

there any reason against your admitting the allegations here, except in so far as there is the charge of misconduct—admitting the facts but not the motive?

Mr. MUIR MACKENZIE: I admit it, but I entirely deny, and deny as strongly as possible, the suggestion of partiality.

Commissioner KERR: You admit the fact.

Mr. MUIR MACKENZIE: I admit the fact that the motion was not put to the meeting.

Commissioner KERR: We come to the point by a simple admission of what the facts were.

Mr. SCARLETT: There can be no doubt about it, my friend could not deny it. I have his own admission in writing that he did not put it.

Commissioner KERR: It is admitted he did not put it.

Mr. MUIR MACKENZIE: He did not put it.

Commissioner KERR: That he exercised his functions as Chairman judicially, and refused to put it to the meeting.

Mr. MUIR MACKENZIE: It having been submitted to him by a member at the meeting, and the point taken that the resolution was out of order, and then he decided the question after hearing both sides.

Mr. SCARLETT: We shall see. You will see directly what the question was; and as to whether he exercised a proper judicial mind on that matter you will be able to judge. However, gentlemen, I will pass this matter of 1895, because, as my friend says—

Commissioner KERR: Have you the case of *Gorrie v. Cook*?

Mr. MUIR MACKENZIE: *Gorrie v. Anderson*.

Mr. SCARLETT: So far as this election on to the General Council is concerned, I have to observe only on one other matter so far as this lady is concerned. According to the constitution of the General Council there have to be 100 Nurses, 100 Matrons, and 100 medical men, and, according to the terms of the charter, each year one-third of that body have to retire, so that there is an election every year, or should be—a free and unfettered election of members on to this Council, so that it can be governed by a representative body; but the course that has been taken in this case, according to my instructions, and it is proved by Sir James Crichton-Brown and those associated with him; probably the gentleman my friend has just now referred to as sitting on Sir James Crichton-Browne's right when he was at the meeting (I think I know who he means) is that Sir James Crichton-Browne and those associated with him took this course so far as the election was concerned; they sent out a paper in a form here which I have in my hand, containing exactly the names of 100 persons to be elected as Sisters and Matrons to this body, and they sent them out broadcast.

Mr. MUIR MACKENZIE: Really, ought this to be said. Sir James Crichton-Browne was not at the meeting at which the circular was sent.

Commissioner KERR: What has this to do with the point. I want Mr. Muir Mackenzie to admit every fact as a fact, and then we shall simply get what actually occurred. I think that would simplify it very much.

Mr. SCARLETT: Now, gentlemen, I am instructed

Commissioner KERR: The beginning of the particulars is "The plaintiff is a member of the Royal British Nurses Association." Is that a fact?

Mr. MUIR MACKENZIE: Yes.

Commissioner KERR: Then, "And as such member duly forwarded to the Secretary of the said Association, by registered post and express post, on June 30, 1896, the full text of a motion or resolution to be proposed."

Mr. MUIR MACKENZIE: She forwarded it by post, but the bye-laws require that it should be forwarded by registered letter, and it arrived in a letter which certainly did not appear to be registered.

Commissioner KERR: It did arrive.

Mr. MUIR MACKENZIE: It did arrive.

Commissioner KERR: It does not matter how—it did arrive. Why not just admit all those facts until you come to the crucial point of this decision. It would simplify matters very much.

Mr. MUIR MACKENZIE: I am quite ready to admit any fact that is a fact.

Mr. SCARLETT: Now, gentlemen, I will leave it to be detailed in evidence, and we shall see Sir James Crichton-Browne in the box, and we shall hear from him in cross-examination the way in which he has conducted the affairs of the Association.

Mr. MUIR MACKENZIE: How "conducted" them?

Mr. SCARLETT: Well, "misconducted" them if you prefer it! That is what I mean! I will come at once to the real case of complaint, or the actual case of complaint, laid in these proceedings. Affairs have been going on since the beginning of 1895 down to 1896 in a very unsatisfactory manner, and in the beginning of 1896, Miss Breay, for the first time, came on the scene. There had been considerable waste of funds. So far as the funds of this Society were concerned, there were no funds then left to answer the benevolent objects of this Association. The management had been taken, as I say, entirely into the hands of Sir James Crichton-Browne and a few other leading medical men, who were acting with him; the Matrons, and those whose claims should have been considered, had been largely excluded from the management. They had been taken off the General Council, and, notwithstanding the opinion of Counsel that the bye-laws should be amended, they refused to amend them, and things had slipped out of the hands of the Matrons, and they felt that this Association was entirely wrested from them, and was being mismanaged in other hands. So that, that being the state of things, in June of this year, Miss Breay, the plaintiff, who was a Matron of a Hospital in London, prepared a protest, and I will read what that protest was (it is very short), and forwarded it to the offices of the Institution to be proposed at their Annual Meeting in July, and she wrote this letter: "Madam, I hereby give notice that at the Annual Meeting of the Royal British Nurses Association to be held on the 22nd of next month," that is, July—"it is my intention to read 'a protest, signed by Matron members of the Association,' and to move the following resolution." This was a protest which had some importance, because as you will be told, it was signed I think by a large number, some sixty or seventy members of the Association, Matrons and ladies holding important positions in the Nursing world. The protest was: "That this meeting of the Corporation expresses its strong disapproval of the methods of management pursued by the present Executive Committee, especially concerning the manner in which the pledges given by the Association have been broken, in which the expenditure of the Association has been allowed so greatly to exceed

[previous page](#)

[next page](#)