

## *Notes and Comments.*

THE new Health Act for Halifax does not yet appear to have realized an ideal state of affairs. We are of the opinion that the act in its present form cannot be regarded as likely to be long-lived.

OUR readers will notice the blue slip sheet inserted in each copy of this issue. The article advertized, "Ale and Beef Peptonized," is, we believe, a good combination. It has had a large sale in the United States during the past nine months and the physicians there speak very highly of it. It certainly is a great boon to the profession to be able to get a good malt preparation at so low a price. We bespeak a large sale for Ale and Beef Peptonized, both on account of its merits, and because the price allows a physician to prescribe it for his poorer as well as his more well-to-do patients.

WE occasionally receive marked newspapers containing evidence of unprofessional conduct in medical men, the sender sometimes adding a request that some notice be taken of the matter in the NEWS. When, however, we have nothing but an unauthenticated paragraph in a newspaper, the name of the sender even not being furnished, we hardly feel justified in criticising by name. We have, before now, sufficiently strongly condemned the intruding of one's name and cases in the lay press as seems to have been evidenced in a paper lately sent us from an enterprising town.

FROM Charlottetown newspaper reports it appears that Judge Alley recently gave judgment against a medical man under circumstances that are of interest to the profession generally.

It seems, in brief, that "while in the house of William Seller, at Mount Stewart, John Coffin fell ill and obtained the professional services of Dr. Toombs. It transpired in the course of time that the disease was typhoid fever. Some of Seller's family took the fever. Seller sued the doctor for damages on the ground that he had not been informed of the nature of the disease and so had taken no precautions."

Dr. Toombs' contention seems to have been that he was not under any duty to tell Seller the nature of Coffin's complaint, and therefore incurred no liability for negligence; that the statement he made to Seller (early in the course of the illness) that he had liver

and stomach complaint was true at the time he made it; and that as no contract existed between him and Seller he was not obliged to inform Seller of the change in Coffin's complaint.

"Judge Alley's decision was based upon the rule of law that when ever one person is by circumstances placed in such a position with regard to another, that everyone of ordinary sense who did think would at once recognize that if he did not use ordinary care and skill in his own conduct with regard to those circumstances, he would cause danger or injury to the person or property of the other, a duty arises to use ordinary care and skill to avoid such danger. Applying this principle to the case, Judge Alley said that while Coffin was sick as a visitor in the plaintiff's house and the defendant was attending him, the plaintiff and defendant had equal rights to go in and out of the house. The plaintiff had the right, as owner of the house, to oppose the right of the defendant to enter there if he saw fit; and hence, a duty was cast upon the defendant to exercise care towards the plaintiff in the discharge of his duty towards his patient. A medical man should use more than ordinary care. The law demands greater care when a person has, or professes to have, skill, and when the law deems it for the public good to demand a greater amount of care. As to the contention that Dr. Toombs' statement that Coffin had liver and stomach complaint was true at the time it was made, Judge Alley quoted the law as follows:

"If a person make a representation to another with a reasonable belief in its truth, but afterwards discover it to be false, and after discovering his error suffer the other party to continue in error and to act upon the faith of the representation, it, from the time of the discovery of the truth, becomes a fraudulent misrepresentation, although it was not so originally."

AMONG the members of the medical profession in foreign countries who have recently died are Dr. Francisco José Salustiano de Mesquitor, of Lisbon, formerly Secretary of the Sociedade das Sciencias Medicas, and a well known medica-legal expert, who had latterly fallen on evil days owing to advancing age (70) and failing sight—he had kept silence as to his straitened circumstances, and calmly poisoned himself with a narcotic of some kind, having previously sent for a friend to attest his death.