

and said, "Will anyone say that that is a registered letter in the ordinary acceptation of the term?" There was no foundation for the suggestion that this had been "pre-arranged," except that he had been told that a letter would be submitted to him, and his judgment taken. He decided the matter to the best of his knowledge and belief. He had seen hundreds and thousands of registered letters, and he never saw one without the marks by which he could identify it; and he might say he recollected that it occurred to him that the receipt of a registered letter in many cases was frequently not signed by the person to whom it was addressed. It was signed by his man-servant or housemaid, and it just occurred to him that if the marks were superfluous, how would he know the letter was registered, because he would not see the receipt. He was not a lawyer, and to the best of his judgment and belief he thought these marks were essential to constitute a registered letter. He was most anxious that the resolution should be put to the meeting. It was a sweeping condemnation of the Executive Committee, of which he was himself a member. He thought it most desirable to answer it, and meet it at once; and while he sat upon the bench one of the honorary officers—he believed it was the honorary Treasurer, Mr. Langton—said, "Of course, it is most desirable that this resolution should be taken, if it can be done without contravening the law." He had no knowledge or intimation that any member of the Executive was desirous that the resolution should be withheld. He had never heard Miss Breay's name, nor seen her before the day of the meeting, and he thought that, in rejecting the resolution, as he felt conscientiously bound to do, he was doing her no injury, because the Executive Committee is elected by the General Council, which meets in October, and he knew that Miss Breay, if she desired it, would then have an opportunity of airing her grievances. There was a great deal of obstruction at the meeting; all the business was obstructed by a small and turbulent section, who had done their best, in his judgment, to injure and ruin the Association.

Cross-examined by Mr. SCARLETT: Miss Breay was sitting beside "the small and turbulent." He knew the persons who composed the "small and turbulent," who had obstructed business and given a great deal of trouble. He formed an impression that Miss Breay was probably connected with them as she sat beside them. This fact, however, did not influence his mind in the slightest degree. He rejected the resolution on the word of the Charter, and only on that. He adhered strictly to the letter of the Charter. He did so in order to avoid litigation. He had repeatedly heard threats of litigation. He knew that last year a most costly action, which had greatly embarrassed its funds, was brought against three of the officers; and he knew that an action had been threatened against Sir Joshua Reynolds on his deathbed. He rejected the resolution solely because it had not complied with form. It was not at all because Miss Breay was sitting by the side of the "small and turbulent." He would have been glad if it could have been put to the vote, and they would have been defeated again. He was most anxious to have it put, and no doubt others were anxious to have it. He wanted to have no litigation. He really thought if he put it, he would have an action. He thought they were decidedly litigious people. He thought that the best way to avoid litigation was not to put their

resolution, because he had adhered to the strict letter of the bye-law. He had read the bye-law carefully; the words that impressed him were "by registered letter."

Mr. SCARLETT: You went into a great deal of argument in your own mind. You did not decide this matter in a hurry; you turned it over and recollected about your man-servant and your housemaid and that sort of thing; you must have had a considerable argument with yourself when you examined the document considering the matter in all its lights?

Sir JAMES CRICHTON-BROWNE: Yes.

Mr. SCARLETT: Then did it strike you that the bye-law reads in this way—"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."—What for? Did you read on?—"for insertion upon the agenda of the said meeting." Did not you see those words?—That the whole purpose of the registration was that the resolution should be "inserted upon the agenda of the said meeting."

Sir JAMES CRICHTON-BROWNE: I did not feel justified in going behind the words "by registered letter."

Cross-examination continued: He read the whole bye-law. He had seen that the object of the registration was that the resolution should reach the hands of the Secretary "for insertion upon the agenda;" but he thought the form of "registration" had not been complied with. If the letter had been registered the form would have been complied with, and the resolution would have been put instantly to the meeting. It was put on the agenda by the Executive Committee, "but only tentatively, to take the opinion of the Chairman." He was told that by Mr. Fardon.

Mr. SCARLETT: The Executive Committee resolved it should go on the agenda paper and reserved nothing to you. They could not, because the agenda paper must be printed beforehand?

Sir JAMES CRICHTON-BROWNE: Yes.

Cross-examination continued: The Executive Committee decided it should go on the agenda. It went on the agenda. He was not a lawyer, but to the best of his judgment and belief he interpreted the bye-law. He arrived from Scotland at 9 o'clock in the morning of July 22nd; he thought he had been in Scotland one or two days. He thought he did not leave for Scotland until July 19th or 20th. He had not seen any member of the Executive Committee before that. He never saw the resolution till the meeting. Mr. Fardon is a Medical Officer at the Middlesex Hospital. He had not, to the best of his recollection, seen Mr. Fardon during the three weeks before the meeting. He sometimes read the *Lancet*, he could not say he always did. He thought the officials were bound to obey the bye-laws, and they had no power to alter them without the consent of the Privy Council. He strictly adhered to what he considered the letter of the bye-law to avoid litigation. He had not been very successful in that particular. He read the document handed to him by Miss Breay. While reading it, he read the words "Certificate of posting of a registered postal packet" at the top of the receipt. After reading that, he still thought Miss Breay's letter was not registered, because he did not see anything to connect Miss Breay's receipt

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