publish the, supposedly correct, formulas for their several preparations will prove of considerable assistance to the Council on Pharmacy and Chemistry of the American Medical Association in the prosecution of their proposed task of segregating the meritorious from the doubtful or positively objectionable proprietary preparations that are offered to, or exploited through, the medical profession. The direct gain, in this connection, consists in the breaking down of any possible suggestion of difference between the standing of a so-called proprietary medicine, for which the manufacturer publishes an erroneous and frequently misleading formula, and the standing of a patent medicine, or popular nostrum, the composition of which is usually regarded as the absolute secret of the manufacturer. Few physicians appear to appreciate how closely related many of these proprietary preparations really are to the admittedly vicious and frequently harmful nostrums that are exploited directly to the lay public. Lay people themselves are much more likely to see and to appreciate this relationship than physicians. That this is true is evidenced by the extensive use of many of the present-day proprietary medicines by the laity and also by the fact that a number of the best selling and most remunerative patent medicines of to-day were originally advertised to and exploited through the medical profession. The letters contributed by honest and well-meaning physicians, one, two or three decades ago, recommending the use of a proprietary medicine are published now in the patent medicine almanacs as evidence that the particular remedy has been used and recommended by medical practitioners. The compounds, elixirs, tonics, syrups and balsams of a quarter of a century ago are being reproduced to-day in the fantastically named preparations that are exploited through, and are used and recommended by, members of the medical profession only to be taken up later and sold directly to the laity for self-medication.

Correspondence

Malpractice Insurance and Medical Defense.

FORT WAYNE, IND., April 11, 1905.

To the Editor:—In THE JOURNAL, April 1, 1905, is an editorial commenting on the recent opinion of Attorney-General Mullan of Iowa in which he held that "physicians can not take out insurance in that state against malpractice suits." You state that "considering the fact that probably nine-tenths of all malpractice suits are pure blackmail, instigated by quacks and foraging lawyers, the finding seems to be a peculiar one." The opinion does not seem to us a peculiar one. It is the only rational opinion which could have been rendered, and but confirms the opinions of attorneys general of a number of other states.

The "physicians' liability policies" issued by casualty insurance companies purport to defend any malpractice suit brought against the policy holder, and in the event of a judgment being rendered against the physician, to pay the same within the limits provided in the policy. This indemnity feature of the insurance contract makes it against public policy. The policies are written and the subject is treated by the insurance company as an "accident." It is through this misapprehension of the subject that the insurance companies began the issuance of such policies.

Malpractice is not an "accident." The courts have held: "An accident is defined as a happening of an event without the aid and design of a person and which is unforeseen, and in this sense the word is to be understood in the absence of a plain, unequivocal exemption and provisions, in a policy insuring against injury or death caused by accidental means." Malpractice is the "bad professional treatment of disease, pregnancy or bodily injury, from reprehensible ignorance or carelessness, or with criminal intent."

If a physician charged with malpractice can show that the injury complained of was the result of an accident, a result not to be expected and for which, therefore, he could not pre-

pare, or, if possessing the requisite qualifications and applying his skill and judgment with ordinary care and diligence, an honest mistake or error of judgment occurred, he can not be held liable, be the results what they may. The medical practitioner is not an insurer or a guarantor of results. All that he is required to do is to bring to his assistance the ordinary knowledge, learning and skill possessed by the average practitioner in similar localities and to exercise his best judgment. If, however, he is incompetent, and does not possess the ordinary knowledge and skill of the average practitioner, or if he is negligent or unskillful in rendering his services, or fails to exercise his best judgment and injury results, he can be held responsible in damages.

Indemnity, therefore, is not a protection to the reputable, competent and careful practitioner. Possessing the requisite knowledge and skill, applying his skill and judgment with ordinary care and diligence, he can not be held liable for any untoward results. What he does need when assailed by the blackmailer under the guise of malpractice is a vigorous and competent defense which will vindicate his diagnosis, treatment and work. For the negligent, incompetent, unskillful and quackish practitioner, indemnity is a *multum in parvo*. Having no professional reputation at stake and practicing strictly for the money there is in it, he will undertake to render services for which he is incompetent and unprepared, will guarantee results and can even neglect with impunity his patients, relying on the insurance company to pay the bill.

The state holds as its most valued possession the health of its citizens, and anything which will have a tendency to relieve one from responsibility imposed by common law or statute in the treatment of disease or injury, is against public policy. Organized defense is recognized as not being against public policy, but as a necessity for reputable practitioners. This fact is shown in the admission and authorization of the Physicians' Defense Company as a foreign corporation in Iowa. Before this company received its certificate of authority from the secretary of state of Iowa, the attorney general reviewed its charter and the defense contracts which it issues, and rendered his opinion that the company is not an insurance company, that its contracts are not insurance policies, and that it could be admitted as a foreign corporation and that its contracts for the defense of physicians, surgeons and dentists are legal contracts under the laws of Iowa.

From the foregoing it is clear that while Attorney-General Mullan's opinion holds the issuance of "physicians' liability policies" to be illegal under the law on account of the payment of judgments, yet the state is not opposed to organized defense.

E. H. MERRITT.

History of Medical Organization.

BURLINGTON, IOWA, April 16, 1905.

To the Editor:—In "An Epitome of the History of Medical Organization in the United States," published in THE JOURNAL, April 15, I note a statement concerning Iowa which may be misleading and I ask space for this, a more explicit account.

Section 4954 of the revised statutes of Iowa (code of 1897) is the "nasty ad." law referred to. It is almost identical in language with section 5337 of the code of 1880. Whether the Iowa State Medical Society was instrumental in having this law made I can not say, because I was not a member until 1880. Some of the older men may be able to tell you, but that the members generally were ignorant of its existence can be seen by reference to the October and December, 1903, issues of the *Iowa Medical Journal*. In the latter I have a letter on this subject, in reply to an editorial entitled "As Others See Us."

That there have been violations of this law there can be no doubt, but I have yet to hear of an attempt to enforce it.

Membership in the Iowa State Medical Society prior to 1903 was acquired only through membership in an affiliated county or district society. Of the former there were in 1897 sixteen listed as having made official reports of conditions; of the latter, eight. There were other societies of both kinds, some

of them large and active, as, for example, the Des Moines Valley. The district societies embraced many counties not individually organized, and thus the ground was well covered; so it is not impossible that the increased membership of to-day comes more from the "drumming up" process, which I vainly urged in 1893, than from lack of facilities. Iowa, as Dr. Hobby pointed out to you last year, has for years been largely represented in the American Medical Association meetings, second to very few, and this of itself should be sufficient answer to the critic.

H. B. YOUNG.

Cerebrospinal Meningitis in Animals and in Man.

HUMBOLDT, TENN., April 8, 1905.

To the Editor:—I have just read Dr. Albert's letter in THE JOURNAL, April 8, p. 1132, on the identity of meningitis in animals and man. This is an interesting and important subject, especially as the question of contagion is beginning to receive the attention it should have had long ago. I am not familiar with the disease in the cow, but I have seen a few cases in man and in horses and have long been impressed with the idea that the disease is the same in both. The disease in the horse is known in this locality as "blind staggers" and there is a popular impression that the horse contracts the disease from eating the "chaff" of old corn, and as it is undoubtedly more common about the time the farmers are cleaning out the corn-cribs preparatory to housing the new crop, it may not be unlikely that the dust inhaled in eating the "chaff" contains the germs; and, again, it may not be going too far to suppose that the germs are deposited in the dust by the rats, to the gnawing of which the "chaff" is mainly due. However this may be, if the unity of the disease is established, it may account for some of the heretofore unaccountable sporadic cases in man, and may help solve the problem of prophylaxis. This is merely a suggestion and is offered for what it is worth.

SIDNEY THOMPSON, M.D.

Association News

ROUTES TO THE PORTLAND MEETING.

Sketch of the Western Country and the Various Routes By Which to See Its Beauties.

All railroads will lead to Portland, Ore., for the coming session of the American Medical Association, on account of the Lewis and Clark Exposition that opens there June 1; and, therefore, a choice of routes will be available such as is not often possible, with side-trips and stop-over privileges practically according to each traveler's inclinations.

For the purposes of this article, we may class the various routes to Portland as direct and indirect, the former being all those on which the short-line rate will prevail, the indirect those which will carry the traveler a round-about route but at an additional railway fare. The latter, for example, permit the passenger for Portland to travel through California either going or returning, the other part of the trip to be by one of the direct lines. The principal routes are shown on the accompanying map.

By the direct routes, Chicago, St. Louis and Memphis passengers for Portland, or parties from points in the East or South ticketed through either of these three gateways, may, at their option, be routed through St. Paul and Minneapolis and thence to Portland via either the Canadian Pacific, the Great Northern or the Northern Pacific railways; or through Omaha or Kansas City, thence through Denver or Cheyenne and Salt Lake City, thence via Ogden, Utah, and Pocatello, Idaho (not via California from Ogden); or through Omaha or Kansas City and thence via Billings, Mont.

Without extra fare, the western or outgoing trip may be made by any of these so-called direct routes and the return by the same or any other of the direct routes; or one way may be by one of the indirect routes, as said above, by paying an additional charge, but the desired route must be determined on before buying the ticket so that the latter may be made out accordingly.

DIRECT ROUTES VIA ST. PAUL.

Tickets may be routed over any one of the lines between Chicago and St. Paul at the passenger's option, these being the Northwestern Line; the Chicago, Milwaukee and St. Paul; the Chicago, Burlington and Quincy; the Wisconsin Central; the Chicago, Rock Island and Pacific; the Illinois Central, and the Chicago Great Western. Any of these offer satisfactory service and picturesque scenery. After reaching St. Paul the traveler via this gateway has choice of but three routes from there to Portland, the Great Northern, the Northern Pacific or the Canadian Pacific, some of the advantages of these lines being given below:

The Great Northern Railway, which lies nearest the northern boundary of the United States, takes first a northwesterly direction from St. Paul, along the west bank of the Mississippi River, across the lake region of Minnesota, which offers some of the finest fishing grounds in this country, then up the famous Red River Valley to Grand Forks, N. D., whence the line takes a more westerly course across the agricultural and stock sections of northern North Dakota and Montana to the Rocky Mountains. Thence is afforded a continuous panorama of grand and magnificent scenery through northwestern Montana, where, at an altitude of only 5,199 feet, the range is crossed, the route then being across northern Idaho to Spokane, Wash., whence it proceeds west via the far-famed irrigation sections of that state—the Great Bend Country and the Wenatchee Valley—crossing the Columbia River at Wenatchee, to traverse the famous Tumwater Canyon and on through timber and lumber sections across the Cascade Range to Everett, where Puget Sound is reached. Here the line turns south and parallels the sound to Seattle. In the Rocky or Cascade mountains, various points afford excellent hunting and fishing stop-overs. The famous Kootenai Lake region and the mining sections of Rossland and Nelson, B. C., may be reached from Spokane; the noted Lake McDonald country and its glaciers, from Belton, Mont., and beautiful Lake Chelan and the Methow Valley from Wenatchee, Wash.

The Northern Pacific Railway, paralleling in general direction the Great Northern, between St. Paul and Puget Sound, enters North Dakota at Fargo, keeping thence nearer the southern line of the state, crossing the noted "Bad Lands" and following the Yellowstone River in Montana to Livingston. Then, via Butte or Helena, at the passenger's option, it crosses the famous Bitter Root Valley and the Flathead country and the mountain and lake region of northern Idaho to Spokane—a continuous stretch of magnificent scenery from Livingston west. From Spokane, this line takes a southwesterly direction through southeastern Washington's agricultural sections and across the far-famed Yakima Valley, where it turns northwest to climb the Cascade Range and to traverse—before reaching Seattle to turn south to Portland—some of the most extensive and interesting timber and lumber sections of the Northwest. Here may be seen the lumber industry at its best, and here, too, are hunting and fishing regions easy of access and unsurpassed, while Spokane offers many inducements as a stop-over point, with the hunting and fishing sections of northern Idaho most easily reached therefrom. From Livingston, Mont., over a branch line to Gardiner, is made the side trip to the Yellowstone National Park, whose wonders and scenic attractions will many times repay for the time spent and the additional expense incurred in making the five and one-half day tour through it.

The Canadian Pacific has as grand mountain scenery as is to be found anywhere in the world, unapproachable in magnificence and majesty, and for two days are to be seen panoramic views of mighty mountains, wonderful cascades, great glaciers, and awe-inspiring canyons. The pleasures of the trip will be greatly enhanced by stop-overs at Banff, in the Canadian National Park; at Lake Louise, one of the most charming lakes in the world; at Field, the entrance to Yoho Valley; and at Glacier, where is located the Great Glacier of the Selkirks, larger than all the glaciers of Switzerland combined. By this route passengers are given the option of traveling through Puget Sound without extra cost if a water trip is preferred to all rail.