THE LAW AND MEDICAL MEN

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649187188

The law and medical men by R. Vashon Rogers

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd. Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

R. VASHON ROGERS

THE LAW AND MEDICAL MEN



THE

LAW

AND

MEDICAL MEN

 $\mathbf{B}\mathbf{Y}$

R. VASHON ROGERS, JR.,
Of Osgoode Hall, Barrister-at-Law.

TORONTO, CANADA,

AND
EDINBURGH, SCOTLAND:
CARSWELL & CO., LAW BOOK PUBLISHERS.

1884.

PREFACE.

THE idea that in the library of nearly every practitioner in the professions of both Physic and Law there has been for some time a small gap among the books, which could be filled by a little work like this now submitted, has induced the author to prepare and publish the following pages.

While it is hoped that this little work will prove of use to the members of the Legal and Medical Professions, it is intended to be suggestive rather than exhaustive—a primer not an encyclopædia; and it is not expected that it will obviate the necessity for frequent conferences between physicians and lawyers whenever, in the practice of either, questions arise requiring the experience of the other.

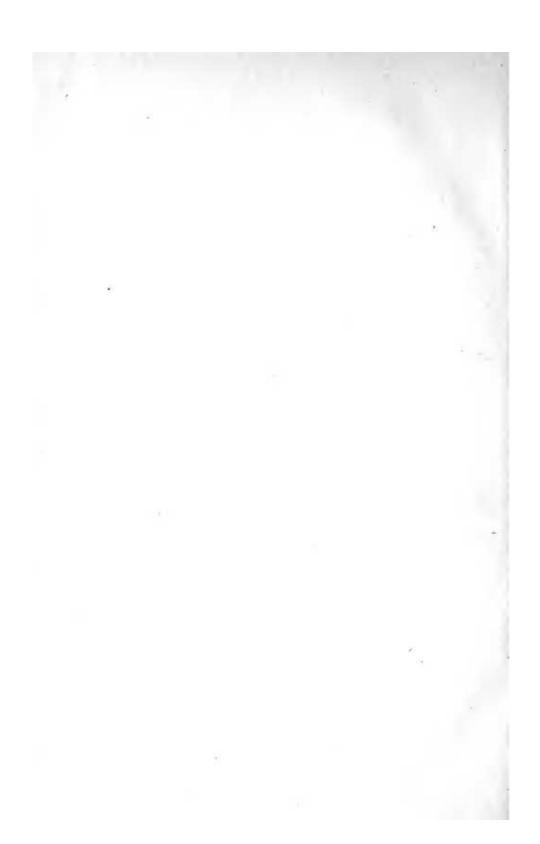
In most cases the very words of the judges and reporters have been used, and if any expressions are noticed that may be deemed over strong it will be found that they are the words of others: the author's aim has been rather to act as an humble compiler and citer of cases, than to obtrude opinions or theories of his own.

Brief chapters on Dentists and Druggists have been given because of the intimate connection between these gentlemen and the members of the medical profession.

With great diffidence this book is committed to the tender mercies of the critics of these two learned professions—to those who can so effectually wield the pen, the tongue and the scalpel.

R. V. R., JR.

Kingston, Ont., November, 1884.



CONTENTS.

Preface	iii
Table of Cases Cited	vii-xiii
Service Control of States Cont	
CHAPTER I.	
EARLY PRACTIONERS AND LAWS	1-1.4
3	
CHAPTER II.	
Fees	15-31
10 2-20-11 01	
CHAPTER III.	
Who Should Pay the Doctor	32-41
3 10 10 10 10 10 10 10 10 10 10 10 10 10	
CHAPTER IV.	
Who May Practise	42.54
-	
CHAPTER V.	
NEGLIGENCE AND MALPRACTICE	55-8t
CHAPTER VI.	
CRIMINAL MALPRACTICE	82-92
CHAPTER VII.	
Professional Evidence	93-107

CONTENTS.

CHAPTER VIII.	
Medical Experts	108-120
-	
CHAPTER IX.	
EXPERTS IN INSANITY Cases	121-128
(1. 1. 1. 1. 1. 1.	
CHAPTER X.	
DEFAMATION	129-137
THE STATE OF	
CHAPTER XI.	
RELATIONS WITH PATIENTS	138-148
<u> </u>	
CHAPTER XII,	
Dissection and Resurrection	149-159

CHAPTER XIII.	
Dentists	160-173

CHAPTER XIV.	
Druggists	174-188
CHAPTER XV.	
PARTNERS, GOODWILL, ASSISTANTS	189-195
INDEX	197-214

TABLE OF CASES CITED.

A.

Abernethy v. Hutchinson, 295
Adams v. Stevens, 17, 18
Adler v. buckley, 20, 21
Ahearne v. Hogan, 141
Allen v. Davis, 140, 172
" v. Eaton, 132
Allison v. Hayden, 16
Alpen v. Morton, 137
Anderson v. Burrows, 146
Andeureid's Appeal, 138
Anon, 134, 190
Anthony v. Smith, 106
Apothecaries Company v. Lotings, 12, 16
Ashworth v. Kittridge, 102
Askin & Charteris, rc, 27
Aswell v. Lomi, 142
Austen v. Boys, 195
Aveson v. Lord Kinnaird, 96
Ayre v. Craven, 132, 134, 135

В.

Bacon v. Charlton, 96
Baker v. London & S. W. Raitway, 96
Ballon v. Prescott, 73
Barber v. Merriam, 96, 97, 117,
Barnes v. Means, 58
Barnstable v. Thatcher, 157
Basten v. Butler, 20
Bassett v. Spofford, 24
Battersby v. Lawrence, 16
Batter v. Gray, 18, 19
Beekman v. Planter, 18
Bell v. Parke, 136
Bellinger v. Craigne, 21,
Bells v. Clifford, 28

Bergold v. Puckta, 131 Berier v. Galloway, 36 Bibber v. Simpson, 52 Billage v. Sonthbee, 140 Bill v. Neal, 130 Blackburn v. Great Western Railway, St Blake v. Midland Railway, St. Blackborn v. Mackey, 37, 39 Blogg v. Parkers, 20 Boardman v. Woodman, 113 Bogert v. Indianapolis, 153 Boone v. State, 188 Bowman v. Woods, 51, 53, 64, 100 Boyd v. Lappington, 33 Boynton v. Somersworth, 67, 148 Boyle v. Winslow, 166 Bracegirdle v. Orford, 157 Bradbury v. Bardin, 51, 120 Bradley v. Dodge, 33 Bradford v. People, 147 Brewer v. Dero, 157
Bread v. Pitt, 93
Brown v. N. Y. C., 97

v. Marshall, 179

v. Sheppard, 99, 101

" v Sheppard, 99, 10 " v. State, 143 Buchanan v. State, 29 Buell v. N. Y. C., 117 Burton v. Scott, 128

C.

Cadwallader v. West, 139, 140 Cairo, etc., Railway v. Mahoney. 41 Caldwell v. Murphy, 97 Camp v. Martin, 133 Campan v. North, 94

Campbell v. Richards, 119 Carpenter v. Blake, 57, 58, 63, 64, 72, 73 Carnes v. Nesbitt, 193 Carson v. State, 148 Carter v. Baker, 214 " v. State, 103 Castner v. Sliker, 122 Cawdry v. Highley, 130 Chamberland v. Mergan, 70 Chapen v. Marlborough, 96, 97 Chicago, etc., Railway v. McKean, Chicago, etc., Railway v. McGiven, 108 Chorley v. Bolcot, 16 Clark v. Gill, 26 Clarke v. Freeman, 133 " v. Hawke, 138, 139 Clark v. Kerwin, 59, 163 11 v. State, 116, 124 Clay v. Roberts, 234 Cleveland, etc., Radway v. Ferry, 68 Cohen v. Continental Insurance Company, 95 Collier v. Simpson, 99, 103 Collins v. Grady, 19 v. Carnegie, 134, 135 v. Graves, 23 Colton v. Thomas, 172 Commonwealth v. Butterick, 187 v. Cooley, 155 v. Hackett, 91 v. Hallett, 187 ... v. Loring, 155 41 v. Marshall, 155 v. McPike, 91 ... v, Ramsdell, 187 v. Rich, 128 v. Rodgers, 109, 124, 127 v. >turtevant,100, 117 v. Thompson, 54, Connecticut Mutual Life Ins. Co. v. Ellis, 100 Cooper v. Lloyd, 35

v. Phillips, 38, 40 v. N. Y. C., 41

Cossey v. L., B. and S. C., 95

Craig v. Chambers, 76

Corsi v. Maretzek, 43, 51, 64, 115

Cox v. Midland Counties Ry., 41

Craine v. Bandoine, 33 Crantz v. Gill, 37 Curtis v. Rochester, etc. Ry., 79

D.

Davidson v. Nicholls, 183 Davis v. Mason, 193 " v. Ockham, 131 " v, State, 113, 117, 124, 126 Deane v. Annis, 38 Delafield v. Parish, 124 Demay v. Roberts, 145 Dement, Ex parte, 30 Denison v. Denison, 138 Dent v. Bennett, 139, 140, 172 Denton v. State, 97, 98 Dickenson v. Farher, 124 Dingnan v. Walker, 192 Dixon v. Smith, 134 Doggett v. Lane, 141 Duclos' Succession, 24 Duffit v. James, 21 Durnell v. Corneld, 142

E.

Eakin v. Brown, 68, 163 Edington v. Ætna Life Ins. Co., 96 Edsall v. Russell, 131, 133 Ellis v. Kelly, 16 Emerson v. Lowell Gas L. Co., 112

F.

Fairchild v. Bascomb, 112, 113, 125, 126 Farnsworth v. Garrard, 20 Farlar v. Lane, 141 Farr v. Pearce, 191 Fawcett v. Mothersell, 77 Fenwick v. Bell, 119 Fields v. Rutherford, 76 Fisk v. Wait, 69 Fletcher v. Fletcher, 146 Flint v. Bodenbarner, 124