

Legal Matters.

NURSING HOMES.

HARVEY v. WEBB.

We drew attention in our last issue to the action brought by Sir Robert Harvey, of Dundridge, against Miss Harriett Maria Webb, of St. Leonards. The case was settled out of court by the payment by the defendant of the damages claimed, together with the taxed costs incurred by the plaintiff.

The case is a particularly sad one, and Sir Robert Harvey says, in a preface to the legal record of his action-at-law which he has published in pamphlet form, "nothing less than a keen sense of my duty to my fellow-countrymen in general, and to potential fellow-sufferers in particular, could induce me to re-open a great and recent sorrow by placing the details of my tragic and terrible experiences of a Nursing Home before the public."

The facts alleged by Sir Robert Harvey in his statement of claim are that the defendant carried on the business of a Nursing Home at No. 88, Marina, St. Leonards, calling it a "Home for Convalescent Invalids," and by means of a printed prospectus advertised that she was a trained, certified and experienced nurse.

On February 26th of the present year the plaintiff's ten-year-old son, who was staying at the Albany Hotel, Hastings, developed German measles, and it became necessary to remove him to a home where he might receive skilled nursing in addition to board, lodging, and attendance, and that the defendant, knowing the circumstances, agreed to receive the boy, with his governess, into her home, and impliedly warranted that the home was reasonably fit for use and habitation by the child in his then state of health. The plaintiff alleged that the house was not on or before that date fit for his son's reception, as a nephew of the defendant, residing as a guest in the house, was on and before that date suffering from diphtheria, and that the house was not properly disinfected.

The plaintiff also asserted that the defendant omitted to use reasonable care and skill in the management of her business in neglecting to ascertain if her nephew was suffering from an infectious disease before admitting his son as a patient; that she so negligently managed her business that the infection of diphtheria spread in her house and was communicated to his son; and that she neglected to communicate, either to him or to the child's governess, that there was a case of diphtheria in the house; that she allowed persons who had been in contact with her nephew, and used parts of her house which he used, to come in contact with his boy, and also allowed him to use the stairs daily during his convalescence, although these and other parts of the house had

been used by her nephew while in an infectious state from diphtheria, and had not been disinfected.

By reason of the negligence of the defendant the plaintiff alleged that his son was infected with diphtheria in the defendant's house, and died in London on the following 23rd of March. The plaintiff had to provide medical care and treatment for his son, and otherwise suffered damage which he assessed at £156 8s. 3d.

The defendant denied giving or implying any warranty that her house was fit for the use or habitation of the plaintiff's son, or, alternatively, said that if she implied such a warranty it did not extend to the state of health of persons then inhabiting her house as guests, and of which she was ignorant. She alleged also that her nephew was found to be suffering from diphtheria on February 27th, and was at once removed and the house disinfected, and that she exercised all reasonable care and skill to prevent injury to persons whom she received to lodge, board, and nurse for payment, and thoroughly disinfected her house and all clothing, furniture, implements, and utensils which had been exposed to infection. She, however, stopped the case by paying the costs of the proceedings of the action-at-law brought by the plaintiff, together with the damages claimed by him.

It appears to us that special points of interest in connection with this case are that a child suffering with German measles was admitted as a patient in a "Home for Convalescent Invalids," also when it was found that another child in the same house was suffering from diphtheria the fact was not communicated to the father of the first-mentioned patient, who contracted diphtheria and died within four weeks of his admission to the Home.

As the case did not come into court, the pros and cons will probably never be made public, but it is evident that had the defendant thought she could support her case she would not have paid damages and costs. We have frequently stated that the supervision of Nursing Homes is a question of urgent necessity and paramount importance to the public, and that till some such supervision is enforced by the State scandals will continue to occur.

Educational Matters.

THE VICTORIAN TRAINED NURSES' ASSOCIATION.

SCHEDULE OF STUDY.

We publish below the revised schedule of study formulated by the Victorian Trained Nurses' Association for the guidance of the Nurse Training Schools in Victoria, which are co-operating with the Association in its effort to place the training of nurses in this colony on a uniform and satisfactory basis:—

[previous page](#)

[next page](#)