

such Association to apply the profits, if any, or other income of the Association in promoting its objects, and to prohibit the payment of any dividend to the members of the Association, the Board of Trade may, by licence under the hand of one of the Secretaries or Assistant Secretaries, direct such Association to be registered with Limited Liability, without the addition of the word Limited to its name, and such Association may be registered accordingly, and upon registration shall enjoy all the privileges, and be subject to the obligations by this Act imposed on Limited Companies, with the exceptions that none of the provisions of this Act that require a Limited Company to use the word Limited as any part of its name, or to publish its name, or to send a list of its members, directors or managers to the Registrar, shall apply to an Association so registered.

"The licence by the Board of Trade may be granted upon such conditions and subject to such regulations as the Board think fit to impose, and such conditions and regulations shall be binding on the Association, and may at the option of the said Board be inserted in the Memorandum and Articles of Association, or in both or one of such documents."

The law, therefore, distinctly specifies certain conditions which must be satisfied by any association which desires to omit the word "Limited" after its name, if incorporated as a limited liability company, but to the lay mind the section does not imply any other conditions. We have, however, taken legal advice on the matter, and we are assured that the law of England does not confer on the President of the Board of Trade power to over-ride, or even to go beyond, the words of any Act of Parliament. We are assured that no judge on the English Bench would, for a moment, admit such an assumption, and that if the Royal British Nurses' Association through one of its members, would apply to the Courts for a legal process Sir Michael Hicks-Beach would be compelled to show cause why the licence should not be granted. We are informed on excellent authority that many lawyers are most anxious to have a judicial decision on the subject because the attitude assumed by the Board of Trade on this matter of its licence has for long caused much irritation and annoyance; and that if the Association would thus raise the point it would receive strong support from all sides. We do not venture to ask the Association to take this action, but we very respectfully

advance these statements, and on the strength of our unswerving support to the Association, we do advise the Committee to take Counsel's opinion on the advisability of settling the question by a judicial decision.

The strength of the case of the Association is probably quite unusual. The Act distinctly implies that an Association which petitions for a licence will have an opportunity of *proving* to the Board its compliance with the conditions laid down. Yet the decision of the Board against the Association was, it appears, made without giving the Association the slightest opportunity of thus stating its case. The Board of Trade has grafted on the Section another condition—that anyone may oppose the grant of the licence. Lawyers it seems deny the right of the Board thus to add to the law. But letting that pass, it is a first principle of English equity that an accused person shall always be permitted to defend himself. The Board of Trade apparently ignores that golden principle of justice and fair play, because it condemned the Association without giving it any information of the accusations brought against it, or allowing it the least chance of reply.

Such conduct cannot be defended for a moment. But to make matters worse, the Board of Trade went out of its way to pronounce an unnecessary judgment upon the means adopted by the Association, and the adequacy of those means to attain the objects of the Association; a judgment in itself quite valueless, as coming from a body which could have no possible ability to discriminate on such a professional subject, and a judgment, therefore, which could only serve to make the Board ridiculous. Finally, the official letter communicating this judgment, which, therefore, concerned the Association alone, the Board of Trade emphasized the gross injustice of its proceedings, by communicating to persons who the Board must have known were strongly opposing the Association. The result naturally has been that most unscrupulous use has been made of the information, and that it has been stated that the Board of Trade, "with a full knowledge of all the facts," "has condemned the scheme of Registration carried out by the Association."

Of course, as usual, malice has outwitted itself. It will be an easy task for the Association to prove that the Board of Trade has been misled, because the statements made to the Board by which, apparently, the decision of the Board has been determined, are plainly and

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