

DOCTORS AND THE LAW.

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(Concluded.)

The decision was given upon the principle that the communication between individuals even though in good faith must be fair and impartial without exaggeration or the introduction of irrelevant or calumnious matters. If then a physician is asked by a patient as to the status or the experience and skill of another physician in a special branch, he must be careful only to say what is necessary for the guidance of his patient in making a choice, and, if it be necessary to enter into details, to be reasonably certain that his information is correct.

CHAPTER IV.

THE DOCTOR'S CRIMINAL RESPONSIBILITY.

In relation to the Criminal Law the medical man undergoes some responsibility.

(a) For Operations and Medical Treatment.

The strictest guardian of the honour of the profession must admit that there are times when death ensues from medical or surgical treatment. It is inevitable that strength and vitality, and the physical effect of drugs and surgical operations are sometimes miscalculated and that as a consequence death results. On this point the text of the Criminal Code is clear. (Cr. Code Sec. 57). It reads as follows: "Every one is protected from criminal responsibility for performing with reasonable care and skill any surgical operation upon any person for his benefit, provided that performing the operation was reasonable, having regard to the patient's state at the time, and to all the circumstances of the case."

Section 212 is also applicable: "Every one who undertakes (Except in case of necessity) to administer surgical or medical treatment, or to do any other lawful act, the doing of which is or may be dangerous to life, is under a legal duty to have and to use reasonable knowledge, skill and care in doing such act and is criminally responsible, for omitting without lawful excuse, to discharge that duty if death is caused by such omission."

The only charge within the range of possibility against the doctor under these sections of the law is "Manslaughter," i. e., the killing of