

## ARMSTRONG VS. BRUCE.

This was an action brought by Charles Armstrong, of Brampton, against Dr. H. A. Bruce, for burns received from a hot water bag while the latter was performing an operation upon him. The facts of the case are briefly as follows:

Dr. Bruce was called to Brampton by Dr. Lawson, on Nov. 23rd, 1903, to see Mr. Armstrong, who was suffering from acute intestinal obstruction.

Armstrong had been sick with the usual symptoms of obstruction for two days, and Dr. Lawson had given purgatives and enemata without result. When Dr. Bruce saw him he had severe abdominal pain, distention, rigidity of the muscles, vomiting, a very weak pulse and a subnormal temperature with hippocratic facies.

A room in Armstrong's house had been prepared that morning for the operation by Miss Fawcett, a trained nurse, a graduate from Galt hospital, engaged by Dr. Lawson, acting for Armstrong. Dr. Bruce took with him a Kelly pad, which can be filled with hot water or air, and said to the nurse, "This is an improvement on the old Kelly pad, as it can be filled with hot water, and serves to keep the patient warm during the operation, obviating the necessity for hot water bottles. Fill it just as you would an ordinary hot water bottle." The nurse took it and had it filled with *boiling water* and placed it under the patient. While this was going on Dr. Bruce was washing and disinfecting his hands and placing his instruments, sutures, etc. The operation was proceeded with and the obstruction found to be due to a knuckle of bowel strangulated in the internal abdominal ring and adherent there. This was separated with some difficulty and withdrawn, when a small portion of bowel—about the size of a five-cent piece, was found to be gangrenous. This was turned in and sewn over with Lembert sutures, so that it might be thrown off into the gut.

The patient made a good recovery from the operation, but the next day he was found to have received superficial burns across the back and thighs. These were painful but not severe, and were healed at the end of seven weeks when he was able to be up and about the house. Altogether he was confined to the house about ten weeks.

When Dr. Bruce's account was sent later, Armstrong declined to pay it, stating that he had been burned. As no payment was made at the end of six months, after several requests, Dr. Bruce sued him for \$100, amount of his account, and a week later Mr. Armstrong issued a writ against Dr. Bruce for \$5,000. He claimed that the operation was unnecessary and that he had been burned through negligence. According to the evi-