

Book Review: Law Society of Upper Canada, Special Lectures, 1963

Sidney Dymond

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/ohlj>
Book Review

Citation Information

Dymond, Sidney. "Book Review: Law Society of Upper Canada, Special Lectures, 1963." *Osgoode Hall Law Journal* 3.1 (1964) : 154-155.

<http://digitalcommons.osgoode.yorku.ca/ohlj/vol3/iss1/19>

This Book Review is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

Law Society of Upper Canada, Special Lectures, 1963. Toronto: Richard de Boo. 3 vols.

The Special Lectures on the Mentally Disabled and the Law, and Medical and Hospital Liability (Part I) printed for the Law Society of Upper Canada in 1963 comprise a "must" for every general practitioner's bookshelves.

The first 100 pages deal with problems relating to Mental Illness, including alcoholism and senility, and the contents range from valuable hints on practice to learned discussions on the law. The practical points include a summary of the Statutes relating to admission to, and discharge from, public and private institutions; the necessary steps to obtain Administration by the Supreme Court of the property and person of mental incompetents and the mentally infirm with an excellent set of precedents provided by Mr. J. T. Weir, Q.C.; a detailed explanation of the function and workings of the office of the Public Trustee and of the best methods to deal with that office; and a chapter on the precautions to take with respect to obtaining evidence as to testamentary capacity at the time a Will is being drawn.

The chapter on contracts of mental incompetents prepared by Professor J. A. Coutts discusses many of the questions that may arise in one's office and provides a useful reference when attempting to evaluate the possibility of successful litigation in cases of contracts where mental incompetents are involved. The footnotes are rather numerous but the chapter provides a starting point from which the law may be read on any specific problem that may arise in practice. Mr. S. Robbins' chapter on the tort liability of mental incompetents traces the Ontario cases and gives both a short history of the meaning of tort and how it has been applied with respect to mental incompetents and provides at the end of the chapter an excellent summary of the present legal position with respect to tort liability.

It is submitted that some of the lectures might have been extended to include the problems of dealing with alcoholics and their families, of the practical methods of having patients examined by the necessary doctors, of how to find out what a prospective mental incompetent owns in order to propound a scheme, and of what is the best way to propound a scheme.

The second half of the book, which is actually closer to two thirds of the book, deals with medical and hospital liability. The chapter on Statutory enactments relating to hospitals, doctors, dentists and pharmacists, gives, in convenient form, the acts relating to such varied matters as the privilege of doctors and dentists, limitations of actions, criminal law, the duty of hospitals to admit patients, the obligation of doctors to report, and the acts relating to the ability of the various parties to practice their professions. A one page summary at the end of the chapter with respect to limitations provides a very handy reference.

Dr. F. A. Evis Q.C. in his lectures on the Ontario Hospital Services Commission describes the operation, financing, and function of that Commission and provides an excellent summary of third party liability and the Commission and the steps solicitors should take where the Commission may be involved. As well as this he covers the problems of incorporation of a private hospital and planning a public hospital and the difficulties and steps to take with respect to financing. The case law with respect to claims arising out of the relationship between doctor and patient, between hospital and patient, the burden of proof, claims for contribution and indemnity and the legal aspects of consent are dealt with very adequately in five separate chapters. The book concludes with the chapter on the conduct of a malpractice action by Mr. Justice Haines. The acumen which we have come to associate with his lectures is repeated in what is a fitting finale to an excellent book.

SIDNEY DYMOND*