

## REVIEW OF CURRENT ENGLISH CASES.

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### NEGLIGENCE—PUBLIC HOSPITAL—LIABILITY OF GOVERNORS OF HOSPITAL—OPERATION—INJURY TO PATIENT—HOSPITAL STAFF.

*Hillyer v. St. Bartholomew's Hospital* (1909) 2 K.B. 820 was an action brought by the plaintiff against the governors of a public hospital to recover damages for injuries sustained through the alleged negligence of the hospital staff while the plaintiff was undergoing an operation. The facts were that the plaintiff was placed on the operating table for the purpose of examination under an anæsthetic, and that his arms had been suffered to hang over its side; his left arm coming in contact with a hot water radiator projecting from beneath the table whereby it was burned and the upper part of his right arm being bruised by the operator or some other person pressing against it, the result of the injuries being traumatic neuritis and paralysis of both arms. Grantham, J., who tried the action held that the defendants were not responsible for the alleged negligence and he dismissed the action; and his decision was affirmed by the Court of Appeal (Cozens-Hardy, M.R., and Farwell and Kennedy, L.JJ.), who held that the hospital surgeons engaged in the operation, though employed by the defendants were not in the relation of servants, inasmuch as the defendants had no power or control over them in the way they exercised their duties, nor were they in any way bound to conform to the directions of the defendants in the discharge of their duties, and the only duty the defendants were under in the matter was to exercise reasonable care in the appointment of competent persons on their hospital staff. The nurses and carriers it was conceded stood in a somewhat different position to the surgeons, and though they were servants of the defendants for general purposes, yet when engaged in assisting at operations they ceased to be servants of defendants and were then under the control and orders of the surgeons.

### HUSBAND AND WIFE—MARRIED WOMAN—WEARING APPAREL OF WIFE PURCHASED BY HER—WIFE'S SEPARATE ESTATE—PARAPHERNALIA—MARRIED WOMAN'S PROPERTY ACT, 1882 (45-46 VICT. C. 75)—(R.S.O. C. 163, s. 5(2)).

*Masson v. De Fries* (1909) 2 K.B. 831 was an action brought against a husband and wife for the price of wearing apparel furnished to the wife. The husband set up that he had supplied