AN OUTRAGEOUS SUIT FOR MALPRACTICE.

We publish in our present number an abstract of the evidence in a recent trial for malpractice in the adjoining city of Cambridge, in which the jury found the defendant liable in the sum of $4916.67. We feel it our duty to draw especial attention to this case as one of the most flagrant and successful among those too frequent attempts to impose upon a benevolent and conscientious profession.

We are glad to hear that there will probably be a new trial, for from all we have been able to learn we believe there is little doubt that the plaintiff hardly merits our sympathies; and although the charge of the judge was fair and impartial, the verdict returned by the jury was, in our opinion, nothing short of plundering under the forms of law. In this opinion we believe all candid and competent readers will concur.

We have been pleased to see a very concise and pertinent statement of the important points in the case in a communication to one of the local papers.

It is often difficult for medical men themselves to judge of the wisdom of the treatment of a case which they have not seen, and it must be much more so for the laity. In the present instance an emotional jury did not even require positive proof of the existence of relaxation of the pelvic ligaments; but had such proof been forthcoming we should still be very far from having evidence of an absence of reasonable or ordinary care or skill.

Physicians and corporations are too often regarded as fair game by the im-

pecunious clients of desperate lawyers. This method of gaining a support must be classed with the more recent, though no more unrighteous, devices with which the public has of late become so familiar.

The strength of corporations may be regarded as sufficient protection to them, but the physician, who may at any time be brought to the verge of ruin, requires greater security against imposition than the State has yet seen fit to offer him. This is the more evident when we remember that it is generally the honorable, conscientious, educated practitioner who is the victim of these attempts, and with whom the law is the most exacting.

MEDORA E. WHITE vs. HIRAM L. CHASE.

THIS was an action to recover ten thousand dollars as damages for alleged neglect on the part of the attending physician, by which the plaintiff suffered from relaxation of the pelvic ligaments.

At the trial, which took place at the supreme judicial court in East Cambridge, Endicott judge, the plaintiff testified that she was taken in labor on the morning of the 14th of May, 1875. There were with her her mother-in-law, her aunt, and another woman. As she grew very sick they became alarmed, and about four P. M. sent for a physician. That Dr. Chase came, gave her ether, and delivered her with instruments. That the doctor visited her the three following days, and afterwards two or three times a week for two months. That she told him her bones moved when she turned in bed, but that he paid no attention to her complaints, saying these pains were common, and would pass off as she gained her strength. That her aunt left on the fifth day; in what capacity she acted, was unable to say; did n't know whether she was a midwife or not. Similar statements were also made by the mother and the other woman, who also swore that she went for Dr. Chase on the 12th or 14th day of July, 1875; that when he visited her at that time she heard Mrs. White complain of her bones moving.

The plaintiff also testified that she was and always had been in good health previous to her confinement. That she went to Bangor in August, 1875, staying four weeks. That in September she called on Dr. Wyman, who told her what he thought might be the trouble, but would give no opinion without an examination; that she never made any arrangement with him for that purpose. That the last of October she was attended by Dr. Webber, who advised her to wear a bandage and keep quiet. That in November she taught as a substitute in school (going up two flights of stairs twice a day), against Dr. Webber's advice.

In the summer of 1876 she called on Dr. Chase and stated her case; that soon after she wrote him a note, and as he paid no attention she again called on him, when he shut the door in her face. On her first visit she rode in the cars; on her second visit she pushed her baby in its carriage to and from his house. She also testified that she did not use a crutch until June, 1877. That seven weeks before this trial she had been delivered of another child.

Dr. Chase's bill was introduced in court amounting to twenty-five dollars.[1]

[1] The fee of the physicians of Cambridge is twenty dollars for an obstetric case, with four subsequent visits; two dollars for ordinary visits.

The defendant stated that he was a graduate of the Harvard Medical School, and had been in practice thirty-two years. That he was called to the woman on the afternoon of the 14th of May, 1875; found her under the care of a midwife, who said the child was coming wrong. The woman was very much exhausted, her condition being such that immediate delivery was imperative; administered ether, applied forceps, and delivered her without the slightest injury to the mother or child. Visited her on the 15th, 16th, 17th, 19th, and 22d; as there were no untoward symptoms, dismissed the case.

Was called on the 2d of July; wished to know if it was advisable to go into the country, as she did not gain strength as she desired; complained of pain in the hypogastric and sacral regions, and of leucorrhœa. Advised her going. Saw her again on the 4th, when she said she felt better; on the 5th carried her some medicine to take away, when she said she was going the next day. These dates the doctor swore to from his book of original entry, — his visiting list.

He also swore that during his attendance she made only the usual complaints of women after parturition, and never, at any time, spoke of the movement of the bones; at his visit in July she walked upright, but slowly, as a weak person would.

On the 31st of July, 1875, the husband called and paid his bill; made no complaint at that time, and nothing was heard from the woman until June, 1876, when she called, saying "that she had relaxation of the hip-joints; that she had consulted three of the best physicians of Cambridge, who all said it was the fault of the attending physician." Refused to give their names. "That something had got to be done about it, or a suit would be commenced; that her husband had a friend who was willing to give him money for that purpose." A few days after the husband called, and was told that their demand for money would not be acceded to; that if a suit were commenced it would be defended; that he would not be bought off.

(A suit was commenced in April, 1877. At the October term of the court, no application for a jury trial having been made, the case came before the judge, when the plaintiff became nonsuit. Another suit was, however, commenced in February, 1878, in order that it might be brought before a jury; these last circumstances were not allowed to be made known in court.)

Dr. A. C. Webber, called by the plaintiff, testified that he attended the woman the last of October, 1875; that she appeared to have relaxation of the pelvic ligaments; that in November he abandoned her case, because she refused to obey his directions; that in June, 1876, she called at his office for a certificate of her condition; that she came in limping most painfully; as he refused to give a certificate such as she desired, she went out walking in a very different manner.

Dr. Gilman Kimball, of Lowell, called by the plaintiff, testified that he could discover no mobility of the pelvis whatever.

Dr. H. G. Clark, of Boston, called by plaintiff, did discover mobility, and thought the woman would never be any better.

Dr. Stephen W. Driver of Cambridge, called by defense, testified that he had had two cases of this lesion; one recovered, the other did not. That he was called to see the child of the plaintiff in August, 1875. After prescribing

for the child the woman consulted him about herself, saying that she had pain in her back and lower part of her bowels; that he had no suspicion from her complaints or from her manner of walking that she had relaxation of the pelvic ligaments; thought she might have subinvolution; proposed an examination, which she refused. Also testified that he had frequently seen her on the street, walking and pushing her baby carriage; that when she thought she was not under observation she walked as well as any one.

Dr. Morrill Wyman: Plaintiff called at his office, saying she had relaxation of the pelvic ligaments, and wished an opinion. She was told that a careful examination at her house would be required before any satisfactory opinion could be given; if the trouble was what she supposed, she should attend to it at once. She made no arrangement for such an examination, no opinion was given, and she went her way. Have seen one case of inflammation of the posterior joining of the pelvis on the left side, attended by great pain increased on motion, tenderness of the part, with much fever, requiring energetic treatment for its relief; it was followed by an affection of the veins of the leg on the same side. Have never seen a case of "relaxation of the pelvic ligaments," as is alleged to exist in this case. It is exceedingly rare; Dewees, one of the most distinguished practitioners of midwifery in this country, after a long practice, had seen but two decided cases. The connections of the pelvic bones are very close; they have to a certain extent the anatomical structure of joints, but practically, so far as parturition is concerned, even if any relaxation of these parts takes place during pregnancy, may be deemed immovable. They are joinings rather than joints, as the word is usually understood. Relaxation of the joinings without obvious inflammation must be difficult to detect. Trousseau, one of the most eminent physicians of Paris, had a patient under his care for another affection before confinement; after confinement he kept her in bed fifteen days, then on the sofa other fifteen days; she complained of pains in her loins and pelvis; it was more than a month before she could get round her room. Trousseau thought she had a slight inflammation of the womb, and treated her accordingly. But one day, more than two months after her confinement, he saw her attempts at walking, and thought at first she had disease of the spine; afterwards believed it to be relaxation of the pelvic joinings, but as she was fleshy he could not prove it. He treated her for the supposed relaxation, and she recovered. A second case he did not recognize at first. Scanzoni, an eminent German physician, doubts if the exact nature of the trouble can always be made out with certainty during life. Even the experts called by the plaintiff are not now agreed as to the existence of mobility of the joints in this case. It is the duty of a physician to make such examination in every case as its nature seems to him to require. In this case, as in Trousseau's, he would be very much more likely to suppose the pains and lameness were of the nature of those he so often sees during the first week of confinement than an affection of extreme rarity, a case of which he had never seen.

Dr. Wesselhoeft, of Cambridge, testified that the woman called at his office. On entering she walked in a very painful manner, rolling from side to side; asked him about relaxation of the pelvic ligaments; as she could get no satisfaction from him, became incensed, and went out walking very well, manifestly improved.

Dr. Woodbury, of Boston, said that he had attended four thousand three hundred cases of delivery; had never seen a case of relaxation of the pelvic ligaments.

The exceeding rarity of this lesion was also testified to by all the physicians. The ground taken by the plaintiff's attorney in his argument was that Dr. Chase had neglected the case in that he had made no examination, and that he had lied on the witness-stand because there was no other course for him to pursue.

The defense claimed that due and ordinary care had been used; that there was no necessity for an examination, as the symptoms complained of did not warrant it. Also, that the plaintiff had not used due care to promote her own recovery.

The charge of the judge was fair and impartial. The jury returned a verdict for the plaintiff for $4916.67. Exceptions were taken to the verdict, as not being in accordance with the weight of testimony.