

professional skill according to the terms implied by her holding herself out as a midwife. Failure on her part would render her liable for damages arising out of her breach of contract. If the contract were with a third person (for example the husband) for attendance on his wife who suffered through a lack of proper care and skill, the midwife might then be liable to an action for damages for negligence, or absence of due professional skill at the suit of the wife.

But even apart from any contract, the midwife might be liable for negligence, for the law was that any person holding himself out as possessing special skill must display that degree of skill which would be displayed by a reasonable man who likewise holds himself out as possessing the same special skill. A far higher degree of skill is exacted from a woman who holds herself out as a midwife than from a woman who rendered assistance in emergency. In the latter case a very high degree of carelessness would have to be reached before a Court would call it negligence in law so as to render the philanthropic but unskilled person liable in damages. Whereas if a professional midwife were charged with negligence, the jury must decide the question, "Did this woman exercise that degree of skill which is reasonably to be expected from a woman holding herself out as a midwife?" If not, she must pay for damages.

Suppose the patient died, as the result of the alleged negligence. The midwife might then be charged with manslaughter, but she would be acquitted, unless she had been guilty of the grossest carelessness.

RIGHTS.

When a midwife is a party to a contract, her contract may be with the person confined, or with some other person who contracts with her, to attend the person confined. For example in the case of a doctor. His contract might be direct—as where the husband, father or master engaged the doctor to attend wife, child or servant; or implied, where the wife or child, being insufficiently supplied with "necessities," which include medical attendance, engaged a medical man. The contract, in this case, would, of course, be not between the wife or child and doctor, but between the husband or parent and doctor, for whom the wife or child was acting as "agent of necessity." A midwife, in this respect, presumably stood in exactly the same position as a doctor.

WORKMEN'S COMPENSATION ACT, 1906.

Were midwives within this Act? In order for a midwife to obtain the benefits of this Act, she must have been rendered incapacitated for work, as the result of a personal injury by accident, from which she suffered while engaged in her professional duties. Further, she must be a "workman" within the meaning of the Act.

All midwives who earned over £250 a year were outside the Act. The ones whose incomes were below this sum, professional independent midwives who attended cases much as a doctor, gave

their professional skill, but were in no sense "workmen" or servants, were also outside the Act.

It was possible that the midwife who goes out as a monthly nurse might be a workman within the Act, even when she is quite independent of any nursing home; but the very nature of her employment is that it is not regular, but is "casual," and for that reason she was probably excluded.

A midwife in or attached to an institute, hospital, or nursing home, where she was paid wages, and was under the control of a staff Matron or Superintendent, was probably within the Act, unless her salary exceeds £250.

As regards accident, Mr. Knocker mentioned that a midwife might be able to claim compensation where her hand became ulcerated from the use of antiseptics.

POST-GRADUATE WEEK AT YORK ROAD HOSPITAL, S.E.

The organisers of the Post-Graduate Week at the York Road Hospital (May 26-31 inclusive), have arranged a most attractive programme; and no midwife who can spare these six days, for the purpose of bringing her professional knowledge up-to-date, should on any account miss them. The programme is as follows:—

Monday, May 26th.—4.30 p.m.: Reception by Matron and Staff; Tea. 5.30 p.m.: Lecture, Dr. Fairbairn.

Tuesday, May 27th.—11 a.m.: Clinic in Wards. 2.30 p.m.: Meet at Hospital; Visits to Queen Charlotte's and City Road Hospitals. 5 p.m.: Visits to Guy's Museum.

Wednesday, May 28th.—11.45 a.m.: Meet at Hospital; Visit to Parkes' Museum, conducted by Dr. Louis Parkes. 3 p.m.: Lecture by Sister Olive.

Thursday, May 29th.—11.30 a.m.: Clinic on "The Baby," conducted by Sister French. 2.30 p.m.: Meet at Hospital; Visit to Infants Consultation at St. Thomas' Hospital. 6.30 p.m.: Post Graduate Lecture at Midwives' Institute by Dr. Fairbairn; tickets, 1s. each.

Friday, May 30th.—2 p.m.: Meet at Hospital; Visit to College of Surgeons' Museum; Tea at Hospital. 5.30 p.m.: Lecture by Dr. Darwall Smith.

Saturday, May 31st.—10.30 a.m.—12.30 p.m.: Test Paper; Prizes given.

The subscription for the course is 5s.

The Hon. Secretaries are Sister Olive and Sister French, and all Midwives are invited to join the course.

The method adopted by the Barry (South Wales) Town Council in regard to infants is that births have to be compulsorily notified by midwives, and then nurses engaged by the District Nursing Association visit the parents, and, if necessary, give instructions as to feeding and treatment. Last year the deaths of children under one year of age were fewer than at any other period in the history of the town.

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