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ACTION FOR ALLEGED MAL-PRACTICE.

DANZY VS. HYDE.

As suits of this kind are becoming notoriously frequent, both in this country and the United States, we give a summary of one recently tried at Stratford, which, we think, will exert a salutary influence in that part of the country at least.

At the late assizes, county of Perth, His Honor Chief Justice Hagarty presiding, the following suit for damages was tried :

David Danzy, *et. al.*, on the 3rd of March, '69, fell a distance of 26 feet, striking the ground on the back of his right hand and right side.

Dr. Hyde saw him immediately and detected Colles' fracture of the wrist, and other serious injuries, especially in the right hip. The Dr. immediately reduced the fracture, and applied straight splints, remarking "that there was an unusual amount of mobility, the result of injury, in the wrist joint." The treatment was conducted in the usual manner, and, as often happens in such cases, there remains yet—only 14 months after the accident—some stiffness of the joint and slight deformity, hence the action, prompted (no doubt conscientiously) by some member of our own profession.

The plaintiff called Drs. Brown, of London, Ford, of St. Mary's, and Lucas, of Stratford, who deposed to the nature of the injury, but were all unwilling, with the exception of Dr. Brown, to sustain the charge of malpractice against Dr. Hyde.

Dr. Brown regarded the injury as that usually known as Barton's fracture, and believed there was "not reasonable cure" exercised on the part of defendant, and in consequence thereof, prominence of the ulna and stiffness of the wrist remained. He readily admitted, however, that Barton's fracture was more serious than Colles', and thought a straight splint as good as any.

Defendant's counsel claimed a non-suit on the ground of disagreement among plaintiff's witness-

es, only one swearing to "want of reasonable care." His Lordship remarked, "it was perfect nonsense to expect a Judge and Jury to decide if there was malpractice, when scientific gentlemen were unable to say." He thought the case must go to the jury. He said, "I have a private opinion about it, however. It is exceedingly unsatisfactory; the plaintiff must make out an affirmative case. However, after recalling Dr. Brown and hearing his evidence again, I must let the case go to the jury, although I think it *very unsatisfactory*."

The defendant called Drs. Lizars, Wright, and Ross, of Toronto; Smith, Jackson and Eby, of ——— who, on examining plaintiff's wrist, found the fractured bone properly reduced, the swelling only such as frequently results, and wholly due to inflammatory deposit. There was considerable projection of the lower end of the ulna, but pronation, supination, flexion and extension, quite good though not perfect, and according to plaintiff's own statement, continually improving.

These witnesses were of opinion that the results of treatment were all that, in a man of his age, who had sustained so great a fall, could reasonably be expected, that in point of fact the result was an average good one, that the wrist is now a useful one, and from plaintiff's own shewing, daily improving, and therefore might reasonably be expected to continue to improve. That it was in accordance with the history of this particular fracture, for gradual and steady improvement to go on, often for several years.

The jury, after a short absence, returned a verdict for defendant.

THE MEDICAL COUNCIL.

The session of the Medical Council, just held, is one fraught with a good deal of interest to the profession, for though nothing of a revolutionary nature was achieved, a great deal of practical work has been accomplished, as will be seen principally from the reports of the various Committees, that of the Board of Examiners, and those of the Registrar, Treasurer, and Matriculation Examiner.

The Central Board is now an accomplished fact, and the first examination has passed off to the satisfaction of every one, which, considering the present excited state of medical politics, augurs well for the future working of the Board. The harmonious working of all the details, so rare in an unexperienced body, was in a great measure due to the untiring energy of the Registrar, Dr. Strange, to whom the thanks of the Board were very deservedly tendered, for his exertions on that occasion.