

acted impartially at the meeting. He had known him a good many years, and Sir James had given judgment against him a great many times.

Cross-examined by Mr. SCARLETT: He had not been in the wrong a great many times—only two or three times—when Sir James C. Browne gave judgment against him.

Mr. PITT, sworn and examined by Mr. MUIR MACKENZIE, stated that he was solicitor to Sir James C. Browne, that he had endeavoured to obtain the presence of Mr. Fardon at this trial, but without success. He had written two or three letters and made enquiries as to his whereabouts, but had been unable to find his address. He was desirous of having his attendance as a witness.

Cross examined by Mr. SCARLETT: He offered Miss Breay's solicitors at first to adjourn the case, but they did not want an adjournment. Subsequently he was offered an adjournment by them, but said he would not have one. That was two or three days ago.

Mr. MUIR MACKENZIE: May it please your Honour, gentlemen of the jury, I should think no jury, least of all a jury of the City of London, has ever been troubled with an action of this kind before. It is too bad that jurymen should be taken away from their commercial vocations to deal with a purely domestic matter, in which it is avowed by the complainant that she has suffered no injury whatever, and that really and truly all that she has been deprived of is an opportunity of airing her grievances—an action with no more substance in it than if you brought an action against the editor of a newspaper because he would not put in a letter which you wrote complaining of someone else. Now, gentlemen, just reflect for a moment if you will, on the circumstances in which this charge of partiality is made against a distinguished public servant like Sir James Crichton-Browne. This is an Association of philanthropic persons (some of them persons of very great eminence) to benefit the Nursing world. An attack at any moment at which my learned friend could catch me napping and bring in some irrelevant matter was made against the medical profession generally, it being suggested that the medical element on this body was "swamping," as it was called, "the Nursing element." Why, gentlemen, this Association is not only an association of Nurses and Matrons of Hospitals all bound together and joining together and giving their time voluntarily for the purposes of benevolence and doing good, but a large number of medical men, like Sir James Crichton-Browne, who, though not an active practising member of the profession, holds an important Government appointment as a Visitor of Lunatics, give up their leisure time. They give up not only their leisure time, but they contribute, as members of the Association, their subscriptions to assist in keeping this Association going. My learned friend said the Nursing members pay five shillings a year. Each medical man, and there are a large number of medical men members of the Association, who give their time and support, subscribe a guinea a year,\* and I do not hesitate to say that the main source of the funds of the Association is the medical men.† Now the different members of this

Association who obtained this Charter have to meet together at times, which are directed by the charter, to discuss—not questions whether this person or that person was right, or whether a resolution was right or whether a resolution was wrong. The objects of the Association are, as stated in the Charter the subjects for discussion:—(1) The founding and maintenance of schemes for the benefit of Nurses in the practice of their profession, and in times of adversity, sickness and old age. (2) The maintenance of an office or offices for supplying information to persons seeking for Nurses, and to persons seeking for employment as Nurses. (3) The maintenance and publication of a list of persons who may have applied to the Corporation to have their names entered therein as Nurses. It is philanthropic and benevolent objects of that kind that are to be discussed at a meeting of this kind. Now let me just ask you as sensible men what possible motive could there be for anyone to exercise any partiality, or be influenced by any other desire than a desire to promote the common good in connection with any of these meetings. No question of money and no question of right was involved at all. Miss Breay—who gave her evidence without any appearance of partiality or *animus*—her only motive in joining this Association was to benefit the Nursing world, and I suppose that even my learned friend will not have the audacity to suggest that Sir James Crichton-Browne in giving all his time had any personal motive to serve. Then it is suggested, not, I am glad to say, in the least by Miss Breay, but by two gentlemen who came and gave evidence before you, that they thought that Sir James Crichton-Browne, who had taken all this trouble at the request of Her Royal Highness, the President of the Association, to come and preside at this meeting, had some sort of sinister motive directed against Miss Breay. Gentlemen, it is really a grave charge to make, and it is not only a grave charge to make, but it is a charge which it is so impossible to believe that it is really difficult to deal with it. Here is a gentleman who, with several other hard-worked busy men, devotes a great deal of his time to assisting in the management and control of this benevolent Association, and it is suggested that from some mysterious motive Sir James Crichton-Browne came to that meeting, having travelled all night from Scotland, and was suddenly inspired with a desire to wreck Miss Breay's motion. Gentlemen, the idea of there being partiality or malice in this matter is, I submit to you, preposterous. But, gentlemen, what is more preposterous than the suggestion is the evidence by which it is sought to be supported. Let me just analyse, please, for one moment, without unduly detaining you, what the evidence is. The evidence is, first of all, the evidence of Miss Breay, who does not dispute for a moment that what took place was this, that Sir James took the chair, that Mr. Fardon rose to a point of order, and took the opinion of the Chairman, as he was entitled to do, as to whether this resolution could be put to the meeting, on the ground—a technical ground, no doubt—that it had not been submitted in accordance with the provision of the bye-law, which says that no resolution shall be submitted unless it is sent in a registered letter. The Chairman enquires. He had been informed by the Secretary that it had not been sent in a registered letter, and nobody looking at that envelope in which it had been received could pretend for a moment it had been sent in a regis-

\* This statement is, of course, quite inaccurate. Medical members only pay one nominal Life subscription of one guinea.

† This is, of course, altogether untrue and misleading. The "main source of the funds" is derived from the annual subscriptions of the Nurses.

[previous page](#)

[next page](#)