

of registration as Nurses. They get from the Association a professional status, and they also have an interest in the funds of the Association for benefits that they are to derive from the Association.

Commissioner KERR: Is that status recognised in any way by law, because there is a literary association down at Hammersmith which gives degrees in literature.

Mr. SCARLETT: This Association does derive its right by law, because it has a Royal Charter. It has had a Royal Charter granted to it by Her Majesty on petition to the Privy Council in 1893. Therefore, members of the Association have a legal status, and they not only derive the benefit of having that legal status and qualification so far as their professional position is concerned, but they also have, or should have, pecuniary benefits in the funds of the Association, so that they have a vested interest in the Association of which they are members. Therefore, while they are members of the Association they have rights. When their rights are denied them by the chairman—

Commissioner KERR: Assuming all that—assuming that they have a commercial interest (a monetary interest if you like)—has that commercial or monetary interest been in any way affected by the proceedings of Sir James Crichton-Browne?

Mr. SCARLETT: We say yes.

Commissioner KERR: In what way?

Mr. SCARLETT: In this way; that by reason of the way in which the affairs are taken into the hands of Sir James Crichton-Browne, and other members—medical men—they have taken this Association, against the Charter, in their hands, and swamped out the Nurses who should have a voice in the management of their own affairs—

Commissioner KERR: That is a reason for petitioning the Crown to forfeit the Charter.

Mr. MUIR MACKENZIE: That is not the cause of action.

Commissioner KERR: A charter is forfeited by misconduct. You could then have a *scire facias*.

Mr. SCARLETT: When this lady brings forward a resolution at a general meeting which would have the effect of criticising and opening up the whole management and the way in which the affairs are conducted, Sir James Crichton-Browne knows it is an attack on himself and on the way in which he has taken the whole affairs of this Association into his hands; and he becomes an autocrat, so to speak, of the whole Association, and refuses in point of fact, although it is in order, to put the resolution to the meeting, and puts his foot down and says—"I shall not submit it to the meeting; I shall not have it voted upon." If that were the only matter, we should say this was bad behaviour; but this is the last act which follows on a long series of acts of Sir James Crichton-Browne. Therefore, at last, after every endeavour has been made to try and get those who have taken the government of the Association into their hands to do as they should do, and give everybody their right according to the Charter, at last they are compelled to come here to the Court to seek the verdict of a jury to see if, by that means, they can force these gentlemen to do their duty.

Commissioner KERR: All the jury can try is a question of fact, and, if damage arises, assess the damage; but they cannot express any opinion on the management of this body, or whether their Charter has been forfeited or not. They cannot do that.

Mr. SCARLETT: No, I am not going to invite them to do that, but what we hope to gain by this action, or what it is hoped to get by this claim in this action—and this lady represents a large number of Matrons and persons of importance and position in this Association—is this, that if we establish that we have rights—because at present they are ignored entirely by Sir James Crichton-Browne and a few of his medical brethren—if we can establish that we have rights, I do hope then that Sir James Crichton-Browne will yield, and, after having against him a verdict of the jury, that he will allow the rights of these ladies properly to prevail in the management of this Association. There is, to a certain extent, underlying it all, a kind of domestic dispute, and it was on that ground that I hoped that my learned friend would assent to some course which would prevent the matter being discussed here in open court; but it seems that cannot be done.

Mr. MUIR MACKENZIE: Since that observation is made, your Honour should know the Association offered to call a fresh Special Meeting, in order to have this very matter discussed.

Mr. SCARLETT: In such a way that it was absolutely useless to us, as I shall point out presently; if that had been of the slightest use we should have availed ourselves of it immediately and gladly, because, as I say, it is to my client and myself painful to bring these matters into court. It was on that ground that I applied to my friend to prevent a public discussion; but as I shall have to point out when I come to it, the offer that they made was an offer of no practical use; indeed it was quite the reverse, as far as this lady was concerned. Gentlemen, it seems one must go on, and take your opinion on the questions of fact which there are existing in this case. You must know, so far as the Nursing body are concerned, that a very few years ago nursing the sick was in the hands of persons who were perfectly incompetent to carry out those duties; but later on, ladies of position and ladies of birth took on themselves to follow Nursing, and they, no doubt, assisted medical men and the public very much indeed by the services they rendered in nursing the sick. But they were a scattered body, and in 1887 it occurred to a gentleman—a member of the medical profession—Dr. Bedford Fenwick, whose name, no doubt, will be mentioned over and over again in the course of this enquiry, and to his wife, who, I believe, had been the Matron of an important hospital, that it would be well to form these ladies into an Association. They called together the Nurses and the Matrons and formed themselves into an Association; so that you see at the very inception of the thing it was an Association of the Matrons and the Nurses themselves. From 1887, they went on and formed themselves into a very successful body, and so numerous and influential did they become, that in 1893 a petition was presented to the Privy Council for a Royal Charter to incorporate them into an associated body. Her Royal Highness Princess Christian was President of the Association, and in 1893, after a Privy Council inquiry, a Royal Charter was granted to this body, and the objects of the Association then were, as they had been from the very inception, to incorporate these ladies into an associated body, and to bring them together, to give them certificates as to their proper professional status, and also to have subscriptions coming in from the Nurses and those who were members of the Association, so

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