condition was greatly improved by the rigid adoption of cleanliness and the new practice invented by him, aided not a little by an attempt which was made by the directors to destroy by quicklime the putrefying remains of the cholera dead, yet when wet and fogs prevailed hospital gangrene, pyæmia, erysipelas, and other forms of blood poisoning frequently attacked the patients, and rapidly proved fatal. In one week of close, muggy wet weather I have seen five patients in these wards dying from pyæmia, due to emanations from the cholera pits. A muggy day was always a source of concern and anxiety to me in these years, and muggy days were painfully common. . . . . With an earnest yearning for the continued prosperity of the Royal Infirmary, wherein I have worked so many years of my life, I have longed for the time when I might witness it rebuilt on a healthy site, and its wards and equipment brought up to the level of modern requirements in medical science. To help in bringing about this happy result I shall gladly contribute."

* * *

Statements to the same effect were made by other medical men, while Dr. Adams, on the contrary, said that "he did not believe that any man present honestly believed that the bodies in the Necropolis, or in the graveyard near the Royal Infirmary, had the slightest effect upon the patients in the Royal Infirmary." The numerous friends of this excellent institution will all recognise that, notwithstanding the many associations connected with this deservedly popular infirmary, that the hygienic question is of paramount importance, and should, and doubtless will, receive the most careful consideration.

Legal Matters.

BREAY *v.* THE ROYAL BRITISH NURSES' ASSOCIATION.

Our readers will remember that it was recently announced that Miss Margaret Breay had felt compelled to institute legal proceedings against Mr. John Langton, Mr. Edward A. Fardon and Mrs. Florence Dacre Craven, as representing the Royal British Nurses' Association, to restrain them from spending the funds of the Association in defending the action for libel brought by Dr. Bedford Fenwick against Miss Josephine L. de Pledge, Matron of the Chelsea Infirmary—a course which the officials in question had persuaded the Executive Committee to authorise, and to which the subservient General Council had of course assented. The application for an injunction was heard on Wednesday last, in the Chancery Court, by Mr. Justice North; Mr. Swinfen Eady, Q.C., and Mr. Macnaughten, Q.C., appearing for Miss Breay; and Mr. Vernon Smith, Q.C. and Mr. Muir Mackenzie for the Royal British Nurses' Association. Mr. Eady eloquently argued that the funds of the Nurses' Association were never intended, and the Charter did not authorise them, to be spent in paying the costs of legal proceedings between one member and another; and the Judge having heard both counsel on the other side, delivered the following judgment:—

"I think this is a case in which, beyond all question, there is something to be tried. An action is brought against the editor of a paper, circular, or journal—call it what you like—for a libel, or what is alleged to be a libel, contained in it. The Association do not take any steps to adopt the act of the person made defendant, saying that that person was merely their agent in the matter, that they are the persons most interested in defending the action, and asking that they may be added as defendants for the purpose of defending the proceedings taken against a person who is the publisher, and so is liable no doubt, but having between that person and the Association the right to be indemnified. They do not take that course at all, and it is not therefore a question of defending an action in which they are defendants. But they having appointed an editor, and that editor having published something in the journal which is alleged to be a libel, the question is whether this is so clear that I ought to refuse the injunction, so clear that the funds of the Association for the purpose of Nurses can be properly applied in defending an action in which the Association are not sued, but the printer or editor of their journal is. I think that the question only requires to be stated for it to be seen. It certainly is not so clear that the defendants should be allowed to go on spending their funds for such a purpose, at present, before the trial of the action. And I am particularly warned of the inconvenience there might be in doing so, because in the case cited before Vice-Chancellor Wickens, he took the view that *fieri non dignit factum valet*, and although the funds had been improperly applied in defending the action, he declined to make the person who had improperly applied them refund the amount. That makes it all the more necessary for me in the present case to take care they are not misapplied in the first instance. I think it clear, therefore, that an injunction must go until the trial of the action. Of course I should have accepted an undertaking if it had been given. But the defendants refuse to give an undertaking and the injunction must go. I think it should be confined to this—to restrain the defendants from applying any part of their funds in defending the present action in the Queen's Bench, in which (I have not the record here) A. B. is plaintiff and C. D. is defendant. I put it in that way, because in case there was any alteration in the record it would be unaffected by the order I make now."

previous page next page