

A National Association for Nurses and its Legal Organisation.*

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IN the course of preparatory work needed to present the subject of a National Association of Trained Nurses, it will be found, I think, that attention must first be given to the general structure, laws and powers of the government under which we live and hope to unite. Next, that the plans of organisation of other national associations be considered and compared. It is necessary to know what legal supports may be obtained for an association such as we wish to form, and it is useful to know something of national associations already existing: what machinery they have and how it works; how their purposes compare with ours, and what means they take for accomplishing them; how much power and influence they are able to exert, and how prestige and dignity are best obtained.

After this ground has been pretty well gone over, our knowledge of our own needs and present conditions will lead us naturally, and with little further trouble, to the lines upon which a national organisation of Nurses can best be founded, and will also indicate with a good deal of certainty the shape it will take and the functions that it may be expected to possess and to acquire.

It is not necessary to describe to you the national organism, the union into one common country of States possessing many attributes of sovereignty, the subdivision of States into counties, and of counties into townships; but it may be well to recall the main characteristics of the law-making power, the limitation of Federal, and the scope of State law. You remember that the States are so many governments within a government; that, to quote Mr. Bryce, "The nation is a State, which, while one, is nevertheless composed of other States even more essential to its existence than it is to theirs. . . . The States have over their citizens an authority which is all their own, and not delegated by the central government." By the constitution, the law-making power of Congress is limited to certain subjects which are of common interest to the whole nation, and which I need not here enumerate. By it also, such independent powers are prohibited to the States as would bring them into conflict with national law. "All other legislation and administration is left to the

States without power of interference by the Federal Legislature or Federal Executive." Or in the words of the constitution, "The powers not delegated to the United States by the constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people."

Beyond these specific powers, no legislation can be had from Congress except by amendment to the Constitution. It is of the greatest importance that this limitation of federal power be clearly kept in mind, for in it lies the keynote to the general scheme of national organisations of private individuals in the United States.

In the Dominion of Canada, to quote Mr. Bryce further, "The distribution of matter within the competence of the Dominion Parliament, and the Provincial Legislature respectively, bears a general resemblance to that existing in the United States. But there is this remarkable distinction, that whereas in the United States, Congress has only the powers actually granted to it, the legislatures retaining all such powers as have not been taken from them, the Dominion Parliament has a general power of legislation restricted only by the grant of certain specific and exclusive powers to the provincial legislatures."

"The British Parliament again, is, in the sphere of law, an omnipotent body." It has power to make and unmake any law upon any subject. "In point of legal theory it is the nation," and therefore possesses that entire sovereignty which to this country is held by the people. It is, of course, not to our purpose or advantage now to discuss the relative merits of different forms of government, nor to argue as to which would be most convenient for the solution of our special problems. We simply care to consider the practical fact, that owing to these differences in the government of countries, private or personal associations formed under them respectively will also differ in their plans of organisation. For instance, the Royal British Nurses' Association holds its Royal Charter under the Great Seal of the United Kingdom, and looks forward to Act of Parliament to fix the status and protect the certificate of the graduate Trained Nurse, precisely as the Medical Acts establish a standard and furnish a protection to the medical profession of that country. But American Nurses cannot expect the National Government to do anything of the kind. Such legislation as is deemed wise or helpful, in aid of any of our higher standards, can only be sought through State legislatures.

Now if we take a general survey of national associations, be they philanthropic, professional, or labour unions, there is found a strong general

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