

The witness was cross-examined at very considerable length by Mr. MUIR MACKENZIE, but persisted in his belief that the Chairman was spoken to before the meeting as to what should be done with the resolution, although he could not tell who had spoken to him nor when. Finally Mr. Muir Mackenzie said, "So the Chairman said, 'There has been no attempt to suppress this resolution (this was an answer to you), it is in the hands of all the members of the Association and I hear that all the officers regret it cannot be discussed to-day; I am, however, bound by the bye-laws, the Charter, and the rules.' That was Sir James Crichton-Browne's public statement. Now would not that have been a very dishonest statement if there had been a pre-arrangement?"*

Dr. BROWN considered that Sir James Crichton-Browne might have thought he was sticking to the strict letter of the bye-laws.

Re-examined by Mr. SCARLETT: He had formed his opinion of the Chairman's partiality from his manner as well as from his words. He thought it had been pre-arranged because the Chairman seemed to know all about it, and that the matter must have been discussed previously. He understood that there were three weeks' interval between the meeting of the Executive Committee which discussed the resolution, and the Annual Meeting.

Dr. BEDFORD FENWICK, sworn, and examined by Mr. SCARLETT, stated that he was Doctor of Medicine, the President of the Incorporated Medical Practitioners' Association, and one of the Vice-Presidents of the Royal British Nurses' Association. It was at the instance of himself and his wife that in 1887 the Association of Nurses was formed. In 1893 it was incorporated by Royal Charter, and then had about 3,000 Nurses, and about 120 medical men as members. He was present at the meeting of the Executive Committee on the 3rd July when Mr. Fardon brought the matter before the meeting, and it was determined that the resolution should be placed on the agenda. Sir James Crichton-Browne was not present at that meeting. There had been a considerable feeling of grievance against Sir James Crichton-Browne on the part of some members of the Association for some time past. The present is by no means an isolated act of partiality. He was present at the annual meeting on July 22nd. He agreed to the report of the meeting read from the shorthand report in the NURSING RECORD. The Chairman did not read the words of Miss Breay's resolution. Those present did not have a printed copy of the agenda before them. Mr. Fardon, the Medical Honorary Secretary, was sitting beside Sir James Crichton-Browne. He gathered the same opinion as Mr. George Brown, that their proceedings looked like prearrangement. The report of what he said at the meeting was accurate. He asked Miss Breay publicly if her letter had been registered. Miss Breay said yes, and handed the receipt of the registration to the Chairman. He (Dr. Fenwick) said that the meeting must bow to the Chairman's ruling. There was very considerable interruption and confusion. The resolution reflected upon Sir James Crichton-Browne's conduct as one of the officials of the Association, and most people felt that

the vote of censure should have been openly met. The Chairman said after reading the receipt that the letter was not *in any sense* a registered letter, he did not say, "In the ordinary sense." He (the witness) was so struck by the Chairman's words after examining the Post Office receipt that he took the words down at once. The Charter itself had just previously been ignored by Sir James Crichton-Browne, the chairman, who had ruled that the meeting should receive a report drawn up by Mr. Fardon, and which the Executive Committee had never seen or heard of, although the Charter provides for the Executive Committee to prepare the annual report, and although Mr. Fardon had no authority to bring forward one of his own. He objected to the chairman thus infringing the spirit of the Charter, while he immediately afterwards strained the letter of the bye-law to the uttermost—in both cases to support the officials.

Cross-examined by Mr. MUIR MACKENZIE: He certainly did not object to the vote of thanks to Her Royal Highness the President. He considered that every praise should be given to Her Royal Highness for the work she had done for the Association. He knew the provisions of the Charter pretty well, and with reference to the annual report, could prove his accuracy. The clauses read by Mr. Muir Mackenzie were correct, but he pointed out that the duly certified statement of accounts according to the Charter had to be attached to the annual report prepared by the Executive Committee. The certified statement of accounts was produced and adopted, but no report of the Executive Committee was produced at all. The Medical Honorary Secretary had no *locus standi* given him by the Charter. He moved that the report be not adopted by the meeting, and the chairman, without counting the votes, as he should have done, declared that his amendment was lost. His impression was that his amendment was lost, but a large number of people voted for it, and it was quite inaccurate to say that only five voted against the report being adopted. He was sorry to express his opinion, if Mr. Muir Mackenzie insisted upon it, that Mr. Fardon was not sincere in saying that he desired Miss Breay's resolution to be discussed. He did not hear Sir James Crichton-Browne say that he had only heard of the resolution on the day of the meeting. He could not tell what Sir James Crichton-Browne had heard of. He was sorry to be compelled to say that in his opinion Sir James Crichton-Browne did not act with judicial impartiality in this matter. It seemed to him that the course of procedure taken by the Chairman had been pre-arranged. If the Chairman said what Mr. Muir Mackenzie stated, namely, "I hear that all the officers regret Miss Breay's resolution cannot be discussed to-day," that proved that the matter was pre-arranged, because Sir J. Crichton-Browne was not present at the Executive Committee meeting, and he could not have known that all the other officers would regret what he was going to say at the meeting, if it had not been pre-arranged what he was going to say. He (Dr. Fenwick) was Treasurer of the Association for some years, till 1894, when he resigned. Since then he had not adopted an attitude of "very marked hostility to the existing officers." That was not true; he had been unfortunately compelled to criticise their mismanagement of the Association, even with some severity, but not "with considerable acrimony," at least he had tried not to do so.

* We have quoted these words of Mr. Muir Mackenzie's *in extenso*. Our verbatim report of the Annual Meeting shows that no such words were uttered by the Chairman, and as will be seen from Sir James Crichton-Browne's statement under cross-examination, the words of his Counsel are most significant.

[previous page](#)

[next page](#)