

Legal Matters.

Nurses appear to have been busy during the past fortnight invoking the aid of the law. At Halifax County Court, a hospital nurse, Sarah Ann Moore, of Hipperholme, obtained a verdict for £15 12s. and costs against the Halifax Corporation. The plaintiff, in May of last year, was engaged by the Corporation to take charge of a certain section of nursing duties at a temporary small-pox hospital at Luddenden. Her wages were 24s. per week and board and lodging. After being on duty three weeks the plaintiff was stricken down with small-pox, and she had herself to be nursed for upwards of two months. The point at issue was this; the Corporation said she was entitled only to three weeks' wages—that is, up to the time when she ceased to do duty, and they paid £3 12s. into Court. His Honour held that she was entitled to wages right up to the time of her being discharged from the hospital, and gave a verdict for thirteen weeks' salary—a verdict of which we heartily approve.

Smith v. Joy and another was an action brought by Mrs. Smith, certificated nurse, of Brighton, against the defendants for libel and slander. Mr. Branfoot, M.B., of Brighton, said he was the medical attendant on a Mr. Joy whilst he was in Mrs. Smith's Nursing Home, 29, St. Michael's Place. Mr. Joy made no complaint to him whilst in the Home, and improved in health there. Later he received a letter from the patient's mother which he considered a libel on Mrs. Smith, so he sent her the letter, hence the action. Counsel for the defence submitted that the statements in Mrs. Joy's letter to Mr. Branfoot, the medical attendant, were clearly privileged. His client ultimately instructed him to say that when she wrote the letter she had not the faintest intention of throwing aspersions on the moral character of Mrs. Smith, and if they could be so construed, she withdrew them. Judgment was entered for the plaintiff for a nominal sum of 40s. and ordinary costs.

We should advise Mr. Branfoot, M.B., of Brighton, to decline to be implicated in any similar matter which may come to his knowledge in his professional capacity in future.

An action was brought in the Sunderland County Court by Miss Selina Hawkins Foote, a nurse, against the chairman of the Sunderland Nursing Institution, Dr. George Blacker Morgan, for £47 5s. 6d., as damages. The claim was made up as follows: Hire of room during sickness for six weeks, £9; Nursing fee for three weeks, £5 12s. 6d.; loss of salary during illness, £4 7s. 6d.; chemist's bill, £1 5s. 6d.; extra nourishment, £2; and pain, suffering, and injury to home, £25.

Counsel for the plaintiff stated that in January, 1900, Dr. Morgan, on behalf of the Nursing Institution, engaged Miss Foote at a certain salary and on certain terms. One clause stipulated that medical attendance and travelling expenses would be allowed. Another provided for three weeks' holiday. In October plaintiff suffered with an abscess on her jaw. Dr. Maling, the honorary medical officer of the institution, attended her. The abscess was operated upon, and plaintiff, though in poor health, returned to work. She then decided to consult her own doctor, Dr. Squance, as the nurses had been informed by the matron they were at

liberty to consult their own doctors if they thought fit, though if they did so they could not be laid up in the institute, nor could a single day be granted on the ground of ill health. Miss Foote knew this, but as Dr. Squance advised her to stop working she asked the matron for three days' holiday, which was granted, but withdrawn when she learned the nurse was going to have her jaw operated on. As she was unfit for work Miss Foote sent in her resignation on December 14th. She worked out her notice, and then Dr. Squance reopened the abscess and found the bone injured. Plaintiff suffered much, and could not work for six weeks, because she had not had the abscess attended to in time.

Cross-examined, Miss Foote said she went to Dr. Squance because she wanted further advice.

Miss Isobel Watson, formerly a nurse at the institute, stated that Dr. Morgan was usually consulted about matters that arose.

Dr. Squance spoke of attending the plaintiff. He would have been very glad to confer with Dr. Maling, but the nurse objected. The Counsel for the plaintiff admitted that there had been no breach of contract. Dr. Maling, the medical attendant for the institute, was diligent and competent.

Mrs. Marriner, the Matron, said that upon learning that Miss Foote intended to be medically attended outside the home, she withdrew the leave.

The Judge held that the withdrawal of leave was an attempt to import a new element into the terms of contract with the nurse, and therefore the plaintiff was entitled to judgment, and he fixed the amount of damages at 5s. and costs. His Honour added that nothing had transpired which was detrimental to the institute or Dr. Maling.

Several points of interest to the profession generally arise out of this case. We think the time has gone past for medical men to manage nurse's commercial institutions—such authority always supersedes the rightful authority of the Matron, causes lack of discipline, and arouses dissension in the ranks. At the same time we consider that nurses working for an institute should be treated by the honorary medical officer attached, and if they are not satisfied should have the right to ask the medical officer to meet another medical practitioner in consultation. Surely medical etiquette demanded that Dr. Squance should have consulted Dr. Maling so long as Miss Foote was attached to the staff of the Sunderland Nursing Institute. It would be quite impossible to nurse a whole staff of private nurses if when they were ill each called in a separate physician, and our experience of sick nurses is that they are very difficult patients.

Mentioned in Dispatches.

In a dispatch from Lord Kitchener, dated Pretoria, May 8th, he forwards the names of officers and others whom he wishes to bring to the notice of the Secretary of State for War for consideration. We are pleased to find the following entry:—

"Miss E. Matthews and Miss Hamman, civilians, who attended to wounded all day, though the hospital was under fire."

Her Majesty the Queen has intimated her intention of presenting certificates to the eighth and ninth thousand nurses who have joined the Royal National Pension Fund for Nurses, at Marlborough House, on Friday, the 19th inst.

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