

District Isolation Hospital, from which the patient had recently been discharged after scarlet fever.

Sister M. C. Trevor had in consequence been seriously ill and not considered fit for duty as a private nurse for three months. She had in consequence suffered serious financial loss. The Committee of the R.N.S. had appealed to the Watford District Hospital Board for compensation for Sister Trevor, but the Board denied responsibility for the damage although the patient discharged as free from infection had infected four members of one household. The Council of the College therefore obtained Counsel's opinion on the case as follows:—

**Opinion of Mr. Theobald Mathew.**

If the Hospital Authorities can be said to have been "in charge" of a person "suffering from an infectious disorder" they are liable on indictment to a fine under the 29 & 30 Vict. C. 90., Sec. 38, and the 38 & 39 Vict. C. 55, Sec. 126.

But it seems to me that they are under no civil liability to a person who has contracted a disease from a hospital patient who has been discharged prematurely.

In *Evans v. Mayor, &c., of Liverpool*, 1906, 1 K.B. 160, it was held that, where a visiting physician negligently discharged a patient who subsequently infected three children, the hospital authorities were not liable, in an action for damages, to the parent of the children. The obligation of the hospital, it was said, was only to provide reasonably skilled medical attendance; and the Doctor was the adviser, not the servant, of the authorities.

And Walton, J., held specifically in the above case that there was "no absolute obligation" on the hospital authorities "not to discharge a patient who may possibly cause contagion" (at p. 165). "It would be a very serious burden," he said, "upon public bodies who carry on . . . hospitals if it were held that they were under any such absolute obligation" (at p. 164).

To the same effect are the observations of Lord Blackburn in *Met. Asylums Board v. Hill*, 6 App. Cas. 193, at p. 204.

The only case in which damages seem to have been recovered by a person who has suffered loss through the exposure of himself or his family to infection is *Best v. Stapp*, referred to in a note to *Tonbridge Wells Local Bd. v. Biss-hopp*, 2 C.P.D. 187, and reported only in *Clen on Public Health* (10th Ed.), p. 98. But this was an action by a lodging house keeper against a lodger.

And though *Bramwell, L.J., in Ward v. Hobbs*, 3 Q.B.D. 150, uses language (at p. 150) which is consistent with a right of action in such a case as the present one, the driving of pigs infected with disease on a public highway has never been treated as analogous to the releasing of an infected patient from Hospital.

The Case of *Humphrys v. Miller*, 1917 2 K.B. 122, to which it was held that there was no implied warranty that an intending lodger was not suffering from an infectious disease, is also a difficulty in the way of Sister Trevor.

For the above reasons I am afraid an action against the hospital authorities would result in a judgment in their favour.

(Signed) T. MATHEW,  
4, Paper Buildings,  
Temple, E.C. 4.

March 9th, 1927.

The following letter, addressed to the Secretary, was read from Sister Trevor:—

"Thank you for your letter and enclosed legal opinion. I am not altogether surprised by the Counsel's view of the case, but precedent appears to show that farm stock have more adequate protection than public servants such as

nurses, which is an amazing state of affairs. . . . I look forward to the day when there will be legal protection for cases similar to my own, and I have no doubt that the B.C.N. will be in the vanguard of any fight there may be in future to secure satisfactory legislation in this direction.

"Will you kindly offer my sincere thanks to the President and the Council of the College for paying for Counsel's opinion, and for their time and trouble expended on my behalf?"

Members of the Council agreed with Sister Trevor that the porcine species was apparently more carefully protected by law from physical damage than human beings, and that the law as at present interpreted in this connection, so far as nurses were concerned, was very unsatisfactory.

**Statements from Speakers.**

Mrs. Andrews, Miss I. Macdonald and Miss Dorothy Graham gave short and interesting reports of the Nurses' Meetings at various hospitals which they had addressed, and informed the Council of impressions gained from Nursing opinion.

Mrs. Andrews had gathered that the nurses approved of the provision for "new blood" in the Council annually, and their objection to re-election year after year on Governing Bodies of the same persons.

Miss Graham reported with pleasure the recognition of Registered Nurses that to be self-governing, they must subscribe adequate fees, so as to eliminate the present social patronage and control by unprofessional persons, and in consequence loss of professional prestige.

This wholesome lesson is being taught by the British College of Nurses.

**Resolution.**

It was proposed from the Chair:—

"That the names of the first thousand Foundation Fellows, and the first thousand Foundation Members be inscribed on a tablet, and be suitably placed at the Headquarters of the British College of Nurses." The resolution was welcomed by the Council and adopted.

**Salaries and Emoluments of Nurses.**

The Political and Economic Standing Committee was requested to compile a list of salaries and emoluments of Nurses employed in Government and Municipal Departments.

As these departments are financed by taxes and rates, unlike the voluntary hospitals which are financed by charity, and therefore under no public control—the Council considered it would be useful to acquaint itself with the standards of pay of nurses to which as tax and ratepayers they were compelled to contribute. Certain classes of nurses were very inadequately paid, such for instance as the London County Council School Nurses.

The Meeting, which had sat for three and a-half hours, then terminated.

**Reply to Miss Lloyd Still by direction of the Council  
B.C.N.**

The following letter has been sent since the Council Meeting on March 26th to Miss Lloyd Still, by direction of the Council:—

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