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DUTIES OF DOCTORS.

CORONER EXPOUNDS THE LAW.

"IRREGULAR PRACTICES" AT THE CHILDREN'S HOSPITAL.

In summing up yesterday at the conclusion of the enquiry into the death of an infant at the Children's Hospital, the City Coroner (Dr. Ramsay Smith) said that in this case several points required comment. Not long ago he had found it necessary to speak of the duties of medical practitioners in the matter of obtaining or preserving evidence in criminal cases. At that time he took some pains to state as clearly as possible the law on this subject. A medical journal did him the honor of referring to his remarks, misrepresented what he had said, and disagreed with him. The particular subject, however, upon which it professed to disagree was one upon which he had expressed no opinion whatsoever, and one to which he had not even referred. Perhaps that journal would take this opportunity of correcting its mistake, considering the importance of this matter to the public and the profession, and the undesirableness of there being any misunderstanding in matters in which there was any conflict between doctors' duties and the law's requirements, unless, indeed, the editor found this sort of journalism necessary in catering for readers of a class.

When the Question Arises.

Dr. Smith went on to say that there were three classes of circumstances in which the question of a doctor's duty arose in connection with cases under his attendance. The first was where the patient was dying or ill as the result of a felony committed by the patient himself. On this subject he had hitherto said nothing, nor would he say anything now, except that members of the profession had found it possible to shape their conduct in accordance with the dictates of common sense, the law of the country, and the rights of individuals, so as to recognise all and violate none. The second class of circumstances was where the patient was ill or dying as the result of a felony in which someone else was concerned. This was a subject to which he had given some attention, and in connection with which he had spoken specially of a doctor's duties, and again in reply to a letter addressed to him had dealt with the phases of cases that required to be reported to the police by medical men. Other cases, although really a sub-class of the second, which he would put in a separate class, were those in which any felonious intent was shown or present, and when there was evidence that death had been due to other than natural causes. The present case came under this class. The child was taken by her mother to the Children's Hospital. The mother told the doctor that the child had been bitten by a dog, also that Dr. A. Hamilton had said inflammation had passed from the eye to the brain. As to the last point, it was a good rule for doctors to follow not to believe anything that a patient said regarding another doctor's opinion as to his case. Of course the doctor should listen to all a patient had to say, but at the same time should give no weight to the second-hand statements referred to except as far as they might lead him to investigate the point for himself. Dr. Magarey had said he was told these things about the child, and had found no other causes for the symptoms of meningitis—the wound which he saw, and which the mother ascribed to dog-bite. After the child died Dr Magarey mentioned the circumstances to Dr. Wigg, the practitioner who was in responsible charge of the case. He advised Dr. Magarey to try to obtain an examination of the body.

Reporting to the Police.

The question prompted itself—in fact, obtruded itself, why he did not advise Dr. Magarey to report the matter to the police. He thought a doctor of Dr. Wigg's years of experience should have known that the death of a patient under his responsible charge, ascribed to complications following a dog-bite, was required by law to be reported to the police. Further, he should have known that a post-mortem examination upon a body of such a patient should never be made without the coroner's order or consent. It was not until after the post-mortem that the question of reporting to the coroner or the police was considered. Dr. Magarey was not aware that it was his duty to report the death, or to refrain from making an autopsy of the body. He had said that during his course as a student of medicine he was required to attend lectures upon forensic medicine, but did not know if the course included instruction upon the duties of a medical practitioner in relation to coroner's inquests and allied subjects. No one could listen to Dr. Magarey's evidence without being convinced of his absolute truthfulness, straightforwardness, and accurate opinion upon subjects brought under his notice; that was upon subjects upon which he had apparently been instructed.

How Not to Do It.

Recently, the coroner said, he had observed a post-mortem examination made—by a coroner's order—by a young practitioner, who had been a good student, and was giving promise of becoming a good doctor. But all principles so carefully set forth in legal medicine were disregarded. The examination, instead of being made systematically with facts written down and revised before the body was closed up, was made without records being taken. The evidence given subsequently was on many points quite contrary to fact, and the opinions the witness gave were therefore worthless. This evidence had to be considered in connection with the possible trial of a human being charged with the crime of murder. In the present case he found no fault with Dr. Magarey. In everything he knew to be his duty he was careful and attentive. His medical knowledge of the case was as complete as the circumstances allowed. In the matter and manner of his evidence he had been far superior to the average medical practitioner. The speaker could not conceive, therefore, that either of the doctors he had referred to had ever been taught the duties that the law required of medical practitioners, whose names were placed in the medical register, and who might legally be summoned to give evidence with the presumption that they were competent to do so. Any medical school that accepted fees from students for the full curriculum of training was expected, as a matter of honest business, to give instruction in the ordinary duties of the profession, and also in the duties that the country legally required, after registration. The law in this State was that any person possessing a degree or diploma from certain medical schools was entitled to be registered, whatever his curriculum may have been, and notwithstanding the manner in which examinations might have been conducted. The Medical Board of this State had no power to act as a strainer for any persons who might have been rubbed through the examination sieve or trained in a school with an insufficient curriculum. Neither had the board any power to enquire whether the curriculum of many medical school was adequate, or whether examinations were properly conducted. One was therefore not surprised to find that in other States judges and coroners were finding occasion to be dissatisfied with much of the medical evidence tendered in the courts, and in the manner in which practitioners carried out their legal duties. This led to the heart of the subject, which was intimately connected with what he had just uttered and had said on previous occasions, regarding the duties of doctors, namely, the requirements of the law with respect to medical evidence. The law allowed practitioners to sign certificates in cases of death, which were accepted as authority for burial, but the law did not recognise that this power was to be used as a means of obliterating evidence.

Must Not Conceal Crime.

It had been said, and said truly, that a doctor was not a detective or a policeman, and had no right to tell what ought not to be told. At the same time, the law did not recognise that the doctor had a right to conceal crime by merely saying nothing, or doing nothing, as an ordinary individual might, or to destroy evidence, and so defeat the end of justice by giving certificates in cases where death was due to violence or by unlawfully interfering with dead bodies, properly the subjects of coronial enquiry. That there were many doctors unaware of such things, and that a person might have his name compulsorily placed upon the medical register without having instruction upon these matters, or in the legally recognised method of making examinations and preserving evidence were facts to be recognised and reckoned with by coroners and justices, whose business it was to administer the law and see that evidence was not concealed, interfered with, or destroyed.

Coroner Must Decide.

In the case of the Children's Hospital, he had found on a previous occasion that the attention of the secretary was directed to the fact that it was the coroner, and not a parent or medical attendant, who was to be satisfied regarding the circumstances of any cases of death from violence, and that it was the coroner who must decide the necessity of an inquest. The duty of the medical attendant was to report such deaths to the nearest constable, and that post-mortem examinations could not be made without a coronial order. These facts were given in reference to a case in which a patient was buried after dying from the effects of violence, and in which no report of the circumstances was made to the police. The secretary replied that he had directed the attention of the resident medical officer to the communication. It appeared, however, that the letter had not put an end to irregular practices at the institution in question.