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MEDICO-LEGAL

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CINCINNATI

Assistant Editor New York Medico-Legal Journal.

Reprinted from THE MEDICAL BULLETIN, February, 1908



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SYPHILIS AND MARRIAGE.

We have this subject most interestingly discussed by Dr. A. Ravogli in his new book, just out, "Syphilis in Its Medical, Medico-legal, and Sociological Aspects," Grafton Press, New York. The doctor says that it is a mistaken idea that syphilis cannot be cured, and equally wrong is the claim that a man who has been once infected must never be married. He believes that syphilis is not only curable, but permanently so. In a rather long practice he has treated many young men for syphilis who, after a period of some years, have married, and neither they nor their wives or children have shown signs of the disease. Fournier, "Syphilis et mariage," Paris, 1890, reproaches his colleagues who entertain such gloomy ideas with reference to the marriage of syphilitic persons as to absolutely forbid them to marry, under the assertion that "when a man has unfortunately contracted syphilis, he must keep it to himself, and never expose his wife and children to the danger of this disease." The doctor agrees with Fournier that "when a man has syphilis, he must strive to get well, and when, through a continuous treatment, the disease has been rendered harmless for himself and others, then he can re-enter the ordinary condition of life and he can aspire to marriage."

Syphilis, according to Dr. Ravogli, does not constitute a permanent impediment to marriage, but it entails only a temporary interdiction. After a certain period of treatment the disease gradually dies out, the man returns to his normal condition of health, and he can, without fear, have a wife and children. However, the man who has syphilis and wishes to marry, has many conditions to fulfill before he can obtain a clean patent to enter the married state. It is not a question of time alone, but the undergoing of strong and heroic treatment. Without these two essentials of a certain period of time having elapsed from the infection, and of a regular specific treatment, the man who has had syphilis, on entering married life, becomes a danger to his wife, to his children, and the community.

Fournier reports 87 young men who contracted syphilis, received rational treatment for the prescribed time, and married, none of their wives nor their 156 children showing any symptoms of syphilis.

A DRUGGIST HELD NOT LIABLE FOR UNLAWFUL SALE OF POISON.

An unregistered pharmacist in Lexington, Nebraska, sold to a boy, 18 years old, a bottle of croton oil. The bottle was not labeled poison, neither was an entry made

of the sale as required by law. The boy, in order to have some fun with other boys, put some of this croton oil on a piece of pie and gave it to them to eat. One boy suffered great pain, distress, and sickness. The injured boy's father brought action against the druggist for the loss of the services of his son. The action was dismissed on the ground that the unlawful action of the clerk in selling the poison was not the proximate cause of the injury. The plaintiff appealed to the Supreme Court, which said that if the boy had called for some harmless article and the poison had been given him by mistake, there would be no doubt as to the defendant's liability. The court found that there was an intervening independent cause of the injury, and the druggist was not to blame. The court said that the defendant may have been guilty of negligence in permitting sales by unregistered pharmacists and in making a sale of poisonous medicine to a minor, yet it cannot be said that the injury to the plaintiff's son was reasonably to be expected from such a sale.

The High Court of Germany has taken the highly moral stand that it is illegal for the physicians of any locality to band themselves together and establish a definite code of fees for professional services. The highly complimentary but eminently impractical ground that physicians should be actuated by a desire to render benefit to their fellows and were not to expect to receive full value for their services. They stood above the level of men in the ordinary business pursuits, and the establishment of a fixed fee for their services would lower their dignity. It is said that the High Court of Germany and other high courts cannot persuade landlords that it is beneath their dignity and illegal to charge doctors a fixed fee for offices and residences; also a few others as butchers, grocers, servants, etc.

The Supreme Court has held that an unlicensed physician may not prescribe his

own medicine. It says there is a difference in selling one's own medicine of which one is the patentee, and prescribing the same for the sick.

The Supreme Court of Montana has held that the want of a license must be shown. The plaintiff, a doctor, brought suit against defendant for medical services, and got judgment for \$100. Defendant asked for a new trial on the ground that it had not been shown that the doctor had a license to practice medicine in Montana. The court ruled that the law presumed that the doctor had a license, and it was the duty of the defendant to prove that he had not, if that was the ground of defense. The judgment of the lower court was affirmed.

The prosecution of illegal practitioners in California has been brisk under the new law. It was thought that the evidence against the Chinese herb doctors was conclusive, and action was brought against them. The attorney for the defense, by asking the simple question whether the venireman would give as much credence to a Chinaman's testimony as to a white man's drew the cause out through twenty full days, and 371 veniremen were examined before twelve jurymen were found who were able to take their places in the box on this account. We are grateful to relate, however, that this jury found the Chinaman guilty without leaving their seats, and the judge find him \$250. Besides this, the Chinaman was put to an expense of more than a thousand dollars, and the next Chinese herb doctor so prosecuted was glad to enter a plea of guilty and get off with a fine of \$100.

Professional misconduct was in the contract between two medical men as partners sufficient cause for the termination of the partnership. One was found, by the general medical council, "guilty of conduct which is infamous or disgraceful in a professional respect." The judge ruled that this was different in its meaning, that "miscon-

duct in the exercise of his profession" would have been the proper wording.

DACTYLOSCOPY SUPERSEDED AS A METHOD OF DETECTING CRIMINALS.

Paul Prager, of Vienna, finds dactyloscopy unreliable as a means of detecting criminals. This unreliability is due to the possibility of change by injuries, leaving scar tissue, and by acids, so as to render identification impossible. He has found the impressions of the upper and lower jaws a more certain means of identification. No two jaws are alike in the number, length and breadth of the teeth, curvature and radius of the maxillary arch, the height, breadth, and depth of the upper jaw. To these may be added possible gaps in the rows of teeth and the form of the palatine membrane. Prager has taken many impressions and found no two alike. Such impressions would allow of identification after mining accidents, burning, and drowning.

DEMENTIA AMERICANA OR PLUTOCRATICA.

Dr. Arnold Lorand, of Carlsbad, Austria, in a recent visit to America, said that he did not admit of such an entity as the former term, but did of the latter, which was, however, not essentially American. It may be common in America, but it is because America is rich. Lack of systematic training in obedience is one of the main agencies in crime. American youths suffer for the training to obedience which goes with service in the army. In striking contrast to the willful millionaire youths of America are such men as Benjamin Franklin and Abraham Lincoln. The making of nonsensical laws, which no one thinks it a crime to break, is harmful, for after the breaking of one law it is all the easier to think it is no harm to break

another. Children and weak-minded persons are like monkeys, great imitators, and should not be allowed to see questionable cinematograph shows. In France out of 173 persons who had been beheaded, only two had not seen an execution. Dr. Lorand thought that the reason that criminality is greater in the United States than abroad is because her sons are not disciplined by regular service in the army.

DANGER TO DOCTORS.

Contagious diseases, bad weather, and night highwaymen do not seem to be the greatest dangers which the doctor has to contend with, but woman—designing, malicious woman—either disgraced, about to be or desiring to be. A reputable Detroit doctor recently had an experience to make one shudder. He was called once to see a woman whom he had never seen before. He found her suffering from a slight cold, for which he prescribed and left. A week later she was taken to the hospital suffering from an abortion. Nearing death, the priest having administered the last sacrament, the prosecuting attorney and his stenographer present, she made a dying declaration that the doctor had committed the abortion on her; but she did not die. A month later the case was brought to trial, and instead of the ante-mortem statement the woman was herself on the stand. On severe cross-examination she admitted that the doctor knew nothing at all about the case or her condition. She said she thought she would be sent to prison herself if she did not accuse some one. Laws should be made making it a crime to solicit a physician to commit an abortion and to better protect them from blackmail. Surely the crime is as great as to solicit or offer a bribe.