

NORTH CAROLINA STATE SUPREME COURT DECISION

State vs. Biggs,

133 N.C., 729, 46 S.E. 401—

Dr. Biggs was tried in the Superior Court of Guilford County and the law is written on his appeal to the Supreme Court where he was exonerated, found not guilty, and the law was laid down as follows:

He advertised himself as a non-medical physician, cured by drugless healing and natural methods without medicine or surgery. After a long opinion the Supreme Court held that the Legislature could not require him to have a medical license as our constitution would not permit the Legislature to create a monopoly of one system of healing against all others. It was said,

“Though there are many methods of treating diseases, among which the Legislature is not authorized to select one as the State system, excluding all others, yet this act, if valid, would make it punishable by law to charge a fee for treatment of any disease. Judges are lawyers and are not competent to decide, except for themselves as individuals, which is the best system of treatment for those practitioners who eschew medicine and surgery have a right to object to leaving the question, whether medicine and surgery is the only permissible method of treatment to be decided by the practitioners of that method.”

It is further said that:

“Medicine is an experimental, not an exact science. All the law can do is to regulate and safeguard the use of powerful and dangerous remedies like the knife and drugs, but it cannot forbid dispensing with them. All the law, so far has done, or can do, is to require that those practicing on the sick with knife and drugs shall be examined and found competent by those of like faith and order.”