

There is, of course, much reason and justice behind this protest against liability for services rendered during an extended period of time. Except in the case of employees, and on a theory of employers' liability and risk of the business, there can, indeed, be no reason why the railway company or manufacturer or other defendant should, when the accident was not in the first place due to his negligence, pay for any medical or other services at all, except such other services as may be immediately necessary to save life or to prevent immediate suffering. The officer who calls the physician is as much the agent by necessity of the injured and unconscious man as he is of the railroad or other company. "Ordinarily," the courts say, "one running and calling a physician does not make himself liable, because a contrary rule would make a bystander hesitate to perform such an act of humanity." We would even go so far as to say that in such cases the physician should be compelled to at least temporarily minister and to run the risk of his patient's ability to compensate him for his services.

There is, except on the theory of a judge-made employer's liability law, or of an implied risk of the business in the case of those businesses and employments which, like railroading, are both quasi public and intrinsically dangerous, no more reason why the company should pay gratuities than that the physician or surgeon should furnish them. The doctor, like the railroad company, is a licensee. His business is affected with a public interest. The lawyer can, under the pain of disbarment, be compelled to gratuitously defend the pauper criminal. Why, in extreme cases, should not the nearby physician be placed under the same obligations?

All other services, however, which are immediately necessary, the injuring party should furnish, no matter how free from blame he may be, and especially should this be the case with employers and quasi public corporations, and theoretically at least, with all corporations. There can, indeed, be but little question that the duty to furnish employees with reasonably safe appliances and tools and premises on which and with which to work, and to