The British Medical Association: ITS CONSTITUTION AND GOVERNMENT. AN HISTORICAL SURVEY.

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(Concluded from page 1101.)

IV.—THE PROCEEDINGS OF THE CONSTITUTION COMMITTEE.

THE first meeting of the Constitution Committee was held on October 23rd, 1900, Mr. Edmund Owen being in the chair.

THE PRIMARY UNIT OF THE ASSOCIATION.

Mr. Victor Horsley, as the mover of the resolution at the Annual Meeting appointing the Committee, was called on to outline what he thought should be its work. In response he seemed to have hardly been prepared to enter into detail, but he moved:

"That the local Medical and Medico-Ethical Societies throughout the Kingdom be affiliated as Branches of the Association."

The unit, he held, should be based on the convenience of members attending meetings, and the subdivisions must consist of small aggregations of members all over the country. Dr. Smith Whitaker expressed his entire agreement with the object, but suggested that Mr. Horsley should put the resolution in a different form, thus:

"That the primary unit of the Association should be such that every member thereof shall have a reasonable opportunity of attending every important meeting."

This was manifestly better, in fact it was quite a different proposition, but Mr. Horsley put aside his own, adopted it, and moved accordingly, and Dr. Whitaker seconded. The resolution in these terms was the first indication of what became clear throughout the meetings, that Dr. Smith Whitaker, though originally hopeless of converting the Association to a policy of reform, yet when defeated on the resolution at Manchester to set up a new organization, had put aside entirely his own views, had gone carefully over the discussions and conclusions of the Manchester Conference and other meetings, and had embodied the results in a series of propositions which guided nearly the whole deliberations of the Committee. This was of great value in concentrating attention and saving time. Dr. Whitaker then moved:

"That the primary unit of the Association in the United Kingdom be as far as possible a parliamentary constituency or such amalgamation or subdivision of parliamentary constituencies as may be formed in each area with the consent of the Association."

This was seconded by Dr. Gordon, and, after rejection of an amendment, was carried *nem. con.* This resolution, however, was not so well designed for its purpose as the first. Perhaps its sponsors were acquainted only with urban parliamentary constituencies, but scattered political rural areas were far too extensive to allow "reasonable opportunity of attending every important meeting." Ultimately its terms were departed from.

Inclusion of Unattached Members.—The next resolution was moved by Dr. Brown Ritchie of Manchester, who had taken a large part in the meetings in that town. He moved:

"That every member of the Association be *ipso facto* a member of the unit in whose area he resides."

This was seconded by Dr. R. C. Buist of Dundee and agreed to.

The British Medical Journal.—A remark may be made in passing as to the origin of the system of unattached members, who numbered as much as one-third or two-fifths of the total. I have no doubt myself about the explanation, and it involves reference to the great part played by the BRITISH MEDICAL JOURNAL. The price of the weekly JOURNAL was at that time sixpence, or twenty-six shillings yearly, but the annual subscription to the Association was only a guinea, and included the JOURNAL post free, besides,

of course, the right to attend and take part in Annual Meetings. The Branch subscription was a thing apart, in some places so little as half a crown a year, but it is safe to say that the great bulk of the unattached members paid the yearly guinea because they wanted the JOURNAL, and did not feel it necessary to take any part in the affairs of the Association, especially in its local business. The JOURNAL, however, could not but create an interest in the affairs of the profession as discussed in its pages, and so became largely responsible for building up the Association. The interest thus created had the effect that, when the time came that the annual subscription had to be increased, as has thrice been the case between then and now, the increase resulted in only a comparatively small and temporary loss of membership. To-day, when the material interests of the profession bulk so largely in the work of the Association, a separate and additional section of the JOURNAL is wholly devoted to that subject, and at the same time it more than maintains its high position as a magazine of the science and art of medicine.

Returning to the proceedings of the Constitution Committee, its first day's work was more than good in reaching decisions (though one had later on to be modified) on the important questions of the primary unit, and the inclusion of all hitherto unattached members in the local organization of the Association.

At the second meeting, on November 13th, there was a full attendance, and the resolutions of the Manchester Conference, which had been laid before the Council at Ipswich and referred by it to the Constitution Committee, were received and entered on the minutes.

Dr. Smith Whitaker then submitted further resolutions which he had prepared on the same lines as those of Manchester. These were taken in their order. The first was:

"Subscription.—That the subscription be uniform and inclusive, and the necessary working expenses of Branches and other subdivisions be defrayed out of the general funds of the Association."

Mr. Horsley seconded the resolution, which was carried.

There followed a resolution dealing with the federation and grouping of units on the basis of existing Branches until rearrangement could be effected. After discussion it was adopted in the following form:

"Federation of Units: Groups: Existing Branches to Act till Rearrangement Effected.—That in the United Kingdom the primary units (as defined in resolutions adopted on October 23rd) be combined to form groups of not fewer than (6) units, each group having a membership of not less than (300), the desires of units being complied with in the grouping so far as is compatible with efficiency of organization and the general interests of the Association.

"That the area of a federation in the United Kingdom be as far as possible a county or group of counties."

This was a tentative arrangement with provisional figures.

The next resolution related to the nomenclature of the primary units and of the groups. It was agreed that the units be called Divisions, and the groups of units Branches. Resolutions regarding election and expulsion of members were continued to another meeting.

THE COUNCIL.

The composition and election of the Council gave rise to much discussion. One question was as to the permanency on its membership of (1) all the Vice-Presidents of the Association (these being the ex-Presidents), (2) ex-Presidents of the Council, and (3) ex-Treasurers. These, jointly, sometimes numbered as many as twenty. In support of their retention it was urged that very few of them attended excepting the latest ex-Treasurer and the latest ex-President of Council. The Committee concluded that they should be retained for three years after becoming Vice-Presidents. Ultimately, however (Article XXXVIII), it was decided by the Association that, instead of all the Vice-Presidents, only the Past President be a member of Council. For the rest the composition of the Council was to be fixed not by articles but by by-laws.

The next difficult question was whether the Representative Meeting (to use the name ultimately adopted) should directly send any members to the Council, in addition to the

Branches doing so. Dr. Smith Whitaker's resolution provided for this, but Dr. Cox urged that if resolutions passed by a sufficient majority at the Representative Meeting were to be binding on the Council as an executive body, there was no need for representative membership in addition. After postponement of the question this view prevailed, and the resolution adopted contained no mention of representative members of Council. This policy was also given effect to in the by-laws, which came into force after the Annual Meeting of 1903. In recent years a change has been made, and the Representative Body does appoint some members of Council.

Co-option.—A third debated point was whether the Council might contain co-opted members, the proposal being that it might have such members up to not more than 10 per cent. of its total. This on the one hand was opposed as not being in accordance with representative government, and on the other hand was supported in order to make possible the membership of men whose special qualifications were of value to the Council, but whose period of permissible elected membership had terminated. On a vote, the proposal was rejected by 7 votes to 6, but at a later stage of the Committee's work it was restored, and the power to co-opt up to 10 per cent. was given under By-law 29. But co-option was little used and was ultimately abolished. The Royal Navy, Army, and Indian Medical Services were each to have one member on the Council.

As to the powers of the Council, the finding was "that except as may be otherwise specially provided, the affairs of the Association, including administration of finances and the conduct of the JOURNAL, be managed by the Council subject to the control of the Association." An identical decision was reached as to "the work of the Association in promoting the medical and allied sciences beyond that carried on in the Divisions and Branches." The powers of the Council are now briefly defined in Article XXXIX.

Political and Ethical Work.

This was the crucial question in the mind of the members of the Association, and behind the whole movement for a change of government. The subject was introduced just before the end of the meeting on November 14th, but the main debate was at the third meeting on December 7th, when the first resolution submitted by Dr. Smith Whitaker was as follows:

"Political and Ethical Work.—That the work of the Association in maintaining the honour and interests of the medical profession, apart from that carried on in the Branches and Divisions, be conducted by the Council and other executive bodies (if any) in accordance with the competent decisions of an Annual Meeting of representatives of the Divisions."*

This proposal was seconded by Mr. Victor Horsley. The essential words were those with which the resolution ended—"in accordance with the competent decisions of an Annual Meeting of representatives of the Divisions," and it was round these that the debate ranged. Not all Council members on the Committee opposed this motion. On the contrary, the younger councillors—Dr. Cox, Dr. Buist, and Dr. Brown Ritchie—strongly supported it. Dr. Cox, indeed, it was who at the Manchester Conference had resisted the view that the Association could not be induced to adopt the course now contemplated, and who urged the Conference to refrain from setting up a rival to the Association throughout the country. The scheme now before the Constitution Committee was practically what he had advocated at Manchester. The stalwarts of the Council were the older members—Dr. Roberts Thomson its President at the time, Dr. Ward Cousins, and, less actively, the President of the Association at the Ipswich Congress, Dr. W. A. Elliston. These had all done good work for the Association, and were as sincerely anxious for its maintenance and progress as were what may be called the reform party. They had seen it grow and prosper under the existing régime, and feared fundamental change; also they felt themselves to be the champions of the Council in general, and it was their duty to state the case for its

predominance on the old lines. They regarded it as representative in the best sense of the term, and indeed Dr. Ward Cousins a score of years earlier had been one of the strongest advocates for the election of Branch members on the Council, so as to make that body unquestionably representative. As already indicated, he put the case for the Council somewhat in the following fashion. The Council represented the views of the Association in the same way as the House of Commons represents the opinions of the country. The Annual Meeting did not express the voice of the Association. He would be most willing to see a system of delegation under some conditions safeguarding the interests of the Association. That would be far better than the Annual Meeting for getting the opinion of the Association on medico-political and medico-ethical questions. But the resolutions should not be binding on the Council, which should still, as the parliamentary body, be entitled to exercise its judgement. The resolutions ought to have a moral effect only. The question of expense was important. Why should not the resolutions of the Divisions be sent up to the General Secretary, who would only have to sum them up? Dr. Radcliffe Crocker supported Dr. Ward Cousins on this latter point. Mr. Butlin declared he would favour sweeping away the Annual Meeting altogether, leaving the business, apart from that carried on in the Branches and Divisions, to be conducted by the Council and by meetings of delegates of the Divisions. It was pointed out, however, that all limited liability companies must have an annual meeting. Dr. Brown Ritchie urged that Dr. Ward Cousins wanted to take away the rights of the ordinary member who attended the Annual Meeting, to substitute for it the meeting of delegates, and then to take away the power of the delegates. After some further discussion regarding severance of the Association from the Companies Acts, and the obtaining of a charter, certain amendments to the resolution were defeated, and as a substantive motion it was carried by 10 votes to 5.

This really involved the adoption of the new scheme. The Council was not to be supreme administratively, but only executive, in maintaining the honour and interests of the profession, the Representative Meeting being, in that sphere, the governing body.

The other resolutions were ancillary. A meeting of representatives, one for each Division, was to be held annually, at the time and place of the other annual meetings. The General Business Meeting, under the Companies Acts, was to be restricted in its functions so far as the Acts would allow, and to prevent risk of chance votes when few were present it was to be a duty of the representatives to attend the General Business Meeting. Also, not one month's but three months' notice was to be required for any other than routine resolutions to be brought before that meeting, concerning the internal affairs of the Association. The general and sectional scientific meetings were to remain under the sole charge of the Council. These resolutions were carried *nemine contradicente*, or nearly so.

It is pleasant to observe in the proceedings the frank way in which those who had upheld the Council régime accepted the situation resulting from their defeat on the crucial resolution. They neither sulked nor obstructed, but helped ungrudgingly in the elaboration of the new scheme. A drafting subcommittee was appointed, and included members representing the two sides of opinion. Resolutions in detail were considered as to the Representative Meeting, the power of the Annual Meeting, and the election and expulsion of members.

Referendum.

Dr. Roberts Thomson submitted a resolution, acceptance of which went a long way to reconcile divergent views as to the relative powers of the Representative or Annual Meeting and the Council. Ultimately submitted in the report of the Committee, the resolution was as follows:

"Provided also that the Council, in any case where it is of opinion that any resolution adopted by the Annual General Business Meeting or Delegate [that is, Representative] Meeting does not properly represent the wishes of the Association, shall at any time within four months from the adoption thereof refer

* The writer was unavoidably absent from this meeting, but relies on the printed proceedings for his information.

such resolution, accompanied by such observations as the Council may think desirable, to the consideration of special meetings of all the Divisions, and that in that case the said resolution shall not be valid and binding except it be approved by a majority of the members of the Association present and voting in the said special meetings of the Divisions."

It is to be observed that in this resolution the question to be considered by the Council in determining to resort to a referendum was not the welfare but the wishes of the Association. Where the Council was the dominant power it needed no referendum. Political and ethical work belonged to the Representative Meeting, and whatever doubts the Council might have as to welfare it could not intervene, the question being not whether the meeting was right but whether it represented the wishes of the Association. At first the intention was that a two-thirds majority of the votes in the Divisions be required for their resolutions, but after the words "accompanied by such observations as the Council may think desirable" were introduced (as proposed by me) it was agreed that a mere majority vote was best. To begin with, it was with regard only to the General Business Meeting that the resolution for referendum was adopted. As applied to the Representative Meeting it was rejected by 7 votes to 6, but ultimately that vote was reversed, so that the outcome was as quoted above. The referendum went a long way to bringing the two sides together, yet under the new constitution it has no more than once been resorted to. Only in 1907 has the pressure been so great as to bring the safety valve into action.

Duration of Council Membership.—The question of a limit to the number of consecutive years for which a man could be in continuous office on the Council resulted in an interesting discussion. On the one hand, limitation of time would involve the risk of losing a good member of Council; on the other, absence of limitation might lead to indefinite continuance of "dead heads" owing to dislike to displace them. After various views had been stated, a five years' limitation was rejected, but an eight years' was accepted, intimation being given that the proposal for the power of co-option which had been already defeated would be reintroduced on the report stage, in order to make possible the retention of any specially valuable member whose time limit under ordinary election had been reached. Regarding Branch Councils it was decided that they should be able also to have *ex-officio* members, and that for the rest they be composed of representatives of the Divisions, just as the Association Council had representatives of the Branches. Another finding was that the Colonial and Indian Branches should have liberty to refrain from forming Divisions if they so desired, and in that case the Branch itself would exercise Divisional functions; also a representative might act and vote for more than one Division.

Dr. Gordon moved that any three Branches could demand a referendum. After long discussion this was carried by 10 votes to 7, but was subsequently abandoned.

Discussion of what was to constitute the Committee's *Provisional Report* ensued. Much difficulty attached to the minimum membership of a Branch, owing to the sparsity of population in some parts of the country, as in the North of Scotland. Ultimately it was agreed to leave the exact figure open, but with a tentative indication of 300, unless special consent were obtained for a lower number. The Association in the end decided by By-law 21 that a Branch or group of Branches should have one Council representative for the first 200 members, another for the next 200, and after that one additional member of Council for every 600. Branches in the United Kingdom with less than 200 members would be grouped unless in the opinion of the Council there were special conditions justifying separate representation. The question in relation to Branches outside the United Kingdom was left to the Council's determination.

The quorum of the General Business Meeting was agreed to be 200, subject to consulting counsel. Article XXIII provided that the quorum be fixed by by-law, but shall not be less than 100. Of the Representative Meeting, one-half of the number appointed to attend was fixed as a quorum. This was given effect to in By-law 19.

The subscription to the Association was to be uniform and inclusive at twenty-five shillings a year, Branch and Division expenses being paid out of Association funds. The maximum subscription for the Association was fixed (By-law 12) at thirty shillings, but has now been increased. First-class travelling expenses for attendance at the Annual Representative Meeting were recommended.

Discussion of Proposed Regulations

The failure of Branches to discuss adequately the proposals of the 1897 Constitution Committee led to this Committee's determination to submit the new scheme to local meetings, in such areas as might afterwards probably become Divisions, though the Branches would have the final vote. Also the Committee's report was to be accompanied by a condensed account of the proceedings and discussions.

The Committee was unanimous in desiring to reduce the size of the Council, and to that end, if each Branch was to have one representative at least, it was necessary that the Branches should not have too small a membership. The recommendation agreed on was a minimum membership of 200, with an additional representative for every 400 over 200. This was altered by by-law as above noted.

A proposal to abolish the appointment of Vice-Presidents on the Council was defeated by 9 votes to 7.

As to the referendum, Dr. Buist thought that in practice it would very seldom be acted on, and he turned out to be right, but its insertion in the scheme did much to reconcile divergent opinions. After a good deal of discussion it was carried by 11 votes to 4.

The *Provisional Report* did not suffer, but gained, through being to some extent a compromise. Owing to agreement on the referendum as regards decisions both of the Annual General Meeting and the Representative Meeting, a minority report was avoided, and only the one document was submitted for consideration by the Association. Arrangements were made in many areas for its discussion, not only by Branches but by groups of members in multiple localities within Branches, and a considerable number of meetings took place throughout the United Kingdom. Yet the attendances were in most places meagre, and a summation of the figures contained in an elaborate analysis of the replies shows that the total members present at all the meetings was only about 2,000, the membership of the Association being 18,402 in 1901. Probably it must always be so in matters of medical politics. The interest of a large majority of the profession is concentrated on their daily work of healing the sick. They leave questions of policy and organization to be dealt with by the minority who have a broader outlook, and to whom corporate welfare makes an appeal. The position has advantages as well as disadvantages, and has to be accepted as inevitable.

The proposals of the Constitution Committee were on the whole very favourably received. On certain points there was a good deal of friendly criticism and suggestion. The views so expressed were fully considered by the Committee at meetings following the receipt of the replies, and modifications of the scheme were made where they seemed desirable.

"The change most generally desired was that greater elasticity should be given to the mode of formation of Divisions, the boundaries of parliamentary areas being pronounced unsuitable to the local conditions of many districts."

Effect was given to this by emphasizing the importance of means of communication in fixing boundaries of Divisions. The expense of Representative Meetings was objected to in various replies, and the Committee recommended that, to limit the cost, the number of representatives should not exceed 300, this to be effected by small Divisions combining for the purpose of representation. To limit the size of the Council it was recommended that *ex-officio* members be reduced to four, including only one Past-President, for the year immediately following his presidentship, and that small Branches be grouped so as to have an aggregate of not less than 200 members for representation on the Council, that not less than 400 have two representatives,

and that beyond 400 not less than 600 additional members be required for each further member of Council. These were the principal modifications. The method of voting at Representative Meetings was left practically open by the Committee, though, to secure a decision by the Association at the General Meeting which would require to be held to adopt the new constitution, the proposal was for a show of hands, but if a majority demanded a card vote each representative should record as many votes as there were members in his Division.

ADOPTION OF THE CONSTITUTION.

The Annual Meeting of the Association was held at Cheltenham, beginning July 30th, 1901, and continuing for four days. At the first General Meeting, on July 31st, after speeches by Mr. Edmund Owen, Mr. Victor Horsley, and others, Dr. Smith Whitaker moved a resolution of general approval of the proposed constitution. The resolution was in the following terms:

"That this meeting, without prejudice to the further consideration of details, approves generally of the scheme of reorganization proposed in the report and recommendations, including the principle of reorganizing the constitution of the Association under the Companies Acts, of instituting Divisions, of enrolling all members in the Divisions, and Branches, and of instituting a Representative Meeting, and transferring thereto as much as possible of the business hitherto brought before the General Meeting."

After an amendment had been rejected "by an immense majority," the resolution was carried. The clauses were then taken up seriatim. The first serious difference of opinion was regarding co-option by the Council of a number of additional members up to 10 per cent., but after discussion a motion against co-option was rejected by 46 votes to 41. Regarding voting at Representative Meetings the clause as submitted was approved after discussion, and was embodied in By-law 18—providing for a show of hands unless a majority wish a card vote, in which case each representative shall record as many votes as there are members in his constituency. No other matters mentioned at the meeting need be noticed. A committee was appointed to prepare new articles and by-laws giving effect to the decisions of the Cheltenham meeting, and its report was published in the JOURNAL of May 24th, 1902, in preparation for general meetings to be held on June 18th and July 9th. Mr. Andrew Clark was chairman of the committee. The meetings were required in accordance with the Companies Acts, both being "Extraordinary General Meetings," but if the June meeting did not yield the requisite majority for the new constitution the July meeting would not be held.

Reference has already been made to the indignation created at the meeting regarding the Council's scheme by the fact that no amendments were allowed. The committee had now to point out that under counsel's advice the same embargo would have to be reimposed. Unless the whole subject were to be reopened in detail, which was out of the question, the articles and by-laws would have to be accepted or rejected as submitted, and a three-fourths majority would be required for their adoption at the meeting in June. The articles and by-laws were not, of course, quite identical in terms with the Cheltenham resolutions—otherwise the committee would have been needless—but they were to be regarded as expressing in legal phraseology, as prepared by solicitor and approved by counsel, the decisions reached at Cheltenham.

The meeting was duly held in Exeter Hall, and a vigorous discussion took place, the chairman properly allowing free expression of opinion. When the vote was taken the numbers were; for the resolution 96, against it 28. This gave the required three-fourths majority, though not by a large margin. If the minority had been 33 instead of 28, the whole scheme would have been thrown out. What would have happened then? Very likely the policy advocated at the Manchester Conference, and defeated for the time only by the hopefulness of those who held that the Association was convertible, would have been adopted, a new and rival organization would have been formed, and the profession split from top to bottom so far as corporate

policy was concerned. The disaster was averted, but only by a very narrow majority.

The second and final or confirmatory General Meeting was held in Exeter Hall on July 9th, with 146 members present. At this meeting a bare majority was sufficient to carry the new articles. The by-laws could be altered at any time by a procedure which presented no difficulty. The chairman pointed out, in respect of any complaint of hardship owing to inadmissibility of amendments, that the time for these had been at the Cheltenham meeting, when eighteen amendments and different resolutions were submitted and five of them adopted. Sir Victor Horsley, as an advocate of representative government, then moved the resolution of approval of the new draft regulations, and Dr. Smith Whitaker seconded. The motion was opposed by Dr. J. G. Glover (London), who held the scheme to be fantastic, costly, complicated, and degrading. After speeches by Drs. W. Douglas, Brassey Brierley, Stamford Felce, O'Sullivan, Broadbent (Manchester), and Nelson Hardy, the vote was taken and the resolution carried by 82 votes to 43.

Thus ended the long fight for the new constitution.

THE CONSTITUTION IN 1924.

Since 1902 many changes in the system of Association government have been made, mostly on matters of detail, but in at least one respect of primary importance.

In 1907 the Council, for the first and only time up to the present, resorted to its power of taking a referendum. Two questions were at issue: (1) the constitution and mode of election of the Central Council, and (2) the appointment of separate Finance and Journal standing committees, the former being obviously the more important. The Representative Meeting had resolved on a new element in the election of the Council—namely, the appointment of twelve members by the Representative Body. This was objected to by the Council on the ground that it meant the transferring of the management of the Association's business and affairs from the Council to the Representative Body. Mr. Edmund Owen, it is noteworthy, was now Chairman of the Council, and signed the representation against the proposed change. On the referendum, however, the Council was defeated, and as a result it is now more than ever an executive rather than a deliberative body. As to the second point the finding was in favour of separation, and since then there have been two Committees, each having representatives elected both by the Council and the Representative Body.

The question of obtaining a Royal Charter of Incorporation was under discussion from 1907 to 1910, and application was made to the Privy Council. After correspondence with that body, however, the project was abandoned, and it was decided instead to form a new company in order to get certain new powers, this decision being duly carried out.

Beyond noting that the power of co-option of members to the Council has now disappeared, and that the period of continuous eligibility for membership has been shortened from eight years to six, I need not, in closing this historical sketch of the government of the Association, refer to the details of the present articles and by-laws, of which every member is presented with a copy. The principles remain as before. The Divisions, the Branches, the Representative Body, and the Council furnish the machinery of government. The divisional units are so numerous and so ubiquitous that it is quite practicable for every member of the Association to make his voice heard in its control. The Representative Body, elected by the Divisions, is the supreme power; it elects the President and the Treasurer of the Association. The Branches are convenient groups of Divisions, and the Council, instead of being a parliament, is practically and mainly an executive committee. The power of the Association "to promote the medical and allied sciences, and to maintain the honour and interests of the medical profession," was never so great as it is now, and its membership has grown exceedingly, being well over 26,800. In working for the accomplishment of these objects, needless to say, the public welfare must remain the ultimate aim and purpose of the science and art of medicine.