

Legal Matters.

ALLEGATIONS AGAINST A NURSING HOME

ON the 19th inst., at the Manchester Assize Courts, before Mr. Justice Bigham, sitting in the Nisi Prius Court, and a special jury, an action for slander was brought by Miss Kate Stewart, proprietress and manageress of Nelson House, a medical and surgical nursing institution, Nelson Street, Manchester, against Mrs. De Bolivar. Mr. Pickford, Q.C., and Mr. Langdon appeared in support of the claim for damages, and the defendant was represented by Mr. F. Ray. In May last a daughter of the defendant entered the plaintiff's home for the purpose of undergoing an operation on the jaw by Mr. Thomas Jones, surgeon, of Manchester. Whilst the child was there Mrs. De Bolivar went to the home to see the child, and was told that it was impossible to do so unless the permission of the surgeon was obtained. Then Mrs. De Bolivar went to Dr. Jones and alleged that on the occasion of her visit to the home Miss Stewart was quite drunk, and smelled like a distillery, and that she (the defendant) had no confidence in her. She also stated that the home was dirty, and that the linen in use there was not what it ought to be. Subsequently, the defendant was asked to withdraw and apologise for these statements, but she refused to do so. At the conclusion of the opening statement, Mr. Pickford announced that he should call Judge Parry, who was taken to the home after the attack upon him in the county court, a number of patients who were in the home at the time the defendant's daughter was there, and several eminent surgeons, all of whom would speak to the satisfactory manner in which the institution was carried on.

Miss Stewart, the plaintiff, stated in her evidence that she had been a nurse for over 20 years, and had kept a nursing home for some years in High Street and in Nelson Street, Manchester. When the defendant called to see her daughter, witness told her that the child had had a good night, but Mrs. De Bolivar replied, "If only I could believe you." On other occasions she was excited, calling witness a "tigress," and saying that she was not going to be bullied by her. Witness then told her that she was the most impudent, ignorant, and insolent woman she had ever met. She absolutely denied having been in a state of drunkenness.

Mr. Thomas Jones stated that the operation he performed was the establishment of a false joint in the angle of the jaw, made necessary by the jaw having become stiff, as the result of an accident some six or seven years before. He had known Miss Stewart for 26 years, and there was

absolutely no foundation for saying that Nelson House was in a dirty condition, or that patients were not properly looked after. Half an hour after the defendant made the allegation that Miss Stewart was drunk witness telephoned to the home, and was answered by Miss Stewart, who was not drunk. Witness added that he should not have disclosed the conversation between the defendant and himself had he not subsequently heard that she had insinuated that she had told witness something about the home.

Further evidence as to the character of the institution was given by Miss Garside, a patient, Nurse Green, and Judge Parry.

In answer to Mr. Pickford, his Honour said that he was a patient in the home last year.

Mr. Pickford: Is there any foundation for saying that the house was dirty and the linen improper?

Judge Parry: Absolutely none.

And did you ever see anything whatever suggesting any suspicion of insobriety about Miss Stewart? No, nothing.

Mr. Ray, for the defendant, stated that his client had pleaded privilege with regard to the statements made to Mr. Jones, and with respect to the other allegations he should call evidence.

The defendant said that when she went to see her daughter, the plaintiff refused to let her see her. Plaintiff asked her how many aunts the patient had got, and said something about Devonshire. She became incoherent, and witness, growing anxious about her child, insisted upon seeing her. Witness was, however, refused, and until she was coming out of the house the plaintiff declined to tell her Mr. Jones's address. Witness complained about the contradictory statements made with respect to the condition of her child. When she saw the plaintiff on the following day after she went to Dr. Jones she called witness a fool, said that anyone could see that she was not a lady, and that her language showed the company she kept.

In reviewing the evidence, his Lordship said that there was not a ghost of evidence that the plaintiff's home was not a well-managed and well-ordered institution. The question the jury had to decide was whether the defendant honestly believed that the plaintiff was drunk when she told Mr. Jones that she was so. If she did honestly believe it, then her statement would be privileged, for the law rightly allowed persons to make communications to their doctors without restraint, so long as the statements made were honestly believed.

The jury, after a brief retirement, found for the plaintiff, assessing the damages at £50.

Judgment was entered accordingly.

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