

BIRMINGHAM COUNTY COURT.

(Before His Honour JUDGE CHALMERS.)

An action which had been remitted from the Superior Court was brought by Miss Harriet Belsey, Prestwich, near Manchester, against Miss Mary Jane McLelland, matron of the Worcester Infirmary, to recover £500 damages for alleged assault and libel. A sum of 10s. was paid into Court in full satisfaction of the claim. Mr. A. J. Ashton (instructed by Messrs. Needham & Co., Manchester) appeared in support of the plaintiff's case, whilst Mr. R. H. Amphlett (instructed by Messrs. Curtler and Davis, Worcester) conducted the defence.—The case for the plaintiff was that last August she entered into an arrangement with a Miss Barnfather, of Manchester, to become a probationer. The term to be served was three years, the first year to be spent at the Worcester Infirmary with a salary of £10, and the second and third years, for which her remuneration was to be £18 and £19 respectively, in private nursing. She went to Worcester, and after she had been there some time she complained of being put on night duty. Accordingly Miss Barnfather addressed to the matron a letter which had the effect of getting plaintiff released from night work. Plaintiff alleged that after the receipt of that communication the defendant treated her with a certain amount of roughness. In March of the present year she was suffering from an ulcerated throat. Defendant caused her, much against her will, to submit to having her throat painted. A nurse held her while the matron painted her throat, and, because she objected, called plaintiff an idiot, a fool, and an ass. The same day plaintiff went home, and subsequently defendant addressed to Miss Barnfather a letter, in which she said "I am sorry that Belsey has turned out so stupid. I never met any girl of her years who was

so childish and silly. I think her mother or her people at home have a great deal to do with her feeling unsettled." The letter also contained this declaration:—"If she had been my own probationer instead of the institution's I should have sent her home long ago for her silliness." The statements in the letter constituted the libel; and the assault consisted in compelling the plaintiff to have her throat painted in spite of her protestations.—Defendant, in cross-examination, admitted that she insisted on the plaintiff having her throat painted. Not succeeding by herself she sent for Nurse Hughes. She entertained the most kindly feelings towards the plaintiff at that time, and was animated by the same sentiments even now. "Ass," "fool," and "idiot" were three words she often used.—His Honour: They are "soft" words, I suppose.—(laughter).—Cross-examination continued: She was in a friendly spirit when she wrote the letter. She felt very sorry for the girl, who was very childish.—Mr. Ashton: If you had had your way you would not have kept her there? I don't think so. She was so dissatisfied.—Cross-examination continued: In writing "I am sorry that Belsey has turned out so stupid," she said what she felt. The plaintiff certainly acted stupidly in going home the day that her throat was painted. She was always coming with complaints to witness, who regarded her as a spoilt child.—His Honour: If a Nurse is ill—has a bad throat—and she sees the house-surgeon, cannot she speak to him? I suppose she can.—His Honour: Have you ever forbidden her to speak to him? Oh, no. The rule is that if a Nurse has a bad throat she shall report the matter to myself, and then, if the usual remedies fail, I ask the surgeon to see it.—His Honour: Were you told that her temperature was 103? Yes; I asked the Nurse to take her temperature. She was looking much better than usual that morning.—

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