was sued on what was technically called an action for negligence, and the only ground on which the plaintiff could succeed was that the professional treatment of the defendant had been unskilful, and therefore, so negligent in that sense of the term that had it not been for such unskillfulness the plaintiff would not have sustained injuries which she was alleged to have sustained through want of skill. No professional man could ensure success, be he an attorney or a doctor. All that could reasonably be asked of a medical man was that he should exercise his knowledge and skill to the best of his ability, and that there should be a reasonable degree of knowledge and skill. There was an old adage that doctors differ; but in this case all the differences were between the doctors called for the plaintiff, while the distinguished doctors called for the defendant all agreed. As to the question of the want of skill, he contended that the treatment was proper, not only on the judgment of the defendant, but on that of some of the most eminent practitioners in the country, who had been called for the defendant. Why was it that the action had not been brought until nearly six years after the accident? Probably it was thought the circumstances would have been forgotten; and that the plaintiff might thereby have a chance of success. But fortunately the facts were remembered with great distinctness, and the nature of the injuries had been so well described as to show the necessity of the operation which had taken place. Supposing that amputation had not been performed, and the girl had lost her life instead of her arm, then the responsibility resting on Dr. Hyde would have indeed been such as to entitle her to damages. Dr. Hyde had practiced in the section of the country in which he resided for a number of years, and he had there a great name and reputation. There was no one there who supposed that he was unable to discharge his duty properly and skillfully, and that he had done so in this case was proved by the host of eminent surgeons who had been examined in court to-day. In no case had he ever seen so large an array of practitioners coming so readily forward to declare that the operation had been properly performed, and that the plaintiff was not only not entitled to damages, but that there was not a single stain of a want of skill resting on the reputation of Dr. Hyde.

Mr. M. C. Cameron said that, knowing doctors had arduous duties sometimes to discharge, he trusted nothing he might say would bear with undue weight against the defendant. He quite agreed with his learned friend, that if a surgeon with a fair amount of skill exercised his judgment fairly and honestly he ought not to be visited with consequences. The time elapsing between the period of the accident and the