2 Ir. 76, the son of the plaintiff was a patient in the Workhouse Hospital of the defendants, Poor Law Guardians; his death was caused—at least accelerated—by neglect to provide him as a patient with the care and attention which he required. The mother sued under Lord Campbell's Act, but the action was dismissed.

In that case the nurse did all she could, but the master and perhaps the porter failed to do their duty, whereby the patient escaped from the hospital and suffered severely from exposure. The Court at the trial dismissed the action; this was affirmed by the Exchequer Division, and the plaintiff took the case to the Court of Appeal. That Court approved Livingston v. Guardians of the Lurgan Union, I. R. 2 C. L. 202, that Guardians are answerable to their patients for the wrongful acts and apparently the negligently injurious acts of those acting under their orders or in their behalf; but held that on the proper construction of the Statute of 1838, The Irish Poor Relief Act (1 & 2 Vict. c. 56) the ministerial work of poor law relief is intrusted to officers whose *status* is recognized as to some degree independent of the Guardians and who are rather part of the system controlled by the commissioners than servants or agents of the Guardians, discharging duties which primarily fall upon the Guardians themselves. To paraphrase the decision—the duty of the Guardians is not to care for the poor but to appoint officers to do so.

The Court approved a former case of Brennan v. Limerick Guardians, 2 L. R. Ir. 42, which decided that in such cases the Guardians were not liable because they had done their own duty. All they were required by the statute to do was to appoint the officers.

The same principle is laid down in a case not in other respects applicable, O'Neill v. Waterford County Council, 1914, 2 Ir. R. 41, same case in appeal 495.

The Scottish case of Foote v. Directors of Greenock Hospital, 1912, Sess. Cas. 69, is next to be considered. The plaintiff had her leg broken and was advised by her doctor to go into the Greenock Infirmary "in order to have the advantage of the medical appliance there." She went in as a paying patient but without any special contract; the house surgeons it was alleged treated her in an unskilful and negligent manner to her great physical and pecuniary loss and injury. She sued the hospital but the Court held she could not succeed, as in the absence of a special contract the hospital undertook to furnish to the public the services of competent medical and surgical practitioners, and nothing more. It is pointed out that the board had no control over the doctors and could not interfere with them except to discharge them. To paraphrase the language in Hall v. Lees, what the defendants undertook to do was not to treat the plaintiff through the agency of the doctors or their servants but merely to procure for her duly qualified doctors. Had there been a special contract to treat her, as in our case to nurse the plaintiff, the case would be in my opinion wholly different.

The American cases are not few; some of them will be mentioned.

In Benton v. Trustees Boston City Hospital (1885), 140 Mass. 13, the trustees of the hospital were held not liable for the negligence of the superintendent of the hospital who left the stairs unsafe. The Court held (1) that the defendants were but the managing agents of the city in maintaining the hospital. This view is quite in accord with our law and is sufficient to dispose of the case; Ridgeway v. Toronto (1878), 28 U. C. C. P. 574; McDougall v. Windsor Water Commissioners (1899), 27 A. R. 566; 31 S.