

A2.G.33

24, 1952

In the PRIVY COUNCIL

UNIVERSITY OF LONDON
No. 4 of 1952.

-9 OCT 1956

On Appeal from the Medical Disciplinary Committee

INSTITUTE OF ADVANCED
STUDIES

44420

Between

ARTHUR JAMES DALY

(Respondent) APPELLANT

---and---

THE GENERAL MEDICAL COUNCIL
(On behalf of Complainant)

RESPONDENT

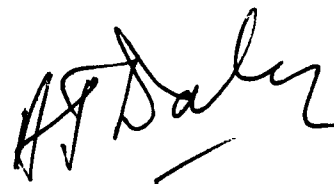
CASE IN THE APPEAL

The APPELLANT appears

In Person.

1. The Appellant, Arthur James Daly of 20 Carr Road, Nelson, a registered medical practitioner, was cited as Co-Respondent in the case of Halliday v Halliday and Daly, heard at Preston on December 11th 1950, when a decree nisi was granted to the Petitioner on the grounds of his wife's adultery.
2. The Appellant was summoned to appear before the Disciplinary Committee of the General Medical Council on a charge of infamous conduct in a professional respect, since it was alleged that the Respondent in the divorce case, Mrs. Agnes Halliday, was at all material times, the patient of the Appellant.
3. After hearing the complaint on November 28th and 29th 1951, the Disciplinary Committee of the General Medical Council directed the Registrar to erase from the Medical Register the name of Arthur James Daly, the Appellant.
4. The Appellant appears and conducts his case in person for reasons which will be given on the hearing of the Appeal.
5. The Legal Assessor to the General Medical Council forced the Appellant to give evidence which in our opinion was both irrelevant and highly prejudicial to our case, and our Solicitor's protest was not given consideration.
6. The legal Assessor allowed a witness to produce and read a private letter, without proof that it was written by the Appellant, such letter being produced solely with a desire to to damage and prejudice the Apellant in the eyes of the Council. The contents of the letter were quite irrelevant to the issue at trial.

7. The Appellant humbly submits that the duty of the Legal Assessor is to decide the admissibility or otherwise of evidence, and give his opinion on any point of law that may arise. During the hearing of the case before the Medical Disciplinary Committee, the Legal Assessor acted throughout with undue bias to the Appellant, even intervening to make points which prosecuting Counsel did not feel it necessary to make.
8. When the Committee had found the facts proved to their satisfaction, and before deciding on their instructions to the Registrar, they were reminded of the Appellant's two previous appearances before them. These cases had already been heard and decided on their merits, and in our humble submission should not have been brought forward again to the Appellant's detriment, since the previous cases wer quite unrelated to the case under discussion.
9. Certain important facts regarding the Appellant's previous life and state of health were not given by his Solicitor, though in his possession, and the Appellant now wishes to produce these facts, since in his view they are essential to the proper consideration of his case.



A.J. Daly

APPELLANT Appearing in Person.