

a human being without malice aforethought, or in other words, by reason of criminal ignorance, neglect or want of skill. Under the Criminal Code then there are three essentials to protect the physician :

1. Reasonable care.
2. Reasonable skill and knowledge.
3. A reasonable operation in view of the patient's state at the time, and all the circumstances of the case.

Notwithstanding the high character of the medical profession in this city and notwithstanding the improbabilities of an operation without the above requirements, it may at any time happen to a surgeon, that ignorance or spite on the part of a third party may be the cause of laying an information for manslaughter when the operation has resulted in death. It is therefore a wise principle to adopt in all cases of doubtful operations to call in a consultant and perform the operation with his approval. This precaution should be observed even by the leader of his profession.

*(b) The Doctor's Responsibility for Participation in or
Concealment of Crime.*

As I above intimated, we find the professional secret in its relation to the Criminal Law as well. In this domain however, it is not so much a question of responsibility, for that can be guarded against, but one concerning the physician's conscience. I believe that there is no profession in the world that observes its obligations and its rules of etiquette with greater sincerity and severity than the medical profession. When therefore they are face to face with what they must feel to be a public obligation upon all men to assist in the detection of crime, they are in a position of extreme difficulty. The question arises more particularly in connection with abortion, poisoning and services to the criminal subsequently to his crime. In France the Criminal Code (Art. 30) requires that "Every person who may have been a witness of an attempt against the public safety, whether against life or property, should give notice of it to the public prosecutor." We have no such law.

The doctor is however impelled to give information respecting crime which has come to his notice during his professional work by two impulses comprised within two of the exceptions above given.

The first is : The impulse to free him from the danger of being held to be an aider and abettor of a crime or an accessory after the fact.

The second is the impulse to protect society from crime and to punish the criminal.

Under our law the distinctions between principals of the first and