

Prince Edward Island.

MEDICAL MEN—THEIR FEES AND REMEDIES AT LAW.

The profession are often accused of being poor financiers and poor book-keepers. Often a suit for professional services, visits, advice and medicine is turned against the doctor by the court, owing to his mode of original entry. It is a common idea, existing in the minds of many people, that a medical man is bound to obey a call to see a patient at any hour, night or day, and it is just as common that such people should doubt his account for services thus rendered when he asks for his pay. The profession should remember that they are not slaves, and that in this country there is no law to compel one man to serve another. It should also be understood that every man is the valuator of his own services, be the fee great or small and courts will not interfere, excepting where the defendant pleads that at the time of employment he was unaware of the charge made, and disputes it as an overcharge. The onus of proof then is thrown upon the physician to prove *quantum meruit* by his confrères. A little care in making charges and entering the original charge will carry much weight with the court. A physician should charge full and regular prices for his services, even if at settlement he allowed a discount. The services of lawyers and physicians were formerly considered to be in their nature gratuitous, a doctrine derived from the civil law, where the relation subsisting between the parties being founded upon the principle of a mandate, no compensation as such was in contemplation to the mandatory.

Blackstone has stated it to be the established law of England that a counsellor cannot sustain a suit for his fees, and it has also been frequently decided that a physician cannot recover

any compensation for his services, and was generally expected to take whatever was voluntarily given to him. These theoretical dogmas were deduced from an age that permitted their adoption, and although the principle of an honorarium finds support in England, it finds no support in American or Canadian law. It is now pretty well conceded that men devote their time and energies for the emolument and gain attached to the practice, or, in other words, that it is unreasonable and unjust to expect men to devote a long course in preparation and study, and then the persistent trials and daily fatigues of professional practice, without being rewarded therefor. Since the lawyers manage to get their fees, it would be exceedingly unjust to argue that a physician had no right to his.

Every registered practitioner, at least, can now maintain an action for his fees. It will be his own fault if he cannot recover his own valuation of his services. All he has to do is to acquaint and make known to his patient or employer in advance what his charge is before the services are rendered, and no court, presided over by a judge possessing honour and justice, will refuse the physician or surgeon a verdict. Medical men in their eagerness to get work, allow the services to be performed first and then send their bill years afterwards. Disputes then arise—perhaps encouraged by a neighboring practitioner in order to aid his own grist—but chickens very often come home to roost to such an individual. If medical men as a rule are poor and their families suffering for want, it is because the profession as a whole are not united in their views and practice. There should be no underbidding, it is mean, disgraceful and dishonorable: there should be no resort or appeal to prejudices even for the sake of spreading one's fame. Strict business principles and habits are required to make the practice of medicine a success financially. Of course it is understood or