

its reliable income, in which the provisions of the Charter and bye-laws have been violated, and in which a member of the Association has been compelled to appeal to the Court of Chancery for protection against the Executive Committee." As to that last matter, Sir James Crichton-Browne was a member of the Executive Committee, and that was the matter on which my friend stopped me when I wanted to detail it. We shall hear when Sir James Crichton-Browne is in the box. He says he had nothing to do with it, but it was a very harsh proceeding taken against a lady—a member of the Association—to strike off her name from her professional Register simply because she criticised the management of this Institution. Sir James Crichton-Browne says he had nothing to do with it. We will hear whether he had or not when he gets into the box under cross-examination. That protest was forwarded by Miss Breay, and was signed by some fifty or sixty Matrons of Hospitals in or near London. What happened? It was sent back again by the Secretary of the Corporation, and it was said that it was a resolution and not a protest, and, therefore, must be sent in accordance with the bye-laws. The bye-law dealing with the matter is a short one, and it is this: "No resolution shall be proposed at any Annual or Special General Meeting unless the full text of the resolution shall have been sent in writing, and by registered letter, to the Secretary, at least three weeks previously, for insertion upon the agenda of the said meeting." There is nothing in sending by registered letter except that you want to insure that the thing shall reach the hands of the person to whom it is addressed, and it is to be sent at least three weeks beforehand by registered letter for insertion upon the agenda of the meeting. That is the purpose of the registration of this letter. When she received this letter back again Miss Breay went to Vere Street and sent her letter by registered post. The Post Office receipt was given to her and she sent the letter by registered post, and it was delivered in due time at the office of the Association. Directly they got it, it seems they did not like it, because they asked—and this seems an extraordinary thing to do—a meeting of the Executive Council if they should admit it. The Executive Council said yes, they thought it had better be admitted. Sir James Crichton-Browne is a Member of the Executive Council. I do not know whether he was present on that occasion.

Mr. MUIR MACKENZIE: You ought to know because it was stated publicly that he was not, and if you were properly instructed you would know.

Mr. SCARLETT: My friend says he was not. The Executive Committee said let it go forward, and it appeared on the agenda paper, and that is all that is necessary. According to the bye-laws it shall go by registered post. There is no magic in sending by registered post, except for the purpose that it shall reach their hands and get on the agenda. But when they came to the meeting what occurred? When they came to this part of the meeting the Chairman said:—"Mr. Fardon, the Medical Honorary Secretary—sitting next to him—says it did not come by registered post; here is the envelope, and as far as the envelope is concerned it does not appear it was registered, so I rule it out of order." It is extraordinary. It had been put on the agenda. What is the magic of sending it by registered post? Does it look like honestly

refusing a resolution? Can my friend suggest any real honest *bonâ fide* reason why Sir James Crichton-Browne rejected the resolution, or even that if he thought honestly it did not come by registered post, that that was a good reason for rejecting it and not putting it before the meeting? Is there anything in it? Is there any substance, any honesty in it; can there be—that he said "No, I see the envelope here, and it does not appear it came by registered post," though it was on the agenda? Then Miss Breay said: "Here is the receipt of registration." There is the receipt. I have got it here in court—the ordinary receipt one gets for a registered letter. It was handed up to Sir James Crichton-Browne; he looked at it; he gave it the go-by; he said "No, it is not a registered letter—pass on to the next business." He ignored—

Mr. MUIR MACKENZIE: You do not suggest that that is an accurate statement from the shorthand note of what occurred?

Commissioner KERR: Have you the shorthand note here?

Mr. MUIR MACKENZIE: Yes. Sir James Crichton-Browne was appealed to, to decide the point and he decided it.

Mr. SCARLETT: Gentlemen, I shall prove to you abundantly that this had been on the agenda, and Sir James Crichton-Browne might have known, and must have known, it was. It was part of the business on the agenda.

Commissioner KERR: Was the *ratio decidendi* that it was not a registered letter?

Mr. SCARLETT: Yes.

Mr. MUIR MACKENZIE: Yes.

Mr. SCARLETT: That was the point, and anybody can judge whether it is an honest decision or not. I am sorry to have to say these things of a man in Sir James Crichton-Browne's position, but I am compelled to. Now, gentlemen, I shall prove to you by evidence that this ordinary receipt, delivered to a person on the registration of a letter, was handed up to Sir James Crichton-Browne at the meeting, that he took it in his hand and looked at it, and, notwithstanding looking at the document itself, which is here before me at the present moment, he ruled that Miss Breay's was not a registered letter. There it is—a receipt for a registered letter (handed to the learned Judge), if your Honour will allow me to hand that to the jury. Although he had the receipt handed to him, and was told it was registered, he rejected the resolution and would not allow it to be put to the meeting.

Commissioner KERR: I am sure the bye-law is only directory, it cannot be conditional.

Mr. SCARLETT: The bye-law says it shall be registered and sent three weeks previously for the purpose of getting on to the agenda paper, and it had got on to the agenda paper, and I say that, in face of those circumstances, this gentleman was not acting as he should act—judicially. He was a mere ministerial officer there in accordance with the bye-laws to carry out what they say he should do, and what the law says a Chairman should do. I have a very recent decision on the point by Mr. Justice Chitty of what the duties of a Chairman are in such a matter. It is not for him to say whether he will put a resolution or whether he will not. It is his duty to do it. It was his plain duty here, to do it. He was a ministerial officer simply at that moment, and was not acting judicially, and had no judicial power, and I ask my friend, and I ask any man of sense in this court,

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