

that a fund might be formed which would be a benevolent fund for the assistance of any of those who might in after life require assistance from such a fund. Now, gentlemen, when that Charter was granted in 1893, I believe there were some 3,000 Nurses belonging to it, and as far as medical men were concerned, about 120 or so belonging to it at that time. The Charter was granted to fifteen ladies by name—Miss Breay was one—and fifteen medical men; but the management was obviously intended to be in the hands of the ladies. It was their own Association—because the Charter provided that the governing body of this Association should be of the number of 300—100 medical men, 100 Matrons, and 100 Sisters or Nurses—so that, of course, the ladies were two to one against the gentlemen, and it was intended, undoubtedly, that their Association should, in the future, under the Charter, as it had been when a voluntary Association, be chiefly governed by the women members, the Nurses of this Association. After it had become an Association of this nature, several of the medical members became more active, and it seems that they desired to get the management of this affair into their own hands and practically swamp the Nurses. That from the very inception was resisted, and it has been a struggle from that time until this moment. Every other profession is self-governed; my profession is self-governed. If I misbehave, my conduct goes before my Benchers. If solicitors misbehave, their conduct is considered by the Incorporated Law Society. Surgeons govern themselves, physicians govern themselves; indeed now every profession governs itself. It was intended that this ladies' profession should govern itself. It is now sought by a few medical men—it seems that they are very anxious to get the power over this Association and to become autocratic. It is a matter of feeling, as far as they are concerned. But in 1895 there cropped up for the first time anything like dispute, and I must tell you what that was. According to the provisions of the Charter, as I have just now told you, the Governing Council of this Association was a body of 300 persons—100 medical men, 100 Nurses and 100 Matrons—and there were also several *ex-officio* members of the body, that is, of course, as you know, members who were members by right of office; by right of office they enjoyed (either as Matrons of some particular hospital or what not) the right to be permanent members of the Council. These *ex-officio* members have always been permanent members, but according to the reading of the bye-law, or the possible reading of the bye-laws, which are drafted in an ambiguous manner—I do not know who drafted them—so I do not say anything about that—

Mr. MUIR MACKENZIE: Do not you know?

Mr. SCARLETT: No.

Mr. MUIR MACKENZIE: You will hear.

Mr. SCARLETT: They are drafted in a somewhat ambiguous manner, and, according to the reading of the bye-laws, it was contended, on behalf of these few medical members of the Council, that the matrons must go off the governing body, and not remain permanent members. They always had been, and there was this feeling that they always ought to be; they were really the founders of the Association; but the ladies were told by these gentlemen—Sir James Crichton-Browne amongst them—that they must go off. They said at once that if that was the reading of the bye-laws, it was never intended, and in the

early part of 1895 a resolution was prepared for alteration of the bye-laws, to make them in conformity with what was intended, that these ladies should have permanent seats; and, according to the bye-law, a requisition was signed by 69 members. Fifty was the only number required, but 69 matrons and ladies of influential position signed, asking Sir James Crichton-Browne and his colleagues to call a special meeting to alter the bye-laws. When that came forward, Sir James Crichton-Browne, instead of doing it as any one ought to, and saying, "Let us have the meeting and see if they will alter the bye-laws or not," said, "No, I will let the bye-law stand; I shall not call the meeting. There is a word in the bye-law which says we 'may' and not 'must' call the meeting"; and he said, "therefore, I will let the thing stand over, and we will take the opinion of Counsel." The funds at the time were going. However, they took the opinion of Counsel, Mr. Swinfen Eady, one of the leaders of the Chancery Bar, and Sir Richard Webster, one of the highest authorities of the Common Law Bar. The opinion of Mr. Swinfen Eady was that the ladies had a right to have a permanent seat. Sir Richard Webster said (I am reading from the words which they themselves published) that there was great ambiguity in the words of the bye-law; and, at any rate, the bye-law ought to be altered. That is what he advised them in 1895; but from that day to this they have never taken a step to alter the bye-laws; they have excluded these Matrons, and do so to this moment. There the matter rested. They never called this meeting; they never took any step. That is the first time, so far as I can trace it, that Sir James Crichton-Browne actively took any partial part against these ladies, the Matrons of this Association. You know partiality is a thing that it is very easy to recognise when it exists—it is very seldom by overt acts that you can fix it—but there, for the first time, there appeared to be an overt act, showing partiality on the part of Sir James Crichton-Browne in the affairs of the Association. The matter went on in 1895 in that way, and nothing was done. There is a matter I must refer to next in connection with the case, but I will not mention the name. A young lady, of considerable position, joined this Association as Nurse. She thought that she was entitled to have a voting paper at once, so far as this matter was concerned, so that at the very next meeting, in 1895, she might have sent in her vote. Her voting paper did not come forward, and she wrote a letter to a paper—not the official organ of this Association, but a paper called the NURSING RECORD, edited by Mrs. Bedford Fenwick, who, of course, took the Matrons' view in this matter—in which she simply said this, that by withholding this paper there was mismanagement on the part of the Association by the officials. I think if I had been in her place I should not have written the letter. However, she wrote this letter, and it was published. What followed upon this? Sir James Crichton-Browne, and those who were acting with him, immediately sent a letter—

Mr. MUIR MACKENZIE: You are dealing with matters with which Sir James Crichton-Browne had nothing whatever to do. I cannot stop you talking to the jury about the man in the moon!

Mr. SCARLETT: I am most anxious not to say a word against Sir James Crichton-Browne which I ought not to say.

Commissioner KERR: Mr. Muir Mackenzie, is

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