

LEGAL MATTERS.

PATIENT AWARDED £100 DAMAGES FOR BURNS BY
HOT WATER BOTTLE.

The case of *Chilley v. Bradford*, tried before Mr. Justice Darling, and a special jury, in the King's Bench Division last week, illustrates once again the care needed in applying hot water bottles to patients.

The plaintiff sued Dr. Anthony Bradford, proprietor of a nursing home in Henrietta Street, W., for the negligence of his servants, in respect of injuries from burns by a hot water bottle while he was a patient in the home.

Dr. Bradford's defence was a denial of negligence and a denial of responsibility for the actions of the nurse. The action was based on contract, and all he undertook to do was to supply the rooms, operating theatre, and nurses; for the purpose of treatment the nurses were the servants of the doctor attending the particular case. In giving evidence he said that not one person in 10,000 would have burnt himself in this way.

We are surprised that a medical man should speak of a patient "burning himself," or that his counsel should plead, "Where was the negligence?" The plaintiff's counsel rightly argued that "it was precisely to avoid risks of that kind that people sought the trained skill to be found in nursing homes." Nor can we admit that nurses are the servants of the doctor in charge of a patient. Their employers are the persons who pay them their salaries, presumably in this case Dr. Bradford.

The points put by the Judge to the jury were:—

1. Did Dr. Bradford undertake to nurse plaintiff?—Yes.
2. Was Nurse Stuart a qualified and competent nurse?—Yes.
3. Was she guilty of negligence by which plaintiff was hurt?—Yes.
4. Was Dr. Bradford himself guilty of negligence; if so, state in what respect?—No.
5. Was Nurse Stuart in ministering to plaintiff acting as servant to Dr. Bradford?—Yes.

They awarded the defendant £100 damages.

While sympathising with Dr. Bradford that he should have to pay heavily for the negligence of one of his employees, we cannot but express our pleasure that a member of the public has proved his right to redress when such an injury occurs.

No hot water bottle should be put into the bed of a patient—conscious or unconscious—without being encased in a thick flannel bag; in this case it seems to have been flannelette. In addition, if the patient is unconscious a blanket should be placed next to him, and the bottle outside the blanket.

PUBLIC CONVEYANCES AND INFECTIOUS CASES.

A case which illustrates the grave risks incurred by the public, if the law in regard to the exclusion of infectious cases from public conveyances is not strictly enforced, was heard by Mr. Fordham

at the West London Police Court last week, when Dr. Charles Edward Alexander McLeod was summoned for failing to notify a case of scarlet fever, and Mr. Alfred Samson, of Arundel Gardens, Kensington, for causing a person suffering from scarlet fever to be placed in a taxi-cab. Evidence showed that Mr. Samson's son, who had scarlet fever, and was attended by Dr. McLeod, was sent, upon his recovery, to a convalescent home. A nurse (presumably a children's nurse) in the service of the house, cleared his room subsequently, and, within ten days contracted the disease, which was diagnosed by Dr. McLeod. Thereupon, Mr. Samson sent her home, in a taxi-cab, to East Dulwich, where she was seen by her panel doctor, who ordered her to be sent to a fever hospital. The magistrate commented strongly on the conduct of Mr. Samson, saying it would be difficult to imagine any more wicked, of its kind, endangering the health, and possibly the lives of hundreds of persons. He imposed a fine of £5 with 3 guineas costs. He accepted Dr. McLeod's assurance that it never occurred to him to notify the case. He was merely asked to examine her, and concluded that her own doctor would see her and notify her. He was fined 20s. and 23s. costs.

CLAIM FOR DAMAGES AGAINST NURSING HOME
PROPRIETOR.

An important case was heard in the Torquay County Court on Saturday, January 17th, before His Honour Judge Lush-Wilson, K.C., when the proprietors of the Torquay Nursing Home (Miss Marie Camus and Miss Hollis) were sued by the proprietors of the Pembroke Nursing Home, Bristol, for £43 16s. 3d. damages, by reason of the alleged negligence of the defendants.

For the plaintiffs it was alleged that Nurse Scott of the defendants' Home was supposed to be suffering from an abscess, and asked to be removed to the Clifton or Pembroke Nurses Home. Miss Emmett (a proprietor of that Home) was requested to fetch the Nurse, and went to Torquay for the purpose. While Nurse Scott was in the Home there, a case of measles occurred, and orders were given that the fact was not to be disclosed to any one. The defendants did not even disclose the fact to the doctor who said it would be safe to remove the nurse, this was done, and the next morning she developed measles. Another patient was infected, the plaintiffs had to engage additional nurses, and in other ways suffered serious damage. It was claimed that failure to disclose their knowledge threw liability upon the defendants. The case was adjourned until February 11th.

REID *v.* CUPPER.

On Tuesday, Miss C. Reid, a trained nurse, at the re-trial of the action brought by her against Mr. Oscar Cupper for assault and wrongful dismissal, obtained £10 damages for assault and £1 2s. 2d. in respect of dismissal, with costs on the High Court scale. The jury found there had been no false imprisonment, which was also claimed.

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