

LEGAL MATTERS.

MENTAL NURSES' ASSOCIATION, LTD., v. DOWNIE.

A judgment of the highest importance to private nurses and private nursing associations and co-operations was delivered in the Divisional Court, King's Bench Division, High Court of Justice, on July 15th, by Mr. Justice A. T. Lawrence and Mr. Justice McCardie, when the Mental Nurses' Association, Ltd., 8, Hinde Street, Manchester Square, London, W. appealed against the decision of His Honour Judge Bray at the Bloomsbury County Court on April 26th, when the Association sued Miss Mary Downie in that Court for breach of agreement.

The breach complained of was that within a year of leaving the Mental Nurses' Association she returned to the service of a person to whom she was introduced by the company, contrary to Clause 4 of her agreement.

His Honour, Judge Bray gave judgment for the defendant, but this judgment has now been reversed in the High Courts.

THE JUDGMENT IN THE HIGH COURTS.

We regret space does not permit us to give the judgment *verbatim*. The principal points are as follows:—

MR. JUSTICE A. T. LAWRENCE: This is an appeal from His Honour Judge Bray in a case in which the Mental Nurses' Association sued Miss Mary Downie for breach of the contract that she had entered into with the Association on December 4th, 1918, and the action was brought on the footing of a breach of the 4th clause of that agreement, which is a clause restricting the nurse from returning to service, or, in fact, taking from the Association its own patients. It is a protective clause. It is for the protection of this Mental Nurses' Association, and it seems to me to be aimed at preventing the very thing that has been done in this very case.

I think the learned County Court Judge must have drawn a wrong inference or was told something which induced him to put a false construction upon Clause 4, and therefore the appeal ought to be allowed.

MR. JUSTICE MCCARDIE: I agree. . . . unless this protective clause existed it is obvious that Miss Downie might go from one patient to another and practically enable herself to lay the foundation of some competitive institution. It was to prevent that, I conceive, that Clause 4 was introduced. . . . I entertain no doubt whatever that by the word "service" in Clause 4, what was meant and understood by the parties, and expressed by them, was that she should not go back to a person to whom she had been introduced by the Association, and there perform acts of service to or attend upon the needs of that person to whom she had been so introduced. That clearly, I think, is the object of this Clause.

. . . . I entertain no doubt that there has been a breach of the Clause.

The appeal was allowed, with costs, both in the High Court and in the Court below.

The Mental Nurses' Association, Ltd., is to be congratulated on obtaining, for the first time, a decisive judgment, which will be quoted in future similar actions as that given in a leading case.

Probably all Associations supplying nurses to the public have suffered financial loss in their business connections from the dishonourable action of nurses, who, having been sent to a case by an Association, sever their connection with the Association and retain the case. Such conduct is specially reprehensible in connection with a co-operation of nurses, whose members build up a business for their mutual benefit. Those Associations which insert a protective clause in the agreement signed by their nurses have now the assurance that they will have a legal remedy against such dishonourable conduct.

CHELSEA HOSPITALS NURSES' CLUB.

An interesting development has just been started amongst the nursing staffs of five of the Chelsea Hospitals under the name of the "Chelsea Hospitals Nurses' Club." Its activities are grouped under the following headings:—"Choral," "Musical and Dramatic," "Literary and Debating," "Needlework," and "Sports."

The hospitals at present uniting in the scheme are the Brompton, the Cancer, the Chelsea Hospital for Women, the Chelsea Infirmary, and the Victoria Hospital for Children, Tite Street. All the nursing staffs in these hospitals are eligible for membership and it is desired to point out that past as well as present members are welcome. All wishing to join are invited to write for particulars to the Matrons of their hospitals.

THE WELSH NATIONAL MEMORIAL TO KING EDWARD VII.

The King and Queen gave much pleasure by their visit to Denbigh on July 16th, to open the North Wales sanatorium, which is a memorial to King Edward VII. Replying to an address of welcome the King said: "My dear father was deeply interested in this noble work, and the extension of it is a fitting tribute to his memory." At the Sanatorium, Major David Davies, President of the Welsh National Memorial Association, presented to their Majesties, amongst others, the Matron (Miss M. Davies), the medical staff, and architect of the institution, and the King accepted from the architect a gold key with which he unlocked the door of the building.

Later their Majesties proceeded to Talgarth to open the South Wales sanatorium on the following day, when the Matron (Miss E. L. Mount) was amongst those presented.

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