

The chartered rights and privileges of the Faculty of Physicians and Surgeons of Glasgow, and its claims to be continued one of the medical licensing colleges of Scotland : with an appendix.

Contributors

Faculty of Physicians and Surgeons of Glasgow.
University of Glasgow. Library

Publication/Creation

Glasgow : Printed by Bell and Bain, 1845.

Persistent URL

<https://wellcomecollection.org/works/ge569tdk>

Provider

University of Glasgow

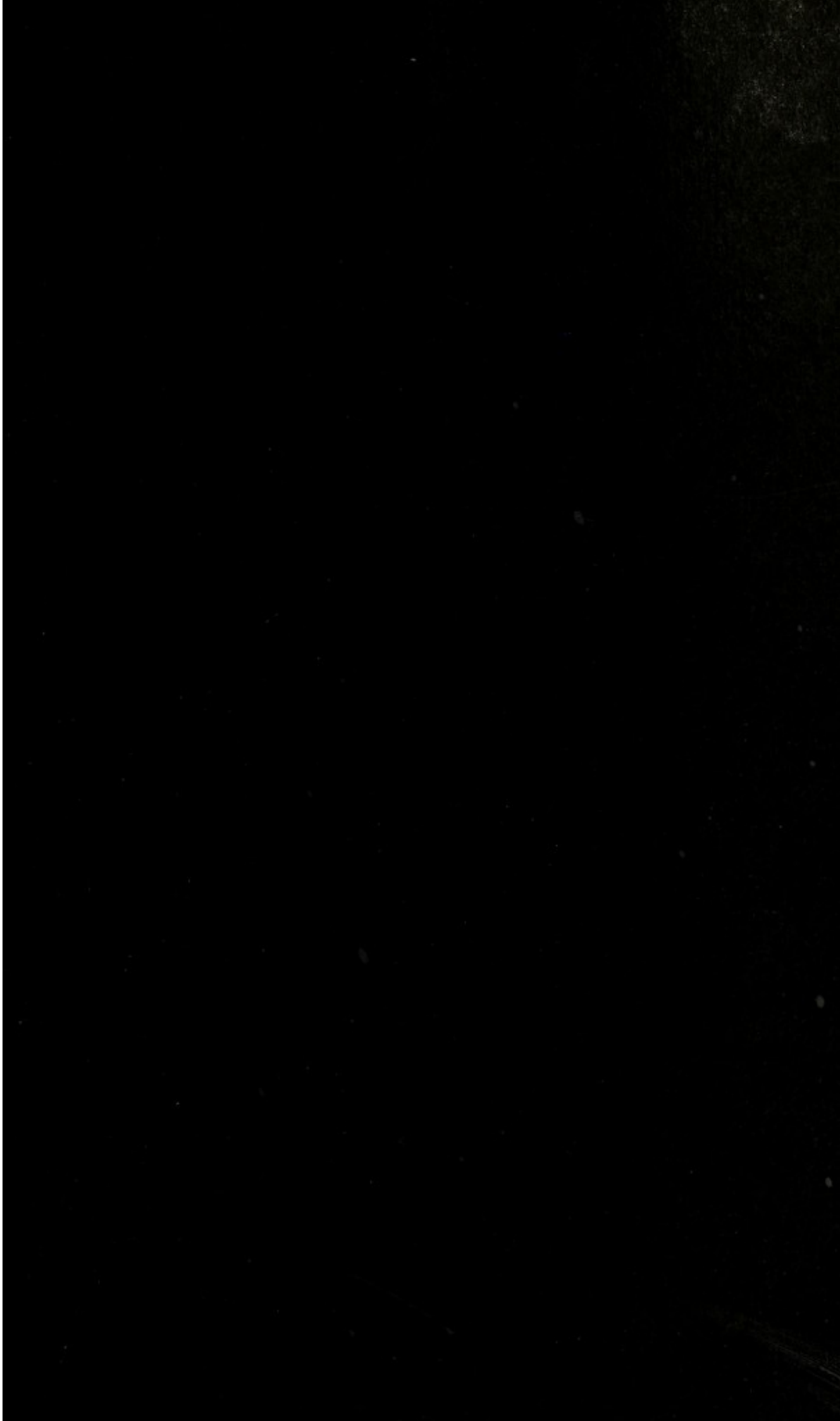
License and attribution

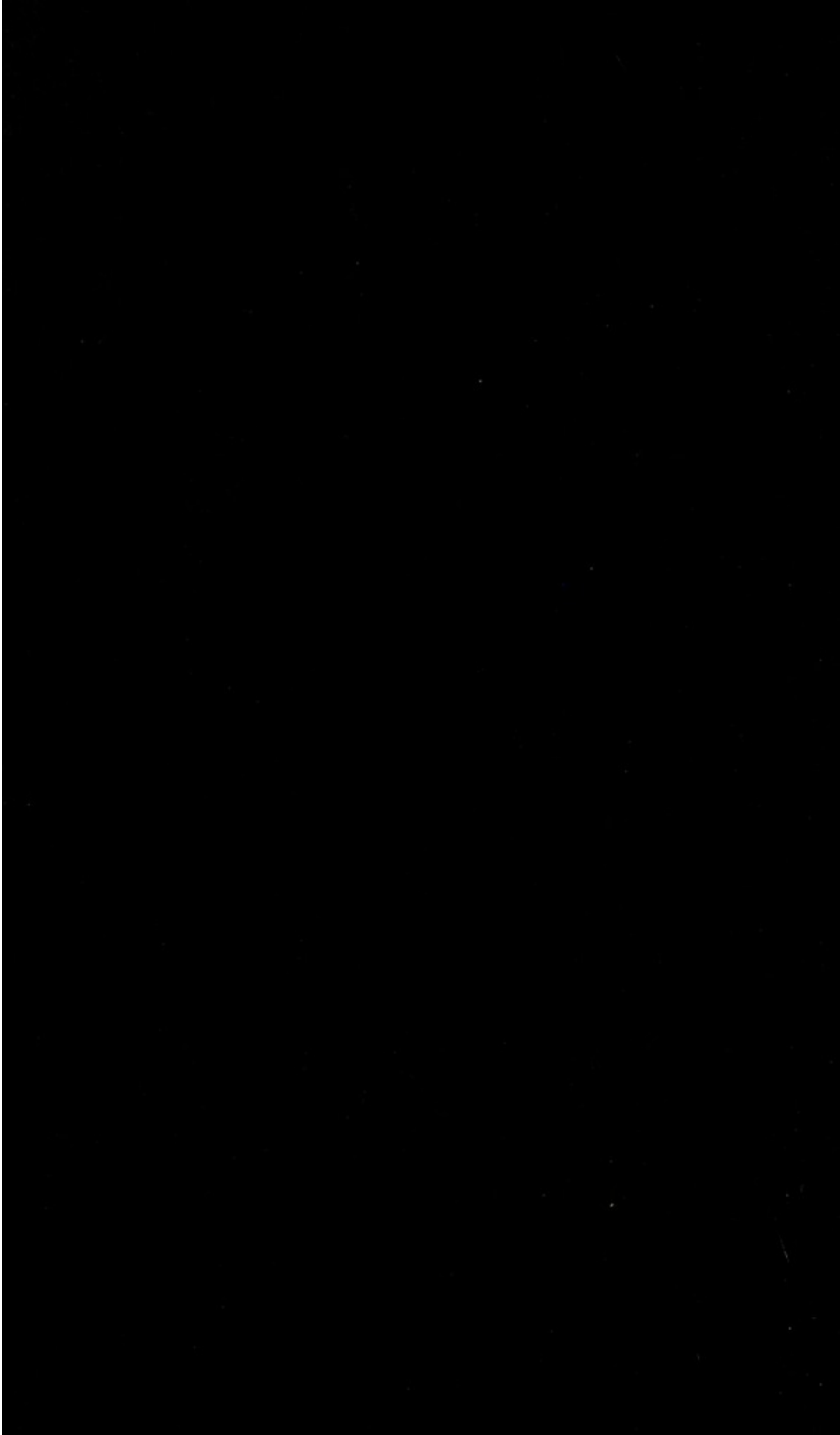
This material has been provided by This material has been provided by The University of Glasgow Library. The original may be consulted at The University of Glasgow Library. where the originals may be consulted. This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

You can copy, modify, distribute and perform the work, even for commercial purposes, without asking permission.



Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
<https://wellcomecollection.org>





7
5¹¹
THE

CHARTERED RIGHTS AND PRIVILEGES

OF

THE FACULTY OF

PHYSICIANS AND SURGEONS

OF GLASGOW,

AND ITS CLAIMS TO BE CONTINUED ONE OF THE MEDICAL
LICENSING COLLEGES OF SCOTLAND.

WITH AN APPENDIX.

GLASGOW:

PRINTED BY BELL AND BAIN, 15 ST. ENOCH SQUARE.

1845.
e

27

CHARTERED RIGHTS AND PRIVILEGES

THE FACULTY OF

PHYSICIANS AND SURGEONS

OF GLASGOW

AND THE VIEWS TO BE CONTAINED IN THE CHARTER
OF THE FACULTY OF PHYSICIANS AND SURGEONS
OF GLASGOW

THE FACULTY OF PHYSICIANS AND SURGEONS
OF GLASGOW

GLASGOW

PRINTED BY JAMES WATSON, 10, N. B. STREET, GLASGOW

THE
CHARTERED RIGHTS AND PRIVILEGES
OF THE
FACULTY OF PHYSICIANS AND SURGEONS
OF GLASGOW.

THE following account of the rights and privileges of the Faculty of Physicians and Surgeons of Glasgow has been considered necessary at the present time, when these are threatened to be wholly extinguished by Sir James Graham's Medical Bill. This statement, with the accompanying facts and observations, it is hoped, will be a sufficient refutation of the many false and calumnious misrepresentations which have been lately circulated, from interested motives, against that Corporation. It will also tend to remove the erroneous opinion which many entertain regarding the status and importance of the Glasgow Faculty, and explain to the public the true position which it has long held, and is still entitled to hold, as an ancient Medical Corporation and Licensing Board.

The Faculty of Physicians and Surgeons of Glasgow was instituted by a Charter granted by King James the VI. of Scotland, in the year 1599, and ratified by an Act of the Scottish Parliament, in 1672, in favour of Mr. Peter Low "our Chirurgiane," and Mr. Robert Hamilton, "Professoure of Medecine," and of those whom they should afterwards conjoin with them; thus from its very commencement laying the foundation of a conjoint Corporation of Physicians and Surgeons.* This character it has ever

* See Charter and Ratification, Appendix, No. I.

since maintained, and, up to a very recent period, each of the departments had its own President, the one always a Physician, under the title of President,—the other always a Surgeon, under the title of Visitor.

The charter confers a three-fold right. 1. Of examining and granting testimonials in Surgery to *all persons* who practise that art in the counties of Lanark, Ayr, Renfrew, and Dumbarton. 2. Of challenging, pursuing, and inhibiting all who practise *Medicine* within the same territory “without ane testimonial of ane famous university,” or the leave of the “chief Medicinaire” of the Queen. 3. Of examining drugs offered for sale, and confiscating such as are sold without the approval of the visitors of the Corporation.

The Charter is thus conferred on a Professor or Practitioner of *Medicine* with power to control the practice of Medicine, and to examine drugs, and from the earliest period it was composed of Physicians and Surgeons. The former, if possessed of the Degree of a University, did not require the license of the Faculty, in order to practise medicine within the prescribed bounds; but, without any exception, the practising Physicians of Glasgow have always become members of the Faculty; and, with four recent exceptions, all the Medical Professors of the University, from the very institution of the Faculty, have been members. It has thus from the first, and throughout its whole history, borne the character of a College of Physicians, as well as a College of Surgeons. Indeed, it would appear, that at an early period, and for many years, there were two distinct bodies, the Surgeons having united with the Barbers and formed one of the Incorporated Trades of the City, holding meetings and transacting business, having separate books, and keeping distinct minutes of their proceedings, in which the Physicians had no part whatever. The latter formed a body of their own, united indeed with the Surgeons, but meeting separately from the other Corporation of Chirurgeons and Barbers;* and it was this conjoined

* From the following minute, dated 22d June, 1602, it appears that the Barbers had at that time nothing to do with the business of the Faculty:—“It is statute and ordained that BARBERS, being a *pendicle* of chyrurgerie, shall pay at their admission fortie pundis Scots, and elk yeir twentie shilling to the puir, and limited not to meddle with any thing farder, belonging to chyrurgerie, under the

body of Physicians and Surgeons that examined and admitted practitioners in Medicine and Surgery, kept distinct minutes of their transactions, and exercised all the rights and privileges granted by the original charter to Peter Low and Robert Hamilton, and their successors. This state of matters continued until the Surgeons dissolved their connexion with the Barbers, about one hundred and twenty years ago, but retained that with the Physicians, constituting the present Faculty of Physicians and Surgeons, the minutes of whose transactions, from the year 1602, are still in existence.

In consequence of these powers conferred upon the Corporation, and ratified by Act of Parliament, the Faculty has from that time up to the present day, examined medical students, and granted licenses, called before them those who practised within the four counties mentioned in their Charter, and protected the lieges from unlearned and unskilful persons as they were bound to do.

It is humbly submitted that these privileges, joined to the regular proceedings of the Corporation for so many years, constitute it a Faculty or College of Physicians, as well as a College of Surgeons.

With regard to the circumstance, that the holder of the Faculty's Diploma, although, strictly speaking, licensed to practise only "Surgery and Pharmacy," has now become the *General Practitioner* all over the country, it may be remarked, that for a very long time back, the Surgeon has not been, as at first, a mere manual operator, but in reality, a general practitioner in Medicine and Surgery; and the great bulk of the profession, at least in Scotland, actually do practise all the branches of the healing art. Accordingly, at a very early period, the Glasgow Faculty found it absolutely necessary to comprehend, in the examination of those applying to them for license, an inquiry not merely into Surgical skill, but into Medical knowledge generally, and to examine them, as they are commanded to do in the Charter, "upon their literature, knowledge, and practice." A certain *curriculum* of study was prescribed for all intending licentiates, which was enlarged from time to time, as the science of Medicine became

paine of five pund, *toties quoties*," &c. It was many years afterwards that the Barbers were joined with the Corporation constituted by the Charter of King James.

itself more comprehensive. From an examination of the *curriculum* at present required, it will be seen that none can receive a Surgeon's Diploma, without being thoroughly educated, both in Medicine and Surgery.*

About thirty years ago, an attempt was made by certain persons holding the degree of Doctor of Medicine from a Scottish University, to practise within the bounds of the Faculty's Charter, not merely as Physicians but as Surgeons, on the ground that this degree was a supereminent title, which must be held to comprehend a right to practise all the inferior branches of the art. An action was in consequence instituted by the Faculty before the Court of Session, in which a judgment was pronounced, finding, that though the individuals might practise as Physicians, yet they could not practise as Surgeons within the bounds of the Charter, without the Faculty's license.

In consequence of these proceedings, and beyond a doubt with the view of escaping from the consequences of this judgment, the University of Glasgow began, in 1816, to issue a Degree or Testimonial, unknown till then within Great Britain,—the Degree of Master in Surgery; and the holders of this new Degree contended that it entitled them to practise without the license of the Faculty, inasmuch as though a Graduate in Medicine was not so entitled, a Graduate in Surgery was placed in different circumstances.

This led to renewed proceedings, the exclusive object of which was to try the validity of these Degrees in Surgery, as constituting a title to practise without the Faculty's license. But, in consequence of the line of defence adopted in opposition to the Faculty, the leading question ultimately came to be, whether the Charter of King James was a proper Charter of Incorporation. This question was decided, both in the Scottish Courts and the House of Lords, in favour of the Faculty; and it was also declared by the same judgment, that the possession of a Degree in Surgery from the Glasgow University, did not exempt from the necessity of an examination and license by the Faculty.

The opinions of the Lord Chancellor and Lord Brougham in

* See Appendix, No. II.

affirming the judgment are reported under date 7th August, 1840, in Robinson's Appeal Cases, p. 423. By that judgment, the four following points were decided:—

I. The Faculty of Physicians and Surgeons in Glasgow are a legal Corporation.

II. The Faculty, by virtue of their Charter 1599, ratified by Parliament in 1672, have power to debar from the practice of Surgery, persons who have not submitted to examination before them, or who have not obtained their license to practise.

III. The Degree of Doctor of Physic from a University where Medicine is taught, does not entitle the Graduate to practise Surgery within the bounds specified in the Charter, unless he obtains a license from the Faculty.

IV. In like manner, a testimonial of Skill in Surgery from a University where Surgery is taught, or the degree of Master in Surgery, recently introduced into the University of Glasgow, does not entitle the possessor to practise Surgery within these bounds, unless he submits to examination by the Faculty, and is licensed by them.

It will be observed that this decision does not touch the question as to the right of the Faculty to grant a license to practise "Medicine," for this question was not before the Court. Neither has the Faculty ever claimed such a right. They claim to grant licenses in "Surgery and Pharmacy," under which their Licensees have acted as "General Practitioners," the same as the Licensees of the Royal College of Surgeons of Edinburgh, or of London; and the Faculty is not aware of any instance in which the right to practise Medicine and Surgery as a "General Practitioner" under their diploma, has been called in question.

The Faculty then has, from time immemorial, examined and licensed general practitioners, and, before granting a license, has required a very comprehensive and stringent examination in all the branches of Medicine and Surgery.

The Faculty consists at present of ninety members, above sixty of whom are resident in Glasgow. Nearly all the other practitioners in the city and suburbs are its Licentiates, who are also to be found in all parts of England and Ireland, and in the colonies. Some of the most eminent men in the Medical profession have been members of this Corporation, as the celebrated

Dr. Cullen, Dr. Black, Dr. Hope, &c., the first of whom was President of the Faculty, while Professor of Medicine in the University, a century ago; and the second was also President during the years 1759 and 1760. The Edinburgh University and the London Medical Schools have not unfrequently had their chairs filled by gentlemen taken from the Glasgow Faculty. It may also be mentioned, that the resident members from the date of their Charter, up to a very recent period, visited and gave medicine to the sick poor of the city gratuitously, and attended the Town Hospital and the Infirmary for many years without fee or reward. They have also assisted the authorities of the city at all times with their advice in every measure proposed for the health of the citizens and the sanatory condition of the town. They have now a large and splendid library, containing nearly six thousand volumes, upon which they have expended, during the last twenty years, above Three Thousand Two Hundred Pounds. They have, during the same period, paid in charity to reduced members and their families, and other poor or diseased medical men, Two Thousand Four Hundred Pounds, besides having subscribed frequently and liberally to the support of the poor of the city and to all its charitable institutions,—the Royal Infirmary, Lunatic Asylum, Blind Asylum, Lying-in-Hospital, &c.* The members have likewise accumulated a fund, now amounting to £40,000, for the benefit of their widows and children, out of which they are at present paying the sum of Fourteen Hundred Guineas per annum to the widows of deceased members. These circumstances show the importance of this Corporation in the community of Glasgow.

But it may be further mentioned, that the Faculty is recognised in many acts of parliament, and appointed to perform most important duties. In the Charter of the Royal Infirmary, it is provided, that the Institution shall be under the management of twenty-four directors, of whom the *president of the Faculty* shall always be one, and that Corporation is ordered to elect every year three of their number also to be directors. Thus the sixth part

* On 2d February, 1798, the Faculty contributed from their funds the handsome sum of One Hundred Guineas "to the exigencies of Government, in name of Voluntary Contribution." This appears, from the Collector's account, to have been paid a few weeks afterwards.

of the whole direction of this Hospital *must be members of Faculty*. In like manner they are required by act of parliament (Act 55, Geo. III., Cap. 69) to send two of their number as managers to the Royal Lunatic Asylum. They also send two to the Lock Hospital; three to Stirling's Library; one to the Asylum for the Blind; and every year the Faculty must elect four members as inspectors of Mad-houses, who visit at stated periods the various Lunatic Asylums in the different parts of the county, along with the constituted authorities. Also, by a recent act of parliament, no person can be committed by the Sheriff of the county, to a place of confinement as a lunatic, unless his insanity be certified by two medical men; and the Sheriff has judged it necessary that at least one of these *must be a member of the Faculty of Physicians and Surgeons of Glasgow*.

In several Acts of Adjournal of the Justiciary Court, the Faculty has been also mentioned as a Body legally incorporated by the Charter of King James. So far back as 12th October, 1709, their Charter was presented by their Visiter to the Circuit Court of Justiciary, and an Act of Adjournal passed, confirming the right of exemption from sitting on assizes, given them by the Charter. By another Act of Adjournal of the High Court, of 24th March, 1812, that Right Honourable Court "recommend to the Faculty of Physicians and Surgeons in Glasgow, to persevere in the exercise of the powers *conferred by the said Royal Charter and Parliamentary ratification*; and at the same time the Court did, and hereby do, enjoin and require all Sheriffs and other Magistrates, with their respective Procurators-fiscal, to be aiding and assisting to the Faculty in the proper execution of the duty therein pointed out; and, on due information, to prosecute all persons illegally practising within their respective jurisdictions, in all time coming."

Many other circumstances might be mentioned in proof of the status and position which this Body holds among the institutions of the West of Scotland. Those alluded to, it is presumed, will be sufficient to show the injustice of taking away its vested rights and privileges, and the injury which would be inflicted upon the city of Glasgow by such a measure.

We have now to consider the changes proposed in the Bill "For Regulating the Profession of Physic and Surgery," and

the effects of these upon the vested rights of the Faculty, its individual Members, and the interests of the city of Glasgow.

In August, 1844, a Bill "For the better regulation of Medical Practice throughout the United Kingdom" was introduced into Parliament by Sir James Graham, in which it was proposed that the Diploma of "General Practitioner in Medicine and Surgery" should be given nowhere in Scotland, except in Edinburgh, by the Royal College of Physicians, and the Royal College of Surgeons, the license being that of the Royal Colleges of *Scotland*; the right of the Glasgow Faculty of Physicians and Surgeons to grant this Diploma being thus taken from them. But it was also proposed that the higher Degree of Doctor of Medicine, and also a new Degree of Bachelor in Medicine, which last was to confer the rights and privileges of the "General Practitioner," should be granted in Edinburgh by a Board of Examiners, chosen partly from the Royal Colleges, and partly from the University; and in Glasgow by a Board of Examiners, chosen partly by the Faculty,—which was to have the title of the "Royal College of Physicians and Surgeons of Glasgow,"—and partly by the University. There was also a fourth Degree—that of "Surgeon"—which, by the Bill, was to be granted by the Royal College of Surgeons of Edinburgh, and also by that of Glasgow, without any connexion with the College of Physicians or the Universities. It was likewise the intention of Government to introduce a Bill "For enabling Her Majesty to grant new Charters to certain Royal Colleges;" and, in the draft of this Bill, the Faculty was named—under the title of "The Royal College of Physicians and Surgeons of Glasgow,"—as one of the Bodies to which a new Charter was to be given, conferring new privileges in lieu of those restrictive powers which they at present possess, and had agreed to give up. Accordingly, after many communications between Sir James Graham and the Faculty, this Charter was at last completed, and drawn out under the direction of Government.

This position, in which the Faculty of Physicians and Surgeons was proposed by the Bill of 1844 to be placed—to be joined to the Glasgow University in giving the higher Degrees, and to be erected, by a new Charter, into the Royal College of Physicians and Surgeons of Glasgow,—the Faculty, in a Memorial addressed to Sir James Graham, "cheerfully acknowledged" to be a

“favourable position.” But they complained “of that part of the measure in which it is proposed to exclude them from the right and privilege of Examining and Licensing the General Practitioner in Medicine and Surgery,” which they had exercised for more than two centuries for the benefit of the Medical Profession and the Public. And they claimed, for various reasons stated in the Memorial, to be placed in the same position as an Examining and Licensing Body, with the other Royal Colleges.

During the recess of Parliament, there is reason to believe that certain interested parties, desirous of having the Faculty excluded from all participation in examining and licensing Medical Practitioners, used means to prejudice Sir James Graham against that Body, and to persuade him not only to refuse to listen to their request of being placed in the same position as the other Royal Colleges, but to exclude them from the Bill altogether.

Accordingly, in December last, Sir James intimated to them that he had been mistaken as to the rights of the Faculty, for it had been represented to him, that it had been “expressly found” by the Court of Session, that the Faculty had no power to examine and license those who practice “Medicine.” At the same time he thought it right to afford them an opportunity of rebutting this allegation. The Faculty returned what they believe to be a sufficient refutation of the objection stated in Sir James’s letter, the substance of which is contained in the foregoing statement. And they also sent a deputation to London, who had an interview with Sir James, and endeavoured to remove his objections; but, without obtaining from him any acknowledgement whether or not the answer to his letter, or the verbal explanation, was satisfactory.

On the 25th February, 1845, the new Medical Bill was laid on the table of the House of Commons, and read a first time. In it the name of the Glasgow Faculty is not once mentioned; and in the Bill “for enabling Her Majesty to grant New Charters;” the Faculty is also omitted.

Although the Charter and Act of Incorporation, by which at present the rights of the Faculty are exercised, are not *directly* repealed by any of the clauses of the New Medical Bill, yet as the Faculty is not one of the Bodies appointed to Examine and License Medical Practitioners, that power, which it has so long

possessed, is virtually withdrawn; and as by clause 31, "all persons who shall be registered as Licentiates," "shall be exempt from being sued or liable to any penalty under the provisions" "of any other act of parliament passed or Charter granted before the passing of this act, in restraint of the Practice of Medicine and Surgery," the restrictive powers of the Faculty over the four counties are also abrogated.*

Thus, if this Bill becomes law, the whole rights and privileges of an ancient Corporation, exercised for two centuries and a half, are taken away at one sweep, without the least show of reason or justice, and without any compensation. For to deprive the Glasgow Faculty of the power of Examining General Practitioners would, in truth, be to extinguish the Faculty altogether; and it humbly appears to the Faculty, that every reason of sound policy is against the extinction of their Body. On the contrary, it would only be following out those objects of public importance, intended to be promoted by the proposed Bill, to continue in the city of Glasgow, and that important part of the kingdom of which in some sense it may be called the Metropolis, that privilege which it has possessed for two centuries and a half—an Examining Body for General Medical Practitioners.

In his speech on introducing the Bill, Sir James Graham is reported to have stated that he had laboured under a misconception in regard to the powers of the Faculty of Physicians and Surgeons of Glasgow; that he had supposed they were possessed of the right of examining and granting licenses in "Medicine" as well as in Surgery; but he had since learned that they possessed no such right by their Charter; and that it had been "expressly found" by the Court of Session that they had no powers to grant licenses in "Medicine." From the foregoing brief history of the Faculty, and of their law-suit with the University of Glasgow, it will be seen that no such decision as that referred to by Sir James Graham was ever delivered; that, in fact, the question, as to the legal powers of the Faculty in regard to Medicine, distinct from Surgery, has never to this hour been the subject of litigation before any Court whatever.† How far this misconception of the Home Secretary, and the supposed decision of the Court of Session,

* See Opinion of Counsel, Appendix, No. III.

† See Opinion of Counsel, Appendix, No. IV.

even were they correct, are sufficient reasons for depriving the Faculty of rights and privileges *unquestionably possessed* and exercised without challenge for two centuries and a half, may be left to the decision of every unprejudiced person. If sufficient in the case of the Faculty, they are equally cogent for extinguishing the powers of the College of Surgeons of Edinburgh, for assuredly that Body has no right to grant licenses in "Medicine."

But although the Faculty has never claimed the right to confer a *Medical Degree*, strictly so called, it is undeniable—indeed, the whole history of the Corporation proves—that it has always possessed and exercised certain rights as respects *Medicine*, as well as Surgery. The Charter contains a regulation, vesting in the Corporation powers with regard to the profession of a *Physician*, as distinguished from a *Surgeon*:—" *Fordlie, It sall not be leisum to onie mannir of personis within the foresaidis boundis to exercise MEDICINE without ane testimonial of ane famous universitie quhair medecine be taught, or at the leave of oure and oure dearest spouse chief medicinarie; and in case they failzie, it sal be lesum to the saidis visitouris to challenge, persequ and inhibite thame throw useing and exercing of the said airt of MEDICINE, under the pain of fourtie poundis, to be destrubuted, half to the judges, half to the pure, toties quoties, they be fund in useing and exercing the same, ay and quhill they bring sufficient testimonial as said is.*"

In like manner, in the early proceedings of the Faculty, while endeavouring, according to the Charter, to protect the lieges from unqualified pretenders to medical knowledge, the Courts of Law ordered that they should call before them "*all and sundrie persons whatever professing or using the saidis airtes of chirurgie or MEDICINE within our said burgh and baronie of Glasgow,*" &c., "*charging all and sundrie the saidis personis qu'tsomever, professing or using the saidis artis of chirurgie or MEDICINE,*" "*to desist and cease frae all using or usurpeing of the saidis airtis of chirurgie or MEDICINE within the boundis foresaidis,*" "*except they be examined be the said Mr. James Hamilton, present visitor foresaid, in the said airt and calling of chirurgie or MEDICINE, and be his bretheren in the said airt and thair successors, upon their literator, knowledge, and practice,*" &c. &c.*

* General decret obtained before the Lords of Council and Session, dated 31st July, and signeted 14th August, 1635.

The Faculty, therefore, 'are not putting forward any pretensions unauthorized by their Charter, when they claim for their Licentiates the privilege of acting as General Practitioners in Medicine and Surgery. Even were the *legal* right questionable, the long usage since the date of the Charter forms a *prescriptive* right, which is quite conclusive.

It is not to be credited that the Government seriously intend, or really desire the complete extinction of a Corporation which has existed and performed important public duties for two centuries and a half, and the legality of whose rights and privileges is unquestionable. Their right to grant Diplomas in "Surgery and Pharmacy" has been acknowledged by the highest legal authorities in the kingdom. The *subsistence* of their Charter, and of the privileges conferred by it, is expressly fixed. Their existing Association, *as a legal Corporation*, entitled to reception, and support, as such, in all Courts of Law, has been long since settled. Their possession of the privilege of debarring ALL PERSONS, *even though possessed of the highest University honours in Medicine*, from practising Surgery within their bounds, without being admitted by the Corporation, has been solemnly declared.* Their Charter is more ancient than that of any of the Colleges in Edinburgh, and, in point of fact, the Glasgow Faculty is a body in every respect analogous to the Colleges of Physicians and of Surgeons in Edinburgh, except that those who in Edinburgh compose two separate bodies, are, in Glasgow, united into one. The College of Physicians in Edinburgh exercise, in practice, no exclusive privileges, and are by their Charter bound to admit into their body the Graduates in Medicine of the Scottish Universities. Again, the Edinburgh College of Surgeons are exactly in the position of the Glasgow Faculty, having in the same manner obtained a Charter entitling them to Examine and License in Surgery within certain specified bounds. The bounds specified in their Charter, are the Counties of East, West, and Mid-Lothian, and the Shires of Fife, Peebles, Selkirk, Roxburgh, and Berwick. The population of these amounts, according to the census of 1841, to 527,560; while the population of the four Counties under the jurisdiction of the Glasgow Faculty of Physicians and Surgeons, is 790,685. The two bodies had the same privileges

* See Opinion of Counsel,—Appendix, No. IV.

conferred on them, to be exercised in different parts of Scotland respectively; and the Chartered rights of the Glasgow Faculty have now been shown to be at least as great, if not greater than those of the Edinburgh Colleges. At present the Edinburgh College of Surgeons—in the same way as the Glasgow Faculty—grants, irrespective of any College of Physicians, a Diploma, under which the holders practise both Medicine and Surgery, and are considered General Practitioners. But the Glasgow Faculty may with justice claim a higher place in the Medical Institutions of the kingdom than the Edinburgh College of Surgeons. The former has been a strictly *Medical* Corporation for two hundred and fifty years. Their Charter was originally granted to a *Physician* and a *Surgeon*, both celebrated men at that period, and it has ever since continued to be composed of Physicians and Surgeons up to the present time. The analogous Body in Edinburgh was originally a Corporation with a Charter giving them a monopoly for selling whisky, within the old burgh and certain suburbs of Edinburgh, and they had nothing to do with Medicine until 1694, nearly a century after the institution of the Glasgow Faculty, and up to the present hour they remain connected with the trading corporations of the city. Only one portion of the Glasgow Faculty was ever associated with the city corporations, and this portion dissolved the connexion more than one hundred and twenty years ago, and by so doing claimed the character of being a purely Scientific and Medical Institution, free from the “business of the burgh corporation, and the contamination of burgh politics.” It is humbly apprehended, then, that no good reason exists why, as an Examining Body, the one should be preferred to the entire extinction of the other.

But it may be necessary to state, for the information of those who are not aware of the title on which General Practitioners are qualified to practise in Scotland, that no such Degree or Diploma as that of “General Practitioner” is at present conferred by any *Corporate Body whatever*. There is in fact no such Diploma as that of “General Practitioner” in existence. The large body who practise under that designation, are either Licentiates of the Royal College of Surgeons of Edinburgh, of the Faculty of Physicians and Surgeons of Glasgow, or Graduates of the Scottish Universities.

Besides, this Bill, if passed into a law, would deprive the Faculty of Physicians and Surgeons of Glasgow not only of its powers as a Licensing Body, but also of all its peculiar rights and privileges, so as not to leave an inducement for any one to join it hereafter. No provision is made for the performance of the duties of the various public institutions which have been alluded to, in the management of which the Faculty has a share; and if the Faculty is destroyed, not one of them could legally perform a single act until their different Charters were renewed, and their whole constitution remodelled.

But not only the powers of the Faculty, as a Corporation, but even the rights of its individual members, for which each has paid a very considerable sum of money, appear to be taken completely away by this measure. In clause 32, which makes provision for reserving the rights of all persons legally practising before the passing of the act, there is no recognition of the peculiar rights of the Members of the Faculty, distinct from those of the Licentiates, inasmuch as it is only "Fellows or Associates of the said Colleges of Physicians and Surgeons respectively" who shall be able to register as such; and as the Faculty is not one of these Colleges, not one of its members could claim the privileges of an Associate or a Fellow, without joining a Royal College under the act,—again undergoing an examination, and again paying as entry money the sum fixed by the Charter of such College. Besides, the Council of Health has the power to give superior privileges to the Fellows or Associates above those of the general practitioners, and no doubt will do so. By clause 29 it is enacted, that the "Council of Health shall be empowered from time to time to make regulations for specifying what Institutions are to be considered Public Institutions within the meaning of this act, and *which form of testimonial* shall be necessary to qualify the holders thereof for every such situation." If, therefore, the Council were to enact—what is not at all unlikely—that none but Associates or Fellows were eligible to hold the office of Physician or Surgeon to an Hospital, all the present Physicians and Surgeons to our Royal Infirmary, with one exception, would immediately be ineligible to hold their situations; and out of three hundred Physicians and Surgeons practising in Glasgow, not half-a-dozen would be found so qualified to fill their

places. If they were farther to enact,—which is likewise exceedingly probable,—that none but Fellows or Associates of Royal Colleges shall be eligible to teach any branch of Medicine or Surgery, the present long established and flourishing private Medical School of Glasgow would be extinguished, or its teachers, those of them at least who would stoop to such degradation, forced to go to Edinburgh, be examined by men their juniors in the profession, and pay a fee for admission into the Royal Colleges of that city. *At present* the Members of the Glasgow Faculty are exactly in the same position as the Fellows of the Colleges of London and Edinburgh—they are Members or Fellows of a Faculty or College constituted by Royal Charter, and possessing certain legal rights. And if a distinct clause of reservation be not introduced into the Bill, giving to them the same privileges as Associates or Fellows of Colleges under the Bill, an act of great injustice will be done to individuals without the slightest reason, which it is painful to contemplate, and which the Government of the country surely never intended. Although there may be some ambiguity in clause 32, so that it is possible it may not bear the construction here put upon it, there is none whatever as to the powers of the Council of Health. The only reservation in clause 32, so far as the Glasgow Faculty is concerned, appears to be, that all its Members and Licentiates, may claim to be registered as *Licentiates in Medicine and Surgery*; and even this, only on the supposition that the word “Surgeon,” in the fourth line of the clause, is meant to include the present General Practitioner.

Such then are the facts regarding the Faculty of Physicians and Surgeons of Glasgow, and of its individual Members, and such will be the effects of Sir James Graham’s Medical Bill, if passed into a law, upon their rights and privileges.

In regard to the manner in which the Corporation has exercised these rights, and the respectability and professional eminence of its individual members, a very few words will be sufficient.

We have no hesitation in saying, that the Faculty has uniformly exercised its powers in a manner that will bear examination and comparison with any other Licensing Body whatever. They are willing to submit to any inquiry—they have always courted inquiry—as to the manner in which the rights granted by their Charter have been exercised and maintained. And it is

humbly submitted that public inquiry is the only way by which the truth, in regard to the transactions of a public body, can be ascertained, and the falsehoods and misrepresentations of interested parties met and exposed. Although it is true that at one time Degrees in Medicine were granted by some Licensing Bodies in Scotland without examination, this practice has long ceased even with these Universities, and never did exist in the case of the Glasgow Faculty. Indeed the Faculty long ago ceased to admit Graduates in Medicine as members of their body, unless they underwent examination and were found properly qualified.

Many false and calumnious assertions have lately been made in regard to the status and respectability of the Faculty, more especially in an article, entitled "Medical Reform," published in a late number of an Edinburgh periodical.* We only allude to this subject for the purpose of stating—which we do fearlessly and unequivocally—that the whole assertions in that article, regarding the Faculty of Physicians and Surgeons, are either direct falsehoods or facts wilfully misrepresented; and we are sorry, for the honour of the profession, to add, that there is too much reason to believe, they were known to be such by the author when he penned them. They were given to the public for the purpose, the avowed purpose, of preventing, if possible, the Faculty having any share in examining and licensing Medical Practitioners, and thereby obtaining for the Edinburgh Colleges a monopoly in Scotland. Whatever effect such statements may have produced, in regard to the interests of the Corporation, upon persons at a distance, who are ignorant of the facts, or upon those in authority, the medical attainments, respectability, and trustworthiness of the Members of Faculty generally, are too well-known and appreciated by the public in Glasgow and over Scotland, to be injured by falsehood and slander emanating from such a quarter. It is no boast to say, that the Faculty of Physicians and Surgeons of Glasgow, as a body, is in every respect equal to the Royal College of Surgeons of Edinburgh; and the Members of Faculty generally have long been considered in point of professional abilities, either as Teachers or Practitioners, not one whit inferior to their brethren of the capital.

In conclusion, as no doubt can exist that the Faculty of Physi-

* Edinburgh Review, No. clxiii.

cians and Surgeons of Glasgow is a lawful Corporation, possessing, at this moment, the privilege of Examining and Licensing all persons desirous of practising "Surgery and Pharmacy,"—constituting the General Practitioner in Scotland,—there can be no reason given why that Body should not have, in the new legislative arrangements, at least a share in performing this duty to the Students attending the Medical Classes in Glasgow. It may be joined with the College of Physicians of Edinburgh, or with the Board proposed, by the present Bill, to Examine and License the General Practitioner, or in any other way the Government may choose to fix. This, it is humbly conceived, is a very reasonable request in lieu of the monopoly at present possessed, and which the Faculty is willing to relinquish. If something of this kind be not done, then Glasgow will not be entitled of itself to Examine and License even its own Students. It must be assisted by the Edinburgh Colleges; for, although the Degree of "Inceptor of Medicine" may be granted by the Glasgow University, along with Fellows of the Edinburgh College of Surgeons, in such a way as that the Examination may take place in Glasgow, still it is a License given, not by any Glasgow Body alone, but by the Glasgow University and the Edinburgh Colleges conjoined. This is an insult to the whole profession in Glasgow. It is tantamount to saying that none of the practitioners there are worthy to be trusted with the duty of Examining and Licensing Medical Students, but that Edinburgh Practitioners must be sent for to do that, which their brethren in Glasgow are supposed to be too ignorant to accomplish. Could it be satisfactorily shown that the Medical profession or the community generally would be benefited by the removal of the rights and privileges of the Faculty, and the extinction of that Body, then it might be proper that the interests of individuals should yield to the good of the public at large. But after mature consideration of the subject, it does not appear, that, in any one respect, such a result would follow. The profession in the West of Scotland is degraded by the very proposal; and no benefit would accrue to any one, except to the Colleges of Edinburgh, who, there is reason to believe, have not scrupled to employ very discreditable means to accomplish their desired ends. It may be further remarked, that the Faculty might, without any difficulty, be continued as a licensing Body, joined with some of

the other Colleges, in such a way as would not interfere with the plan which the Government seems anxious to adopt, of having only one licensing Board for each division of the kingdom.

The whole scheme, as relates to Glasgow, is unreasonable, unjust, and insulting. Glasgow is now greatly superior to Edinburgh in point of population, facilities for Medical education, and commercial greatness. It is every year rising in importance, and its citizens will surely make an effort to prevent its being degraded from its present eminence as an educational city, to a mere second-rate town, subservient in every thing connected with Medical education to Edinburgh. It is *in reality* the capital of Scotland, and, from its rapidly increasing population, must become, sooner or later, the teaching school of that part of the United Kingdom. Without drawing invidious comparisons, many years will not pass until the *elite* of the teachers and Medical Practitioners of Scotland will be found within its precincts; and surely there should exist grounds, far more cogent than any yet adduced, ere a Conservative Government should consent to withdraw from Glasgow, privileges which it may be said are only now about to come into extended and useful operation.

APPENDIX.

APPENDIX, No. I.

CHARTER BY KING JAMES VI. TO THE FACULTY OF PHYSICIANS AND SURGEONS OF GLASGOW.

JAMES, be the Grace of God, King of Scottis, to all provostis, baillies of burrowis, scherriffs, stewartis, baillies of regalities, and otheris, ministeris of justice within the boundis following, and their deputis, and all and sundrie otheris our leigis and subditis, quhom it efferis, quhase knowledge thir our letteris sal cume, greiting, WIT ZE WE, with avise o oure counsall, understanding the grit abuis quhilk hes bene comitted in time bigane, and zit daylie continueis be ignorant, unskillit and unlernit personis, quha, under the collour of chirurgianis, abuisis the people to thair plesure, passing away but tryel or punishment, and thairby destroyis infinite number of oure subjectis, quhairwith na ordour hes bene tane in tyme bigane, specially within oure burgh and baronie of Glasgow, Renfrew, Dumbartane, and oure sheriffdomes of Cliddisdale, Renfrew, Lanark, Kyill, Carrick, Air and Cuninghame; For avoiding of sik inconvenientis, and for gude ordoure to be tane in tyme cuming, to have made, constitutit and ordanit, and be the tenoure of thir our letteris, makis, constitutis, and ordinis Maister Peter Low, our chirurgiane, and chief chirurgiane to oure dearest son the Prince, with the assistance of Mr. Robert Hamiltone, professoure of medicine, and their successouris, indwelleris of our citie of Glasgow, GEVAND and GRANTAND to thame and thair successoures, full power to call, sumonnd, and convene before thame, within the said burgh of Glasgow, or onie otheris of our said burrowis or publict places of the fairsaids boundis, all personis professing or using the said airt of chirurgie, to examine thame upon thair literature, knowledge and practize; gif they be fund wordie, to admit, allow and approve thame, give them testimonial according to the airt and knowledge that they sal be fund wordie to exercise thareftir, resave thair aithis, and authorize thame as accordis, and to discharge thame to use onie farder nor they have knowledge passing thair capacity, laist our subjectis be abusit; and that every ane citat report testimonial of the minister and eldris, or magistratis of the parochin quhair they dwell, of thair life and conversatione; and in case they be contumax, being lauch-


fullie citat, everie ane to be unlawit in the soume of fortie pundis, *toties quoties*, half to the judges, other half to be disponit at the visitoures pleasure; and for payment thaireof, the said Mr. Peter and Mr. Robert, or visitoures, to have oure uthere letteris of horning, on the partie or magistraties quhair the contemptuous personis duellis, chargeing thame to poind thairfoire, within twentie-four houris, under the pain of horning; and the partie not haveand geir poindable, the magistrate, under the same pain, to incarcerate thame, quhill caution responsall be fund, that the contumax persone sall compir at sik day and place as the saidis visitouris sall appoint, gevan trial of their qualifications: *Nixt*, that the saidis visitouris sall visit everie hurt, murtherit, poisonit, or onie other persoun taen awa extraordinarily, and to report to the magistrate of the fact as it is: *Thirdlie*, That it sall be leisum to the said visitouris, with the advice of thair bretheren, to mak statutis for the comoun weill of oure subjectis, anent the saidis artis, and using thairof faithfullie, and the braikeris thairof to be punshit and unlawit be the visitoures according to their falt: *Fordlie*, It sall not be leisum to onie mannir of personis within the foresaidis boundis to exercise medicine without ane testimonial of ane famous universitie quhair medecine be taught, or at the leave of oure and oure dearest spouse chief medicinarie; and in case they failzie, it sal be lesum to the saidis visitouris to challenge, perseu and inhibite thame throw useing and exercing of the said airt of medecine, under the pain of fourtie poundis, to be destrubuted, half to the judges, half to the pure, *toties quoties*, they be fund in useing and exercing the same, ay and quhill they bring sufficient testimonial as said is: *Fythlie*, That na manir of personis sell onie droggis within the citie of Glasgow, except the sam be sichtit be the saidis visitouris, and be William Spang, apothecar, under the pane of confiscatioun of the droggis: *Sextlie*, That nane sell ratoun poison, asenick, or sublemate, under the pane of ane hundred merkis, excep onlie the apothecaries quha sall be bund to tak caution of the byaris, for coist, skaith, and damage: *Seventlie*, Yat the saidis visitouris, with thair bretherene and successouris, sall convene every first Mononday of ilk moneth at sum convenient place, to visite and give counsell to pure disaisit folkis gratis: And, *last of all*, Gevand and grantand to the saidis visitouris indwellers of Glasgow, professouris of the saidis airtis, and thair bretherene, p'nt and to cum, immune and exemptioun from all wappin shawengis, raidis, oistis, beiring of armour, watching, weirding, stenting taxationis, passing on assises, inquestis, justice courtis, scheriff or burrow courtis, in actiounes criminal or cival, notwithstanding of oure actis, lawis, and constitutionis thairoff, except in geving yairr counsell in materis appertaining to the saidis airtis; ORDAINING you, all the foresaidis provestis, baillies of burrowis, sheriffis, stewartis, baillies of regalities, and otheris ministeris of justice, within the saidis boundis, and zoure deputis, to assist, fortifie, concour and defend the saidis visitouris, and thair posterior, professouris of the foresaidis artis, and put the saidis actis maid and to be maid to executioun; and

that our otheris letteris of our Session be granted thereupon to charge thame to that effect within twentie four houris nixt after they be chargit thairto. GEVIN under our previe seill, at Haliruid-house, the penult day of November, the zeir of God jave. and fourscore ninetein zeiris, and of our regnn the threttie thre zeir.

*Per Signaturam manu S.
D. N. Regis nec non mani-
bus Dominorum Ducis
Lennocæ, Thesaurarii ac
Scaccarii dicti. Domini
Regis Subscriptam.*

(Written on the Tag thus)

*Litera Mag'ri Petri Low, Chirurgi,
Et Mag'ri Roberti Hamiltone, Pro-
fessoris Medicinæ.*



Locus Sigili.

(Written on the back thus)

Written to the Privie Seil, Penult Novemb^r 1599.

J. HAY.

RATIFICATION OF KING JAMES' CHARTER TO THE FACULTY OF PHYSICIANS AND SURGEONS OF GLASGOW.

AT Edinburgh, the elevent day of September one thousand six hundredth seventie-two years, OUR SOVERANE LORD, with advice and consent of his Estates of Parliament, now presentlie convened be his Majestie's speciall authoritie, hes RATIFIED AND APPROVEN, and be thir presents ratifies and approves ane Letter of Gift past under the privy seal of the date at Halyrudehouse, the penult day of November 1599 years, whereby his Majestie's grandfather, of blessed memorie, for avoyding of inconveniences, and for good order to be tane in tyme comeing, within the burgh and barronie of Glasgow, gave and granted full power to the chirurgeans and professors of medicine within the city of Glasgow for the tyme, and their successors, to call and conveyn before them within the said burgh of Glasgow, or any other place of the bounds foresaid, contained in the said Gift, all persones professing or using the art of chirurgerie, to examine them upon their literature, knowledge and practice; if they be fund wordie, to admit, allow and approve them, give them testimoniell according to their arte and knowledge to exerce thereafter, receave their oaths, and authorise them as accords; and that it shall not be leisum to any maner of persons within the foresaid bounds, to exercise medecine, without ane testimoniell of ane famous universitie, wher medecine is taught, or at leist the persons above mentioned, and their successors, under the pains contained in the said Gift; and that no maner of persons sell any drogs within the city of Glasgow, except they

be sighted be the forsaid persons, under the paine of confiscation of the drogs; and that no ratton poyson be sold, except by the apothecaries, who shall be bund to take caution of the buyers, for coast, skaith, and damage, as the said Letter of Gift, in the selft at more lenth proports, IN THE HAILL HEIDS, clauses, articles, and circumstances of the samen, and after the forme and tenor thairof, in all points, in so far as the samen Gift, and this present Ratification therof, can be extendit in favours of the present chirurgians, apothecaries and barbours within the said burgh of Glasgow, and their successors allenerlie, and no further: And his Majestie and Estates of Parliament, wills, grants and declares, that this present generall Ratification shall be als valeid and sufficient to the saids chirurgians apothecaries and Barbours, and their successours allenerlie, as said is, as if the said Gift wer word be word heir engrossed, notwithstanding the samen be not so done, wherewith his Majestie and Estates of Parliament hes dispensid, and be thir presents dispenses forever. Extracted furth of the Records of Parliament be me, Sir ARCHIBALD PRIMEROSE of Carintoun, Knight and Barronet, Clerk to his Majestie's Councill, Registers and Rolls.

(Signed) A. PRIMROSE.
Clr. Reg.

APPENDIX, No. II.

REGULATIONS OF THE FACULTY OF PHYSICIANS AND SURGEONS OF GLASGOW, RELATIVE TO THE ADMISSION OF CANDIDATES FOR A SURGEON'S DIPLOMA.

THE Faculty *recommend* that Candidates should attend Elementary Courses of Study in Mathematics and Natural Philosophy. These Branches, however, are not *imperative*.

Every Candidate's knowledge in Latin shall be tested, at his Examination, by being required to construe some part of Gregory's *Conspectus Medicinæ Theoreticæ*.

CURRICULUM

Enacted.

Anatomy,.....	Two Courses of Six Months.	
Practical Anatomy,.....	One do. do.7th June, 1830.
Surgery,.....	Two do. do.	
Chemistry,.....	One do. do.	
Practical Chemistry,.....	One do. of Three Months,	..8th Nov., 1831.
Theory of Medicine,.....	One do. of Six Months.	
Practice of Medicine,.....	One do. do.	
Materia Medica,	One do. do.	
Midwifery,.....	One do. do.	
Clinical Medicine,.....	One do. do.7th June, 1830.
Clinical Surgery,.....	One do. do.7th June, 1830.
Medical Jurisprudence and Police, ..	One do. do.4th April, 1831.
Botany,.....	One do. of Three Months,	..3d Feb., 1834.
A Public Hospital,.....	Eighteen Months,3d Feb., 1834.
A Surgeon's or Apothecary's Shop, ..	Six Months, formerly 12 Months,	3d Feb., 1834.

The above Lectures must have been delivered by Professors or Lecturers in an University; or by Members of the Royal Colleges of Physicians or Surgeons, respectively, of London, Edinburgh, or Dublin; or by Members of Faculty.

Every Candidate must have been employed in the above course of studies for Four Winter Sessions, or for Three Winter Sessions and Three Summer Sessions, so that the whole period of attendance shall not be less than Three Years complete.

These branches, whose dates are specified, are not required by those Students who commenced their studies anterior to these enactments. The commencement of Education is ascertained by the date of the first Ticket.

Every Candidate is required to produce *Certificates of Attendance* upon the above courses; to be examined respecting his knowledge of these various branches of study,—and to write an Essay upon some Pathological or Surgical subject, which must be given in and approved of by the Board of Examiners. The Fee of Seven Guineas must be deposited with the President previous to the Examination.

ROBERT PERRY, M.D., *President.*

FACULTY HALL, *August, 1844.*

APPENDIX, No. III.

THE Charter by King James VI. to the Faculty of Physicians and Surgeons of Glasgow, and Ratification thereof by the Scottish Parliament in 1672, together with a Bill for regulating the profession of Physic and Surgery, prepared and brought into Parliament by Sir James Graham and Mr. Manners Sutton, were laid before Counsel, and the question was asked—"If, by the Sections at the bottom of page 10, and top of page 11 of Sir James Graham's Bill, (supposing it passes into a Law,) the Charter by King James, and subsequent Act by the Scottish Parliament, in favour of the Faculty, will be held to be repealed?"

OPINION FOR THE FACULTY OF PHYSICIANS AND SURGEONS OF GLASGOW.

I HAVE considered the short Case and Query for the Faculty, with the Charter and Scotch Act of Parliament therein referred to, and Bill introduced by Sir James Graham.—I have also looked into the recent proceedings in the Court of Session and the House of Lords, in the late question between the University and the Faculty. And under the Clauses in this proposed Bill, (particularly § 12, § 13, § 14, § 15, § 29, § 30, § 33, § 35, taken together,) if it shall be passed into a Law, I certainly cannot hold out to the Faculty any probable prospect of security

in the possession of the rights, hitherto exercised by them, unless there be inserted in the Bill a special *salvo jure* Clause, reserving all the powers they have enjoyed for a century past, as recognised by the final judgment of the House of Lords, in August, 1840. If such be the intention of the promoters of the Bill, there can be no objection to the insertion of such a Clause. But without it, I cannot give the Faculty any assurance of matters remaining *in statu quo*.

I am quite aware, the Bill contains no express repeal of the Charter of King James VI., or of the subsequent confirmation of it by the Scotch Parliament. And I am also quite aware, that a *feasible* Scotch argument may be founded on the Act of Union. But no person who has had considerable experience in parliamentary, or even judicial practice, can advise much reliance to be placed on such arguments. And, I apprehend, the same end may be legally accomplished by a *clearly indirect* repeal, as by an express repeal, *totidem verbis*.

I understand the Faculty ask nothing more than the continuance of their power to issue Diplomas to Licentiates in Surgery, distinguished from Medicine, as recognised both by the Court of Session and the House of Lords. And, to this extent, I am of opinion the Faculty are entitled to be protected, by Government, against innovation, which seems to be unnecessary, at least in Scotland.

(Signed) JAMES REDDIE.

GLASGOW, 7th March, 1845.

APPENDIX, No. IV.

In reference to a Letter from Sir James Graham, addressed to the President of the Faculty of Physicians and Surgeons of Glasgow—a copy of which is prefixed—Counsel is respectfully requested to say if it has *ever been expressly found* in any of the reported cases referred to by Sir James, or in any other case which depended before the Court of Session, that the said Faculty had no power “to examine and license those who practise *Medicine*?”

OPINION FOR THE FACULTY OF PHYSICIANS AND SURGEONS OF GLASGOW.

I HAVE considered the preceding copy of a letter from Sir James Graham, of the 29th January last, with the subjoined query.—And I apprehend the representation of the existing law, which appears to have been made to the Right Honourable Baronet, adverse to the Faculty, is so far erroneous, or at least not altogether correct. Fortunately, I have no occasion to collect and detail various authorities; for the whole history of the Faculty from its origin, its practice, and its rights, have

all been recently investigated judicially, and so far ascertained, by now final judgment of the Court of Session and of the House of Lords, which are fully and distinctly reported in two late volumes of Reports of Cases decided in the House of Lords—namely, *University of Glasgow, v. the Faculty of Physicians and Surgeons*, 28th August, 1835, Shaw and M'Lean's Reports, vol. ii. p. 275; and same parties, 17th August, 1840, Robinson's Reports, vol. i. p. 397.

In the first appeal, the Lord Chancellor Brougham, and Lord Denman, viewing the case, entirely as English lawyers, entertained doubts of the Faculty having been formally constituted a Corporation; and a remit was made, to the Court below, chiefly with reference to that point. Under this remit, the Second Division of the Court of Session directed the points remitted to be laid before the whole judges; and the consulted judges, with the exception of Lord Moncrieff, who doubted, having given a deliberate opinion, in writing, in favour of the Faculty, to the full extent of the claims then urged by them, a judgment was pronounced accordingly. The University again appealed, but Lord Brougham admitted his doubts were removed, and the Lord Chancellor Cottenham affirmed the judgment of the Court of Session, with costs.

The import of the judgment of the Court of Session, as thus finally affirmed, is thus stated in Shaw and M'Lean's Reports, vol. ii. p. 275:—
1. That the Faculty are a legal Corporation. 2. That they, by virtue of the Charter, 1599, ratified by Parliament in 1672, have power to debar from the practice of Surgery, persons who have not submitted to examination before them, or who have not obtained their license to practise. 3. That the degree of Doctor of Physic, from a University, where Medicine is taught, does not entitle the possessor to practise Surgery within the bounds specified in the Charter, unless he obtains a license from the Faculty. 4. That a testimonial of skill in Surgery, from a University where Surgery is taught, or the degree of Master in Surgery, *recently introduced* in the University of Glasgow, does not entitle the possessor to practise Surgery within these bounds, unless he submit to examination by the Faculty, and is licensed by them.

Now, it is quite true that this judgment merely finds the Faculty entitled to debar from practice in Surgery. But it could not competently do any thing more; or without the judges pronouncing *ultra petita*. For the Bill of Suspension and Interdict, presented by the Faculty, merely *craved* a prohibition *against practising* SURGERY, without examination and admission by them. *Quoad ultra*, the judgment did not, and could not competently go; and is, therefore, *not* a judgment, finding the Faculty had *no power* to examine and license those who practise Medicine. On the other hand, the Faculty are required, by their Charter, to visit any person hurt, murdered, *poisoned*, or taken away extraordinarily, and to report to the magistrates; and it is farther provided by the Charter—5thly, “That no manner of persons sell any drugs within the city of Glasgow, except the same be (sichtet) inspected or examined by

the said visitors, and by William Spang, apothecary, under the pain of confiscation of the drugs; 6thly, that none sell (rattoun) rat poison, arsenic, or sublimate, under the pain of a hundred merks, except only the apothecaries, who shall be bound to take caution of (security from) the buyers for cost, skaith, and damages."—Such duties imposed, and such powers conferred, appear to imply more than a knowledge of mere Surgery, strictly so called; and it appears, from Lord Fountainhall's Decision, vol. ii. pp. 129, 130, that the Faculty, in December, 1701, claimed sundry privileges, and "particularly to visit all drugs, to examine and try intrants, and, if qualified, to admit them."—Nay, in giving judgment, in the second appeal before mentioned, Lord Chancellor Cottenham thus stated the import of the latest previous judgment pronounced in February 1819, in the Court of Session, Robinson's Report, vol. i. p. 427: "That the titles produced by the pursuers, as explained and confirmed by the acts of possession condescended on by them, afford a sufficient title to carry on such an action as the present.—That, in virtue of the diplomas and other memorials, produced by the Defender and other persons named, these parties are authorised, without challenge, to practise Medicine within the districts specified in the Royal Grants founded on by the Pursuers." That applies to Medicine as distinguished from Surgery: "That no person can, within the said district, practise Surgery, or carry on the business of an apothecary, or druggist, without such an examination as is there described; that the Defender has been properly prohibited from carrying on the profession of *Medicine* and Surgery, or that of an apothecary, as not being sufficiently qualified; and decerns and ordains accordingly."

In fact, it was not the custom in Scotland, in former ages, to distinguish accurately, in appellation at least, between Medicine and Surgery. Physicians, or Doctors of Medicine, were found chiefly in the large towns. The custom was, for Surgeons to receive also a *Medical* education, and to practise Medicine as well as Surgery. Even in Edinburgh, towards the close of last century, the present Lord Wood's grandfather, Mr. Alexander Wood, surgeon, it is believed, had more *Medical practice* than any Physician in Edinburgh.

(Signed) JAMES REDDIE.

15th March, 1845.

