

Levere vs. The Smith's Falls Public Hospital

"The Nurse and the Law," by the Hon. William Renwick Riddell, Justice of the Supreme Court of Ontario, appeared in *THE NURSE* for December, 1915. In his discussion of the legal responsibility of the nurse, Mr. Justice Riddell gave a most interesting exposition of the personal responsibility of the nurse in guarding against negligence and of her responsibility when negligence occurs.

Immediately after the publication of *THE NURSE* for December, Mr. Justice Riddell's Court had occasion to consider the responsibility of a hospital for the carelessness of a nurse, in an action brought by a patient to recover damages for an injury sustained during treatment in the institution. All the members of the Court, Chief Justice Sir Glenholme Falconbridge and Justices Riddell, Latchford, and Kelly gave written reasons for judgment in favor of the plaintiff.

The reasons of Mr. Justice Riddell are very full and elaborate, and as his judgment contains all that is to be found in any of the other judgments, we have confined our report of the case to it. Because of the importance of this decision, *THE NURSE* publishes Mr. Justice Riddell's opinion practically in full.—*THE EDITOR.*

APPELLATE DIVISION OF THE SUPREME COURT OF ONTARIO SECOND DIVISIONAL COURT.

C.J.K.B., RIDDELL, LATCHFORD AND KELLY, JJ.

LEVERE
v.
THE SMITH'S FALLS
PUBLIC HOSPITAL

HUTCHINSON, K. C., for the appeal.

G. H. WATSON, K. C., contra.

The Smith's Falls Public Hospital is an incorporated body conducting a public hospital in the Town of Smith's Falls, Ontario; there are no shareholders or capital stock, and the institution is conducted not for private profit but simply as a public charity and for the benefit of the community—a most admirable and commendable object.

The plaintiff, Mrs. Levere, suffering from *prolapsus uteri* was advised by her physician, Dr. Gray, to go into the Hospital and be operated upon. She accordingly went to the Hospital of the defendants and selected her room, agreeing to pay \$9.00 a week "to include her board and attendance and nursing."

She was operated on (successfully)

under an anæsthetic by Dr. Gray, Dr. Ferguson assisting; and then she was taken to her own selected room and put to bed, still unconscious. On recovering consciousness she felt a severe pain in her right foot; and on the surgeon being sent for, he discovered a serious burn on her right heel about the size of a fifty cent piece; a blister had formed. Dr. Reddick thinks the burn must have been at least a quarter of an inch in depth. The plaintiff was treated properly and she left the Hospital at the end of seven weeks with the burn about healed; but she still has a scar at the locus, of about an inch by an inch and a half. This is not only painful but disabling; and there does not seem to be much hope of