

Legal Matters.

(Before LORD STORMONTH-DARLING.)

THE BLAIRGOWRIE NURSING SCANDAL.

JACKSON V. KEMP.

JUDGMENT was given upon the issues in the action by Christina Jackson, 15, Ann Street, Blairgowrie, against the Rev. Robert Kemp, parish minister, Blairgowrie, and others. The pursuer sues, as damages for alleged slander, against the Rev. Robert Kemp, £100; against Mrs. Kemp, £100; against Mrs. Elizabeth C. Bain or Robertson, wife of Robert Robertson, banker, Blairgowrie, £200; and against H. M. Wedderburn, Marfield, Rattray, £100. The defenders are also sued, conjointly and severally, for £500. The pursuer says that she was formerly a nurse in connection with the Victoria Jubilee Institution for Nurses. The defenders are members of the Executive of the Blairgowrie and Rattray District Nursing Association, which was formed in November, 1892, for the purpose of providing a nurse for the sick poor people of the district. In the early part of the year 1897 she was appointed district nurse under the Association, and acted as such till 28th February, 1899. At that date she was entitled to the ordinary certificate granted by the Institution to nurses, and she applied to the Superintendent of the Scottish Branch of the Institution for the certificate. In terms of the regulations of the Institution it is required that the Superintendent and a member of the District Committee must sign recommendations in favour of the applicant for a certificate. The pursuer says that a recommendation in her favour was signed by the Rev. Robert Kemp, but that, at a meeting of the Committee on 21st March, 1899, Mrs. Kemp ordered it to be put into the fire, which was done. The pursuer claims that the recommendation belonged to her. The Superintendent did not sign a recommendation in favour of the pursuer, and, in consequence, the pursuer did not receive the certificate. She believes and avers that the refusal of the Superintendent to sign the recommendation was due to false statements made by the defenders, or one or other of them, regarding her. She believes and avers that the female defenders had taken up an antagonistic attitude towards her in the Executive Committee, and that, in consequence of that attitude, the recommendation by a member of the Local Committee was delayed in being sent, although there was at least one other member of the Committee who was in favour of its being sent. In consequence of the pursuer's treatment, and on its becoming known in Blairgowrie that the usual certificate had not been granted to her, the President of the Nursing Association was requisitioned to call a meeting of subscribers to

consider the matter. That meeting was called for Tuesday, 6th June last. The pursuer, in view of the meeting, wrote a letter to the Secretary of the Executive Committee asking for a note of the complaints against her, and specially for copies of letters which, she was informed, had been received by the Committee, but she avers the female defenders refused, and withheld all information regarding those complaints, and they also refused to give the pursuer a copy of the letters which were said to contain charges against her. The defenders, it is said, thereupon called a meeting of the General Committee of the Association for Monday, 5th June, and at that meeting, at which the defenders were present, and to which the pursuer was not invited, but to which reporters were admitted, it is said a statement on behalf of the Executive Committee was read. It is believed and averred that the Rev. Robert Kemp had, before the meeting, specially arranged to hand the statement to the newspaper representatives. He did so, it is maintained, at his own instance, and also by the instructions of the female defenders, or one or other of them. It is also believed by the pursuer that he sent a report of the meeting to the NURSING RECORD. The defender, Mrs. Robertson, it is believed and averred, circulated in Blairgowrie a type-written copy of the report, somewhat altered and added to. The statement made charges against the pursuer of neglect, incompetence, interference with doctors' treatment, roughness to patients, and careless use of instruments in her duties as nurse, and accused her of falsehood and of being specially careless with parochial patients; and stated that there were serious charges made against her by three doctors. All of those charges, the pursuer says, were false, calumnious, and injurious to her, and were made recklessly, maliciously, and without probable cause, and with the meaning intended to be conveyed that the pursuer was unfit to be a nurse. In consequence, she has been unable to get a situation as a nurse, and she is now sailing as a stewardess on an Atlantic liner. The defenders refer to the rules of the Nursing Association, and plead that the pursuer's statements are neither relevant nor sufficient to support the conclusions of the summons; that the pursuer's averments are unfounded in fact; and that, in any view, the statements of which the pursuer complains were nothing more than fair criticism of the pursuer as a public nurse, and were privileged. In any view, they maintain the sums sued for are excessive.

Lord Stormonth-Darling said he thought the case must go to a jury, and he adjusted issues, leaving it to the judge at the trial to direct the jury upon the question of whether malice was or was not sufficiently averred.

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