

with the bye-laws, she must send in any such notice by registered letter, and with the full text of the proposed resolution. On the 30th of June, therefore, she sent a formal resolution to the Secretary by registered letter. She registered the letter at Vere Street Post Office; the receipt now handed to her was the official receipt she received from the Post Office, for which she paid a registration fee of 3d. She received from the acting Secretary a letter dated the 30th June, acknowledging the receipt of her letter; the letter shown to her was the letter she received. She never had any complaint from the Secretary that it had not come by registered post. The full text of her resolution was published in the agenda advertised in the *Lancet* and the *British Medical Journal*, on the 11th of July. The bye-law is that such letters should be registered in order that the text of such resolution shall be inserted upon the agenda of the meeting. The bye-law says that is the purpose of the registration, and her resolution did get on the agenda. She attended the Annual Meeting at St. Bartholomew's Hospital on the 22nd of July. The officials acknowledged that the resolution was on the agenda.

Mr. Commissioner KERR: You must have the agenda paper here, surely.

Mr. MUIR MACKENZIE: It was on the agenda paper.

Mr. SCARLETT: I hand in the copy of the *Lancet* showing the published agenda.

Miss BREAY continuing: When the business was reached at the meeting, Mr. Fardon, the medical honorary secretary got up and said the resolution was on the agenda, but it was not in order because it had not come as a registered letter. He put it to the Chairman whether the resolution could be brought forward, because it had not come in a registered letter. The Chairman was Sir James Crichton-Browne. He said he had no hesitation in ruling it was out of order, as the resolution was not sent in a registered letter.

Mr. SCARLETT here read the shorthand report of what took place at the Meeting (which appeared in the *NURSING RECORD* of August 8th, page 111), which corroborated Miss Breay's statement.

Miss BREAY, continuing, said that Mr. Fardon acted with Sir James Crichton-Browne and others in the management of the Association.

Mr. Commissioner KERR: The defendant assumed the fact at once that it was not sent in a registered letter?

Mr. SCARLETT: Yes.

Mr. Commissioner KERR: I cannot understand that.

Mr. MUIR MACKENZIE: If you see the envelope you will see.

Mr. Commissioner KERR: The envelope is not evidence of registration. There are other evidences of registration. The best evidence of registration is the payment of the fee. The envelope is not sufficient evidence. Supposing it was wrong, suppose the clerk at the Post Office forgot to draw the blue line.

Mr. MUIR MACKENZIE: That is just what he did.

Mr. Commissioner KERR: Assuming that the clerk had forgotten to draw the blue line, unquestionably the plaintiff had complied with the bye-law by registering the letter.

Mr. SCARLETT: Exactly, and the object of registration was to get the resolution on the agenda paper.

Miss BREAY, continuing: Dr. Bedford Fenwick

then rose to a point of order, and asked me whether my letter was registered or not. I said that I held the Post Office receipt for the registration, and I handed it at once to Sir James Crichton-Browne. The Chairman then said that the letter was not registered, that he could not pronounce it a registered letter, and that the certificate was only an express letter receipt.

Mr. Commissioner KERR: This is most extraordinary; let me see that again. (The receipt was handed to the Judge). What did he mean? Here it is printed "Certificate of posting of a registered postal packet." This is most incomprehensible to me. What did the defendant say?

Mr. SCARLETT: He said to the meeting, after examining the receipt, "That is merely an express letter receipt, showing that it was sent round by hand."

Mr. MUIR MACKENZIE: The receipt has got "express" upon it, it is written in pencil, and none of the blanks are filled up.

Mr. SCARLETT: Sir James Crichton-Browne said "It does not show that it was a registered letter at all," he therefore adhered to his ruling.

Mr. Commissioner KERR: So it comes to this, that an express delivery by a boy, is not a delivery of a registered letter by an ordinary postman! (Laughter). Some Member of Parliament should call the attention of the Postmaster General to this. It is positively childish.

Mr. SCARLETT: It was sent by a post-boy from the Post Office, and a receipt for a registered letter was given in the usual way.

Miss BREAY continued: Her resolution was brushed aside and was not put to the Meeting. She wrote at once to the Secretary to protest, and a day or two afterwards put herself into the hands of her solicitors, who wrote the letter which Mr. Scarlett had read, and received the reply from a firm of solicitors who acted in the case of Miss Barlow. They did not act for the Association.

Cross-examined by Mr. MUIR MACKENZIE, Miss Breay stated that the envelope shown to her was, to the best of her belief, the envelope in which she sent her resolution; she did not mark upon it the word "registered," she concluded it was the duty of the Post Office to carry out the Post Office regulations with reference to registered letters. The Post Office accepted the fee, and she thought her compliance with the regulations had ended there. She did not know it was necessary for her to write the word "registered" in the corner of the envelope; it certainly was not necessary for her to place it in a special registered envelope. She thought nobody receiving a letter for which they signed a receipt as a registered letter would think that the letter was not registered. She did know that the receipt for the letter was signed, because she had an official letter from the General Post Office to say so. It would not have been the same thing to her to have had a Special Meeting called to consider her resolution, because the fact that she had registered her letter was not allowed. It was assumed that she had not complied with the bye-law, and she would have been in an equally false position if a special meeting had been called to consider a resolution which the officials would say she had not given proper notice of. To send in the resolution again would not have put her in the right, because the truth of her statement as to the previous registration was denied. She was determined not only to assert her

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