

dence of Drs. Bruce, Hall and Lawson, the plaintiff would not have survived forty-eight hours but for the operation.

The trial was held at Brampton on October 25th, before the Hon. Mr. Justice Meredith. Mr. Riddell and Mr. Mulock appeared for Dr. Bruce.

Expert evidence was given by Mr. I. H. Cameron, Drs. J. F. W. Ross, Geo. A. Bingham, John Caven, Wm. Hall, and J. A. Lawson. The following nurses were present to give evidence on behalf of Dr. Bruce, but His Lordship after hearing the medical evidence intimated that it was unnecessary to call them: Miss Eastwood, Superintendent of Victorian Order of Nurses; Miss Patton, Superintendent of Grace Hospital; Miss Graves, head nurse at St. Michael's Hospital; Miss Gray, Superintendent of Home for Incurables, and Miss Falkiner, graduate of Toronto General Hospital.

The evidence for the defendant went to show that the preparation of the patient, placing him upon the operating table and the filling of hot water bottles, etc., was the familiar knowledge of the nurse and her duty, and that the surgeon had nothing whatever to do with these details. It was clearly proven, even by the evidence of Miss Fawcett that nurses receive during their training, instruction in the filling of hot water bags and that they know the proper temperature of water for this purpose. The medical evidence showed that a surgeon is justified in trusting a nurse with filling these bags and is not required to examine them to assure himself that they are not too hot.

It was shown that after a surgeon is disinfected and prepared for the operation, it would be grossly wrong and a source of danger to the patient for him to feel hot water bags, which are unsterilized. That a surgeon *must* trust the nurse with the preparation of solutions, sponges, hot water bottles, etc., and that it is impossible for him to attend to these details. Any mistakes made in these preparations would be a danger to the patient and might result fatally. Operations are performed nowadays with safety which were not possible a few years ago. This is owing to the development of antiseptic surgery and the efficient training of nurses, and their help at an operation is absolutely necessary to the successful carrying out of the antiseptic details. The surgeon could not be expected to attend to these details and must necessarily trust his nurses.

His Lordship's judgment was as follows:

The plaintiff sustained a very painful injury, and one which has caused him some loss. These facts do not necessarily entitle him to relief from the defendant. In order to have damages in this action he must satisfy the court that the defendant has been guilty of some actionable negligence. The defendant is a skilled