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Editorial.

UNDUE INFLUENCE.

It is a well-known fact that the physical reacts upon the mental condition, that when the body is out of gear the mind participates in the general weakness. For this, amongst other reasons, it is desirable that testamentary arrangements should be made when the testator is in sound health, and not left to a time of bodily weakness when the mind is also enfeebled, and the business grip impaired.

Another danger in regard to wills made during illness is that undue influence may easily be brought to bear upon the testator, who succumbs to pressure which would ordinarily not affect him. The law, therefore, in cases which have been brought before it of legacies to persons whose position in the sick-room gives them a certain amount of influence over the patient, has always, and rightly, shown a disposition to require proof that such influence has not been unduly exerted for purposes of personal profit.

Amongst persons in a position to obtain mental ascendancy over sick persons, trained nurses are conspicuous. The helpless patient depends upon his nurse for every office—for the small pleasures of the sick-room, for his personal comfort, for his mental atmosphere—and it is indisputable that, while a well-trained, sympathetic, and honourable woman can, and does, bring an atmosphere of peace, comfort, and strength into a sick-room, which is a most valuable contribution to the well-being of the patient, an unscrupulous one can use her unique position to his detriment; she can deliberately make him uncomfortable until he conforms to her will, or, short of this, she can insidiously insinuate into his mind suggestions which would otherwise find no place there, and which, if adopted, may result in injustice to others. Undoubtedly the public realise this danger, and, in some cases, it tends to make relatives suspicious of the trained nurse, and loth to avail themselves of her services. In the case

of well-trained nurses this mistrust is, we are glad to believe, ill-founded, but the public have at present no means of discriminating between the graduates of good schools, who as a rule appreciate their professional responsibility, and those women who, recognising the opportunities for exploiting the public afforded by private nursing, adopt the uniform and assume the duties of a trained nurse with no sufficient qualifications for the responsible work they undertake, and from motives which are the reverse of honourable.

It is, therefore, incumbent upon all nurses to be most punctilious in regard to the money affairs of the patients with whom their professional duties bring them in contact. They should consider it an ethical obligation to refrain from what might, under ordinary circumstances, be regarded as a legitimate expression of opinion, while the exercise of any influence for personal advantage should be regarded as grossly unprofessional.

We have been led to make these observations by a case recently heard at Brighton, in which the plaintiff (whose professional qualifications are not stated) had acted first as nurse and afterwards as companion to the defendant for three years. She brought an action for wrongful dismissal, alleged to have taken place, without just cause, immediately after the defendant's solicitor had had an interview with his client.

The counsel for the defence commented strongly on the fact that before she had been in the service of the defendant a fortnight the plaintiff suggested that "this weak old lady" should make a will, and that subsequently a will was drawn and executed leaving everything to the plaintiff. It is alleged that the immediate cause of her dismissal was her attempt to get the defendant's solicitor dismissed.

Judge Martineau intimated his opinion that the defendant was not in a condition to be allowed to execute the will. After hearing the evidence on both sides his Honour reserved judgment.

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