

The dental proceedings of the General Medical Council, July 1882 : an address ... at the Annual General Meeting of the British Dental Association ... August, 1882 on the proceedings of the past years (1878-82) in regard to the registration of dentists ... / by J. Tomes.

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Tomes, John, 1815-1895.
British Dental Association.
General Medical Council (Great Britain)
University of Glasgow. Library

Publication/Creation

[London] : [British Dental Association], [1882]

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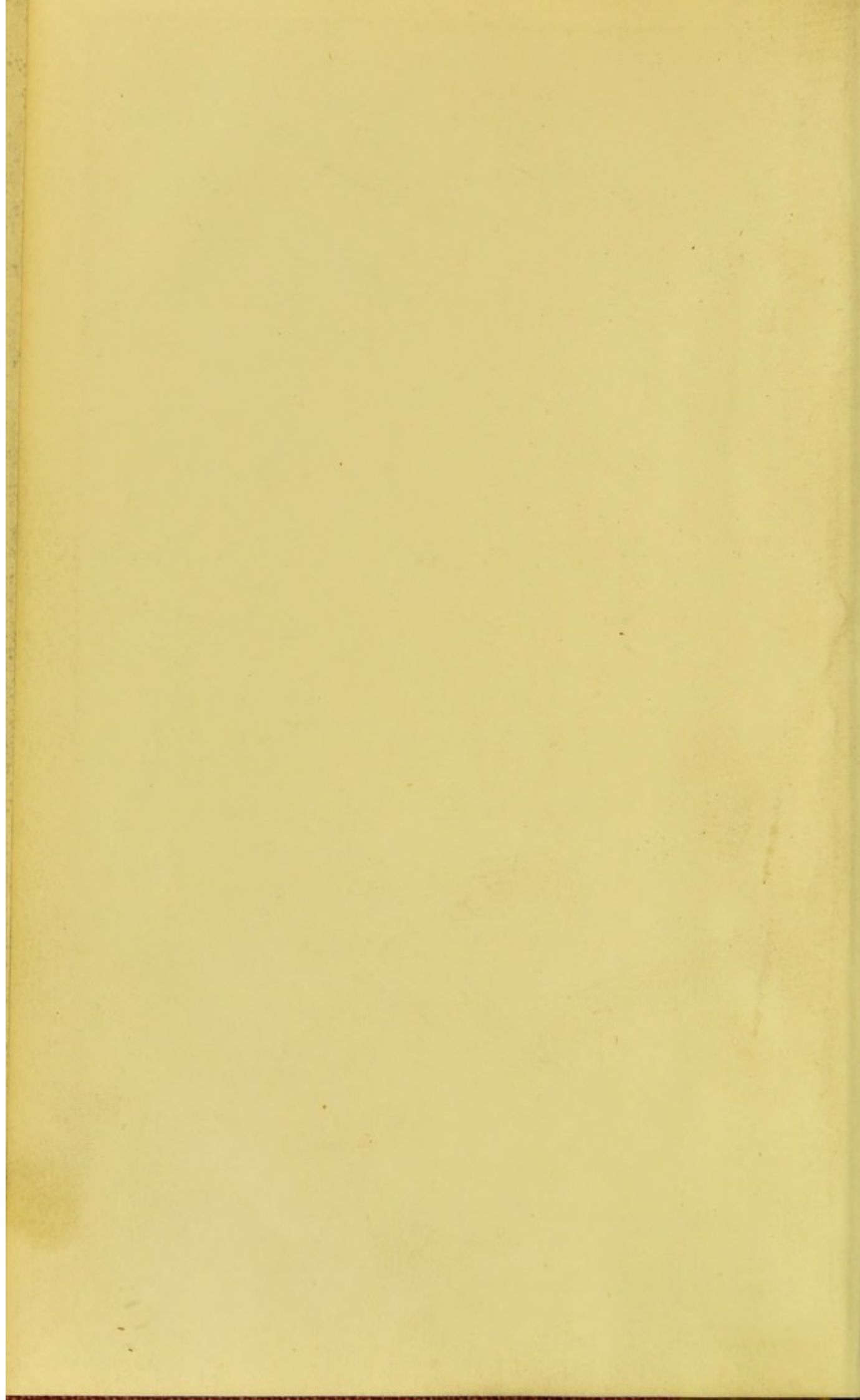


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THE DENTAL PROCEEDINGS
OF THE
GENERAL MEDICAL COUNCIL,
JULY, 1882.

AN ADDRESS

*Delivered at the Annual General Meeting of the British Dental Association,
held at Liverpool, August, 1882.*

ON

THE PROCEEDINGS OF THE PAST YEARS (1878-82)

In regard to the Registration of Dentists.

WITH AN APPENDIX THERETO.

By J. TOMES. F.R.S., THE RETIRING PRESIDENT.

Report and Minutes of Evidence

ON DENTAL QUESTIONS

Of the Royal Commission on Medical Acts, 1882.

REPRINTED FROM
THE JOURNAL OF THE BRITISH DENTAL ASSOCIATION.

c

THE DENTAL EDUCATION
OF THE
GENERAL MEDICAL COUNCIL
JULY 1882

AN ADDRESS
DELIVERED AT THE ANNUAL MEETING OF THE
GENERAL MEDICAL COUNCIL
ON THE 12TH OF JULY 1882
BY
THE HONORABLE MEMBER FOR DENTAL EDUCATION
IN PARLIAMENT ASSEMBLED

REPORT AND OPINIONS OF THE
COMMISSIONERS OF THE
GENERAL MEDICAL COUNCIL

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P R E F A C E.

IT has been thought desirable that the Report of the Dental Proceedings of the General Medical Council, the Address of the retiring President of the British Dental Association, the Report and Evidence of the Commission on Medical Acts should be brought together. Each paper relates to the administration of the Dentists' Act, to its history, to its perfections and defects. Each illustrates at more than one point the two others, and for readiness of reference the relevant pages are indicated in foot notes. Much misapprehension has gained belief respecting the circumstances which attended the framing and passage of the Dentists' Act through Parliament. Blame has been cast upon the draftsmen of the measure, upon the Government, and upon the Dentists. With the view to correction, an account of the constructive proceedings in respect to the Act has been added as an appendix to the Liverpool Address.

PREFACE

It has been thought desirable that the Report of the
Committee on the subject of the General Medical Council, the
Adviser to the Secretary of State for the Home Department,
concerning the report and evidence of the Commission on
Medical Education should be brought together. Each paper
relates to the administration of the Council and to the
status of the Council and its work. Each of the papers
will thus set forth the views of the Council and the
Secretary of State on the various points referred to in the
Report. It is hoped that the Report will be of service
to the public in general and to the Council in particular
in the consideration of the subject matter of the Report.
The Council has the honor to acknowledge the assistance
of the Secretary of State in the preparation of the Report
and to express its appreciation of the assistance of the
Council of the Commission in the preparation of the Report.

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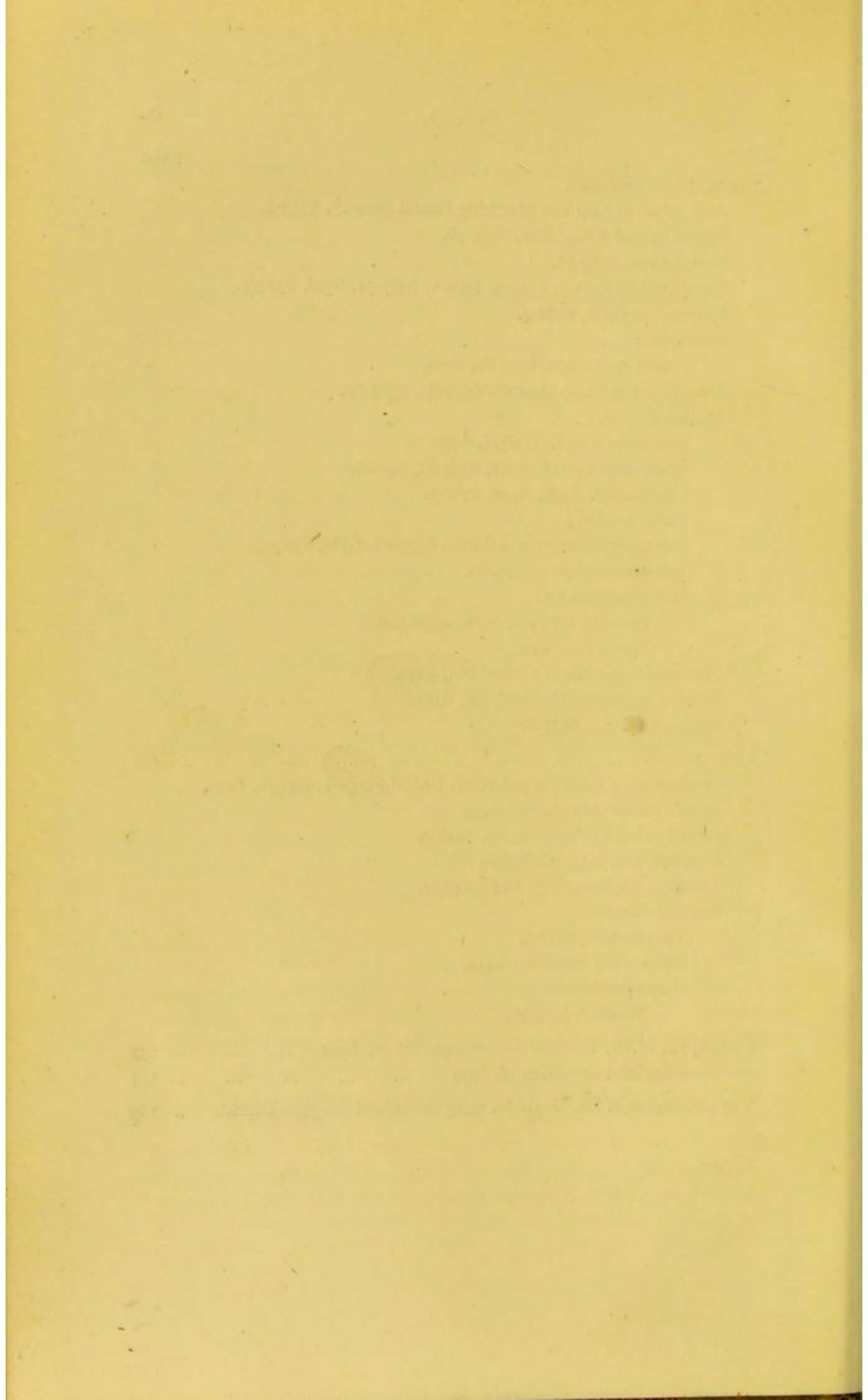
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Report of the Proceedings
OF THE
GENERAL MEDICAL COUNCIL
RELATING TO
DENTAL BUSINESS:
JUNE 27TH—JULY 8TH, 1882.

(Reprinted from the "Journal of the British Dental Association.")

THE thirty-third Session of the General Medical Council was opened on Tuesday, June 27th, by the President, Dr. Acland with an address, which dealt almost exclusively with medical politics, the sole allusion to dental affairs being contained in one short paragraph—viz., that "*The legal points arising out of the vexed question of who are bonâ fide dentists, and what names ought to have been, or ought to be, removed from the Dentists Register, cannot be left unnoticed.*"

Some preliminary business having been disposed of, the Registrar read the following report of the Dental Committee, consisting of Drs. Acland (Chairman), Pitman, Quain, Haldane and Aquilla Smith:—

The Dental Committee have considered the case of Mr. Thomas John Molloy, a Registered Dentist, referred to them by the Executive Committee to ascertain the facts, and have taken evidence.

"The Committee find that Mr. Thomas John Molloy was registered on the 22nd day of November, 1878, as 'in practice before July 22nd, 1878;' and that in 1879 the said Thomas John Molloy was registered, with the additional qualification of 'Licentiate in Dentistry of the Faculty of Physicians and Surgeons of Glasgow,' by virtue of a diploma then produced, and bearing date the 27th day of August, 1879.

"The Committee further find that in pursuance of the power vested in the Faculty of Physicians and Surgeons of Glasgow, the President and Council of the said Faculty have, at a meeting held the 5th day of June, 1882, removed the name of the said Thomas John Molloy from the list of Dental Licentiates of the said Faculty.

"The Dental Committee further find that in consequence of the said order the said Thomas John Molloy has ceased to be a Licentiate of the Faculty of Physicians and Surgeons of Glasgow.

"The Dental Committee, having considered the case of Mr. Valleck Cartwright Mallan, a Registered Dentist, referred to them by the Executive Committee to ascertain the facts and take evidence, find that Mr. Valleck Cartwright Mallan has been carrying on the practice of a dentist in his own name at 173, Praed Street, and at 64, High Street, Notting Hill; at 94, Praed Street, as Charles Smith; and at 106, Edgware Road, as C. Valleck.

"Also, that the said Mr. V. C. Mallan attended before the Committee in person, admitted the above facts, and expressed his readiness to submit to any suggestion which the Council should make.

"With reference to the cases of John Thomas Lambert and Joseph Walker, referred back to them by the General Council, the Committee find that John Thomas Lambert and Joseph Walker have now answered the communications addressed to them, and that they are in the same position as regards qualification as the other persons who are on the 'Dentists' Register,' and who answered in due time the letters sent to them by the Council.

"The Dental Committee report these facts to the General Council.

HENRY W. ACKLAND,
Chairman.

"June 26th, 1882."

The PRESIDENT then reminded the Council that in discussing cases involving penal measures, strangers would be requested to withdraw during the deliberations.

The SOLICITOR (Mr. Farrar), said the first case was that of Mr. Thomas John Molloy. It had been found that the Faculty of Physicians and Surgeons of Glasgow had erased his name from the list of Dental Licentiates of that faculty. That fact had been submitted to the Council, and it was presumed, in consequence of his having been removed from the Faculty of Physicians and

Surgeons of Glasgow, that qualification would be struck out from the Register under the orders of the Council. He would remain on the Register, but that particular qualification, as it had already ceased to exist at Glasgow, would cease to appear on the Register.

Dr. PITMAN :—We had a similar case to this in the year, 1880, when it was resolved “*that, as by the Report of the Dental Committee it appears that Mr. ——— has ceased to be a licentiate in dentistry of the Faculty of ———, his qualification as such licentiate be erased from the ‘Dentists’ Register, and that the Registrar be ordered to erase such qualification from the Registrar accordingly.*” I, therefore, move a resolution in the same terms in regard to the case now before the Council.

The motion was seconded, and carried unanimously.

The PRESIDENT :—The Council will understand that that resolution does not have the effect of erasing Mr. Molloy’s name from the Register altogether, because he was in practice before July, 1878.

Sir WILLIAM GULL enquired whether the reasons of the Glasgow Faculty of Physicians and Surgeons for removing that gentleman’s name could be given.

Dr. ORR, in answering the question on behalf of the Faculty of Physicians and Surgeons of Glasgow, said he was happy to state that it was not on account of any moral guilt that this gentleman had been deprived of his qualification, but merely because he insisted upon advertising in the most open and bare-faced manner, in spite of numerous applications to him to desist from the practice. They had written asking him to desist, and he wrote back, saying he was almost sorry that he had ever accepted the qualification, for he could not get his living unless he was allowed to continue advertising. That was the simple reason for the step which had been taken. He should like to know whether Mr. Molloy’s name could not be erased altogether from the Register—whether the conduct he had been guilty of was not sufficient to warrant his name being erased as a registered practitioner altogether.

Mr. FARRER said they would have to take evidence upon that point, before they could erase a practitioner’s name altogether. All they were dealing with was the letter of the Secretary of the Faculty of Physicians and Surgeons of Glasgow, which stated that that body had removed his name. It might be a very proper subject of enquiry as to whether there were sufficient reasons for

removing Mr. Molloy's name altogether from the Register, but at the present moment what was before them was the removal of that particular qualification. What subsequent steps they might take would be for them to decide upon. The 2nd sub-section of the 11th section of the Dentists' Act of 1878 ran as follows:—" *The Dentists' Register shall contain the said lists, made out alphabetically, according to the surnames, and shall state the full names and addresses of the persons, with the description and date of the qualification in respect of which they are registered.*" Now, Mr. Molloy had ceased to hold the qualification, and their Register would be incorrect if they did not alter it in accordance with his present position.

Mr. MACNAMARA said he did not think they could touch the man, inasmuch as he had been in practice previous to the passing of the Act, unless he had been guilty of felony, misdemeanour, or any infamous or disgraceful conduct in a professional respect, and they could scarcely class advertising under any of those heads.

Professor HUMPHRY said that the words of the Act merely required that the Register should state the description and date of the qualifications in respect of which the persons were registered, and whether they subsequently lost those qualifications or not, the Register would be correct in stating that they were registered with those qualifications.

The PRESIDENT reminded the Council that the resolution had already been carried for the erasure of the qualification from the Register, and that it did not raise the question of removing his name from the Register, as he was in practice at the time of the passing of the Act. If there were any motion for removing his name entirely from the Register, he would suggest that the same course be adopted as was followed in the case of Mr. Hamilton, namely, that it be referred back to the Dental Committee, to enquire further into the facts of this case.

Dr. ORR said he was quite satisfied from the discussion, and from what he knew of the facts of the case, that there were not sufficient grounds to attempt to remove the name entirely from the Register.

Dr. QUAIN said the matter was really not so complicated as it might appear. Their duty was to keep the Register correct. It was stated in the Register that such and such a person was possessed of such and such qualifications, and they were officially informed that he did not now possess them, and it was therefore their duty to correct the Register accordingly.

THE PRESIDENT said the conversation was not strictly regular, because it had been already decided that the Register should be corrected, as it was in the case of Mr. Hamilton, by removing the qualification. A further question had been raised, whether that was all that was to be done. He understood that it was not now proposed to do anything else, unless the matter were brought before them again, in which case it would have to be referred to the Dental Committee, for a further report as to the facts of the case.

MR. FARRER: The next case is that of Mr. Valleck Cartwright Mallan, who was also a dentist before the Dentists' Act was passed. He has admitted that he carries on business at four different places—at 173, Praed Street, and 64, High Street, Notting Hill, in his own name; at 94, Praed Street, as Charles Smith, the name of a late partner of his, as we are told; and at 106, Edgware Road, under the name of C. Valleck, which is part of his own name. He submits to the Council his willingness to do anything that they may think right in the matter. The Dental Committee had Mr. Mallan before them, and I think the opinion of the Committee was that he was a straightforward man, who was telling the truth; and if he has committed, as I suppose he has, an act of unprofessional conduct, he appeared to be willing to atone for it. Moreover, it was not so very bad, inasmuch as this conduct had been initiated before the passing of the Act. I should say that he submitted to his own name being put up at once at all those places of business, and to conduct his business in future in his own name if you think fit.

THE REGISTRAR, at the request of Dr. Pitman, then read the following letter from Mr. Mallan:—

"173, Praed Street, Paddington, June 6th, 1882.

" Dentists' Act, 1878.

"SIR,—A summons was issued on the 22nd May against CHARLES SMITH, of 94, Praed Street, by the Medical Alliance Association, for infringing Section 3 of the above Act. I enclose a copy of summons. The summons was heard before Mr. LUSHINGTON on the 31st May last. He adjourned it for four weeks, so that your COUNCIL might be communicated with, to see whether it was considered that I had been guilty of 'infamous or disgraceful conduct in a professional respect,' in carrying on business under another name, and so liable to have my name erased from the 'Register.'

"The facts are these:—I carry on my business at four different places: at 173, Praed Street, in my own name; at 94, Praed Street, as CHARLES SMITH; at 106, Edgware Road, as C. VALLECK; at 64,

High Street, Notting Hill, in my own name. The business at 94, Praed Street was commenced in April, 1876, the house being then No. 37, Praed Street, and the name of CHARLES SMITH was used, he being then my assistant, and taking the management and an interest in this particular shop. I registered myself under the 'Dentists' Act' as of 173, Praed Street, where I use my own name, and did not state any other addresses. I find it is not the custom in registering to give more than one address.

"I have carried on my business without interruption up to the present time.

"At 94, Praed Street, I have an assistant, Mr. EDWIN JAMES HANCOCK, at 106, Edgware Road, Mr. BERTRANDI DAVIES; both of whom are duly registered practitioners, as you will find. At Notting Hill Gate I attend myself by appointment.

"My cousin, Mr. LIONEL DAVIS, obtained leave from your COUNCIL on February 9th last to proceed against 'CHARLES SMITH' and 'C. VALLECK,' under Section 3 of the Act, but he never instituted any proceedings. Mr. Davis is a trade rival of mine, both in Praed Street and in the Edgware Road, and he perfectly well knew that 'CHARLES SMITH' and 'C. VALLECK' were names I carry on business in, and I believe that his application was made for the sole purpose of damaging me in my business, and was not bonâ fide. The fact of the leave being given was published in the 'Chemist and Druggist' and in the 'British Journal of Dental Science.'

"The British Dental Association was made aware of the fact of my carrying on the businesses in the two names, and no remark was made by them. I enclose a copy of a letter to them and their Secretary's reply.

"The Medical Alliance Association I know nothing of, but I believe they are set in motion by Mr. DAVIS. I know that he was in Court on the hearing of the summons, and was in conversation with the prosecuting solicitor.

"I have been in business as a Dentist for 13 years, as reference to Messrs. ASH'S books will show.

"I have no desire to carry on my business in a way which your COUNCIL may consider unprofessional, and I write to say that I am quite prepared to accept any suggestion which your COUNCIL may wish to make.

"I should like to be informed whether leave was given to the Association to prosecute. I refer you to my Solicitors' correspondence with you thereon.

"I do not for one moment admit that I have been guilty of any unprofessional conduct, or that what has taken place is within the Act. No hint or suggestion before that made by the Magistrate was ever made either by the British Dental Society, or by any other person, that carrying on business in different names was unprofessional. I

think it right to call the attention of the COUNCIL to the fact that carrying on the business of a Dentist by Dentists in other than their own names is of frequent occurrence in London.

"Trusting you will bring this letter at once before your COUNCIL,

"I am, Sir, yours obediently,

"VALLECK CARTWRIGHT MALLAN.

"W. J. C. MILLER, Esq.,

REGISTRAR of the GENERAL MEDICAL COUNCIL."

The PRESIDENT: I think it only remains for me to ask whether the Council desire to hear any further facts in this case. If they do not it will be my duty to request strangers to withdraw while the Council deliberates upon the case. I may also state that Mr. Mallan is in attendance, should it be deemed desirable for him to appear before us.

Strangers having withdrawn, it was moved by Dr. QUAIN, and seconded by Dr. AQUILLA SMITH: *"That the Council, having considered the Report of the Dental Committee on the facts of the case of Mr. V. C. Mallan, are of opinion that the practice brought under the notice of the Council is one which is inconsistent with the law and with professional propriety; but the Council, if it receive the assurance of Mr. Mallan that the practice shall be discontinued, will not think it necessary to take further steps in the present case."*

To this an amendment was moved by Dr. LYONS, and seconded by Sir W. GULL:—*"That this Council direct Mr. Mallan to remove from his place of practice any name but his own or that of a registered Dentist in partnership with him."*

The amendment was lost, and the original motion was then put to the vote and agreed to.

On the re-admission of the public,

The PRESIDENT, having previously called in Mr. Mallan, said: The Council have paid great attention to the circumstances of your case. They have received a report from the Dental Committee, and that report sets forth that you have been carrying on practice in your own name at 173, Praed Street, and at 64, High Street, Notting Hill, at 94, Praed Street, as Charles Smith, and at 106, Edgware Road, as C. Valleck. They further state, *"Mr. Mallan attended before the Committee in person, admitted the above facts, and expressed his readiness to submit to any suggestion which the Council should make."* The Council have requested me to ask you if you will give me now an assurance that the practices in question shall be discontinued.

Mr. MALLAN: Since the legal proceedings were commenced

one practice has been discontinued, namely, that under the name of Valleck. I have offered to substitute the name of Valleck Mallan on a brass plate on the door, which is the name under which I am duly registered. At 94, Praed Street, where I have been in practice under the name of Smith, I have no objection, if it will be any satisfaction to the Council, to place my own name in conjunction with that of Smith. I will, however, in the course of time remove entirely from my establishment the name of Charles Smith, and in its place I will put my own name. The name, Charles Smith, is of course valuable to me, on account of its having being up so long, and I have a good connection attached to it. It is more important to me, because a rival in business has recently started within a few doors of me, who trades under the same title as myself, namely, that of the Working Dentist. Therefore, out of fairness, I ask this small indulgence, that you will permit me to retain the name of Smith for a time, in conjunction with that of Mallan.

A MEMBER OF THE COUNCIL : Is Smith alive?

Mr. MALLAN : In answer to that gentleman's observation, I have no objection to put on my door "*late Smith.*" In fact I will do anything which is right or fair ; but, of course, after one has been trading under a name for some time it becomes very valuable. A rival practitioner, who is a cousin of mine, was the instigator of these proceedings, and it would be only a satisfaction to him to see me compelled to take down that name, so that patients might walk into his establishment instead of mine. In taking the name of Smith, the Council will be aware that I am not trading upon anybody's reputation. I have not taken the name of an eminent practitioner like Mr. Tomes. I have simply taken a commonplace name, and a name I had some right to take, because there was a young man in my employ of that name. Therefore, in reality, I am practising under the name of the original founder of that business.

A MEMBER OF THE COUNCIL : Is Smith dead?

Mr. MALLAN : I cannot answer that question.

The PRESIDENT : The allegation is that Mr. Mallan trades under these names, and the decision of Council is, after he has expressed his readiness to submit to any suggestion by the Council, that the practice which has been complained of shall be discontinued. I understand the assurance Mr. Mallan has given is that he will add his own name to the existing names at once, and that

he will discontinue the name of Smith and others after a certain time. Is that your assurance—that you will discontinue all the names but your own?

Mr. MALLAN: I am only practising at present under one name other than my own, and that is at an establishment where I am carrying on the business of my predecessor. I am doing nothing more than plenty of other people do, whom I could mention.

The PRESIDENT: Do I understand that you will discontinue the use of any name not your own?

Mr. MALLAN: I will give you my word that I will discontinue the use of any name, except my own name, after the lapse of a certain time. For a certain time I wish to continue to use the name of Smith.

The PRESIDENT: What time?

Mr. MALLAN: I will put up immediately, "*late Smith.*"

The PRESIDENT: And then afterwards?

Mr. MALLAN: After that I will place my own name alone. It is very hard that I should have established a business, in 1876, and should be obliged to take the name, under which it was established, from the public at once. I have a competent and registered assistant managing my business there, and I may mention that it is quite a distinct practice from my own.

The room was again cleared; on the re-admission of the public,

The PRESIDENT said: It may be convenient that it should be known that the General Medical Council, having received Mr. Mallan's assurance that the practice complained of shall be discontinued, do not think it necessary to take further steps in this case, and I now move that the Registrar be directed to furnish a copy of the Council's resolution to that effect to Mr. Mallan.

The following motion was then put and carried unanimously:—
"That the General Medical Council, having received Mr. V. C. Mallan's assurance that the practice which has been complained of shall be discontinued, do not think it necessary to take any further action in this case; and that this 'Resolution' be communicated to Mr. Mallan by the Registrar."

Wednesday, July 5th.

The Council resumed the consideration of dental business on Wednesday, July the 5th, Dr. Acland, President, in the chair, when Dr. PITMAN moved "*that the following communications with regard to Dental Registration be entered on the Minutes.*"

“(a) *Extract from the EXECUTIVE COMMITTEE'S Dental Minutes of July 28, 1881:—*

“*Read: The following Communication from the BRITISH DENTAL ASSOCIATION, together with the ‘opinion’ and ‘explanatory Resolution’ therein referred to:*

“*40, Leicester Square, July 16th, 1881.*

“*DEAR SIR,—I am requested by the Business Committee of the BRITISH DENTAL ASSOCIATION to forward to you the accompanying opinion, and to beg that you will place it before the MEDICAL COUNCIL, together with the enclosed explanatory Resolution.**

“*I am, dear Sir, Yours very truly,*

“*JAMES SMITH TURNER,*

“*The REGISTRAR of the*

“*Hon. Sec. B.D.A.*

“*GENERAL MEDICAL COUNCIL.*”

“*Resolved:—That the COMMITTEE acknowledge the receipt of the foregoing Communication, and inform Mr. J. S. TURNER that, in the opinion of the COMMITTEE, the steps requisite to be taken to try the correctness of the course taken by the GENERAL COUNCIL, under the advice laid before it, rest with the DENTAL ASSOCIATION, and not, as suggested in the opinion now forwarded, by the removal of a name which, in the judgment of the COUNCIL, is registered in conformity with law.*”

“(b) *Extract from the EXECUTIVE COMMITTEE'S Dental Minutes, of November 11, 1881:—*

“*Read:—The following Communication from the BRITISH DENTAL ASSOCIATION, in regard to the Resolution contained in the foregoing extract (a):—*

“*British Dental Association (Incorporated June, 1880),*

“*40, Leicester Square, W.C., October 15th, 1881.*

“*SIR,—I am directed to acknowledge the receipt of your communication, dated August 3rd, 1881, and in reply thereto to state, for the information of the MEDICAL COUNCIL, that the Representative Board of the BRITISH DENTAL ASSOCIATION is advised that the question lately raised respecting the correction of the ‘Dentists’ Register’ cannot be settled by action taken under Section 35 of the ‘Dentists’ Act’: furthermore, that inasmuch as the COUNCIL, in full session, on February*

* The explanatory *Resolution* is as follows:—“That in strict conformity with the practice uniformly followed of placing before the MEDICAL COUNCIL any facts or OPINIONS bearing upon the administration of the *Dentists’ Act* of which the Association may have become possessed, the joint opinion of Sir JOHN HOLKER, Mr. R. S. WRIGHT, and Mr. G. A. R. FITZGERALD, upon the meaning of Section 6, Sub-section (c), be at once forwarded to the MEDICAL COUNCIL: that the ASSOCIATION venture to hope the COUNCIL will cause to be placed on their *Minutes* the accompanying joint opinion, together with the high legal opinion of Mr. (now Mr. Justice) BOWEN, read before the COUNCIL in July, 1880, with the opinion, also then read, of Mr. G. A. R. FITZGERALD: and that the ASSOCIATION earnestly hope in the presence of a great preponderance of high legal opinion in favour of a correction of the *Dentists’ Register*, the COUNCIL will restore to the *Register* the recently erased descriptive terms ‘with Medicine,’ ‘Pharmacy,’ &c.: and at its convenience proceed to the correction of the *Register* by the erasure of names registered in the midst of doubt, or take such other steps as may lead to the production of a *Register* legally correct.”

3rd, 1881, declared that sufficient evidence of error in registration had not been adduced to justify the erasure of the names under consideration, it be asked that the memorial, with the appended legal opinions—constituting strong additional evidence—addressed to the COUNCIL, and in part considered by the EXECUTIVE COMMITTEE on the 28th of July, be laid before the COUNCIL at its next session.

“On behalf of the Representative Board of the BRITISH DENTAL ASSOCIATION,

“I remain, yours obediently,

“JAMES SMITH TURNER,

“W. J. C. MILLER, Esq., B.A.,

“Hon. Sec. B.D.A.

“Registrar of the General Medical Council.”

“Resolved:—That the several documents and legal opinions in possession of the COUNCIL having reference to registration under the ‘Dentists’ Act’ be placed in the hands of Mr. FARRER, the Solicitor to the GENERAL COUNCIL, for the purpose of his further advising the COMMITTEE thereon.”

“(c) Extract from the EXECUTIVE COMMITTEE’S Dental Minutes of January 6th, 1882:—

“A communication was made by the SOLICITOR of the MEDICAL COUNCIL, in regard to the foregoing clause (b) of the Dental Minutes of the EXECUTIVE COMMITTEE’S Meeting of November 11, 1881 (Minutes, Vol. XVIII., pp. 255-6).”

Dr. PITMAN added that as there were so many new members of the Council present, perhaps it would facilitate business if Dr. Quain, who was thoroughly familiar with the dental business, would make a brief statement before Mr. Farrer, the Solicitor, gave his opinion.

Dr. QUAIN, in seconding the motion said, “I shall have very great pleasure in giving a short historical outline of the proceedings of the Council with regard to this dental business,—they have been immensely misunderstood,—but in making this statement I do not wish to add any comments to excite discussion. I shall reserve what I have to say on that head for some future occasion. I beg leave to begin by saying that the first step which we took was to require a person seeking to be registered to send in the declaration which will be found in the schedule to the Act, accompanied by certain statements which we required to be made in reference to circumstances connected with the employment of persons who applied to be registered. We did not vary the words of the schedule, but we added to it, under the advice which came to us from the Dental Reform Association.* That led to the formation

* For corrections, see pages 74 and 77.

of the Register, which from time to time has been altered. It is unnecessary now to refer to those alterations, but it will suffice to say that when the Register was published we were favoured with communications from a great number of persons. First we were favoured by a communication from Mr. Smith Turner, the Hon. Sec. of the British Dental Reform Association, which is to be found in the Minutes of the Executive Committee of the 16th June, 1880. He sent a list of a number of persons who have been registered in the Dentists' Register as, according to their own attested declaration, having been at the passing of the Dentists' Act, "*in the bonâ fide practice of dentistry with pharmacy,*" but whose names are not to be found in the Chemists' and Druggists' Register of 1878. Such persons, he says, were liable to have their names erased. Therefore we must look upon Mr. Turner, representing the British Dental Association, as the plaintiff in the case.* Then in addition to that, this gentleman sends to those persons whom the Council had thought fit to register, the following letter:—"Sir, I am directed by the Representative Board of the British Dental Association, to call your attention to the circumstance that although you have been on your own declaration registered in the Dentists' Register as in the bonâ fide practice of dentistry in conjunction with pharmacy, your name is not on the Chemists' and Druggists' Register. Under these circumstances your registration in the Dentists' Register is, in the opinion of counsel, a clear violation of the provisions of the Dentists' Act. The Representative Board therefore suggest" (mind this is from an outsider), "that you should in writing request the Registrar to remove your name from the Dentists' Register. Should you not see fit to follow this recommendation within fourteen days from the date of this letter, the Board will feel bound to bring the case before the General Medical Council, the possible result of which proceeding will be that your name will be erased from the Register and that you and the witness to your declaration are liable to be proceeded against under the appended section 35 of the Dentists' Act, which was prominently printed upon your declaration paper."† Then came a letter from those who may be considered as the defendants, that is to say a letter from a registered dental practitioner to the Medical Council which is as follows:—"On the 24th May last I received a letter from the

* Accompanied with Counsel's opinion should have been stated. See page 78.

† See page 83.

British Dental Association calling in question the correctness of the declaration made by me in compliance with the requirements of the Dentists' Act. The Act required those who desired to register themselves as dentists to state if their practice was alone or in conjunction with pharmacy, &c., and as it did not specify that this meant being registered as a chemist and druggist, and as I obtain my living in part by assisting in Messrs. Gilbert & Co.'s Homœopathic Pharmacy, with which business I have been connected for the past ten years, and being anxious to answer the "questions fully and conscientiously, I thought it my duty to state that my dental practice was in connection with pharmacy, as stated. You may judge, sir, of my surprise at finding that my desire to be correct had thrown me open to a charge of fraud and untruthfulness." I need not read the whole of the letter, but it was accompanied by this statement, "*I hereby certify that I have known Mr. J. Calver (the writer of the letter) for the past three years as earning his living in the practice of dentistry, in conjunction with Messrs. Gilbert & Co.'s Homœopathic Pharmacy. (Signed) Christopher Wolston, M.D., M.R.C.S.*" Then we received a letter from Mr. Smith Turner in which he enclosed a list of some 400 persons who, according to his contention, were liable to have their names erased from the Register.

We now arrive at the proceedings of the Dental Committee, and from the Minutes we find that on the 16th July, 1880, Mr. Ouvry attended in order to advise the Committee as to certain legal questions referred to the Committee by the General Council. Then the Dental Committee, consisting of five members, resolved "*that the several letters and documents relating to entries in the Dentists' Register, referred to the Committee by the General Council, be placed in the hands of the solicitor of the Council for his opinion and report thereon.*" Then on the 3rd of February, 1881, the Dental Committee, having considered the "*corrected list of persons*" submitted to the General Council and by the General Council referred to the Dental Committee for enquiry, find the following facts, which I should not think of troubling the Council by reading; but having found those facts they were submitted to the Executive Committee, and having arranged them, the Executive Committee desired Mr. Ouvry to bring before the Council this large volume of facts, which had been collected by him with the greatest care and conscientiousness, an enquiry which cost the sum of £600; and Mr. Ouvry was requested to attend the Council and advise the Council as to the

steps it should take. With his usual carefulness Mr. Ouvry did not rely entirely on his own judgment but took care to provide himself with the best opinions he could obtain, viz., those of the Solicitor-General and Mr. Vaughan Hawkins. It is a wonderful puzzle to me why these new opinions were taken, but, however, Mr. Ouvry being requested to advise the Council on the facts—this was the first time the facts were before the Council—he came provided with the highest opinions he could obtain, which opinions you will find were submitted to the Council at its last meeting. We were asked then why we did not go back to the opinions of Mr. Justice Bowen and Mr. FitzGerald. In the first place Mr. Justice Bowen was on the bench and we could not go to him again, and with regard to the opinion that he had previously given, he had not an opportunity of advising on the facts. He advised on the various questions submitted connected with the formation of the Register, but never on the facts.* Then as to our not taking Mr. FitzGerald's opinion, he appeared for the plaintiffs, as I call them—the Dental Reform Association. We, the judges sitting on the bench, were asked to take the opinion of the plaintiffs' counsel. We placed the matter in the hands of our solicitor to take the highest opinion he could, and he brought it before us at the last meeting, and then the Council came to a decision to this effect:—“*That the Report of the Dental Committee not having put the Council in possession of evidence to show that any of the Registered Dentists named in the 'corrected list of persons' submitted by the Hon. Secretary of the British Dental Association, or of the Registered Dentists named in the letter of Dr. Jacob, were not at the time of their registration bonâ fide engaged in the practice of Dentistry, the Council is, therefore, not prepared to order the removal of any such persons from the Dentists' Register.*” We acted on the deliberate judgment of the three counsel who were our assessors and advisers in the matter. These facts and the decision of the Council had scarcely been published when the Executive Committee received a very respectful and reasonable letter from the British Dental Association, dated 16th July, 1881:—“*Dear Sir,—I am requested by the Business Committee of the British Dental Association to forward to you the accompanying opinion, and to beg that you will place it before the Medical Council, together with the enclosed explanatory Resolution.*” The opinion

* For correction of error, see page 84.

there referred to is the opinion of the deservedly high authority, the late Sir John Holkér, together with Mr. R. S. Wright and Mr. FitzGerald, but that is again the opinion of the plaintiffs' counsel.* It is no breach of confidence to say that our President submitted that very judicious opinion to the Council. Then it was resolved by the Executive Committee, "*That the Committee acknowledge the receipt of the foregoing communication, and inform Mr. Turner that in the opinion of the Committee the steps requisite to be taken to try the correctness of the course taken by the General Council under the advice laid before it, rest with the Dental Association, and not, as suggested in the opinion now forwarded, by the removal of a name which, in the judgment of the Council, is registered in conformity with law.*" That was the decision of the Executive Committee, but that not being deemed satisfactory, there came a further letter from the Dental Reform Association, asking that the question should be submitted to the Council. I have now brought the matter down, as simply as I can, to the present time, when this letter is laid before you. We have Mr. Farrer here, and he will tell you what steps he has lately taken to lay the matter before counsel at the request of the Executive Committee.

MR. FARRER : As I understand, Dr. Quain requests me to take up the story from the point at which he left it, and to tell the Council generally what has been done in the matter from the date at which Dr. Quain left it. Dr. Quain mentioned the opinion of Sir John Holker, Mr. R. S. Wright, and Mr. FitzGerald, which was taken by the Dental Association, and which was sent to the General Medical Council, that opinion having for its object to endeavour to persuade the Council to erase from the Register those persons who had been entered upon the Register as Dentists by reason of their having been engaged in the *bonâ fide* practice of dentistry, and who added, "*with pharmacy,*" or such other qualification as is mentioned in the Act, this latter qualification, however, not being sanctioned by their entry upon the Pharmaceutical or Medical Registers. Upon that counsel have differed very much ; Sir John Holker, Mr. Wright, and Mr. FitzGerald have held that persons who were not entered on the Pharmaceutical or Medical Registers, but were entered as Dentists, coupled with the qualification of pharmacy or surgery, as the case may be, ought to be erased from the Register. That, you will observe, was contrary to the opinion

* See note, page 87.

which the Council itself had taken, namely, the opinion of Sir Farrer Herschell, the Solicitor-General, Mr. Vaughan Hawkins and Mr. Muir Mackenzie. There being, therefore, this difference of opinion between the lawyers, and the whole case being referred to me, I brought the whole of the facts together and placed them again before Sir F. Herschell, Mr. Vaughan Hawkins and Mr. Muir Mackenzie, with the view that they might reconsider their original opinions by the light, if light there was, thrown on the subject by the opinion of Sir John Holker, Mr. Wright and Mr. FitzGerald, and, if they thought fit, modify or alter their opinions in any way. We had a long consultation on the subject, and the result of it was the opinion which I hold in my hand, and which, with the permission of the Council, I will read. Inasmuch as this is the latest and, perhaps, the best considered of all the opinions that have been taken on the subject, and inasmuch as it is the opinion of counsel, taken on behalf of this Council as their confidential advisers, it is probably the opinion which it would be wise to follow. After calling attention to the opinion of Sir John Holker, Mr. Wright, and Mr. FitzGerald, of which copies were sent to the three gentlemen who advised on behalf of the Council, the question put was this:—*“In this view the Executive Committee desire counsel to advise them:—Whether having regard to what has taken place as appearing upon the Minutes above referred to, and having regard to the facts brought before Sir John Holker and his associates, the Solicitor-General, Mr. Vaughan Hawkins and Mr. Muir Mackenzie see any reason for varying from the opinions expressed by them in August and December, 1880.”* Then the opinion is:—*“We have considered the facts set out in the Minutes of the Council, and also the facts brought before Sir John Holker, Mr. Wright and Mr. FitzGerald, as well as the opinion they have given on the construction of sub-section (c) of section 6 of the Dentists’ Act, 1878. The practical question on which a difference of opinion appears to exist is whether the words ‘either separately or in conjunction with’ the practice of ‘medicine, surgery or pharmacy’ necessarily exclude from registration, under sub-section (c), persons who have been at the time of the passing of the Act bonâ fide engaged in the practice of dentistry, but who in addition thereto, regularly, and at the same place practised medicine, surgery or pharmacy without being on the Medical or Pharmaceutical Registers (as the case may be), or carried on some other calling. We are of opinion that the words in question have not this effect. Any*

person who can show that he was *bonâ fide* engaged in the practice of Dentistry at the time of the passing of the Act is, in our opinion, entitled to be registered, whatever his other occupations may have been and wherever they may have been carried on. This appears to us to have been the intention of the Legislature when the provisions as there stated are examined. Prior to the passing of the Act it was perfectly lawful for a person to practise as a Dentist and so to style himself, although he followed some other calling also, and the person so practising could recover charges for his dental operations. Since the passing of the Act no person, unless on the Register, can either call himself a Dentist or recover his charges. We think that it was the intention of the Legislature, by section 6, sub-section (c), to preserve to all existing practitioners their vested rights; and we cannot conceive that it was intended in the case of persons who followed some other calling, but whose dental practice might nevertheless be greater than many whose only calling was that of dentistry, to render it unlawful for them any longer to call themselves Dentists, and to prevent them recovering their charges. The present difficulty appears in a great measure to have arisen from the entries of the words 'with pharmacy' and the like on the Register. In our opinion these words should not at any time have been placed there. Each applicant for registration under sub-section (c) of section 6, ought to have applied on the ground that at the time of the passing of the Act he was *bonâ fide* engaged 'in the practice of dentistry,' without adding anything else (see schedule to the Act); and the only question for the consideration of the Council was whether he was so engaged. That fact once established to their satisfaction, we think the Council were bound to place his name on the Register. We would repeat the advice already given to the Council (Proceedings, p. 288), that in all cases such words as 'with pharmacy' should be erased from the Register, so that the dental qualifications only of the persons registered should appear on it.* That was their ultimate and well-considered opinion after having had the matter discussed, and having heard all that could be said on both sides. In point of fact the feeling of counsel was this. Here the Legislature intended to give to all who were in *bonâ fide* practice, the same rights that they had before the Act passed, and not to limit those rights in any way, but to regulate rather the entries upon the Dentists' Register for the

* December 6th, 1881.

(Signed)

Farrer Herschell.
E. Vaughan Hawkins.
Montague Muir Mackenzie.

future. If, therefore, any course of action were taken which would limit or reduce the numbers of those who actually and *bonâ fide* practised dentistry before the Act came into operation, that would be a result which was not intended by the Legislature and which, they think, is not included in the words of the Act. They think that the construction to be put upon the Act should be such as to preserve to all the previous *bonâ fide* practitioners the rights which they had at the time when the Act passed. In point of fact during the discussion notice was taken of the fact, although I do not know that it has much to do with the subject from a legal point of view, that if the rights of existing practitioners had been intended to have been diminished, the Act would not have passed, because such an opposition would have been raised to it that it would never have received the approval of the Legislature. But the point to which the Council have now to direct their attention is what was the meaning of the Act. Upon that you have the well considered and re-considered advice of the Solicitor-General, who is beyond all question one of the best lawyers of the present day, and upon that advice I can only, as far as I appear here as adviser to the Council, recommend you to act. It will be impossible for you to act upon the opinions taken adversely to those of your own legal advisers. You will see immediately the position you will be in if you do. Supposing you were to prefer to act on the advice of Sir John Holker and his associates, it is more or less known that you have taken opinions on your own behalf, and of course the action that you have taken in retaining names upon the Register is supposed to be in pursuance of the opinions you have taken. Now, if you were to remove a name from the Register and the person whose name was so erased brought an action, the Council would be placed in a very awkward position if it came out, as it might very well do, in the course of the trial, that in erasing the man's name and thereby limiting the free action and privileges of persons who had practised dentistry before the passing of the Act, you were acting in the teeth of the advice that you had received from your own legal advisers. Under these circumstances I do not think the Council can or ought to take any other course than that of following the advice contained in the opinion which I have read.

Dr. PITMAN's motion was then put and carried unanimously.

Dr. STORRAR, in moving "*That the opinions of Mr. Bowen, Mr. FitzGerald, the Solicitor-General, and Sir John Holker, in*

regard to the registration of dentists under the Dentists' Act (1878) be entered in the General Council's Minutes," said:—I have listened with a great deal of attention to what has fallen from Dr. Quain and Mr. Farrer, with a sincere desire that in the question which is now in dispute between the Dental Association and this Council, justice should be done. This is a matter which concerns every individual member of the Council, because the Council having taken upon itself the duties of administering the Dentists' Act—there being no direct representative of the dentists on this Council—it behoves us, therefore, to consider well the full weight of responsibility which is upon our shoulders, and not to lay ourselves open in any way to the charge of favouritism. If it is clear that the views which have been set forth by Mr. Farrer are sound, I should be one to cordially fall in with his views, however much I might personally regret them, and feel that the dentists had been very hardly treated. But what I desire, for myself and for the members of this Council, is, that we should have the opportunity of exercising our own judgment upon this matter. We have had the opinions of Sir Farrer Herschell, Mr. Vaughan Hawkins, and Mr. Muir Mackenzie, but where are the other opinions? First of all there was an opinion given by Mr. FitzGerald, who, as the original draftsman of the Bill on behalf of the dentists, ought to have known what the leading dentists wanted, and ought to have framed the Bill with a view to fulfilling their requirements. Next there was the opinion of Mr. Bowen, afterwards Mr. Justice Bowen, now Lord Justice Bowen,—one of the most distinguished men of the time in his profession,—but it is a remarkable fact that the name of Mr. Bowen never escaped the lips of Mr. Farrer on this subject. I want to know what the opinion of Lord Justice Bowen is. Let that appear, with the opinion of Mr. FitzGerald, as I am given to understand that the opinion of Mr. Justice Bowen corresponds with that of Mr. FitzGerald. Then the opinion of Sir F. Herschell is taken. I quite admit the talent of Sir F. Herschell; he is a great advocate. How far he is a sound lawyer I am not competent to judge. He is a personal friend of mine, and therefore do not let it be supposed for a moment that I am prejudiced against him. But Sir F. Herschell gives a very distinct opinion, opposed to the opinion of Mr. FitzGerald, and opposed to the opinion of Mr. Justice Bowen, and this opinion he has confirmed after the opinion of Sir John Holker was drawn to his attention. I do not know whether Mr. Justice Bowen's opinion

was submitted to him or not. But there is this much to be said ; Sir John Holker has lately disappeared from the scene, and bearing in mind the warm and evidently genuine encomiums which were passed upon him by his brethren on the bench, as one of the quietest and most modest, but still one of the most profound lawyers of his time, I want to have his opinion entered on the Minutes, and I wish it to be fairly considered by the members of the Council as men of common sense. There are four opinions. The opinion of Mr. FitzGerald, the opinion of Mr. Justice Bowen, and the opinion of Sir John Holker, are all on one side, and there is the opinion of Sir F. Herschell on the other side. Do let us see these opinions. Do not put blinkers upon us, and ask us simply to follow Mr. Farrer. I have the greatest respect for Mr. Farrer, as I had for the late Mr. Ouvry,—he was a gentleman for whom I entertained great personal regard, as well as a very high opinion of his abilities as a professional man—but at the same time, I feel that we are bound, according to our own judgments and consciences, to do justice to the dentists, and to enable us to arrive at a proper decision, I ask that the opinions of these four gentlemen may be placed upon the Minutes.*

Mr. PYLE seconded the motion.

Mr. FARRER : The only reason I did not refer to Lord Justice Bowen's opinion was this, that it was an opinion taken on the 3rd March, 1879, before the Register was formed, and with a view to the formation of the Register.† It was not an opinion taken on the present question, which is quite a different one. I should say that the bearing of the opinion is in the same direction as that of Sir John Holker's. I did not refer to it just now because it was given antecedently to the present question arising, and does not touch the present question. The present question is whether, in accordance with the request of the Dental Association you shall erase the names of these persons from the Register, leaving them to demand their restoration, and to prosecute you by *mandamus* for their removal. The question that was submitted to Mr. Justice Bowen was a totally different one, viz., how the Register should be formed ; the question here is, whether you shall erase names already on the Register, the Register having in the meantime been formed. In addition, I may mention this, that while it is quite true there are the opinions of Sir J. Holker, Mr.

* See Opinions, page 114-128.

† For correction of error, see page 84.

FitzGerald, and Mr. Wright, in the same direction as that of Mr. Justice Bowen's, there are the opinions of Mr. Vaughan Hawkins and Mr. Muir Mackenzie, as well as that of Sir F. Herschell, on the other side—the three latter gentlemen being selected, not on behalf of those who are seeking to make you take action of which you disapprove, but on your own behalf and with a view to your own independent action.

Dr. STORRAR: In reply to what Mr. Farrer says, I admit that the opinions were taken at different times, but the object with which Mr. Justice Bowen was consulted was how the Register was to be formed, and the object with which the other gentlemen were consulted was whether the Register should be corrected. Does not common sense tell us that the object was precisely the same? What has been the object throughout but to form the Register—either by putting those upon the Register that ought to be on the Register, or by taking off the names of the men from the Register that have no business there. There may be a difference of time, and there may be a difference as to the particular questions, but there cannot be the shadow of difference with regard to the objects for which the opinions were obtained.

Sir WILLIAM GULL said, with great respect to Dr. Storrar, that he might be a great lawyer, but surely it made all the difference in the world whether a man was in possession or whether he was out of possession. It might require a great deal of force to put a man in possession, but when he was in possession it would require a great deal more force to turn him out. He thought that Mr. Farrer was right in the advice he had given, that the names of the persons in question should not be taken off the Register. How they could have got on might be another question. [Dr. STORRAR: Let us have the opinions.] They might have got on through the bad action of the Council, but that was a reason why the Council should take double care that they did not make a bad action worse by striking them off, unless they could properly do so.

Mr. TURNER: Was not the opinion of Mr. Justice Bowen obtained by this Council, or by the Executive Committee acting for the Council?

Dr. QUAIN: Yes.

Mr. TURNER: I recollect when this question came up last year I asked why had not the Council an opportunity of seeing Mr. Justice Bowen's opinion. I said, Why cannot it be produced; is not it in the Archives of the Council? The answer I got was that it was in Mr. Ouvry's office, and I have always thought that it

was a grievance that members of the Council might fairly put forward that they had not seen Mr. Justice Bowen's opinion. It was an opinion which was got for the guidance of the Council, and yet I have never seen it. It seems to me it is a very reasonable thing on the part of Dr. Storrar that he should ask that the opinion of Mr. Justice Bowen should be brought before us that we may see it. It is another matter, and one that there may be a great difficulty about, as to whether we should publish the opinion of Sir John Holker and his associates, because that is an opinion not obtained by ourselves, but by another body, whom Dr. Quain designates as "*the plaintiffs in the case.*" I think it is a matter of very great importance that this Council should not only have all the facts before it, but should also have the various legal opinions that have been given. Dr. Storrar preferred a very reasonable request, I think, in asking that these different opinions should appear on our Minutes, and I shall certainly support it.

Mr. MACNAMARA said that Mr. Farrer had stated that these opinions were obtained at different times, and that different questions were submitted to the different counsel, but he would ask this question. Had not every one of those different legal advisers the Dentists' Act before him, and was not it on the construction of that Act that the opinions were taken? He would suggest that Dr. Storrar's request be at once complied with, because if it were not, it would always leave the motive of the Council open to suspicion. There was no reason why the opinion which had been taken by the Council should not be laid before it. The Council had paid for it and they were entitled to see it. Why it should not appear on the Minutes, passed his comprehension. As to the other opinions taken by "*the plaintiffs in the case,*" they could furnish the Council, or the Chairman of the Business Committee, with copies if they thought fit, and the whole thing could be entered on the programme of business and come before the Council in that way. He would support Dr. Storrar's motion.

The PRESIDENT reminded the Council that the advice which had been given last year, and which was now repeated, was that these opinions of counsel were for the use of the Council. Those opinions could at any moment be put into the hands of the Council, which was a different thing from the publication of confidential opinions. It was a question for the Council to decide whether the opinions should be published. Mr. Farrer was prepared to read Mr. Justice Bowen's opinion if the Council thought fit.

The Rev. Dr. HAUGHTON : That is not enough.

Mr. FARRER : As the President has stated, the opinion was taken on behalf of the Council, and every member of the Council is entitled to examine it as much as he pleases. Every one of the opinions in fact belongs to the Council and to every member of the Council, but they are confidential documents, and if you will allow me to say so, as a matter of worldly wisdom it is a very unwise thing to publish counsel's opinions. It may probably be in the knowledge of the Council that if any question of law arises in any government office, that government office takes the opinion of counsel, but it takes good care never under any circumstances to let their opponents see it. As a rule it is a very wise thing to keep these opinions of counsel to yourselves, and therefore so far as regards the question of printing and publishing these questions, I think the Council, although of course they are entitled to see them to guide their own judgment, will do very wisely if they pause before they take any such action as that.

Rev. Dr. HAUGHTON : If Mr. Farrer is right might I ask him why the opinions of Sir Farrer Herschell, Mr. Vaughan Hawkins, Mr. Muir Mackenzie are printed and in my hands? What is to prevent me publishing a copy of them to the whole world to-morrow morning?

Mr. MARSHALL said he would like to have Mr. Farrer's opinion as to whether, this opinion having been printed, he thought that it was a right document to put in the Minutes.

Mr. FARRER : If you ask me what I advise I should certainly say not. It is a matter entirely for yourselves, but I should say it is a very unwise thing to do.

Dr. QUAIN : I should like to say a few words upon the motion. One of the most prominent questions that has been discussed to-day has been, why Mr. Justice Bowen's opinion was not printed and published; but it was acted upon, and in fact it is this opinion joined with Mr. FitzGerald's, that has led us into all this trouble.* If you talk about opinions, you may have as many as you like to ask for. I have been accused of having acted unfairly in this matter, but before I ventured to take any steps in this matter I spent five guineas in getting an opinion, and I got the opinion of Mr. Lumley Smith.

Dr. STORRAR :—Was this opinion got on behalf of the Council?

* For correction of error, see page 86.

Dr. QUAIN : Was the opinion of the Dental Association got on behalf of the Council ?

Rev. Dr. HAUGHTON : As a point of order I must object to every individual member of the Council coming here with his lawyer in his pocket.

Dr. QUAIN : You do not object to the Dental Association obtaining opinions. I have a right as a member of this Council to obtain an opinion and to submit it to the Council, just as much as the Dental Association, and this is the opinion I got. The case was prepared by Mr. Arnold White.

Dr. STORRAR : Will you be so good as to give us the whole case ?

The PRESIDENT thought that Dr. Quain was not speaking upon the motion or the amendment.

Dr. QUAIN : Then as an amendment I will move that the opinion of Mr. Lumley Smith be added to the opinions mentioned in the motion. If those opinions are received, this opinion of Mr. Lumley Smith should be also received : it is as follows :—
"I am of opinion that a person who combines the practice of dentistry with some other occupation should not thereby be disqualified for registration. I think that section 6, sub-section (c), must be read as if it were 'either separately from or in conjunction with the practice of medicine, surgery or pharmacy.' The words of section 11 and of the schedule include all persons engaged in the practice of dentistry, and the intention of section 6, sub-section (c), was to make it clear that people might be registered as Dentists although already registered under other Medical Acts ; 'separately,' must be taken as referring to the Medical practice mentioned in the context with it." You may get any amount of opinions, and if opinions are to be counted on one side and the other, here is another to add to them. I heard Dr. Storrar say that Mr. FitzGerald was well acquainted with what the leading dentists wanted. I have no doubt what they wanted would not do justice to another class of persons, namely the poor people who are earning livings by doing other things besides practising dentistry alone. If the leading dentists had been properly advised they would have taken care to have adopted a course which was adopted by the veterinary surgeons, and have put themselves in one list and put these other people in another list. There are 400 or 500 people who have been registered as dentists, but who follow other callings, among others that of barbers. But how long is it since surgeons were barbers ? What harm is there if a man is a barber ; he may be an

excellent dentist. At one of our meetings I said that a man who pulled out 500 or 600 teeth in a year, and could give us evidence of his fitness to be on the Register, ought properly to be registered even if he were a barber. There was a time when dentistry was little more than the extraction of teeth, and I will venture to say that Mr. Cartwright first gained his great reputation by the extraction of teeth. I have been told that I have spoken disrespectfully of Mr. Cartwright, who was the founder of professional dentistry in this country. I was charged with the abuse of him, but nothing was further from my mind. What I said was, that not very long ago the mere extraction of teeth was one of the first steps towards dentistry attaining its present position. Dentistry has since then acquired a high position, but there is no reason why these people who practise dentistry should be struck off the Register because they follow some other calling. Just hear what Sir John Holker says about it.

Dr. STORRAR: I think Dr. Quain is anticipating the whole of this question. He is proceeding to argue upon the opinion of counsel. What I want is to get the opinions.

Dr. QUAIN: I want to show the Council that we have no business to open up this question again, because there are a multiplicity of opinions. I want to show you that, in the opinion of Sir John Holker, our Register is perfectly correct. He says, "*In each case it will be for the Council to decide as a matter of fact whether the person's real business was Dentistry. They would not be precluded from so finding merely by the circumstance that he occasionally*" (like the Homœopathic man), "*or incidentally, or at some other place, carried on some other business.*" That opinion is perfectly in accord with everything we have done.

Dr. STORRAR: Read the rest.

Dr. QUAIN: Very well.* "*But a person whose real business was that of a blacksmith, shoemaker, veterinary, or barber, would not be registerable.*" He declares that a person whose real business is dentistry is registerable. I say that we have even in Sir John Holker's opinion, a strong confirmation of the course we have adopted. When we take the opinion of three eminent counsel to guide us, they are our assessors, and we have no right to drag in opinion after opinion to set their opinion aside. Dr. Storrar says

* A like partial statement may be seen at page 138, paragraph 6933. The person therein referred to is a hairdresser, and on this account his case was brought before the Medical Council, but his trade, the leading fact of the case, is not mentioned in the "evidence" there given.

that there is no representative of the dentists on this Board ; but that is a statement which opens the question of the propriety of this Act altogether. I assure you I see with the greatest pain that gentleman opposite (Mr. Tomes) hanging day after day on the skirts of the Council. He ought to be sitting here or else at the head of a Board of Dentists. The dentists have, from sheer want of proper guidance, made themselves a fragment instead of an independent body. They come and pay their money here, which we spend for them, and they have not a single voice in anything that we do affecting them. I am ashamed of it, and I regret it deeply ; they ought never to have submitted to such an Act. If the Dentists' Act had, like the Midwives' Bill, appointed a separate Board under the control of this Council, it would have saved this Council all the trouble they have had. The dentists might have been in a position to manage their own affairs, and contribute to and use their own funds ; for here are the two Bills which were before Parliament—one in the original form that the Duke of Richmond had drawn up, and the other in the form by which it was afterwards suggested to him and readily adopted by him, that this Council should form a Dental Board and carry out the principles of this Act. This difficulty has resulted from bringing in an Act which was full of obscurities, and now we are going to get deeper and deeper into the mire, by doing what our legal advisers have declared to be illegal. Dr. Storrar has alluded to what the dentists wanted, and said we must do justice. I say the Council should do justice to the poor people, whom the leading dentists would deprive of their mode of livelihood. I repeat how very necessary it is to do justice to these people who are not represented. There is a double responsibility thrown upon us. These people are many of them highly respectable, and it is open to any of them to bring an action against Mr. Smith Turner as representing the Dental Association. He has accused them of putting themselves fraudulently on the Register, and frightened many of them into taking their names off. Any one of these people has a good cause of action, and their case would be supported by the opinion of the Solicitor-General and those gentlemen who say that the Council is justified in keeping them on the Register. I hope that the motion will be dropped, and that we shall not leave ourselves open to actions being brought against us.

Dr. A SMITH said the question appeared to be a very complex one, and the Council should be very cautious in the course it adopted. He might remind the Council that the words "*with*

pharmacy" were introduced into the first Register, and were subsequently struck out under advice, and if the Council now put these adverse opinions before the public it would revive the old disputes, and the Council would get into a great deal of trouble. He thought on the whole, after the history of the case the Council had had from Dr. Quain, supplemented as it was by the advice of Mr. Farrer, that the Council had better follow the advice of Mr. Farrer, and not publish the opinions. The Council should let the matter drop, and not run the risk of opening the door to a wide and probably long continued litigation on the subject.

Sir WILLIAM GULL said he should certainly vote against Dr. Storrar's motion, on the ground that it was an unpractical proposition which would land the Council in great difficulties. If the Council had done anything wrong in the matter of dental registration it was done, and they were countenanced in their action by the best advice that could be obtained. To discuss the question further was not a proposition of a business character at all. If any wrong had been done, it could be brought forward in a court of law, and the learned counsel who advised the Council how to act would advise them how to defend their action. He would move as an amendment "*that the opinions of counsel for the guidance of the Council on the question of the registration of dentists should be considered confidential and be not entered on the Minutes.*"

Dr. LYONS seconded the amendment.

Dr. HALDANE agreed with the advice given by Mr. Farrer, and thought that it would be most injudicious for the Council to publish the opinions in question. Mr. Farrer had said that they were confidential documents and might be very injuriously used towards the Council on some future occasion, and therefore he (Dr. Haldane) decidedly objected to Dr. Storrar's motion.

Mr. TURNER asked whether the amendment of Sir William Gull covered the opinion of Mr. Justice Bowen and the opinion which had been placed in the hands of the Council by Sir F. Herschell. Mr. Justice Bowen's opinion was given on a case submitted by the Council, and he was therefore the adviser of the Council. Sir J. Holker's opinion of course they had nothing to do with.

The PRESIDENT said that if the amendment were carried, it would hinder the publication of the confidential opinions obtained by the Council.

Dr. LYONS said if the Council were to get into the habit of putting on its Minutes all documents of this kind it would lead to a great extension of the Minutes, and an extension of a very impro-

per character. In other bodies with which he was connected they did not put on their Minutes, except in very rare and exceptional cases, such documents as these opinions. They were carefully noted and preserved for use, if at any time they should be officially called for, but never published. It was very undesirable to put them upon the Minutes, especially in cases where the Minutes were made public. He agreed with Mr. Farrer that it would be very undesirable for a body like the Medical Council to publish these opinions. It would open the door to all sorts of cavilling, and furnish the defendants with the means of attack. Plenty of people were ready to find holes in the armour of the Council, no matter how much it protected itself. However regrettable the action of the past might be, what had been done had been done and could not be recalled. The Council must accept and place on the Register all those persons who, in their view of the Act of Parliament, had a right as dentists to be put on the Register, no matter what other occupation they followed. There was much to be said in favour of the view that Dr. Quain took, but that was beside the question; an act had been done and the Council could not recall it. Parliament might be asked to repeal the Dentists' Act, but there was not much prospect of its doing so in the present state of public business, and the less the Council said about the matter at the present stage the better.

Dr. STORRAR : In reply to what has been said, beginning with the amendment, I have merely to say that there may possibly have been some exceptions during the course of the years that have transpired since the foundation of this Council, but as a rule all the opinions of counsel have been published. Mr. Farrer suggests the inexpediency of recording in our Minutes these opinions of counsel : Professor Haughton has answered that we have the opinion of Sir F. Herschell. Why should the opinion of Sir F. Herschell be recorded and not the opinion of Mr. Justice Bowen ? I am asked why I attach so much importance to these other opinions of Mr. FitzGerald and the late Lord Justice Holker. I do so for this reason, that those opinions have been taken by a body of Dentists, incorporated and holding systematic meetings as the members of a corporation outside this body, and they, looking to the honour of their own profession, which they are surely fairly entitled to do, judge that they have suffered great injury through the conduct of this Council, and therefore are endeavouring to recall this Council to a sense of what is just. That is the reason why I ask that these opinions should be recorded. It is all very

true as Dr. Quain says, that he or any other member of the Council may draw up a case and get opinions from counsel, but that is quite a different thing altogether to the Dentists' Association getting opinions from counsel. It is not for me to follow Dr. Quain in a criticism as to what the Dentists ought to have done and what they did not do. To recommend that they should have got an independent Act of their own, and not an Act hung on this Medical Council, is not only impugning the Dentists but impugning this Council. [Dr. QUAIN : No, no.] I beg your pardon, the Dentists' Bill was sent down to this Council and they made it a condition that the legislation for the dentists should be incorporated with the Medical Act.

Dr. QUAIN : No, no. I rise to order. They have never said anything of the kind.

Dr. STORRAR : They have said something very like it.

Dr. QUAIN : No. I rise to order.

Dr. STORRAR : It was done.

Dr. QUAIN : I rise to order. This is the resolution of the Council :—“*That with reference to the Lord President's Bill entitled the Medical Act, 1858, Amendment Bill, as ordered by the House of Commons to be printed, the Council desires to express its wish that the Bill entitled the Dental Practitioners' Bill be brought into conformity with the Dental clauses of the Lord President's Bill,*” and that was not done.

Dr. STORRAR : We had this Bill sent down to us ; we made certain alterations ; and it was sent back to the Duke of Richmond. The Government for reasons of their own, which reasons I do not know, did not adopt all our recommendations, but is that the fault of the dentists may I ask ? *

Dr. QUAIN : Is it our fault ?

Dr. STORRAR : Well it is not our fault ?

Dr. QUAIN : You said it was.

Dr. STORRAR : The Government did not choose to take our recommendations. But if we are to go back and assume omniscience as to what should have been done by what was done we shall occupy the time of the Council for no practical good, and I do not know where the discussions will cease. I will say this simply, that while the Dentists' Act exists it is our duty to administer it. It is our duty to be just, and it is our duty, and our

* See Dr. Storrar's quotation of counsel's letter at page 65, in which it is shown that the Government did “*bring the Dentists' Bill into conformity,*” as desired by the Council. Also pages 94-5.

best policy also, to prove to the Dentists' Association and to the numerous body of respectable dentists that are practising throughout the country that they have not received injustice at our hands. As the first step therefore towards that, I ask that the opinions that have been obtained by this Council, and the opinions too that have been got by the Dental Association, namely, the opinions which I have recited in my motion shall be recorded on the Minutes of the Council.

Mr. SIMON enquired what had been the practice of the Council with respect to printing opinions on the Minutes.

Dr. PYLE said a great many opinions had been printed on the Minutes.

The PRESIDENT said it was the fact that opinions had on previous occasions been entered on the Minutes. Pressure both public and private had been put upon the Council to alter the course which it had taken under the advice of its solicitor and counsel. Not a few private communications had been made to the President to urge him to adopt the course of expressing practically a contradictory opinion to that adopted by the Council, to which the reply had been that the Council had acted on the advice of its legal advisers to the best of its judgment and ability, and it was not for the Council to impugn the course of action it has taken. Those who thought the Council had been in the wrong should attack the Council. He did not see that anything had occurred to cause the Council, after the advice which it had received, to enter upon the Minutes those opinions unless it desired to do so. He did not think what had occurred formerly could be any precedent for the present occasion.

Rev. Dr. HAUGHTON : It should be distinctly understood that we are reversing our former precedents.

The PRESIDENT : No, because there are cases also where opinions have not been printed.

Rev. Dr. HAUGHTON : We are establishing a rule for the future, we are tying our hands, because this carries a general principle with it. The Council ought to understand what they are voting about.

The PRESIDENT : By this vote we are deciding what we do under the present circumstances. On future occasions the Council will consider what it will do under future circumstances.

The amendment, "*That the opinions of counsel for the guidance of this Council with regard to the registration of dentists be con-*

sidered confidential, and be not entered in the Council's Minutes," was then put and carried by fifteen against six.

On the motion of Dr. Storrar the names of the members voting for and against were taken down as follows :—

For the amendment, fifteen.		Against the amendment, six.
Dr. Pitman.	Dr. A. Smith.	Dr. Pyle.
Mr. Marshall.	Mr. Collins.	Dr. Storrar.
Mr. Bradford.	Dr. Quain.	Mr. Turner.
Dr. Chambers.	Sir William Gull.	Mr. Macnamara.
Dr. Humphry.	Mr. Simon.	Rev. Dr. Haughton.
Dr. Haldane.	Mr. Teale.	Dr. Fergus.
Dr. Watson.	Dr. Lyons.	
Dr. Pettigrew.		

The President and Dr. Scott Orr did not vote.

The amendment was then put as a substantive motion and carried.

Mr. TURNER said that from what had taken place in connection with the foregoing discussion, it was quite evident that amongst counsel of the very highest position and authority there was a very important difference of opinion as to the exact meaning of certain clauses in the Dentists' Act. He thought it was extremely important that there should be a judicial decision obtained in a court of law, so that the Council might be guided in a definite way and might avoid in future anything like such a discussion as it had been engaged in during the last hour. A special reason why the Council should come to some conclusion upon this matter was because among the documents before them in the programme of business was a letter addressed to the Council by the Hon. Sec. of the British Dental Association to this effect :—*"I am requested by the Business Committee of the British Dental Association to forward to you the accompanying opinion and to beg that you will place it before the Medical Council, together with the enclosed explanatory resolution."* The explanatory resolution is as follows :—*"That in strict conformity with the practice uniformly followed of placing before the Medical Council any facts or opinions bearing upon the administration of the Dentists' Act, of which the Association may have become possessed, the joint opinion of Sir John Holker, Mr. R. S. Wright, and Mr. G. A. R. FitzGerald, upon the meaning of section 6, sub-section (c), be at once forwarded to the Medical Council ; and the Association venture to hope the Council will cause to be placed on their Minutes the accompanying joint opinion, together with the high legal opinion of Mr. (now Mr. Justice) Bowen, read be-*

fore the Council in July, 1880, with the opinion, also then read, of Mr. G. A. R. FitzGerald, and the Association earnestly hope that in the presence of a great preponderance of high legal opinion in favour of a correction of the Dentists' Register, the Council will restore to the Register the recently erased descriptive terms—'with medicine,' 'pharmacy,' &c., and at its convenience proceed to the correction of the Register by the erasure of names registered in the midst of doubt, or take such other steps as may lead to the production of a Register legally correct." That is to say, the British Dental Association wishes this Council to erase names from the Register which the Council has placed on the Register. This letter of the Secretary of the British Dental Association was submitted to the Executive Committee, who passed a resolution to the following effect:—"That the Committee acknowledge the receipt of the foregoing communication, and inform Mr. J. S. Turner that, in the opinion of the Committee, the steps requisite to be taken to try the correctness of the course taken by the General Council under the advice laid before it, rest with the Dental Association, and not as suggested in the opinion now forwarded, by the removal of a name, which, in the judgment of the Council, is registered in conformity with law." That is the opinion of the Executive Committee, but I think it is only a matter of courtesy to the British Dental Association that the Council itself should pronounce an opinion on this letter and resolution, and therefore I venture to propose the following motion:—"That the Council adopt the recommendation of the Executive Committee, that it rests with the British Dental Association to take the steps, if any, which may be requisite to try the correctness of the course taken by the General Council."

Mr. SIMON seconded the motion.

Rev. Dr. HAUGHTON: Can this motion be taken to-day. It should be put on the agenda paper.

Mr. TURNER said, as an objection had been taken by Dr. Haughton to the appropriateness of the motion in connection with the matter before the Council, the motion was almost *verbatim* the same as the resolution of the Executive Committee, which had been read. The question was a very simple one. The British Dental Association wished the Council to take action. The Council did not wish to take action, but said to the British Dental Association, "Try a case, and then when the case has been tried and a judicial opinion has been given upon it, we can act upon the judicial opinion instead of acting merely on the advice of counsel

furnished to us privately." He (Mr. Turner) submitted that was the proper way to settle this very involved question.

Dr. LYONS, on rising to a point of order, said he doubted whether it was wise that the Council should suggest to another body that they should proceed to litigation. On being asked to do a certain thing, the business of the Council was to say whether they would do that particular thing or not, and if they decided not to do it they should communicate an answer to that effect. It might be very desirable that a judicial opinion should be obtained, and the obtaining of it might arise out of an action taken by the Council, but that was entirely different to the Council committing itself in the face of the public by suggesting that another body should commence litigation. He asked the Council to consider seriously whether such a motion fell within its province at all.

Mr. TURNER: I recognise the objection to the motion in its original form. The question submitted to us by the British Dental Association, together with the explanatory resolution which they offer, requires, perhaps, a more direct answer than my original motion gives them, and, therefore, with the permission of the Council, I will modify the motion, so that it may be in the form of a direct answer to their question: "*That the Council are not prepared to take steps as suggested by the Dental Association, to erase from the Register names which have been placed there by the Council under legal advice.*" The meaning of that is perfectly clear. It still remains for the British Dental Association to reconsider the question, and to make up their minds what they are to do. We simply say that we are not prepared to take the steps they suggest.

Mr. SIMON seconded the modified resolution.

Dr. STORRAR: I am not going to make a speech. My speech will consist in reading the concluding paragraph of the opinion of Sir John Holker: "*We think that practically the only means of obtaining a judicial decision will be for the Council to expunge from the Register the name of some person who, according to the views which we entertain, was not entitled to be registered. The question can then be tried on a mandamus to restore the name. The Council will, no doubt, be prepared to give every facility for this purpose.*" The motion of Professor Turner is, that the Council shall refuse to give facilities to carry out this recommendation, and, therefore, as this is the only way in which the question can be tried, it cannot be tried at all.

Sir WILLIAM GULL : Did Sir John Holker advise this Council in that way ?

Dr. STORRAR : This is his opinion, and I adopt it as part of my speech.

Rev. Dr. HAUGHTON : If I had been in communication with Dr. Storrar he could not have thought my thoughts more completely than he has done. I do not propose to press this as an amendment, but I think it is a curiosity in the shape of a suggested amendment that the Council would not like to miss hearing :—“ *That in order to obtain a judicial decision on sub-section (c) of section 6 of the Dentists' Act the Registrar should be directed to erase the name of M. or N. (following the marriage or baptismal form) from the 'Dental Register.'*”

The PRESIDENT then put Professor Turner's motion, which was agreed to *nem. con.*, and the Council adjourned.

Saturday, July 8th.

Dr. HAUGHTON said that with reference to a motion, of which he had given notice, to the effect that “ *the procedure of the Council in regard to the Registration of Dentists has been at variance with the opinion of Mr. Justice Bowen,*” if he were about to press this resolution, which he was not, he would have to make some slight alteration, which Mr. Miller, the Registrar, had called his attention to, namely, “ *the procedure of the Council with regard to correcting the Register of Dentists,*” but it was a matter of little or no consequence. Having seen the very careful opinion of Mr. Justice Bowen, and knowing the high esteem in which that gentleman stood amongst his professional brethren, he (Dr. Haughton) thought it a serious thing for the Executive Committee to depart from his explicit and distinct advice. Without going into detail, as he was not going to press the motion, he would say that Mr. Justice Bowen had advised somewhat to the effect that it was the duty of the Medical Council to administer the Dentists' Act according to the law, even though in some cases it might work hardship. Those who framed the Act were responsible for its shortcomings, and any strained interpretation reduced to a matter of discretion what ought to be a fixed duty, viz., to apply and administer the Act as part of the public law. That, as a general principle laid down by eminent lawyers, could not be disputed. Mr. Bowen's advice was to admit to the Register all those who proved that they were practising dentistry separately from, and

those who proved that they were practising dentistry in conjunction with pharmacy, his definition of a person practising "*pharmacy*" being a person practising under the Pharmaceutical Act. On all these points he (Dr. Haughton) thought Mr. Bowen was right, and he thought it was desirable to draw the attention of the Council to the fact that their proceedings were at variance with the opinion of Mr. Bowen. The Council had got an opinion from one lawyer and then an opinion from another. The Dental Association had got opinions also, and one set of opinions having been set off against the other, the result was that the Council was no nearer a settlement than before. It had been stated that Mr. Bowen never expressed an opinion as to the removal of these 400 or 500 names from the Register, but clearly his opinion was that they ought not to have gone on. He (Dr. Haughton) admitted that the question as to removing the names was a very different question from that of putting them on. He regretted that they had been put on, and thought they ought not to have been put on, but under the circumstances he should say no more about it. He thought the Council ought in future to get very clear and well defined advice and to act upon it once and for all. There had been a moving backwards and forwards, from one opinion to the other, in this matter which had led to the present difficulties. The question would remain unsettled as long as there was no decision of a court of law upon it. A suggestion had been made to him by Dr. Pitman as to whether it would not be possible to suggest to the Executive Committee to make arrangements with the Dental Association to choose a typical case and have a decision upon it. What influenced him in withdrawing this resolution was the fact that he had ascertained that the high class dentists were practically satisfied with what had been already done by the Council in allowing the dentists to register surgical titles. He remembered well fighting the battle with the late Dr. Andrew Wood as to whether, as a matter of courtesy to the high class dentists, they should not be allowed to put on the Register their surgical as well as their dental titles. That had been done, and he should support most cordially Sir Wm. Gull's proposal to-day that they should be allowed to put on the Register also their medical titles. If that were permitted it would give great satisfaction to the high-class dental practitioners, and they would not then be so anxious to have these 400 or 500 names struck off the Register. He could not press the Council to follow Mr. Bowen's advice, because that advice was

opposed to the effect which Sir Wm. Gull's motion would have, and it would not be fair to press it too strongly. He would, therefore, with the permission of the Council, withdraw the motion.

The Council then proceeded to discuss the paragraph in the Report of the Dental Committee, referring to the cases of John Thomas Lambert and Joseph Walker (see p. 6).

Dr. PITMAN moved "*That the Report of the Dental Committee not having put the Council in possession of evidence to show that John Thomas Lambert and Joseph Walker were not bonâ fide engaged in the practice of dentistry, the Council is therefore not prepared to order the removal of their names from the 'Dentists' Register.'*"

With reference to these two persons the facts were these. They had been put upon the long list of four or five hundred persons which was submitted to the Council on August the 9th, 1880; the Council referred the matter to the Dental Committee in order that they might enquire into and ascertain the facts concerning the various cases. Measures were taken for that purpose, and a communication was, under the instruction of the Dental Committee, addressed to the various persons by the Solicitor. The facts were ascertained and submitted to the Council, and the Council moved in the matter with regard to the great majority, but the cases of these two persons, John Thomas Lambert and Joseph Walker, were on the 29th April, 1881, referred back to the Dental Committee for further enquiry. The Dental Committee has made further enquiries with the result that was stated in the Report. It was not a question whether these persons should be put upon the Register, but whether they should be removed from the Register. These two persons had been found to be in exactly the same condition, as regards their claim to be registered, as the rest of the large number of persons whose right to be there had been questioned, but admitted by the Council.

Dr. A SMITH having seconded the motion, it was put to the Council and carried unanimously.

The following communications with regard to Dental Students were then read:—

"Edinburgh, October 31, 1881.

"MY DEAR MR. MILLER,—As you are aware, during the autumn, some questions have arisen as to the meaning of the Regulations of the GENERAL MEDICAL COUNCIL relating to the education, preliminary examination, and registration of Dental Students. I am desirous

that you should bring the matter before the EXECUTIVE COMMITTEE so that more specific regulations may be framed.

"1. In the 'Dental Curriculum'* approved by the GENERAL MEDICAL COUNCIL, nothing is said of apprenticeship. A certificate of having been engaged four years in professional study is required. Medical Students are allowed to count one year of apprenticeship as one of the four years of professional study. Ought not Dental Students to be put on the same footing?

"2. Three years' instruction in Mechanical Dentistry is required. It is not stated if these years are to be during the four years of professional study, or may be taken, in whole or in part, antecedent to registration as a Dental Student.

"3. It seems advisable, therefore, that the expression 'four years in professional studies,' should be more precisely defined. Is it to mean: (a) four years in a dental school or hospital; or (b) may one year of apprenticeship count as one of the said four years; or (c) may one or two years passed as a Mechanical Dentist in a dentist's workshop similarly count?

"4. May the time spent under (b) and (c) of (3) be regarded as a legitimate portion of the specified four years, even if spent before passing the preliminary examination in Arts, that is to say, before registration? It seems to me only reasonable that some portion, if not the whole, of the three years to be spent in Mechanical Dentistry should be allowed, even if taken before registration, since there is nothing rendering a literary examination necessary previous to entering on workshop duties, as there is prior to entering on a course of scientific lectures; and secondly, it will scarcely be practicable to go through an efficient training in the workshop, if during the same period the Student's time is to be occupied in attending several courses of lectures, and in following the practice of a dental hospital.

"Believe me, very truly yours,

"WM. TURNER."

"Professor TURNER'S letter having, by order of the EXECUTIVE COMMITTEE, been forwarded to the various Dental Examining Boards, with a request that they would take it into consideration and favour the EXECUTIVE COMMITTEE with any observations thereon, the following communications have been received in answer thereto:

"(A) From the ROYAL COLLEGE OF SURGEONS OF ENGLAND:—

"Lincoln's Inn Fields, W.C.,

"22nd day of December, 1881.

"SIR,—I have submitted to the Council of the College your letter

* See Minutes, Vol. XVI. p. 250, or Dental Proceedings, p. 121.

of the 22nd ultimo, forwarding a copy of a letter from Professor TURNER in reference to Dental Students, and a copy of a resolution thereon of the EXECUTIVE COMMITTEE of the GENERAL MEDICAL COUNCIL, and requesting that the Council will favour the EXECUTIVE COMMITTEE with their opinion thereon, and I am desired to reply thereto as follows: First, in respect of the questions raised in Professor TURNER'S letter under the head (a); and secondly, in reference to the Resolution of the EXECUTIVE COMMITTEE under the head (b) viz. :—

“(a) Professor TURNER'S questions.

“(1) That the four years' curriculum for a Dental Student required by the regulations of the College includes apprenticeship.

“(2) That the three years' instruction in Mechanical Dentistry required by paragraph 9 of the College Regulations can be taken concurrently with the other parts of the curriculum, and be included in the four years, but not in any case before the passing of the necessary Preliminary Examination.

“(3) That, in the opinion of the Council, it is not necessary to more precisely define the expression 'four years in professional studies,' as from the College Regulations it is believed that Candidates for the Dental Diploma clearly understand that the whole curriculum of professional study can be completed within the four years; that the expression 'four years' does not mean (a) 'four years in a Dental School and Hospital'; (b) does count as one of the four years; and that two years passed as a Mechanical Dentist (c) do count as two of the four years, as it will be seen, on reference to paragraphs 3, 4, 5, 6, 7, 8, 10, of the College Regulations, that the rest of the curriculum can be completed in two years.

“(4) That the time spent under (b) and (c) cannot, by the College Regulations, be considered as a legitimate portion of the specified four years, if spent before passing the Preliminary Examination in Arts, for, as has already been stated in answer to Question 2, in no case can any part of the curriculum be taken out before passing the Preliminary Examination.

“(b) The Resolution of the EXECUTIVE COMMITTEE :—*

“That the Council cannot consent to admit to examination under conditions more or less exceptional, Candidates who have commenced the study of Dentistry since the 8th of September, 1859, inasmuch as the curriculum of professional education laid down in the College Regulations has been for many years in force, and has been required hitherto of all Candidates excepting those who either had commenced the study

* The Resolution here referred to was as follows :—“That the Registrar be directed to call the attention of the Licensing Authorities to the last part of Section 37 of the Dentists' Act, and to suggest whether it may not be desirable to admit to examination, under conditions more or less exceptional, those students whose apprenticeship commenced before the passing of the Dentists' Act, and did not terminate before the 1st of January, 1890.”—*Minutes of the Executive Committee, November 11th, 1881.*)

of Dentistry or had been in practice as Dentists before the above-mentioned date.

I am, Sir, your obedient servant,

“W. J. C. MILLER, Esq.

EDWARD TRIMMER,

“Secretary.”

“(B) From the ROYAL COLLEGE OF SURGEONS OF EDINBURGH.

“The Royal College of Surgeons having received a communication from the MEDICAL COUNCIL relative to certain points in connection with the Dental Curriculum and Examinations, as well as in respect to Clause 37 of the Dental Act, the President's Council, along with the Dental Examining Board, met for its consideration, when it was resolved that the following reply should be sent to the MEDICAL COUNCIL :

“The principal questions submitted for the opinion of the College seem to be as follows :—

“(1) What constitutes ‘a year’ of professional study?

“(2) Whether an Apprenticeship, general or merely mechanical, and current during such a year, should be counted as professional study?

“(3) Whether the three years' mechanical instruction in dentistry, required by the curriculum, may be taken before or must be taken after passing the Preliminary Examination?

“In reference to these questions the College has to submit :—

“(1) That ‘a year’ of professional study means a Winter and a Summer Session spent—subsequently to the Preliminary Examination—in following out such subjects as are prescribed in the MEDICAL COUNCIL'S tabular curriculum of March 26th, 1879.

“(2) That such a year may be filled up by an apprenticeship or by a period of instruction in mechanical dentistry—always provided such apprenticeship or period of instruction be subsequent to passing the Preliminary Examination and in accordance with the prescribed curriculum.

“(3) That the prescribed period of three years' instruction in mechanical dentistry, as specified in the curriculum, ought to be allowed to be taken at the option of the candidate either before or after the Preliminary Examination. But if taken before the Preliminary Examination it should not be allowed to count as any portion of the four years' professional study, or among the professional studies subservient for filling up these four years. At the same time the certificate of such three years extra mural instruction should in itself be valid, whether counting as such professional study or not.

“In reference to Clause 37 of the Dentists' Act, and to the question of admitting to the ‘Dentists' Register’ and to Examinations candidates whose apprenticeship terminated before January, 1880, this would appear capable of being more easily arranged were the commencement instead of the termination of such apprenticeships made the ground of admissibility. In this way the longer apprenticeship would not be

placed at a disadvantage to the shorter one, supposing both to commence at the same time and only the shorter one to terminate by 1880. The difficulty might be met by admitting to the Register and to Examination sine curriculo all those whose apprenticeship began before 1875. The sine curriculo Examinations, however, to be in all respects the same as for curriculum candidates, with the exception that no Preliminary Examination should be required. Signed in name and by appointment of the Royal College,

JAMES ROBERTSON,
Secretary.

“Edinburgh, December 15, 1881.”

“(C) Communication from the FACULTY OF PHYSICIANS AND SURGEONS OF GLASGOW.

“26th December, 1881.

“SIR,—Referring to your communication of 22nd November ultimo, I am instructed to inform you that the Council of the Faculty are of opinion,—

“(1) That Dental Students should be engaged in acquiring professional knowledge for a period of four years subsequent to Registration.

“(2) That of this period apprenticeship or employments in the work of Mechanical Dentistry may count for one year.

“(3) That of the three years to be spent in acquiring a knowledge of Mechanical Dentistry, the entire may be spent antecedent to Registration.

Yours truly,

“ALEXANDER DUNCAN,

“W. J. C. MILLER, Esq., B.A. *Secretary.*”

“(D) From the ROYAL COLLEGE OF SURGEONS IN IRELAND:—

“Dublin, January 14, 1882.

“GENTLEMEN,—With reference to Professor TURNER'S letter, I am directed to inform you that this College has not hitherto admitted to its Examination for the Diploma in Dental Surgery other than gentlemen on the ‘Dental Register,’ and, as at present advised, the question referred to will not arise.

“I have the honour to append, on the other side, a copy of a resolution passed by the Council of this College, from the terms of which you will see that the privilege of Examination, sine curriculo, has been extended to all such gentlemen who have had their names inserted on the ‘Dental Register,’ in accordance with the provision of the Dental Act. These gentlemen are entitled to every legal privilege, and seek in addition collegiate recognition, which, if worthy, they obtain after a searching examination, and for seeking which they deserve commendation.

I have the honour to be, Gentlemen,

“Your obedient servant,

“J. STANNUS HUGHES,

“Secretary of Council.

“To the PRESIDENT and MEMBERS of the

“General Council of Medical Education and Registration.”

“Resolution passed at a meeting of the President and Council of the Royal College of Surgeons, Ireland, held on December 15, 1881:—

“Resolved:—That in order to bring the Regulations of this College into conformity with those of the two Colleges which are giving Examinations, sine curriculo, in Dental Surgery, the Regulation by which the Dental Examination, sine curriculo, in this College shall cease on August 1, 1881, be rescinded, and that in place thereof the Regulations of the Scotch Licensing Bodies be adopted, viz.:—

“That Candidates whose names appear on the ‘‘Dental Register,’’ shall be admitted to Examination, sine curriculo, and that the same be notified to the GENERAL MEDICAL COUNCIL, together with the reasons that have influenced this Council in coming to this determination.”

Mr. TURNER:—This is a matter which comes before the Council in connection with a letter which was addressed by me, on the 31st October, 1881, to our Registrar. The questions raised in the letter were due to certain communications made to me by gentlemen interested in dental education, who pointed out to me that the regulations of the General Medical Council relating to the education, preliminary examination, and registration of dental students were on some points not quite so definite as they ought to be, and that the dental students, more especially in Scotland, were in very considerable doubt as to whether the apprenticeship, or a portion of the apprenticeship, would count as a portion of the four years of professional study required from them; whether the three years instruction required in mechanical dentistry would count either altogether, or in part, as a portion of these four years; and as to what the relation of apprenticeship and the term of instruction in mechanical dentistry was to the period of registration and the passing of the preliminary examination. Acting on suggestions which had been made to me by the gentlemen to whom I have referred, I addressed the letter to Mr. Miller. This letter was considered by the Executive Committee, and sent down to the various Examining Boards. The answers of those Examining Boards to the questions in that letter have been read. Those answers in course of time came back to the Executive Committee, which did not itself pronounce any decision on the subject, but requested me to consider the communications with reference to devising some resolutions upon the subject, and accordingly, in conjunction with Dr. Heron Watson, two resolutions have been framed, so that we may have an opportunity of discussing the points raised. The first is—*“That one year’s bonâ fide apprentice-*

ship with a registered dental practitioner, after being registered as a dental student, may be counted as one of the four years of professional study." This is merely bringing the educational arrangements for dental students into conformity with the arrangements for medical students. Medical students are required to give evidence of having spent four years in professional study, and apprenticeship may count as one of those four years. This is merely asking the Council to affirm for dental students what it has already affirmed for medical students, namely, that one year's *bonâ fide* apprenticeship with a registered dental practitioner, *after being registered as a dental student*, may be included in one of the four years of professional study.

Dr. HERON WATSON seconded the motion, and Dr. BANKS having also expressed his approval of it, it was put to the vote and agreed to.

Mr. TURNER :—My second motion is "*That the three years of instruction in mechanical dentistry, or any part of it, may be taken by the dental student either before or after his registration as a student ; but no year of such mechanical instruction shall be counted as one of the four years of professional study unless taken after passing the preliminary examination.*" This motion is intended to explain the regulations, because, as I understand from the teachers connected with the Dental School in Edinburgh, they consider that the regulations are obscure, and they want them properly defined. This resolution I think accurately defines the regulations and, if it is carried, the teachers and students will know exactly what the position of the term of instruction in mechanical dentistry is as regards the period of registration and the period of study.

Dr. HERON WATSON seconded the motion, which he said, arose out of the question whether the dental student was to study for seven or for four years. According to one interpretation the student was to study mechanical dentistry for three years before passing his preliminary examination, and he was then to study the scientific part of his profession for four years more. That interpretation required of the dental student a much longer period of instruction than was required of a medical student before graduating in medicine. The resolution before the Council would set things right and make the matter perfectly distinct to both the teachers of dentistry and the students.

Dr. STORRAR :—As I have been spokesman on one matter for the dentists, I may say that this arrangement would be thoroughly satisfactory to the British Dental Association.

Dr. LYONS said it seemed to him that the first part of the resolution was gratuitous, and an entirely unnecessary statement to make. The resolution in the first part stated that the dental student might do something which he did not want authority from the Council to enable him to do, nor was he offered any advantage if he availed himself of the permission which was given him. It appeared to him (Dr. Lyons) that the Council would be legislating in the direction in which it wanted to legislate if the first part of the motion were omitted.

Dr. WATSON thought Dr. Lyons had hardly apprehended the statement which had been made. The difficulty arose from the ambiguity of the regulation as to what relation the three years of mechanical instruction was to bear to the four years of professional study. On the one hand it was argued that the four years of professional study should be left wholly unoccupied by mere mechanical work, so that the student might devote his undivided attention to subjects of a scientific kind. On the other hand it was urged that it was a great hardship in the case of many students that they were not able to combine mechanical instruction with scientific instruction. It seemed to him that the motion solved the doubt which existed in the minds of both students and teachers, and also the Examining Boards, and therefore, although it might at first sight appear tautological, it really had an important bearing on the question which had been raised.

Dr. A. SMITH thought, as Dr. Watson had explained why the motion was made, that the Council should be very explicit, so that both the teachers and students should clearly understand it. Standing as the regulation did, it would be a great encouragement to students to take as much mechanical education as they could get, but if they were told that only so much as took place after their registration would be counted as part of the curriculum of four years, it would not have that effect.

Mr. TURNER, on the suggestion of Dr. Pitman, then varied his resolution by substituting for the words at the end, "*passing the preliminary examination,*" the word "*registration.*"

Dr. LYONS thought what was attempted to be conveyed was that it was desirable that students should have at least three years of instruction in mechanical dentistry. To affirm that would be a very suitable proposition.

Mr. TURNER :—That is already a regulation.

Dr. LYONS :—Then you do not really want this part at all. I

should not press this, but that I have analysed it very carefully, and I am perfectly certain I am right. If that has been affirmed before, then you do not want it at all; if it has not been, I think you might say "*That it is the opinion of this Council that three years' instruction in mechanical education should be taken by the dental student,*" and then make the second part a separate resolution. By inserting the word "*registration*" Professor Turner has made his point much more definite: but, at the same time, I hold that he has more pointedly and conclusively shown the absurdity of the first part, as it stands. I move, as an amendment, that the first part runs thus:—" *That in the opinion of this Council it is desirable that the dental student shall spend a period of three years in the study of mechanical dentistry;*" and let the second part stand as it is. The effect of that would be that the dental student would register in the first instance, and you would from the very beginning of his career have a definite control over him; you would have full information as to his conduct; you would bring him, as you do medical students, within the purview of the Council.

Rev. Dr. HAUGHTON:—I will second the amendment for the purpose of having my muddled views cleared up by Professor Turner. I do not understand what the point is.

Dr. HUMPHRY thought the Council could not do better than adopt the following:—" *That the prescribed period of three years' instruction in mechanical dentistry, as specified in the curriculum, may be allowed to be taken at the option of the candidate either before or after the preliminary examination; but if taken before the preliminary examination, it should not be allowed to count as any portion of the four years of professional study.*" That was what was meant.

Dr. LYONS:—That is open to the same objection.

Mr. TURNER thought Dr. Lyons and Dr. Humphry had both failed to apprehend the point. The question was not whether a student should have three years of instruction in mechanical dentistry. That was settled long ago, and formed part of the curriculum of all the Bodies. The candidate must produce "*a certificate of having had instruction in mechanical dentistry during three years by a registered practitioner.*" That had been sanctioned by the Council, and they had no need to re-affirm it. This point in question was *when* this three years of mechanical instruction had to be taken—whether before or after registration, or partly before and partly after. What was suggested in the motion was that the three

years, or any part of it might be taken by the student either before or after his registration as a student, but with the proviso that no year of such mechanical instruction should be counted as one of the four years of professional study unless taken after registration.

Mr. SIMON asked whether Mr. Turner's intention would be more accurately rendered by the words "*Instruction in mechanical dentistry taken before the preliminary examination shall not count as professional study?*"

Mr. TURNER :—No ; that does not entirely cover it. I submit that this motion entirely covers the whole question, and therefore I shall not withdraw it.

Rev. Dr. HAUGHTON :—There is some mystery about dentistry in every direction. I cannot understand it.

Dr. LYONS' amendment was then put and lost, only one hand being held up in favour of it.

The original motion was then put and carried.

Sir WM. GULL said that before moving "*That any or all of the qualifications in schedule A of the Medical Act be registerable in the Dentists' Register,*" he should like to say a word of explanation. On the previous day he had considered it his duty to lay before the Council his thoughts as to the propriety of making the Council an administrative body in respect to midwives. Considering that he served with Mr. Simon on a former Committee, that they were not represented on the present Committee, and that there was no registration of the views of the minority, it seemed to him, and he believed Mr. Simon agreed, that they had the right, as Crown nominees, if they thought it desirable, to lay before the Government, more or less privately, their entire views about this question apart from the Council. He intimated this intention, so that, if afterwards it should appear to the Council that they had taken such a step, it should not be said that they had done so without informing the Council. Considering the future of this Council, or its probable future, and considering the great interests of the profession which were involved in the matter, the conviction on his mind, and that of Mr. Simon, was that they would not be doing their duty to the Government if they did not take an opportunity of fully laying before it their objections to the resolutions of the Council.

Dr. QUAIN said he was one of the Crown nominees, and he did not, on this point, agree with Sir Wm. Gull. He hoped Sir Wm.

Gull would be especially careful to speak in his own individual capacity, and not on behalf of the Crown nominees generally.

Sir WM. GULL :—We should not speak in any other names than our own. We may not think it desirable to take any steps, and we should not do so without duly informing our colleagues. We now come to a matter which was discussed in this Council a year ago, viz., whether the Dentists' Register should contain any other qualifications than dental qualifications. It will be in the recollection of the Council that Mr. Bowen advised that this Council could not, or should not, enter on the Dentists' Register any qualifications other than dental qualifications. Now I must be allowed to demur to that, because if you look to the Dentists' Act, Section 11, sub-Section 6, you will see that we have entire power to do this. That section runs thus—“*The General Council may, if they think fit, from time to time make, and, when made, revoke and vary, orders for the registration in, on payment of the fee fixed, and orders for the removal from the Dentists' Register, of any additional diploma, membership, degree, letter, or licence held by persons registered thereon, which appear to the Council to be granted after examination by any of the medical bodies in respect of a higher degree of knowledge than is required to obtain a certificate of fitness to practise under the Act.*” Mr. Bowen said that these diplomas, memberships, degrees, licenses, or letters must have relation to dental surgery; but if you read the Act further you see that that could not have been the case, because it says—“*to be granted after examination by any of the medical authorities.*” Now, the College of Physicians and the University of London are medical authorities, but medical authorities not having anything to do with dental surgery. I think that answers the question. We can register degrees, diplomas, licenses, or letters that have nothing to do with dental surgery, provided they indicate a higher degree of knowledge. It does not say a higher degree of knowledge in dental surgery, but it includes the degrees, diplomas and licenses of all medical authorities, so that we have the power of registering in the Dentists' Register all the diplomas, degrees, licenses, or letters granted by the medical authorities. I think, therefore, notwithstanding the opinion which Mr. Bowen has given, that we have the power. Having the power, I think we ought to exercise it on two grounds, first, *pro bono publico*, because I think it is very desirable that the public, when they look at the Dentists' Register, should see the full status of the people who

practise dentistry ; and, secondly, because it will tend to encourage the people who register to attain a higher degree of education, and thus raise the level of the dentists' profession. On those grounds I venture to suggest that it will be for the good both of the public and of the profession if we allow the dentists to register their additional qualifications.

Dr. STORRAR seconded the motion.

Rev. Dr. HAUGHTON :—If Dr. Storrar had not seconded the motion I should have done so myself. In speaking to high-class dentists, I have found that the sore point with them has been that the Council has not permitted an additional column for these additional qualifications to be added to the Register. If their desire in that respect had been acceded to there would have been no objections raised by them with regard to the class of persons who have been placed on an apparent equality with them. They naturally want the public to be able to recognize the high position which many of them occupy. Many of them are graduates of Universities, and they are dissatisfied that it does not appear on the Register whether they are merely dentists, or something more. By a recent decision of the Council the surgical qualifications recited in schedule A of the Medical Act were permitted to be entered on the Dentists' Register. That was a step in the right direction. I think the dentists who have higher titles are entitled to differentiate themselves from the barbers and others on the list. I support entirely and completely Sir Wm. Gull's motion. I withdrew a resolution which I had put on the notice paper about the action of the Council in registering dentists being at variance with Mr. Charles Bowen's opinion, in the hope that Sir Wm. Gull's resolution would be carried. I think that it is very desirable if barbers and sham apothecaries have got on the Register that good men should be allowed to put their higher qualifications on the list. I think the strong feeling that there is in the dental profession will be satisfied if Sir Wm. Gull's motion is carried.

Dr. QUAIN : I have a word to say about the dentists, and I earnestly hope that this will be the last time that the dentists' question will be brought before us. We have had more trouble in the last two or three years with the dentists than we have had during the whole of the twenty years since I have been a Member of the Medical Council. Twice we have been summoned here to meet specially about it. Four times already we have altered the

Register, and this will be the fifth change we have made in it. Why? Because we have not adhered to the law. I am not going to oppose Sir Wm. Gull, but I shall not vote for his motion, because it will be utterly inconsistent in my opinion to vote against the advice seriously given by our own legal adviser, who says he is of opinion that section 11, sub-section 6, only gives power to register higher qualifications in dentistry, and that the knowledge referred to in the clause appears to him to be confined to knowledge in dentistry. Sir Wm. Gull has said it is higher knowledge generally. Within the last half hour we have been voting for three years' mechanical instruction in dentistry. I would infinitely prefer a dentist who had spent three years in the mechanical practice of dentistry than a graduate of any University who had not spent that time. In all probability a Master of Arts or a Doctor of Medicine would be just as likely to be a bad dentist as a good one. I pointed out the difficulty to a legal gentleman, and he said, "*Oh, Sir Wm. Gull is only going to show the absurdity of the whole thing.*" Sir Wm. Gull said that licentiates of the College of Physicians and graduates of the University of London could not register their surgical qualifications. Both these bodies have a perfect right to confer surgical licenses; there is no difficulty about that. Last year the Registrar appealed to the President, by whom the matter was referred to this Council, to know whether he was to register the diploma of the College of Physicians. But I am going a little deeper into the question. I believe this Council is creating a most dangerous class, viz., a class of partially educated medical and surgical practitioners. That is what is staring us in the face. I will not trouble the Council by repeating the arguments again, but recently, at a meeting of the Odontological Society, there was a discussion as to how far the dentists should undertake the constitutional treatment of disease. There was a long discussion upon what was the best treatment for neuralgia. Some of the eminent dentists said, "*You are going into the constitutional treatment of disease; that ought to be left to the medical profession.*" But others said, "*Oh, no; we are quite qualified to deal with that.*" Then a dentist removes a tumour from the jaw, and he says, on being questioned about it, "*I don't see any objection to it.*" I do not object to these licenses or degrees being put on the Register; they will constitute a very small minority of those who are on. Might I ask what is the proportion of those who have added licenses or degrees to their dental qualifications to the whole body of registered dentists?

Mr. MILLER: I could not say exactly; it is a small number.

Dr. QUAIN: There are about 60 to 5,000, I believe. What will be the result of that? Those gentlemen who are on the Register with the licenses of the Colleges of Physicians and Surgeons will find that those who have not got those qualifications will be their rivals, and they will find that there is nothing to prevent these others from treating patients for diseases of a medical and surgical character. These men will compete with the higher class men, and undertake the constitutional treatment of disease. I say we have blindly created a class of partially educated practitioners which will in the future give enormous trouble. We ought to have guarded against it, by a clear definition of what dentistry meant. That will be the result of our proceedings—to create a class of people who will think themselves fully competent to treat disease constitutionally in every sense of the word.

Mr. MILLER:—Turning to the tabulated data on p. 24 of this year's Dentists' Register, I find that there were at the end of last year 58 dentists registered with the surgical qualifications to which reference has been made.

Dr. QUAIN:—If we are aiming at giving the public, as Sir Wm. Gull said, the advantage of being able to distinguish those dentists possessing a higher knowledge, I would say that we are not doing it thoroughly, because they cannot register the highest foreign diplomas. Surely that is so; because the highest foreign diplomas would not come within the motion. A man might be a graduate of the highest foreign University; but he could not put his degree on the Register, and that is a great injustice to him. He has a legal qualification to practise dentistry, but he cannot register his higher qualifications. From first to last the Dentists' Act has been the source of infinite trouble, and I believe that it is likely to do very little good for either the dentists or the public.

Mr. TURNER:—I have an amendment first of all to suggest for Sir Wm. Gull's consideration. I agree with him generally, but cannot go quite so far as he proposes, because I have a difficulty with reference to bodies like the Apothecaries Society. According to Sir Wm. Gull's motion I apprehend it would cover registration of the L. S. A. I have a difficulty about that, because I do not think that could be read altogether as a qualification which represents a higher degree of knowledge. I have doubts about that. At this present time we have the power of registering surgical qualifications such as fellowships and memberships of a college and degrees

in surgery, but it does not go quite far enough for Sir Wm. Gull. I would suggest this amendment, because, if it were approved of, it would remove my difficulty as regards the Apothecaries Society. "*That any or all of the qualifications in schedule A of the Medical Act granted by any of the medical authorities who have power to hold examinations for testing the fitness of persons to practise dentistry or dental surgery, and to grant certificates of such fitness, shall be registerable in the Dentists' Register.*" I mean those who have power to do it, including those who have the power but do not use it. That will cover the University degrees.

DR. QUAIN :—How does that cover the University degree?

MR. TURNER :—I will refer you to the 18th section of the Act. The wording of my amendment, in fact, is largely taken from that section.

SIR WM. GULL :—That will not do, because we have discussed here whether dentists do not require to know more than surgery, and whether medical knowledge was not as valuable in dentistry as mere mechanical knowledge.

MR. TURNER :—The difficulty with regard to the Apothecaries Society and the others is this—that they are not surgical examining bodies.

SIR WM. GULL :—No ; but they are a medical examining body. The family practitioner is essentially a man who treats medical ailments.

MR. TURNER :—With regard to these medical authorities who confer these medical degrees, licenses, or letters, as stated in section 11, sub-section 6, of the Dentists' Act, it seems to me that it is contemplated that they should have some relation to the subject of dental surgery.

SIR WM. GULL :—Not necessarily.

MR. TURNER :—That is one of the difficulties in this Act arising from the obscurity in which the meaning is very often left. The point is this—that, whereas Sir Wm. Gull's motion is entirely an open motion to embrace everybody, this amendment, which I am more or less suggesting for consideration, is not quite so open ; it only takes in those bodies which have power to hold examinations for testing the fitness of persons to practise dentistry or dental surgery, and to grant certificates of such fitness. I will just formulate that and move it as an amendment for discussion.

MR. MACNAMARA :—That would not satisfy me at all, nor do I think it would take us to where Sir Wm. Gull would wish to guide

us, and where I think we should be willing to follow. I should like to take the Council back to sub-section 6 of section 11—“*The General Council may, if they think fit, from time to time make, and, when made, revoke and vary, orders for the registration in, on payment of the fee fixed by the orders, and the removal from the Dentists' Register of any additional diplomas, memberships, degrees, licenses, or letters held by a person registered therein, which appear to the Council to be granted after examination by any of the medical authorities in respect of a higher degree of knowledge than is required to obtain a certificate of fitness under this Act.*” That is “*any of the medical authorities,*” without any special limitation. Then, subsequently, in section 18, the conferring of degrees in dentistry is strictly limited to Bodies capable of giving surgical qualifications. So that I may read that which was quoted so accurately by Sir Wm. Gull:—“*Any medical authorities,*” &c.—as meaning the medical authorities generally who may confer qualifications, and that if those qualifications show a higher degree of fitness in the opinion of the Council, they are capable of being inserted on the Register. A great deal has been said about Lord Justice Bowen's opinion, but after all I think educated men ought to be able to interpret the English language, and I would not pin my faith altogether to what would fall from a lawyer, when it was diametrically opposed to my own common sense. With regard to the question of L. S. A., to which Professor Turner has alluded, I say that any dentist who is on this Register, and who subsequently goes to the Apothecaries Halls of England or Ireland, will get an additional and higher degree of information than he possessed when he was qualified to get on this Register; and although Dr. Quain has alluded to the fact that the College of Physicians has the power of conferring surgical licences, I do not know that the College of Physicians in Ireland is entitled to give a surgical licence, and I am very proud to hold this opinion, inasmuch as I have the honour of holding the degree myself, obtained after examination, and I look on the licentiateship of the College of Physicians of Ireland as representing a higher degree of education than would be conferred from the fact of a man having passed an examination in dental surgery. After all, what should be our aim? Is it not to raise in every way that we can the status of the dental profession, and make dentists a more respectable body of practitioners? And, unquestionably, though Dr. Quain says he would prefer going to a man who had not had any medical or surgical examina-

tion, for the purpose of treating his teeth, I have seen so much misfortune fall upon patients who have gone to those purely mechanical dentists—I have seen cases where so much injury has been inflicted on patients from ignorance of medicine and surgery, that I would wish to encourage as much as possible dentists in obtaining an additional qualification, which they would be encouraged to do by the knowledge of the fact that that additional qualification would be registered here, and from which they would be discouraged if they were able to say to themselves, "*What good is this or that qualification that I have studied to get, and spent so much money in getting, when it will not appear afterwards on the Register?*" It has been said, "*Oh yes, it will appear on the Medical Register.*" Yes, true; but if a man wants to consult a dentist he does not go to the Post Office Directory, nor does he go to the Medical Register to look for a qualified man—he goes to the Dentists' Register, and when he sees a man with such qualifications as many of our dentists have—Fellowships of the Royal College of Surgeons (Ireland), not mere Licentiates—when he sees some of them with M.D. after their names, he knows that he has found an educated man, and the probability is that, in virtue of the education, he is a more responsible and respectable man, and one in whom the public would be entitled to place more confidence. I am very much pleased at the motion which has been brought forward by Sir Wm. Gull, and all I trust is that he will not on any account—no matter from what quarter the suggestion comes—allow it to be emasculated.

Dr. LYONS: I wish to say one word in regard to the amendment proposed by Prof. Turner, which has the effect of limiting the class of colleges whose qualifications it would be possible to put on the Dentists' Register. It appears to me that sub-section 6 of section 11, is in a sense mandatory. It is one of those cases in which "*may*" must be read to mean "*must.*" "*The General Council may, if they think fit, from time to time make orders,*" &c., &c. [Reads the clause.] Now, in that case, the term "*medical authorities may*" seems to have been used in a general sense; but you will not find on looking at the Act that the term "*medical authorities*" is strictly defined. And if you turn to the very first page of the Act you will find it clearly laid down in clause 2 that the term "*medical authorities*" means Bodies and Universities who choose the members for the Medical Council. That seems to define as clearly and accurately as is possible what the "*medical authorities*"

in sub-section 6, of clause 11, are, and it appears to me that we have almost no option under the clause. As to clause 18, and the restricted interpretation which, in Professor Turner's view, that seems to bear, you must bear in mind that this is not the clause dealing with registration at all—it defines the way in which the Act is to be carried out. It very properly does not give to all medical authorities the power of conferring diplomas on dentists, but it restricts the power to those who deal with subjects cognate with dentistry, as, for instance, those Bodies who are competent to conduct surgical examinations. That clause is a clause providing for examination; it has nothing to do with registration. Taking the interpretation of the term "*medical authorities*," as given in clause 2, I do not think on a common sense reading of it there can be the slightest doubt that this, if not actually compulsory, is the next thing to mandatory upon us by the use of the term "*may*," which, in a case like this, means "*shall*"—shall "*register those higher degrees, licenses*" and so forth "*which appear to the Council to be granted after examination by any of the medical authorities.*" That clause is widely drawn for the purpose of including any qualification which may be given afterwards on examination; but, if any medical authorities chose to give qualifications without examination, such qualification would not be registerable. I am one of those who regret that this Act in certain of its clauses was not drawn in a more stringent way, and I go very much indeed with Dr. Quain in the expression of regret that it has been found possible under this Act to register persons who pursue other than a strictly professional calling. That is a lamentable condition of things. It is one of those things to which we ought to direct our attention with the view to have it cured in the future. But we have been informed on authority that we should not neglect, that we must register those persons, whether painters or glaziers, or whatever they are, who, in the eye of law, practise dentistry and have qualifications. That I regret; but it is not because one regrets that a certain class of men have got in through a back door into a professional body, that we are justified in neglecting another portion of the Act which is clearly mandatory, or hesitate as to what we ought to do in another and a better cause. The very fact that we feel compelled to obey the mandatory Act in regard to these persons in the best argument for enforcing the terms of those clauses which enable us to do, and, as I contend, almost compel us to do, that which is a good thing

in itself. In regard to the policy of the Act, I should say it is extremely likely that this very clause was contemplated with the view of marking out and classifying those persons who had a superior kind of education, and who occupy a superior scientific and professional position as compared with those who, in the general contemplation of the Act, must be admitted ; and with the view of obviating the practical difficulty of distinguishing between a person of the highest education and a person of the lowest education—between a person of the highest professional character and standard, and a person who makes use of the colour of a professional qualification to earn money, and, at the same time, pursues a trade or occupation of some kind. I consider that under the Act we have no option ; and I think any one with a superior qualification demanding to be registered could compel us under *mandamus* to register his qualification. I think also the policy is so desirable that it is only right and proper that we should do what we are empowered to do by the Act. That we are empowered to do it by the Act there cannot be a question by any candid mind that reads the Act and applies it to the conditions before us. Therefore I gladly support Sir Wm. Gull on this motion ; but, at the same time, I go strongly with Dr. Quain, and if ever the opportunity arises I shall certainly be very happy to lend any assistance I can in another place to remedy the Act, so as to exclude those persons who are mere tradesmen in one sense, and who come in under the shelter of a loosely drawn Act, and pursue a calling which belongs to other persons.

Dr. BANKS :—I shall not say one word on the legal aspects of this case. I have not the experience of my friend Dr. Lyons with Acts of Parliament. I merely rise to give Sir Wm. Gull's motion my most hearty support. I know the highly educated "gentlemen" class and I know the low class in this so-called profession. Now I would ask the Council to pass this resolution of Sir Wm. Gull's chiefly because I think it is an act of common justice to the educated gentlemen among the dentists. I have not been convinced by Dr. Quain's argument. I believe that a man being a graduate of a University is no reason why he should not be a good dentist as well. I think there is a strong reason why in his dealings with the public he should be influenced by feelings of a better order than would probably actuate the man who is, so to speak, a tradesman. I think we owe it, then, to those gentlemen who have secured a higher grade in their profession to provide the

means of distinguishing between the high-class dentists and the man who follows his calling as an ordinary trade.

Mr. SIMON :—It appears to me that I must support Sir Wm. Gull's motion on the ground that what he actually proposes to do follows almost of necessity upon what the Council has already done. And if that were all I should vote for it ; yet I cannot vote for it, because, in the face of the legal opinion we received, I believe we had no right to do what we did. I know there are some gentlemen round this table who are inclined to act upon the old saying, "*In for a penny, in for a pound.*" That may be the view of the majority of the Council, and I don't mean to say there is nothing to be said in favour of that view. It does not appear to me that what Sir Wm. Gull proposes is at all inconsistent with what we voted before ; in fact, it rather appears to follow from it. But that was voted against the written opinion of counsel and against the advice of our Solicitor then sitting on the right of the chair. Against that, on the motion of my friend Dr. Storrar, the resolution upon which the Council has since acted, was carried. But the resolution restricted it to surgical authorities, and if there had been no legal difficulty in the matter I should have said, "*But why restrict it to surgical authorities? If all sorts of medical knowledge, and knowledge in which medical authorities examine, is to be counted, count midwifery, count pharmacy, count any of the subjects in which examinations are held, but certainly count medicine, seeing that if all truly medical knowledge is to be taken into account in your Dentists' Register it may be of importance to the public that the dentists shall have the kind of education that physicians possess in addition to that which dentists have.*" I should have been quite prepared to admit that, except that I found we were advised by our legal advisers that "*knowledge*" in the clause which has been referred to means dentistic knowledge, and that certainly was my reading of it. I knew the history of the clause, and I knew that was the intention of the words whatever their legal meaning might be. I knew quite well, and there are others here who knew, that the intention of the clause was to give the authorities who should examine in dentistry power to examine in higher subjects relating to the teeth, and to confer higher qualifications.

Dr. STORRAR :—I do not know how Mr. Simon learned that that was the intention.

Mr. SIMON :—I saw the clause drawn myself, and I know that to have been the intention. Whether that was the intention of the

gentlemen of whom Dr. Storrar is thinking I cannot say, but at all events we were informed that such was the legal meaning of the words, and in the face of that the Council inserted the surgical qualifications on the Register. Well, if we insert surgical qualifications I see no reason why we should not, as Sir Wm. Gull proposes, insert medical qualifications also. I cannot vote for it because I feel myself entirely debarred by the legal opinion of our advisers, and I will not vote on this Council against legal opinions given to the Council. But, as I said, on the principle of "*In for a penny, in for a pound,*" if any gentlemen around me like to be illegal, let him that was illegal be illegal still.

Dr. AQUILLA SMITH:—I think there is not a great deal of difference between Sir Wm. Gull's motion and Mr. Turner's amendment. The principle of admitting additional qualifications into the Register is already established. But I think the main objection to Sir Wm. Gull's motion is that it contains the words "*all medical authorities.*" That would allow a dentist to place on the Register his license in midwifery, if he had one from the Royal College of Surgeons of England. I do think Professor Turner's motion limits the qualification to what I think is a proper limit and more consonant with the legal opinion of Lord Justice Bowen. I have no objection at all to a dentist adding his qualifications with the restriction which Professor Turner proposes, and I think it is important to the public, because the Register, we all know, is encumbered with a great many names the public have no confidence in, and we know that they ought not to have been there. Dr. Lyons spoke of a large number getting in by the back door, but he appears to have forgotten that the back door has now been shut, and the barbers and hairdressers can no longer get in. Dr. Lyons also spoke of sub-section 6 of section 11, being mandatory on the Council, because, he says, "*may*" means "*shall*;" but I find the words are—" *The Council may if they think fit.*" Now that must prevent it from being mandatory, and clearly proves that the clause is permissive. It was only the other day in the case of Mr. Murdoch that we exercised the privilege conferred by those very words, "*if they shall think fit,*" and refrained from striking his name off the Medical Register. Therefore, if the words are permissive in the one case, they must be taken to be permissive in the other. I shall support Prof. Turner's amendment, because I think it does everything that is wanted. The great advantage is that this Register being encumbered with

so many questionable names, the addition of surgical qualifications from Bodies entitled to confer them is quite sufficient, and would be a great advantage to the public, because they will say at once, "*This man is not only a dentist, but he has got a good qualification,*" and they will thus be able to distinguish the high-class professional men from those who have got in at the back door. I look upon that as being a most important thing. Dr. Quain said something about the necessity of dentists being qualified for constitutional treatment. I do not think it would be worth while to introduce medical qualifications purely upon that view. I take it that a gentleman who obtains a licence as dentist from the Royal College of Surgeons, would, from the education he has received as a surgeon, be fully qualified to conduct any constitutional treatment, connected with dentistry. I have much pleasure in supporting Professor Turner's amendment.

Prof. HUMPHRY :—My position is precisely that of Mr. Simon. I thought it extraordinary on the part of the Council to act in the teeth of the only legal opinion they had, such legal opinion being to the effect that the power of the Council was simply to register degrees in dentistry. But, as Mr. Simon said, one may as well be hung for a sheep as for a lamb, and I quite admit that, having departed from what I conceive to be our legal position, we may as well go on. At the same time I shall not vote for it; I shall not vote at all, because I think the whole thing is an illegal transaction. We have taken our lawyer's opinion, and we have taken our counsel's opinion, and they were both distinct upon the point, that this clause does not give us the power to register other than dental qualifications; and, nevertheless, in spite of that we did it, for some good reason I suppose, and, having done it, I think we may as well go on. With regard to Dr. Lyons' idea of its being compulsory I cannot consent to that for a moment, first, because the clause says, "*May if they think fit;*" and, secondly, the words are, "*any additional diplomas which appear to the Council to be granted,*" and so forth. So that it is clear there is nothing compulsory. It is evident the Council may do as it likes; indeed, if Dr. Lyons' view be correct, this Council must insert every degree in theology which a dentist may hold.

Dr. LYONS :—Allow me to remind Professor Humphry that medical authorities do not grant theological degrees.

Prof. HUMPHRY :—Yes, they do. The University of Cambridge is a medical authority, and I think you will not deny that

the University of Cambridge confers degrees in theology. And if Dr. Lyons' view be correct this Council is bound to register theological degrees conferred by the University of Cambridge.

Dr. LYONS :—It says “*of fitness.*”

Prof. HUMPHRY :—Fitness in what? Does it mean fitness in dentistry then?

Dr. LYONS :—Yes.

Prof. HUMPHRY :—Then that is entirely my view—it ought to be confined to dentistry. If you open the door the Council must register degrees in theology, but that does not really follow upon Sir Wm. Gull's motion. His motion is limited, and I confess that taking that view I would support it in preference to Prof. Turner's amendment, for I do not see any reason for excluding any one of the Bodies, because clearly, under the view the Council has taken, the diploma of the Society of Apothecaries or any other of the Bodies is “*a higher degree of knowledge.*” We have simply substituted the word “*additional*” for “*higher.*” The Act says “*a higher degree of knowledge.*”

Dr. PITMAN :—Professor Turner's amendment is strictly limited to the registration of surgical qualifications. Sir Wm. Gull's motion would add medical qualifications. Dr. Lyons has endeavoured to interpret the Act of Parliament, but he has omitted in my opinion one very important clause which would assist us in coming to a conclusion as to what are the different qualifications of a higher degree of fitness. Now I think one clause of an Act of Parliament will very often interpret another, and if you look at clause 3 of the Dentists' Act it says this—not that a person who holds a medical qualification can with that qualification get upon this Dentists' Register, because this is simply a Register of practising dentists—but it says, in order to show what higher qualifications are, that a person who holds a medical qualification may put “*dentist*” on his door, and may act as a dentist although he cannot get put on the Dentists' Register. The clause says, “*From and after the first day of August, 1879, a person shall not be entitled to take or use the name or title of 'dentist,' either alone or in combination with any other word or words, or of 'dental practitioner,' or any name, title, addition, or description implying that he registered under this Act, or that he is a person specially qualified to practise dentistry, unless he is registered under this Act.*” Then what comes after is this :—“*Any person, who, after the first day of August, 1879, not being registered under this Act, takes or uses any such name,*

title, addition, or description as aforesaid, shall be liable, on summary conviction, to a fine not exceeding twenty pounds; provided that nothing in this section shall apply to legally qualified medical practitioners." Thus a legally qualified medical practitioner, though not upon the Register, may call himself a dentist, and may practise dentistry, and that to my mind interprets the subsequent clause of the Act, and shews what was intended by the term "*higher qualification.*" It is needless to go further than that, but if you look to the Register itself, page 49, you will see "*Frederick Canton, Licentiate in Dentistry of the Royal College of Surgeons of England, 1875;*" after which comes, as "*additional qualifications,*"—"*Member of the Royal College of Surgeons, England, 1871, and Licentiate of the Royal College of Physicians, London, 1872.*" Well, it is not necessary to notice all the instances of licentiates of the College of Physicians having registered their title. Whether it is right or wrong is another question. But there it is; and why should not licentiates of other Colleges have their qualifications registered as well. I would go with Sir Wm. Gull, but in his motion he has not carried out what he proposes, because, although we wish to enable every registered dentist to put every additional qualification which proves a higher degree of knowledge on the Register, we do not want a medical qualification alone to give him a right to be put upon the Register. But Sir Wm. Gull proposes that "*any and all of the qualifications in schedule A of the Medical Act be registrable in the Dental Register.*" So that anybody that comes with the Apothecaries Hall licence and says, "*I claim to be put on the Dentists' Register,*" would be entitled to claim registration.

Sir WM. GULL:—I propose to insert the word "*additional.*"

Dr. PITMAN:—"*Be registrable by registered dentists on the Register.*" I think some words to that effect should be inserted to prevent a man getting on the Dentists' Register without any dental qualification.

Dr. STORRAR:—As the seconder of Sir Wm. Gull's motion I should like to say a word. His motion is simply the latter half of a motion made by me last year. I cut it in two, and confined my motion then to surgery in order to meet the views of Professor Turner. I wanted something done in this direction, and if I could not get all I was willing to take a part. In the course of the discussion Professor Turner rather came to see the case as I did, but, inasmuch as the debate had gone on upon my

amended motion, I was content to leave the division to be taken on the admissibility of surgical qualifications. Sir Wm. Gull then gave notice that at the next meeting (this meeting), he would bring forward a motion for the admission of medical qualifications, and I seconded that as a matter of course, because that was my original idea. I should like to say a word in deprecation of the tone in which Dr. Lyons has addressed himself to this subject. I think it is rather hard that he should have thrown a taunt at the dentists that they are tradesmen—that they are in some degree so ignoble that they ought not to be associated with the medical profession.

Dr. LYONS :—I rise to a point of order. I beg leave to disclaim any such intention whatever. In what I said I merely referred to that class of persons who were pursuing a trade, as has been shewn by cases here, and who also practise dentistry. I utterly disclaim any intention of regarding, except with the warmest interest and the highest respect, the general profession of dentistry.

Dr. STORRAR :—I am very glad to hear Dr. Lyons' explanation ; probably, from my defect of hearing, I did not catch accurately what he said. What I feel is this, that after all, with all the "*motley crew*" that we have upon this list, there are dentists and dentists. I am happy to say that there are gentlemen practising dentistry with whom I consider it an honour to be associated, not only socially, but as men of high scientific attainments. It is a misfortune attributable to a slip made by the Executive Committee that this "*motley crew*" were introduced into this Register at all. I am not going to revive the discussion upon that. The only remedy for it is to permit those men to die out. After all we must bear in mind that surgeons and other professional men must not ride the high horse upon this subject, forgetting that there was a time when they were associated with persons of very humble calling. Surgeons were formerly barbers ; apothecaries were formerly grocers ; and our business, therefore, is to educate the dentist of the present day up to the level of a professional man, up to the level that the educated dentist now wants and asks for. That I hold to be our duty. As to the legal question we had enough of that last year—I leave that to Mr. Simon, he is more apt at these matters than I am.

Mr. SIMON :—You mean in obeying the law as laid down in legal opinions.

Dr. STORRAR :—No ; I simply do not agree with you. But I

am not going to enter into the points of difference and agreement. I want to say a word about something which has fallen from Dr. Quain. He begins by saying he does not care a bit about it. He is prepared to consent to this vote, but still he wants to have a Parthian shot at the dentists.

Dr. QUAIN:—I said nothing of the kind.

Dr. STORRAR:—I did not interfere with Dr. Quain when he was addressing the Council. Dr. Quain certainly did take a Parthian shot at the dentists and at their Act, and said all that he could bring up in his mind against them. I have simply to say that the Dentists' Act is our Act. It is the Act of this Council. The dentists drew the Bill in the first instance. We had it incorporated in the Medical Amendment Bill. We made certain alterations in it, and afterwards, when the Medical Bill was found to be not in a position to pass, the dentists' clauses were detached, and constituted into the Dentists' Act which has now passed. Let me, if you please, just read one sentence only which is recorded in the Minutes of this Council under date 1st July, 1878, vol 15, page 120. It is signed H. Jenkins, the Government draftsman.—
“Office of Parliamentary Council, Queen Anne's Gate Westminster. Dear Dr. Adland,—The amendments which are about to be made in the Dental Practitioners' Bill in the House of Lords are proposed by the Government for the purpose of bringing the Bill into conformity with the Government Medical Bill, so as to place dentists in the same position as they would be in if the Government Bill had passed with the dentists' clause in it—the principles of which have been approved by the General Medical Council.” Now to what extent the Government fulfilled this intention, as represented by Mr. Jenkins, I am not prepared to say, but it is perfectly clear from this letter that the object of the Government of the day, and of their agent, Mr. Jenkins, was to make this Dentists' Act precisely what it was when it passed this Council. I think, therefore, it is not fair to be throwing dirt at the bad construction of the Dentists' Act, or at any other fault that the Act may have, either in its words or in its intention, because any such reflection is really a reflection upon this Council. Dentists tell me, and they ought to know what they are about, that many of the objections which are now held by this Council to certain clauses in the Dentists' Act would not have arisen at all if the Bill in its original draft had become law instead of the draft of this Council. I do not say that the Act is perfect. The dentists themselves, I dare say would be the first to admit

that it has imperfections ; but what I say is that we have been a party to this legislation, and it is our duty now, fairly and honestly, and with a feeling of professional sympathy and friendship to the dentists, to carry this Act out.

Dr. QUAIN .—In justice to this Council I cannot help reading five lines from the Minutes of July 14th, 1878. On that occasion it was moved by Dr. Quain, seconded by Dr. Pitman and agreed to, that "*with reference to the Lord President's Bill, entitled 'The Medical Act Amendment Bill,' as ordered by the House of Commons to be printed, the Council desires to express its wish that the Bill entitled 'The Dental Practitioners' Bill,' be brought into conformity with the Dental Clauses in our present Bill.*" That was not adopted. The whole force of our Amendment was to place it in the hands of an independent Board, but that was not adopted.

Dr. STORRAR :—That is just what I said. The Government said they would not follow our suggestions. It is not our fault.

Sir WM. GULL :—I should like to say one word in reply. First to my friend Mr. Simon ; if we have to carry out an Act of Parliament we may take the advice of counsel no doubt, but if on fuller discussion of the matter we are convinced that we ought to act contrary to counsel's advice, I hold that we are bound to do so. He gives us his advice and we find that it is not such as we can, as professional men and men of the world, follow. Then the Act of Parliament gives us legal power, for it says that we may do so and so, "*if we shall think fit.*" That leaves liberty of action. Therefore I cannot quite agree with Dr. Lyons in the view he takes of that matter. Then to make my friend Professor Turner more satisfied it is clear that the words are these "*any medical authorities.*" Therefore you may register qualifications given by medical authorities who have no sort of relation to Dental surgery. I quote the case of the London College of Physicians as an instance. Then with regard to the words "*higher knowledge ;*" no doubt the family practitioner, who has to treat most of the diseases of the children and the family, has higher knowledge than the family dentist. Therefore I must say the Apothecaries Society's diplomas have a right to be registered, because they certify a higher degree of knowledge. I do hope that the motion I have brought forward will be carried unanimously.

Professor TURNER :—I do not wish to press the amendment, and so with your permission I will withdraw it. I thought it

worth while to bring the matter forward in that form, but as it is not likely to meet with acceptance I will ask permission to withdraw it.

The PRESIDENT:—The motion is: “*That any or all of the qualifications in Schedule A of the Medical Act be registrable by registered Dentists in the Dentists’ Register.*” Professor Turner asks leave to withdraw his amendment, and if it is the wish of the Council it will be withdrawn.

The amendment being withdrawn, the motion was put to the vote and carried *nem. con.*

The Registrar then read the following Memorial from the Representative Board of the British Dental Association:—

“*The Representative Board of the British Dental Association, anxious that the standard of Dental Education, whereof the MEDICAL COUNCIL are the appointed guardians, should be maintained at a high and uniform level throughout the United Kingdom, beg respectfully to direct the attention of the GENERAL MEDICAL COUNCIL to the completion of the time during which, in accordance with the terms of the COUNCIL’S Minutes (July 16, 1879), examinations should be conducted sine curriculo by the Royal College of Surgeons in Ireland.*

“*In the opinion of the Board the time has now arrived when exceptional examinations should be altogether discontinued by all the Licensing Bodies in favour of strict uniformity of educational test, already adopted by one or two, otherwise the value of the Licentiate-ship will be greatly deteriorated as a guarantee of professional competence.*

“*We venture to remind the COUNCIL that, by Section 22 of the Dentists’ Act, they have the power to supervise these examinations; and we would suggest that this power might now with real public advantage be exercised.*

“*We have the honour to be your obedient servants,*

“JOHN TOMES, THOMAS A. ROGERS,
EDWIN SAUNDERS, THOMAS UNDERWOOD,
JAMES PARKINSON, JAMES SMITH TURNER, Hon. Sec. B.D.A.

“*Members of the Business Committee.*

“*British Dental Association,*

“*40, Leicester Square, London, W.C.*

“*March 7, 1882.*”

No notice of this communication having been taken by any of the Council, the Registrar next proceeded to read the following complaint from a registered dentist, which had been referred to the Council by the Executive Committee:—

“*130, Lancaster Road, Notting Hill,*

“*June 8th, 1882.*

“*DEAR SIR,—I have been requested by one or two of my col-*

found him "*steady, honest and industrious,*" and the following advertisement cut from the *Burton Evening Gazette*.

MR. T. L. CALLENDER.

*Late with C. J. FOX, Esq., M.R.C.S., L.D.S., R.C.S.E.,
(DENTAL SURGEON),*

AND

MR. GODDING, M.R.C.S.

SURGEON DENTIST,

BEG to inform the public at Burton that they have commenced practice at Warwick House, Bridge St., where they may be consulted daily, from 10 a.m. to 5 p.m.

Operations performed in a thoroughly scientific manner.

All the latest improvements, including the American mode of "stopping" with non-cohesive gold.
WARWICK HOUSE, BRIDGE STREET.

Mr. SIMON suggested that it would be perhaps convenient for the Council simply to write on the back of these communications *nil*. It was the custom in public offices, whenever it was not considered desirable to take any action in a matter.

Dr. PITMAN :—That will not do, because in this case the British Dental Association asks us to prosecute this man.

The REGISTRAR then read the following letter from the British Dental Association :—

* "40, Leicester Square,

"June 27, 1882.

"GENTLEMEN,—I have been directed by the Business Committee of the British Dental Association to ask for permission to prosecute Mr. T. L. CALLENDER, of Warwick House, Burton-on-Trent, and Mr. GODDING, representing himself as a Member of the Royal College of Surgeons, whose proper address is not at present known to the Committee, but who is supposed to be Mr. J. R. GODDING, of 67, Oakley Square, London, for infringing the Dentists' Act.

"The Committee also respectfully ask the COUNCIL to consider the propriety of granting to the Representative Board of the British Dental Association, or to the Honorary Secretary of the Association, the power to take up any case which may arise in the intervals between the

* **Disclaimer.**—With reference to the letter dated the 27th June, 1882, addressed by Mr. Smith Turner, Hon. Secretary of the British Dental Association to the General Medical Council, and which appeared in our last month's Report of the meeting of that body, Mr. Smith Turner wishes to express his regret for having (misled by the advertisement of Mr. T. L. Callender, and relying on information which has since been found incorrect) stated that the Mr. Godding mentioned in the advertisement was supposed to be Mr. J. R. Godding, of No. 67, Oakley Square, London, and to apologise to Mr. J. R. Godding, of that address for having done so.

sittings of the COUNCIL ; and, if it be within the powers of the COUNCIL, to grant at its present sitting this concession to the Representative Board.

" I remain, gentlemen,

" Your obedient servant,

" JAMES SMITH TURNER,

" To the GENERAL MEDICAL COUNCIL. Hon. Sec. B.D.A."

Mr. SIMON :—There is a distinction between the two cases. The first case, in which we are written to by a man saying, "*Are you disposed, in the interests of the profession, to take up this case?*" being really a case in which the answer to be returned is evidently, "*The matter having been brought before the Council, the Council does not think fit to give any directions therein.*"

Dr. LYONS :—Or does not see any grounds for taking action.

Mr. SIMON :—No ; that is not the way to do it—" *Does not give any directions.*" There must be a great many cases like these where, in a public office, the word *nil* would be written on the letter, and that would be the answer.

Dr. PITMAN :—I would point out that the duty seems to be conferred upon us of taking charge of these offences, because the Act says, "*Prosecution for any of the above offences shall not be instituted by a private person, save with the consent of the General Medical Council or of a Branch Council.*"

Mr. SIMON :—That remark applies to the next case.

Dr. PITMAN :—It may apply to all cases which are offences against the Act, because the Act goes on to say, "*but may be instituted by the General Council, or by a Branch Council.*" Now it is clear to my mind that the intention of the Act of Parliament was to place in the hands of the Council the power, and to lay upon it the duty to prosecute all such persons. The question then is are we to let off all these men who we know, or believe are committing offences, are we to allow them all to escape, and say we will take no action against them? Your attention has been drawn to the fact that these are offences against the Act, and the Act of Parliament gives to the Council, or the Branch Council power to prosecute.

Mr. SIMON :—You misunderstand my point. Mr. Barnard Lee's letter was passed over by the Council, and we are now on the case of Mr. Callender. The question that I raised was as to the form of answer to be sent in those cases in which the Council did not think fit to interfere, should it not be "*that the Council gives no directions in the matter?*" I am not saying whether that is or is

not the right course to take, but I am asking what sort of answer we should return.

Sir Wm. GULL :—With regard to the two last cases, I will propose a motion.

Dr. MACNAMARA :—I understood that the communication from Mr. Barnard Lee was passed over for the purpose of being considered along with the others.

The PRESIDENT :—No ; I asked if there was any motion thereupon, or whether the Executive Committee had any observation to make, and I received no reply. These letters are simply acknowledged by the Registrar unless any special instructions are required. And, as I said before, I am very glad that the serious attention of the Council should be given to these cases, because they are constantly arising, and these are but examples of them. Some seem to be irrelevant, some to be trifling ; but on the other hand others may be very serious, and I am pretty sure from the course of proceeding in the business offices, that we shall have shortly, unless these cases subside, to establish a regular course of action in regard to them. Looking at the thing as a question of administration, it is not convenient or desirable that we should allow these matters to hang over for twelve months ; and some other way of dealing with them must be found. The practice of the Registrar is that where it is probable there will be a question of law involved, he takes the opinion of our solicitor, and if there is nothing to be done it would be unreasonable to trouble the Council with the matter, but if it is a doubtful case then it must come before the Council in some form. Therefore I hope that the Council will consider these two last cases in relation to one another, and give instructions to the Registrar or the Executive Committee what course to pursue in such cases.

Mr. MACNAMARA :—I did not understand that the letter of Mr. Barnard Lee had been disposed of.

The PRESIDENT :—That was disposed of and passed by the Council without comment.

Sir Wm. GULL :—I have to move in respect to the two last cases, and especially in reference to the letter from the British Dental Association, that this Council grant to Mr. James Smith Turner, the Honorary Secretary of the British Dental Association, power to take up the case of Mr. Callender.

Dr. QUAIN :—The letter asks a great deal more than that.

Sir WM. GULL :—I know it does, but it is not what we are prepared to grant. We can only give permission in individual cases.

Professor TURNER pointed out that the Association asked for permission to prosecute both Mr. Godding and Mr. Callender.

The motion was carried unanimously.

Dr. STORRAR pointed out that the Council was returning no answer to the other part of the letter in which the Association asked not only the power to prosecute these two men, but a general power to prosecute. He would not propose to grant them the power, but he desired the Council to take note that it had been asked for.

Dr. AQUILLA SMITH, referring to the cases which were brought before the Executive Committee, asked whether it might not be advisable for the Council to consider whether power should be given to the Executive Committee to take action in certain cases that might come before them without reference to the General Medical Council.

The PRESIDENT said that was a matter which could only be considered upon notice of motion being given.

Dr. AQUILLA SMITH then proceeded to move the ordinary complimentary motions with which the Council is accustomed to close its proceedings, including a well-merited vote of thanks to the Registrar for his able and assiduous discharge of the complicated duties of the Council's office.

The following statement of the "Receipts and Expenditure of the Dental Registration Fund for the year ending January 1st, 1882," was laid before the Council on Thursday, June 29th, by Dr. QUAIN, the Chairman of the Finance Committee. It forms "Table D" of the "Returns to both Houses of Parliament, made pursuant to section XXXIII. of the Dentists' Act." The Committee, in their report, say with regard to it :—"Table D shows the receipts and expenditure of the Dental Registration Fund for the year ending January 1st, 1882. In the receipts, £690 16s. 2d., it will be noticed that there is an increase of £74 8s. 11d. over those of last year, whilst the expenditure, £1,148 7s. 3d., has been less by the sum of £660 3s. 4d., leaving the deficiency of income for the year, £457 11s. 1d., compared with a deficiency of £1,192 3s. 4d. in 1880."

Receipts and Expenditure of the Dental Registration Fund during the Year 1881.

RECEIPTS.

	<i>£</i>	<i>s.</i>	<i>d.</i>
BALANCE, Jan. 1, 1881	9824	8	11
Amount (to be deducted) repaid to ENGLISH BRANCH COUNCIL	527	10	11
	9296	18	0
REGISTRATION-FEES:—			
66 Registration-Fees at £5 each...	330	0	0
202 Registration-Fees at 5s. each...	50	10	0
	380	10	0
SALE OF PUBLICATIONS	38	4	9

DIVIDENDS:—

One year's Dividend on £9281 15s. 3d. of New Three per Cents. (less In- come Tax)	272	1	5
	9296	18	0

£9987 14 2

Audited and found correct.
QUILTER, BALL, CROSBIE, GLEGG, & WELTON.
January 10th, 1882.

EXPENDITURE.

GENERAL COUNCIL'S FEES AND OTHER EXPENSES...	294	0	0
EXECUTIVE COMMITTEE'S FEES & OTHER EXPENSES	150	17	0
GENERAL EXPENSES (House-Expenses, Salaries, &c.)	462	17	1
PRINTING	193	17	5
	10	10	0
MISCELLANEOUS EXPENSES:—			
Auditors' Fees	17	18	8
Additional Clerical and other Assistance	18	5	10
Expenses at General Council's Session	0	1	3
Bank Charges	46	15	9
	9000	0	0

BALANCES:—

Cost of £9,281 15s. 3d. New Three per Cent. Stock	9273	19	4
Amount in Bank on January 1st, 1882	273	19	4
	9273	19	4

Amount (to be deducted) due to ENGLISH BRANCH COUNCIL	434	12	5
	8839	6	11

£9987 14 2

Signed { RICHARD QUAIN, M.D.
HENRY A. PITMAN, M.D. } *Treasurers.*
W. J. C. MILLER, B.A. } *Registrar.*

AN ADDRESS

* DELIVERED AT THE

Annual General Meeting of the British Dental Association,
Held at Liverpool, August, 1882.

On the Proceedings of the Past Years (1878-82) in
 regard to the Registration of Dentists.

BY J. TOMES, F.R.S., THE RETIRING PRESIDENT.

IN vacating an office in the discharge of whose duties high responsibilities have been involved, it is of some importance that a clear statement of the relevant professional events of the years lately past should be made, in order that the Association and its President for the coming year may have a distinct and concise view of those past proceedings, which must, of necessity, influence its action in the immediate future. This casting back is rendered necessary, on account of the many incorrect statements made, and the course subsequently, and, perhaps, consequently taken by the Medical Council at its late session (July, 1882), in respect to the administration of the registration clauses of the Dentists' Act; a course which this Association, seeking as it does, equitable, as opposed to a timid or mere technical administration, was not prepared to expect.

I ask for a little indulgence in the narrative of events, reaching back to 1878, for I shall fail to make the present position understood, unless I recur to the consecutive steps by which this position has been brought about. But the retrospect shall be limited to the occurrences that directly bear upon the question which will occupy the attention of the Association. To this end free use must be made of the Medical Council's Minutes, which I may remind the Association are published and sold, so that all acts therein related, are fair subjects for wise and just criticism.

Shortly after the passing of the Dentists' Act (July 22nd, 1878), its administration was entered upon by the Medical Council. The Executive Committee of the Council met on August 7th; 1878, and passed the following resolutions:—

“(a) *The Committee, having considered the Dentists' Act (1878), and the necessity of receiving at once the names of those who apply for registration, and having taken the opinion of Mr. Ouvry on the question, authorized the Registrar to begin the preparation of a*

'Dentists' Register,' for the approval of the Medical Council, and to receive, in accordance with the provisions of Section XVI. of the Act, a fee of Two Pounds from every person who applies for registration before the 1st of January, 1879, and a fee of Five Pounds from every person who applies for registration after that date.

"(β) The Registrar having submitted to the Executive Committee certain forms for carrying out the registration of Dentists in conformity with the Dentists' Act (1878), it was

"Resolved:—That the forms of registration be submitted to Mr. Ouvry for his approval.

"The whole of these papers, including a form for a 'Dental Registration Certificate,' were accordingly at once laid before Mr. Ouvry by the Registrar, and, with a few suggested modifications, were, thereafter, widely circulated throughout the United Kingdom, the Dental Reform Committee taking five-eighths of the first edition of 4,000 copies (on undertaking to pay for the same), and sending them to addresses previously ascertained." *

The Registrar reported that he had, up to that date, provisionally registered 930 Dentists.

Here then we have an indisputable proof, that all the papers and forms used in connection with registration were so used with the fully expressed approval of the Council's solicitor, the late Mr. Ouvry.† Amongst these papers, thus approved by the Medical Council's legal adviser, was one requiring that the candidate for registration under sub-section (c), should declare whether he was in the *bonâ fide* practice of dentistry "separately or in conjunction with medicine, surgery or pharmacy."

On October 17th, 1878, the Council considered in detail the form of the Dentists' Register, and the form was then determined, subject to the approval of counsel, upon the single point whether or not a distinct column should be set apart for the entry of medical and surgical diplomas as additional and higher qualifications.

At the same meeting the following resolution was passed:—
"That the names of those to whom Certificates of Registration have been issued by the General Registrar be entered by him in the 'Dentists' Register,' and that the entry bear the date of such provisional Registration."

* Report by the Registrar on Dental Education. Minutes of Medical Council, for October 17th, 1878; also "Dentists' Register," 1882, page 23.

† The senior partner in the firm of Messrs. Farrer and Ouvry, solicitors.

It was at the same time resolved:—"That the first (printed) edition of the 'Dentists' Register' be published as soon as possible after the first day of August, 1879," this being the last day upon which unqualified practitioners could obtain registration, and after which date the Register was for ever closed to all who were without a recognised dental qualification.

On October 18th the Dental Committee of the Medical Council, under section 15 of the Act, was appointed, and the session terminated with the following resolution:—"That the Executive Committee be directed to carry out generally the provisions of the Dentists' Act, in accordance with the resolutions agreed to by the Council." In fact the only details not then determined were the question of a separate column for higher qualifications, the several questions respecting dental education upon which the Executive Committee was requested to obtain information, and certain other questions respecting colonial and foreign qualifications.

The all-important Register had thus been formed, which, be it remembered, never leaves the custody of the Registrar. (See Section 11, Clause 4 of the Act.)

On the 19th of October the Executive Committee directed the Registrar to answer an inquiry to the effect that he is bound to enter in the Dentists' Register the name of any person who signs the declaration in the schedule to the Act, "and to append thereto a copy of the penal section 35 of the Act," thus casting the responsibility of registration upon the claimant coupled with a threat of punishment for fraud. It will be afterwards seen that this direction was not fully acted upon. Other particulars were still required.*

At the next meeting of the Executive Committee on November 8th, 1878, steps were taken to obtain the opinion of Mr. Charles Bowen on a point upon which the Council itself was by the Act specially authorized to adjudicate, and upon which a legal practitioner, unless very intimately acquainted with all the particulars of a general medical and of a special dental education, and their mutual relations, was incompetent to form a just opinion. There is no evidence in the opinion given and inserted, without the case, in the Minutes, November 8th, 1878, that Mr. Charles Bowen had any intimate knowledge of the respective educational details. The

* Medical Council's Minutes, Registrar's Report, January 8th, 1879:—"A large number of applications have been unhesitatingly refused by the Registrar."

opinion is that higher qualifications in dentistry should alone be registered, but Mr. Charles Bowen does not say that medical studies, pursued as additions to the special qualifications do not, in effect, constitute a higher knowledge of the general subjects embraced in dental surgery.

On December 11th, 1878, it is stated in the Minutes that the Registrar has entered in the Register (under clause (c) section 6), 1,403 persons who had declared themselves to have been practising dentistry separately, and 815 in conjunction with the practice of either medicine, surgery, or pharmacy. So that up to this date no doubt had been entertained as to the meaning of the section, which, under subsequent legal twisting, has since given so much trouble. Indeed a resolution was passed at the meeting on January 8th, 1879, to the effect that the grounds of claim for registration in conjunction with the practice of medicine, surgery, or pharmacy should be indicated in the Register by the respective initial letter M, S, or P. At the next following meeting (Minutes, January 31st, 1879) it was, at the request of the Dental Reform Committee, determined that the *words* themselves instead of their *initial letters* should be inserted in the Dentists' Register. The Minutes of this date (January 8th), also contain the Registrar's Report, wherein he says that he has brought the first stage of the dentists' registration to a fairly successful close. "*Up to the last day of the past year when the time of registration for the lesser fee of two pounds ended, the number of persons completely registered was 4,637,*" which, with incomplete cases will make a total of 4,725.* As to the care with which he had conducted the business of registration, the Registrar makes the following statement :—

"Having been apprized by the legal adviser of the Council, whose advice has been carefully sought and acted upon from first to last, that his duties in connection with the Dentists' Act were purely ministerial—to see, that is to say, that the terms of registration laid down in the Act were fully complied with,—and that he was bound to register all applicants who, on their own responsibility signed the declaration in the schedule, the Registrar has done his utmost to insure that the forms for registration under Clause (c) of Section 6 should be filled up with scrupulous accuracy; and, accordingly, these forms present, for such further investigations as may be prosecuted

* The number of entries in the Register completed on August 1st, 1879, is 5,289.

hereafter, a complete series of data, showing, in the attested signatures of the applicants, that they declared themselves to have been, at the date of the passing of the Act, 'bonâ fide engaged in the practice of Dentistry, or Dental Surgery, either separately, or in conjunction with the practice of medicine, surgery, or pharmacy.'"

At the meeting of the Executive Committee on March 5th, 1879, it was resolved that the Registrar "*be directed to have the 'Dentists' Register' set in type and published as soon as possible.*" There was also read: "*a case drawn up by Mr. Ouvry, and opinion thereon by Mr. Charles Bowen, in regard to the Dentists' Act (1878) obtained for the guidance of the Executive Committee.*" The nature of the opinion is not here specified, but that it was confirmatory, excepting in respect to the entry of unqualified assistants, of the course taken in registration admits of no doubt, for the President, at the meeting of the Council, March 18th, 1879, in his opening address says, "*There is a class of persons now practising Dentistry which will not, after the first of August, be again reckoned among English dentists. What these do now they will, up to that date, continue to do. Hairdressers, perfumers, jewellers, blacksmiths, and others, have hitherto exercised the function of tooth-drawing. The law has not hitherto hindered them from doing so. If any of them, however, have fraudulently, or incorrectly obtained registration as bonâ fide in practice, 'either separately, or in conjunction with the practice of medicine, surgery, or pharmacy,' it will be your duty to expunge their names from the Register.*" This is followed by an account of the steps to be taken in order to legally effect the erasure of such names.

The President was no doubt speaking with the authority of Mr. Charles Bowen's opinion confirmatory of the general course taken in registration, fresh in his memory. The opinion has not been published, but its details were freely spoken of, indeed the points therein embraced were from an early date quite an open secret. That the words, "*the practice of medicine, surgery and pharmacy,*" meant the legal practice of those subjects, and that persons who combined the practice of dentistry with callings other than those mentioned in the Act were not registrable, constituted the most important points of the opinion, and it was to these unquestionably that the President alluded in his address. He acknowledged the responsibility of correcting the Register which from the course pursued in registration would of necessity require correction. The Dentists' Bill as drafted for us and as it passed the House of Com-

mons, made it necessary that applicants should satisfy the Registrar of the justness of their claim to registration.* At the suggestion of the Medical Council the Government removed all our registration-clauses, and substituted those of the Council-approved Dental Section of the Government Medical Bill,† and thereby allowed persons to register on their own representation, with a view to their subsequent removal from the Register, should their claims on investigation prove to be false or fraudulent, for which investigation a Committee is provided, the findings of which are final. In our Bill means were provided for the prevention of incorrect registration: in the Medical Council's Bill incorrect registration was allowed and means were provided for its subsequent correction.

The registration of unqualified practitioners closed on the first of August, 1879, and early in the following October copies of the Register were for the first time issued to the public. The claim under which each person was admitted to registration was therein stated. The astonishing number of 2,049 persons was entered as "*In practice (with pharmacy) before July 22nd, 1878.*" On examining the Chemists' and Druggists' Register it was found that the names of about a fifth of the number of persons so registered were absent therefrom, and who could not, therefore, legally have practised pharmacy. They could practise only as assistants or pupils under cover of a registered practitioner who was himself responsible for their proceedings while in his employment. The opinion of counsel (Mr. G. A. R. FitzGerald), was taken‡ as to whether such persons were entitled to be registered in the Dentists' Register, and the opinion being in the negative, the names, with a copy of the case submitted and the opinion thereon, were, in the discharge of an obvious duty, sent in to the Medical Council (June 15th, 1880), with the allegation that as the persons named, not being registered as pharmacists, could not legally practise pharmacy, they therefore were not entitled to registration and should not be allowed to remain on the Dentists' Register. This was the sole point of our case, viz., that the practice of medicine,

* Clause 7 of Bill as passed by the Commons is as follows:—"No name shall be entered in a Register under this Act except of persons authorised by this Act to be registered, nor unless a Registrar be satisfied by sufficient evidence that the person claiming is entitled to be registered," &c.

† Medical Council's Minutes, July 1st, 1878.

‡ October 20th, 1879.

surgery and pharmacy mentioned in the Act mean the legal practice of those subjects, and that those engaged in the pursuit of any other subjects are not registrable. The whole question came before the General Council on July 15th, 1880. The cases of alleged incorrect registration sent in by the Association were referred to the Dental Committee, and "*the (legal) cases relating to the 'Dentists' Register' submitted for the opinions of Mr. Bowen and Mr. FitzGerald and their opinions thereon,*" were read by the Registrar to the Council "*in private,*" and their subsequent insertion in the Minutes was negatived by a vote of 12 against 7.* On the motion of Dr. Quain, the Council, in error as we think, referred the foregoing opinions to the Dental Committee;† for that Committee is not empowered by the Act to go beyond the investigation of the facts of cases of questioned registration.

From the Minutes of the Dental Committee of December 17th, 1880, we learn that Mr. Ouvry attended and submitted to the Committee a statement in regard to the cases of alleged incorrect registration referred to him at the preceding meeting, (October 29th, 1880), and that "*the Committee having considered Mr. Ouvry's statement, then drew up a Report on the said cases.*" Nothing is said as to the nature of the statement referred to, but the meeting was held on the 17th, and Sir Farrer Herschell's opinion, of which we have heard so much, is dated December 14th. There can be but little doubt that, amongst other things, the statement contained an account of this opinion, and that the report was influenced by the opinion. The General Council met on February 3rd, 1881, when the Report of the Dental Committee was read and entered in the Minutes, together with the lately obtained opinion of Sir Farrer Herschell. The allegation submitted by the Association was found by the Committee to be correct, viz., that in the vast majority of instances the names of the persons in the list sent in were not upon the Chemists' and Druggists' Register at the time they, for the purpose of registration, declared themselves to have been in the *bonâ fide* practice of dentistry with pharmacy, before the passing of the Dentists' Act. They were found to be engaged in a calling (*i.e.*, unqualified assistantship) which is not recognized in the Act, and not being recognized, its pursuit, according to Mr. Charles Bowen and Mr. FitzGerald, barred them

* Medical Council's Minutes, July 15th, 1880.

† Medical Council's Minutes, July 15th, 1880.

from registration in the Dentists' Register. This is the whole of our case. The Committee went into other questions such as the amount and character of practice done by individuals, the antecedent history of their practice, and in one or two cases the amount of dental knowledge they possessed, but with these questions we have nothing to do.*

Of the legal opinions referred to the Dental Committee by the Council no notice is taken in the report, but the opinion of Sir Farrer Herschell and his juniors is appended thereto, and it amounts to a direct contradiction of the opinion given by Mr. C. Bowen and Mr. FitzGerald, and indirectly condemns the course taken by the Council under the sanction of Mr. Ouvry, in making any inquiry as to whether a person practised dentistry separately or in conjunction with either of the three specified subjects.† The recognition by the Government of Mr. Bowen's great judicial powers, and his consequent elevation to the bench, seem to have produced in the mind of the Executive Committee distrust in his opinion; for the principal questions, which Mr. Justice Bowen had answered, in 1879, were asked of Sir Farrer Herschell in 1880. The President, who, at the opening of the previous meeting, reminded the members of their duty in the erasure of the names of hair-dressers, jewellers, &c., was silent, the solicitor, Mr. Ouvry, reminded the Council that it had no power to discuss the facts of the cases reported upon, and the feeling produced seemed to be that the last taken opinion must be similarly regarded. Several members objected to the course prescribed to them, and talked of the "mechanical obedience" exacted by the legal adviser, but their protest was without effect. The dictum of Sir Farrer Herschell, that the words of the Act "*either separately or in conjunction with medicine, surgery, or pharmacy,*" are without meaning, and should in the administration of the Act be wholly disregarded was obediently accepted, and the Council passed a resolution to the effect that as we had not produced evidence showing that the persons cited in our list were not in *bonâ fide* practice as dentists, the removal of their names could not be ordered. (Minutes for February 3rd, 1881.) In truth the resolution declined to do a thing we did not ask should be done, and altogether ignored the discussion of, and action on, the ques-

* Medical Council's Minutes, February 3rd, 1881.

† Medical Council's Minutes, February 3rd, 1881.

tion we proposed. The acceptance, without argument, of one legal opinion, in preference to another of equal if not superior authority, each being taken by the Council itself, in reality left the question we proposed undetermined.

Under these circumstances we were advised to submit a carefully drawn case, including the opinion of Mr. FitzGerald and Sir Farrer Herschell, to the highest attainable legal authorities—to Sir John Holker, Mr. R. S. Wright (who is distinguished amongst lawyers for the value attached to his opinion upon statute law), and Mr. G. A. R. FitzGerald, the draughtsman of our Act.

The result, as you all know, was an opinion in perfect concurrence with the opinion of Mr. (now Lord Justice) Bowen, and a refutation on cited grounds of the opinion of Sir Farrer Herschell respecting the meaning of the words of the Act last quoted. This important opinion was placed by the Association at the disposal of the Medical Council, accompanied with a strongly expressed hope that the correction of the Register, the need for which was now supported by a preponderance of high legal authority, should be reconsidered and means taken, in case of doubt, to insure a judicial decision upon the point upon which a difference of opinion existed (July 16th, 1882).*

The Executive Committee (Minutes, July 28th), acknowledged the receipt of our communication, and replied that it rests with us to obtain a judicial decision. We again asked that the question should be laid before the Council in full session.

At their next meeting, November 11th, 1881, the Committee resolved, "*That the several documents and legal opinions in the possession of the Council having reference to registration under the Dentists' Act be placed in the hands of Mr. Farrer, the solicitor to the General Council (Mr. Ouvry's successor), for the purpose of his further advising the Committee thereon.*"

So far as we knew no further action was taken until the meeting of the Council on July 5th, 1882, when, after it was resolved to enter in the Minutes the communications from the Association along with others, Dr. Pitman said, "*That, as there were so many new members of the Council present, perhaps it would facilitate business if Dr. Quain, who was thoroughly familiar with the dental business, would make a brief statement before Mr. Farrer gave his opinion.*"†

* Medical Council's Minutes, July 5th, 1882.

† See Report, page 15.

Dr. Quain, who, although he accepted a highly remunerated executive office under the Act, has from the first regarded it with great and persistent hostility,* said, "*I shall have great pleasure in giving a short historical outline of the proceedings of the Council with regard to this dental business.*" But a history given by an adverse partizan is never likely to err on the side of impartiality or of correctness, and we do not accordingly find, in this case, that Dr. Quain's version of the position furnishes an exception to the general rule. Within a few sentences of the beginning of his narrative, he says, "*We did not vary the words of the schedule, but we added to it, under the advice which came from the Dental Reform Association.*" The Registrar, on the other hand, in a passage of his report, already quoted,† stated that from first to last he had carefully sought and acted upon the advice of the legal adviser (Mr. Ouvry) of the Council, and, in his previous report, October 17, 1878, already quoted, we find that all the forms used in registration had been submitted to Mr. Ouvry, and, with a few suggested modifications, approved by him. These are sadly conflicting statements. Can we discredit the confirmed and adopted report of the Registrar, who is generally acknowledged to be strictly impartial and exceedingly exact in his statements?

Then Dr. Quain complains of letters sent out by the Association, under legal advice, suggesting that certain persons should remove their names from the Register, otherwise they would be reported to the Council. With this letter Dr. Quain had no concern, neither has the Council.‡ The Association, incorporated for the purpose of upholding the spirit and provisions of the Dentists' Act, was perfectly within its rights in addressing letters to those who were held to have obtained registration in error. Then he tells the Council that a list of about four hundred persons was sent in, who, we contended, were liable to have their names erased from the Register; that these were submitted to Mr. Ouvry, who, at a cost of £600, investigated their cases. He goes on to say that Mr. Ouvry, being requested to advise the Council on the facts, came provided with the highest opinions he could obtain,

* Members of the Executive Committee—The President, Dr. Pitman, Dr. Haldane, Dr. Aquila Smith, Mr. Simon, Dr. Humphry, Dr. Quain. Members of the Dental Committee—The President, Dr. Pitman, Dr. Haldane, Dr. Aquila Smith, Dr. Quain.

† Page 70.

‡ Page 16.

namely, those of Sir Farrer Herschell and his juniors. "*We were asked,*" he said, "*why we did not go back to the opinions of Mr. Justice Bowen and Mr. FitzGerald. In the first place, Mr. Justice Bowen was on the Bench, and we could not go to him again, and, with regard to the opinion he had previously given, he had not an opportunity of advising on the facts. He advised upon the various questions submitted to him on the formation of the Register, but never on the facts.*"* Now, these statements will not bear comparison with those contained in the Council's Minutes. The Register was formed on October 17th, 1878. Lord Justice Bowen's opinion is, according to Mr. Farrer, dated March 3rd, 1879, when 4,725 persons out of the total of 5,289, had been registered.† Then, as to the "*facts;*" the main and indeed only important fact, known by simple reference to the annually published Medical, Pharmaceutical Chemists', and Chemists' and Druggists' Registers, was that these persons whose cases were under consideration were not qualified to practise pharmacy, or medicine, or surgery, and whether they were entitled to registration was the question upon which Lord Justice Bowen was consulted by the Council in March, 1879, and Mr. G. A. R. FitzGerald (October, 1879) by ourselves; upon which Sir Farrer Herschell was consulted (December, 1880) by the Executive Committee, and Lord Justice Holker, in July, 1881, by the Association, namely, whether the practice of medicine, surgery and pharmacy recited in the Act means the legal practice of those subjects. The Committee found that, according to Lord Justice Bowen and Mr. FitzGerald, the Council had registered something like four hundred persons who had no right to registration,‡ and Sir Farrer Herschell absolved them from the difficulty by saying that the subjects named in the Act did not mean the legal practice of those subjects. So much for Dr. Quain's performance as an historian. The Minutes of the Council contradict the historical statements upon which the whole force of his advocacy depends. A word more and we shall have done with the historian. Dr. Quain says that the Dentists' Act was not brought, as desired by the Council in an amendment proposed by himself, into conformity with the Dental Section of the Lord President's Bill. "*The whole force of our amendment was* (he says) *to place it in the hands of an independent*

* Report, page 18.

† Report, page 24.

‡ Medical Council's Minutes, February 3rd, 1881.

Board."* The Bill as it came to the Council for its opinion contains a clause empowering the Council to submit to the Privy Council a scheme for the examination, licensing, and registration of dentists under the control of the Medical Council. This was objected to by the Council in a resolution to the following effect:—"That it is not desirable that the Medical Council should be required to undertake to originate a new scheme of Examination Rules (section 1 of clause 23), but that it should be entrusted with such supervisory power as regards the educational details from time to time proposed by the Medical Authorities authorised in the Duke of Richmond's Bill, as it already exercises with regard to other examinations." The Government accepted this suggested amendment, and with a concurrence which we could not withhold, drew the amendments which were made part of the Dentists' Act in conformity thereto. The Minutes of the Council (April 13th, July 1st and 4th, 1878) contain a complete refutation of the allegation that the Government did not bring the Dentists' Act into conformity with the Dental Section of the Lord President's Bill as amended and then approved by the Medical Council.†

Mr. Farrer, in continuing the history commenced by Dr. Quain, said he had referred the opinion of Lord Justice Holker

* No mention was made in the resolution, or in the discussion thereon, of an independent Board. The motion was introduced, and passed, July 4th, 1878, just before the Council broke up, without any discussion on its bearings as differing or distinguishable from the fully considered decisions of the Council on April 13th, 1878. Before putting it to the vote, the President remarked:—"I can say as a matter of fact that these two Bills (i.e., the Lord President's Medical Bill and the Dentists' Bill) have been under consideration together." (Report of Proceedings, British Journal of Dental Science, August, 1878.) While Dr. Quain was pressing his motion upon the Council, the Bill with the Government's amendments, conforming with the resolutions of the Council of April 13th embodied therein, was passing through Committee in the House of Lords, and was read a third time and passed on the following day, July 5th. The Lord's amendments were accepted by the Commons, July 13th, and the Royal Assent was given on July 22nd, the Bill having been before Parliament since the 30th of January previously.

† On the Lord President's Medical Bill going to the House of Commons, Lord George Hamilton, the then Vice-President of the Privy Council, gave notice on behalf of the Government of amendments (of which copies have been preserved); and of the withdrawal of the Dental section in favour of the Dentists' Bill, as modified by the Government in accordance with the detailed suggestions of the Medical Council, given in the Council's Minutes, April 13th, 1878.—(See Appendix).

and his coadjutors, with the whole of the facts, to Sir Farrer Herschell for his reconsideration. It was elicited from him that he had not included in the reference the opinion of Lord Justice Bowen, alleging as a reason for not doing so that "*it was an opinion taken before the Register was formed and with a view to the formation of the Register.*"*

Mr. Farrer is the successor of the late Mr. Ouvry, and probably was not intimately acquainted with what took place in 1879, otherwise he could certainly not have made this statement. He, however, admits that the bearing of Lord Justice Bowen's opinion is in the same direction as that of Sir John Holker's, and we know the two opinions embrace the same points, and are directly at variance with that given by Sir Farrer Herschell. Wholly disregarding Lord Justice Bowen's opinion, taken by the Council, "*It will,*" Mr. Farrer says, "*be impossible for you to act upon the opinions taken adversely to those of your own legal advisers.*" "*Under these circumstances, I do not think the Council can or ought to take any other course than that of following the advice contained in the opinion I have read;*" that is the re-considered opinion of Sir Farrer Herschell.†

Dr. Storrar, in a short but able speech, moved that the several opinions, four in number, be inserted in the Council's Minutes. "*Do let us,*" he said, "*see these opinions, do not put blinkers upon us, and ask us simply to follow Mr. Farrer.*"

Mr. Farrer, in reply, again urged that Lord Justice Bowen's opinion was taken on the formation of the Register, adding that, "*The question here is whether you shall erase names already on the Register;*" and he pointed out the consequence to the Council if beaten in an action for the restoration of an erased name, thus leaving in the mind of the hearer or reader the impression that he thought erasure would follow the passing of Dr. Storrar's motion, and that action for restoration against the Council would follow.‡

Dr. Quain, in speaking to Dr. Storrar's motion, said, "*One of the most prominent questions that have been discussed to-day is why Mr. Justice Bowen's opinion was not printed and published; but it was acted upon, and, in fact, it is this opinion, joined with Mr. FitzGerald's, that has led us into all this trouble.*" But it could not be so, for Mr. Justice Bowen's opinion was taken five months after the Register was fully formed, two months after it was decided

* Report, page 24.

† Report, page 22.

‡ Report, page 22.

to use the terms "*with pharmacy*" in the Register; Mr. FitzGerald's, eight months later still, and after the Register was in print. The evidence goes to show that it was not the acceptance, but the neglect of these opinions which led to "*all this trouble.*"*

Sir William Gull successfully argued that, the names having somehow got into the Register, it was inexpedient to remove them.† After much irrelevant speaking, in which expediency over-shadowed justification, Dr. Storrar's motion was negatived. The President, during the discussion, urged the adoption of Mr. Farrer's advice, and said, "*Those who thought the Council has been in the wrong should attack the Council.*"‡§ The Council, in fact, fearing the corrective laws it had caused to be enacted, sought protection under the wing of its legal adviser, rather than exercise the judicial function with which the Act endowed it, and, in declining to publish the opinions, declined thereby to enter judicially upon the consideration of the correction of the Register. In this particular business it would seem as though the Council had followed the lead of the Executive Committee, the Executive Committee that of the Dental Committee, and that the Dental Committee had been led by Dr. Quain, the would-be hostile administrator of the Dentists' Act. I will terminate this historical sketch by an extract from the speech of the Rev. Dr. Haughton, on his introducing a motion on the last day of the session to the effect "*That the proceedings of the Council with regard to the registration of Dentists have been at variance with the opinion of Mr. Justice Bowen.*" "If," he said, "*he were about to press this resolution he would have to make some slight alteration, namely, 'the procedure of the Council with regard to correcting the Register of Dentists.'*" "*Having seen the very careful opinion of*

* Report, page 27. † Report, page 25. ‡ Report, page 31 and 34.

§ The assumption that the British Dental Association is well acquainted with all that relates to dental practice and to its practitioners, and to the provisions of the Dentists' Act, of which under another name, it was the promoter, cannot be deemed presumptuous. Its attitude towards the Medical Council has ever been strictly respectful both in the manner of offering information and of soliciting action. Hence that the Association should be designated "*the plaintiffs*"* was altogether unexpected, and the challenge to legal conflict with the Medical Council cannot be accepted as the just result of its bearing towards the Council. † Of the threat of law proceedings against the Council on the subject of registration mentioned by Dr. Quain in his evidence before the Royal Commission on Medical Acts we have no knowledge.

* Report, page 18.

† Report, pages 31 and 34.

*Mr. Justice Bowen, and knowing the high esteem in which that gentleman stood amongst his professional brethren, he (Dr. Haughton) thought it a very serious thing for the Executive Committee to depart from his explicit and distinct advice."** More need not be quoted, as the speech will be found in the July number of our Journal, and at page 34.

I have endeavoured to place before the Association the essential facts bearing upon our contention that the Register requires correction, with the proofs upon which those facts rest, and I have done so as succinctly as the subject would allow consistently with the exposure of the great and numerous misrepresentations and misapprehensions that have obtained currency upon this troubled subject.

It remains for the Association to decide whether, under the circumstances described, any, and if any, what further steps should be taken for the furtherance of a correction of the Register admitted to be incorrect. In this connection it must be borne in mind that the Dentists' Act, notwithstanding the hostility of Dr. Quain,† has, on the whole, been administered by the Council with great success, and with great advantage both to the public and to the dental profession. The partial failure has been limited to a matter of secondary, though great, importance, and is due to the legally advised want of care in the admission of a certain class of persons to the Register.

Registration was commenced in the true letter and spirit of the Act. Those who combined callings other than those specified in the Act with the practice of dentistry were refused registration, but the Chemists' and Druggists' Register was not referred to in order to make sure that those who claimed to practise dentistry with pharmacy were entitled to practise pharmacy. In the absence of this precaution the four hundred crept in. But the evil had been done before (Mr. now) Lord Justice Bowen was consulted. The numerical magnitude of the evil was not known till after the publication of the initial Register and the list subsequently sent in by the Association drew attention to the fact.

Sir Farrer Herschell was brought to the rescue, and provided the Council with the opportunity of embracing a technical excuse for inaction for letting ill alone. The duty of calling attention to what we, on sufficient evidence, believe to be great errors in registration

* Report, page 35.

† Report, pages 48, 49.

has been discharged by the Association. The duty of correction lies wholly with the Medical Council.

The tone of regret must now be changed for one of congratulation.

The question of the registration of additional qualifications was settled satisfactorily, so soon as the Council on this question accepted and acted upon its judicial functions, and disregarded the counsel of those who could not be competent to advise. A further and highly important exercise of the judicial functions of the Council was effected in the condemnation of practising under a false name, as being both illegal and unprofessional.

The last subject I have to mention is the report of the Royal Commission on Medical Bills. The President of the Association was called upon to give evidence before the Commission and the opportunity of claiming representation on the Medical Council was accepted. Not, however, with the expectation of success, for it was known that general opinion favoured a reduction in the number of members. Another party sought to deprive the Licentiate in Dental Surgery of his right to use the title of Dental Surgeon, but the effort was altogether unsuccessful.

The Report of the Commissioners is published, but the evidence has not yet been issued; until this is published it would be premature to enter upon a discussion of the merits either of the evidence given, or the Report thereon.*

A general review of the passed year gives ample proof of prosperity and success, but on leaving the presidential chair I desire to call the attention of the Association to the too obvious fact that there are hostile influences which it will be the duty of the President and Representative Board to carefully watch and if need be to antagonise.

This watchfulness will be especially necessary when the promised Medical Bill comes before Parliament; of all our enemies, however, the one we have most to fear is apathy in our own ranks.

In my successor the Association has secured the services of one who will show superior energy and wisdom, and under whose rule we may confidently expect to prosper by the exercise of beneficial activity.

It remains for me now on leaving the chair to express my

* The Blue Book containing the evidence given before the Commission has been published since this address was written.

sincere thanks to the Association, to the Representative Board, and especially to the Hon. Secretary, Mr. Smith Turner, for the active and cordial support rendered to the President during his past year of office.

APPENDIX.

A reprint of the foregoing Address from the Journal of the British Dental Association affords a convenient opportunity for recording consecutively some of the imperfectly understood leading facts respecting the origin of the Dentists' Act, and its passage through Parliament.

The generally acknowledged fitness of the dental education and examination prescribed by the Royal College of Surgeons of England, under its Dental Charter, led to a wide-spread desire that like powers should be extended to the Surgical Colleges of the other divisions of the Kingdom, that the permissive powers of the Charter should be made compulsory, and that registration should be made a necessary precedent to dental practice, accordingly, with this feeling prevalent, it was not difficult to form an organisation for the purpose of promoting legislative action on the question of dental education and registration.

With the view of obtaining legislation, the Dental Reform Committee was formed, and in due time the assistance of a parliamentary draughtsman was called in. The Dental Charter of the Royal College of Surgeons of England (1859), the Medical Act (1858), and the Pharmacy Acts (1852 and 1868), were placed before this draughtsman; together with such other papers and books as were necessary to the full understanding of the subject. Adequately informed of our wants and views, Mr. G. A. R. FitzGerald drew the Dental Practitioners' Bill, which after receiving the approval—subject in one case to slight amendments—of the Colleges of Surgeons, was brought before Parliament by Sir John Lubbock and read the first time on January 30th, 1878. At the second reading on March 15th, Lord Sandon (then Vice-President of the Privy Council) spoke thereon as follows:—*“On behalf of the Government I may say that we are happy to assent to the second reading of this Bill, on the ground that the general object is a good one; but we must reserve to ourselves great freedom to introduce such alterations in Committee as we think fit.”*

On the 19th of March the Lord President's Medical Bill was intro-

duced and read the first time in the House of Lords. It contained a Dental Section, the object of which was similar to the Dental Practitioners' Bill, that is the compulsory education and registration of Dental Practitioners; but the machinery by which the end was to be brought about differed in several respects in the two Bills. The Government Bill required the Medical Council to frame a scheme for the education and examination of Dentists, ignoring thereby in favour of a new scheme all the work—and remarkably good work too—that had been done by the English College of Surgeons under its Dental Charter.

The Medical Council met in April, 1878, to consider in detail the Lord President's Bill, and found occasion to suggest many important amendments. Amongst them those relating to Sections 14 and 23 have a special interest. The one empowered the Council to initiate a scheme for Medical examinations, the other for Dental examinations. The Council objected to be endowed in each case with initiatory power, and in the stead thereof asked for supervisory power. The Dental Reform Committee memorialised the Council in favour of the adoption of the well tested existing scheme of Dental education and examination, and deprecated the institution of a new scheme as a needless experiment. In proposing an amendment upon Section 1 of Clause 23 the late Dr. Rolleston quoted from the memorial*—

* "Dr. Rolleston said, with reference to the dental question, that if the Council referred to the latter part of the letter which had just been read they would find the following:—'But should the Government ultimately require that the Dental Bill shall be embodied in the Medical Bill introduced by the Duke of Richmond and Gordon, 1878, or should the Medical Council think it desirable that the Dental should be embodied in the General Bill, then, on behalf of the Dental Reform Committee, I beg to suggest that in the presence of the well-matured and very efficient system of Dental education of the College of Surgeons of England, it is not desirable that the Medical Council should be required to undertake to originate a new scheme of education as proposed in the Medical Bill, Clause 23 (1), but that the Council should have full power to approve, modify, or refuse its assent to the educational details from time to time proposed by the surgical bodies authorised in the Bill to grant Dental qualifications.' This was precisely in the same spirit as that which was unanimously agreed to by their Irish, Scotch, and English friends, and he proposed that they should accept it. He would not pledge himself strictly to it, but he put it forward on the general ground that the work would be much better done by a body like the Medical Council, which was practised in dealing with such questions as the supervising of these examinations. He hoped that they would go on exercising the same supervising functions, and extend them in that direction. Another argument for their doing this was that unless they took this Dental business into their own hands, they might succeed for the time in persuading the Government to drop this question, and then they would have, as a result, more Medical Bills and more state interference. The less the medical profession had to do with the state the better. Let the Council get into this Government Medical Bill all the occasions which could call for Government interference

printed in the Council's Minutes* and urged the adoption of the principles therein advocated and embodied in the following resolution :—

"That it is desirable that provision should be made in the Medical Act (1858) Amendment Bill for the Registration of Dentists."

"That it is not desirable that the Medical Council should be required to undertake to originate a new Scheme of Examination Rules—section (1) of clause 23—but that it should be entrusted with some such supervisory power as regards the educational details from time to time proposed by the Medical authorities authorised in the Duke of Richmond's Bill as it already exercises with regard to other examinations."

It is necessary that this resolution should be borne in mind with the arguments advanced by Dr. Rolleston for its adoption. For the amendments subsequently embodied in the Dentists' Bill by the Government were in strict conformity with the suggestions therein given by the Council.

The Medical Bill as amended on report in the House of Lords, dated May 24th, removes the initiative from the Medical Council both in Section 13, as to Medical examination, and in Section 23, in respect to Dental examination, but the former Section requires the Council to cause rules to be framed, and in the latter the scheme for examination, licensing and registration is to be formed, "*by any corporation, persons or person,*" and submitted to the Council, and if approved, then to be submitted by the Council to the Privy Council, and if by them approved made part of the Act. The suggestion of the Medical Council was followed only so far as the removal of the initiation of a scheme from itself goes, no account being taken of the Council's recommendation that the initiation of examination schemes should be framed by the Medical authorities; and the scheme of dental education proposed and carried into successful effect by the English College of Surgeons was again ignored. But from about this date the Dental Section of the Medical Bill became a dead letter. For at the request of a deputation of the Dental Reform Committee, introduced by Sir John Lubbock, the Lord President allowed the Dentists' Bill to proceed in the House of Commons, on condition of the acceptance of amendments stipulated for in the first instance by Lord Sandon on its second reading. Late in May the draughtsmen of the Dentists' Bill and of the Medical Bill, were brought into com-

at all. Let them, therefore, get this Dental matter settled, and have an end of Government legislation, and then let them set to work and regulate their own affairs for themselves with as little Government interference in the future as might be possible."—"Medical Times and Gazette," 1878, vol. i. page 419. "British Journal of Dental Science," 1878, page 226.

* Medical Council's Minutes, April 13th, 1878.

munication, and under the direction of the Government, amendments which have since become part of the Dentists' Act, were drawn by Mr Jenkyns, the Government draughtsman, and accepted by Mr. Fitzgerald. By taking upon itself the amendment of the Dentists' Bill, the Government practically abandoned the Dental Section of the Medical Bill, but the dead section was allowed to stand unaltered in the Bill to be withdrawn should the Dentists' Bill pass, or to be amended should it be thrown out, and the Medical Bill become law. It was agreed that in the advanced state of the Bill it would be more convenient to introduce the lengthy amendments in the House of Lords than in the Commons. The Bill passed the Committee June 6th, 1878, on the understanding that the amendments should be introduced in the House of Lords, and on the 14th of June the Dentists' Bill was read in the House of Commons a third time and passed.

The Medical Bill passed the House of Lords, and was ordered to be printed by the House of Commons, June 13th, with the dead Dental Section, for the reason already mentioned, still in it.

The Medical Council met (June 28th), to consider again in detail the Medical Bill as amended by the Lords; great objection was raised to many clauses. The one relating to the initiation of a scheme for examinations (clause 13), though altered was not amended in the manner suggested by the Council in April. Hence a resolution was passed urging that the initiation should be made to rest with the Medical authorities while supervisory power should devolve upon the Council.* The still standing Dental Section having been abandoned by the Government in favour of the Dentists' Bill, its constituent clauses were not considered by the Council.

On June 29th, in answer to an inquiry made by Dr. Quain:—

The President of the Medical Council "*Announced that amendments to the Dentists' Bill had been prepared by Government in order to make it conformable with that now under discussion, and to prevent discrepancy between them should the Duke of Richmond's Bill become law.*"†

On July 1st, the President read a letter from the Government draughtsman, Mr. H. Jenkyns, who wrote therein as follows:—

"Office of Parliamentary Counsel,
"18, Queen Ann's Gate, Westminster,
"July 1st, 1878.

"Dear Dr. Acland,

"The Amendments which are about to be made in the Dental Practitioners' Bill in the House of Lords are pro-

* Medical Council's Minutes, July 2nd, 1878.

† *Medical Times and Gazette*, 1878, Vol. ii., page 11.

*posed by the Government for the purpose of bringing the Bill into conformity with the Government Medical Bill so as to place the Dentists in the same position as they would be in if the Government Bill passed with the Dentists' clause in it, the principles of which have been approved by the General Medical Council." **

The approval by the Council referred to by Mr. Jenkyns could have been no other than the approval, subject to certain suggested amendments, made by the Council of the Dental Section of the Medical Bill at its April session. For the Dental Section had not been since considered by the Council, and this now tentative section as it stood in the Bill under consideration had not been amended in conformity with the suggestions of the Council, and when in the June and July Session its turn came for consideration it was passed over as being provided for elsewhere.†

On the afternoon of July 4th the Government amendments embodied in the Dental Practitioners' Bill, passed the Committee in the House of Lords, and the Bill itself was passed on the following day.

Notwithstanding the explanation given on behalf of the Government by Mr. Jenkyns, in the foregoing letter to the President on July 1st, Dr. Quain, on the same afternoon on which the Bill passed the Lords' Committee (the 4th), after the consideration of the Medical Bill had been concluded, and just before the Council broke up and terminated its session, without any introductory explanation of its bearings upon the action taken by the Government, or upon the previous action of the Council respecting the Dental Section of the Medical Bill, proposed the following resolution:—

"That with reference to the Lord President's Bill, entitled Medical Act, 1858, Amendment Bill as 'ordered by the House of Commons, to be printed on June 13th, 1878, the Council desires to express its wish that the Bill entitled the Dental Practitioners' Bill be brought into conformity with the dental clauses of the Lord President's Bill.'" ‡

The resolution was hastily passed without any allusion being made to the unconsidered conditions embodied in the Dental Section cited in the resolution, or to the fact that the Government, in amending the Dental Practitioners' Bill, had virtually abandoned the section referred to in the resolution, and had expressed their latest views and determinations in the amendments embodied in the Dental Practitioners' Bill.

* Medical Council's Minutes, July 1st, 1878.

† "Clause 25 of the Bill with regard to dentists and midwives was agreed to be omitted, being elsewhere provided for."—*Medical Times and Gazette*, 1878. Vol. ii., page 18.

‡ Medical Council's Minutes, July 4, 1878.

No attempt was made to discuss the resolution on its merits or its relevance. Indeed, it seemed to be regarded as of no account one way or other, and not worth discussing, the subject having already been disposed of by the Council in April, and by the recent action of the Government in amending the Dental Practitioners' Bill. Dr. Quain now says that—

*“The whole force of our amendment was to place it in the hands of an independent board, but that has not been done.”**

Not one word was said about the object to be attained by the resolution at the time of its proposal, and if this was its purpose then the members of council, exhausted by their labours, were caught napping and in their sleep resolved to upset their well considered resolutions of April, upon which the Government had acted, to treat as naught the generally approved plan of dental education and examination which had been in operation for twenty years, and to ask the Government to forget what they deliberately suggested in April, and to do their hasty bidding of to-day. In truth the resolution was inconsistent with the past proceedings of the Council, inopportune in the time of its proposal, rendering thereby its matter irrelevant, and was as a necessary result inoperative.

In further evidence of this view the action of the Government in the House of Commons may be cited. Lord George Hamilton (then Vice-President of the Privy Council) gave notices of amendments of the Medical Bill, one of which placed the initiation of schemes for medical examination in the hands of the medical authorities, with the supervisory power vested in the Council (clause 13) as suggested by the Council, and another consisted in withdrawing the Dental Section (clause 22) from the Medical Bill.†

The amendments incorporated in the Bill by the Lords were accepted by the Commons on July 13th, and on the 22nd the Dental Practitioners' Bill received the royal assent.‡ The Medical Bill was subsequently withdrawn.

As it left the House of Commons the Bill consisted of ten pages. In the House of Lords two of its pages were removed, and eight pages were added by the Government, thereby making an Act of sixteen pages. Yet the measure has been described by Dr. Quain as an instance of the bad results of amateur legislation.§

In the dental evidence given before the Royal Commission on Medical Acts—reprinted in a subsequent page—the subject of the

* Report, page 62. Evidence and Report of the Medical Act's Commission: page 379.

† Notices given on Thursday, 25th July, 1878, in Committee on Medical Act (1851) Amendment Bill (Lords): Lord George Hamilton.

‡ The Dental Reform Committee, after the passing of the Dentists' Act, organised and then gave place to the British Dental Association.

§ Report of Dental Proceedings of the Medical Council, February, 1881.—*Journal of the British Dental Association*, 1881, page 73.

Dental Section of the Lord President's Medical Bill is again brought up by Dr. Quain, and amendments suggested in the Dentists' Act on grounds which have been fully answered in the preceding pages.

It is satisfactory to find that the Commissioners have not thought fit to propose, at the instance of a single hostile witness, any change whatever in an Act which, notwithstanding the misadventure in the initial registration, has on the whole, been found to work very beneficially.



The Report
AND MINUTES OF EVIDENCE
 (ON DENTAL QUESTIONS,)

OF THE ROYAL COMMISSION ON MEDICAL ACTS.

COMMISSIONERS.

The Earl of CAMPERDOWN ; the Bishop of PETERBOROUGH ; the Right Honourable W. H. COGAN ; Sir GEORGE JESSEL ; the Right Hon. G. SCLATER-BOOTH ; Sir WILLIAM JENNER ; JOHN SIMON, C.B., F.R.S. ; Professor HUXLEY, F.R.S. ; ROBERT McDONNELL, M.D., F.R.S. ; Professor TURNER, F.R.S. ; JAMES BRYCE, Esq., M.P. ; JOHN WHITE, *Secretary*.*

Dr. JOHN S. BILLINGS called in and examined (*1st August, 1881*).

4825. (*Professor Turner*.) Will you state to the Commission what positions you hold in the United States?—I am a doctor of medicine, a surgeon in the United States Army, and Vice-President of the National Board of Health of the United States.

4854. I had heard it stated that there was a university in Philadelphia which was a very eminent school of dental surgery?—That is the University of Pennsylvania.

4855. Is the University of Pennsylvania famous for its dental surgery?—It has a very good dental school connected with it that has grown up within the last four or five years.

4856. I have heard it stated that there were as many as 70 operating chairs in that University ; would that be true, do you think?—You mean of dentists?

4857. Yes. — There is a very large number ; it is one large room very brilliantly lighted, and there are a large number of chairs there.

* "Medical Acts Commission Report and Evidence," 1882. [C.—3259.]
 Price 5s.

4858. Does it stand in the United States as the first institution for dental surgery?—I am not prepared to say that; I do not know.

4859. Dental surgery, I believe, as a matter of fact has been brought to probably greater perfection in the United States than in any other country, and some of the most eminent dentists in Paris are Americans?—It has been brought to a very high perfection. A vast amount of ingenuity has been displayed in connexion with it. There is a very excellent dental school at Harvard, I know.

4860. Do you think the Medical Council would be safe in recognising the degrees of those two Universities, Harvard and Pennsylvania?—So far as regards dentistry only, do you mean?

4860a. So far as regards dentistry?—I should think so.

Mr. JOHN TOMES, F.R.S., M.R.C.S., L.D.S.Eng., examined
(October 21st, 1881.)

6339. (*Chairman.*)—You are a Member of the Royal College of Surgeons and a Fellow of the Royal Society?—Yes.

6340. And you appear here to represent the views of the British Dental Association?—Yes.

6341. Would you kindly inform us of the aims of that Association and the number of its Members?—The particular aim of the Association is to offer active assistance in carrying out the spirit and letter of the Dentists' Act, and also to encourage scientific investigation by the reading of papers and the kind of meetings usual with societies of a scientific character.

6342. Does your Association meet frequently? We have annual meetings. The Association is represented by a large Representative Board, consisting of upwards of forty members, which meets at least four times a year, and if occasion requires more frequently; and, moreover, we publish a monthly journal. The aims of the Association are shewn in the following extract from the Memorandum of Association:—

“The objects for which the Association is established are the promotion of dental and the allied sciences, and the maintenance of the honour and the interests of the dental profession, by the aid of all or any of the following:—

(a.) Periodical meetings of the Members of the Association, and of the Dental profession generally, in different parts of the country.

- (*b.*) The publication of such information as may be thought desirable, in the form of a periodical journal, which shall be the journal of the Association.
- (*c.*) The occasional publication of transactions or other papers.
- (*d.*) The grant of sums of money out of the funds of the Association for the promotion of the Dental and the allied sciences in such manner as may from time to time be determined on.
- (*e.*) The maintenance of the spirit and provisions of the Dentists' Act by such lawful means as may be necessary.
- (*f.*) The encouragement of the Dental Benevolent Fund for the relief of decayed or necessitous members of the profession.
- (*g.*) And such other lawful things as are incidental or conducive to the attainment of the above objects."

6343. What practical steps have you taken towards assisting in carrying out the Dentists' Act?—We have from time to time furnished information to the Medical Council which is entrusted with the carrying out of the Dentists' Act.

6344. Do you maintain any direct relations with the General Medical Council?—No further than as an organisation devoted to promoting the education of Dentists, and also, as I stated before, to assist in carrying out the spirit and letter of the Dentists' Act as an educational measure; but we have no authority beyond the authority of an Association which is incorporated, just as the British Medical Association is, under the same conditions, an incorporated association.

6345. What kind of assistance do you render to the Medical Council?—By furnishing them with such information as may come to our knowledge; I may give you an instance. We brought before their notice a Dental curriculum which had been in operation in the College of Surgeons of England under its Dental Charter, and we urged that that, a tried curriculum, should be as nearly as possible followed by the Colleges of Surgeons of Ireland and of Scotland which were authorised to grant diplomas in Dental Surgery under the Dentists' Act.

6346. Do you happen to know whether your recommendations were adopted by the Medical Council and urged by them on the other bodies?—The Medical Council adopted a curriculum in all essential particulars similar to that which we urged for their acceptance.

6347. Has that curriculum been generally accepted?—It is accepted by the four licensing bodies in Dental Surgery.

6348. Then so far as the experience of your Association goes the Medical Council has in this respect been of great use in promoting the best interests of dentistry?—My experience, and I think the experience of the body I represent, is that great good has been effected by the Medical Council in carrying out the Dentists' Act, subject to one or two exceptions which perhaps we may come to afterwards : but they are exceptions that have no relation to the action of the general body of the Medical Council, but rather bear upon an imperfect organisation. That imperfection of organisation is the main subject that I wish to bring before the attention of the Commission.

6349. Is it your experience that the Associations of Dentists or the Colleges of Dentists have been backward in accepting the recommendations of the Medical Council in any portion of the kingdom?—No, I think that the licensing bodies, the four Colleges of Surgeons, to which I presume your Lordship refers, and to which I have alluded before, have all accepted the recommendations of the Medical Council.

6350. Is it your opinion that the Colleges accept the recommendations of the Council with the more readiness because they are merely recommendations, and are not set forth with any actual authority?—I am quite unable to answer that question.

6351. I think you have not told us approximately the number of members of your Association?—About 420, of whom 40 are qualified as medical practitioners, and 250 licentiates in Dental Surgery.

6352. Is your Association mainly for London, or does it extend to the provinces?—It is for the whole of the United Kingdom.

6353. Are there any other associations of Dentists of a similar kind to your own?—I do not know of any association of a similar kind. There is a small association who call themselves "The Association of Surgeons Practising Dental Surgery." They do not, to my knowledge, publish a list of members, but when the Dentists' Act was before the House of Commons there were not more than about 100 persons who held a licentiateship in Dental Surgery conjointly with a strictly medical qualification, or who practised Dental Surgery under a medical qualification only; of that supposed 100 (and I do not think there were so many) I think 91 petitioned Parliament and 68 memorialised Members of Parliament individually, in favour of the Dentists' Bill, and we have their names.

(The witness handed in a copy of the petition to Parliament and of the memorial to individual Members of Parliament.)

The petition approving the Dentists' Bill was signed by upwards of 1100 Dental practitioners, viz. by

Dental practitioners who are licentiates in Dental Surgery only, of the Royal College of Surgeons of England	184
Dental practitioners who are licentiates in Dental Surgery, and also qualified medical practitioners..	42
Dental practitioners who are licentiates in Dental Surgery and hold English and foreign medical qualifications also	2
Dental practitioners who are qualified medical practitioners only	28
Dental practitioners who hold foreign medical qualifications only	17
Dental practitioners who are qualified medical practitioners, and hold foreign Dental qualifications...	2
Dental practitioners who do not hold any qualification	895

(See also 6384.)

The following is a copy of the memorial to individual Members of Parliament :

Dental Practitioners' Bill.

SIR,—The principle and object of the Bill now before Parliament is simply this : That a person shall not hold himself out, by the use of a distinctive title, as possessed of a special qualification to practise Dental Surgery, unless he has actually qualified himself ; subject, however, to a full recognition of all existing rights and privileges.

We being ourselves Fellows and members of the Royal College of Surgeons of England, or other similar bodies, therefore venture to ask your support for the "Dental Practitioners' Bill," which has been considered with very great care, and is submitted to Parliament with the concurrence and support of the most eminent members of the Surgical and Dental professions.

We are, Sir,

Your obedient Servants,

(Here follow the names of 68 qualified medical practitioners practising Dental Surgery.)

6354. They did not all petition?—I cannot tell you, inasmuch as the Association of Surgeons practising Dental Surgery have never published a list of their members. We know that a number of men have left them and joined our Association, but they publish no minutes or transactions.

6355. The British Dental Association, I may take it, is generally speaking in favour of the Dentists' Act of 1878, is it not?—Necessarily. They are bound by their Articles of Incorporation, by the rule that I mentioned, and it is one of the Articles of Incorporation that they shall support the Dentists' Act.

6356. And they conceive that it is in the true interest of the Dental profession that it should be associated with the medical profession through the agency of the General Medical Council?—Yes, I have never heard any difference of opinion upon that subject.

6357. The Dentists, as such, have no special representation, I believe, on the General Medical Council?—No, they have no representation further than this, which is a very partial one. The surgical corporations are represented, and the more educated portion, if I may use that expression, the diplomaed portion of the Dentists, are licentiates in Dental Surgery of this or that College; and it may be rightly presumed (and it has been shown to a certain extent that such is the fact) that the representatives of those colleges take a considerable interest in the respective Dental departments. Sir James Paget has on many occasions shown at meetings of the General Medical Council, and of the College of Surgeons, that he was fully acquainted with all the details of the working of the Dental department of the College of Surgeons, and took a strong interest in it; but we have no direct representation.

6358. And Dentists, as such, do not vote in any of the corporations which return members to the Medical Council at the present time?—They do not; they are simply licentiates in Dental Surgery of this or that corporation. That is the title given them by the Dentists' Act. In this connection it may be stated that the Royal College of Surgeons, England, under its Dental Charter of 1859, has, since that date, had a Board of Examiners in Dental Surgery composed of surgeons and dentists in equal numbers, that the Council of the College referred dental questions to this Board, the report of which thereon has been, I believe, usually adopted and acted upon by the Council; and it may be further stated that this course of proceeding on the part of the College has

been attended with very satisfactory results as respects the education and examination of Dentists.

6359. Is it the opinion of your Association that you ought to be represented more directly on the General Medical Council?—The object of my presence here is to plead for a certain degree of representation, supposing any change is made in the constitution of the Medical Council; but I do not come here on behalf of my associates or myself to make any complaint against the Medical Council as such. Whenever I speak of it I have occasion to speak of it in precisely opposite terms to those of complaint. But the reason that we desire representation is that we have seen from time to time that the Council has not been sufficiently informed upon strictly dental matters when considering them, and if your Lordship desires it I think I can make good my case.

6360. Can you shortly point out to us an instance?—Some little time since the Association sent in to the Medical Council a list of names of something like 400 persons, whom on high legal authority the Association believed to be wrongly registered, that is to say, that these persons had no right of registration. The Act requires that a person shall be *bonâ fide* engaged in the practice of Dentistry, separately, or in conjunction with medicine, surgery, or pharmacy. In the cited cases those persons, although they had returned themselves as pharmacists, or as practising Dentistry with medicine and surgery, had no right whatever to practise either the one or the other. We sent in proof of this allegation that their names were not to be found in the Chemists' and Druggists' Register or in the Medical Register; and those persons only have a right to practise medicine who are registered in the Medical Register, or to practise pharmacy who are registered in the Chemists' and Druggists' Register. The Medical Council had in the meantime taken the opinion of Mr. Charles Bowen (now Mr. Justice Bowen) as to how this phrase should be read; and although we have not seen that opinion, yet it is not contradicted that it coincided, I am not in a position to say in all its details, but mainly, with the opinion that we sent in from Mr. G. A. R. FitzGerald, the draughtsman of the Act. (Appendix No. 1, Case). The cases of these 400, with the two legal opinions, were referred by the Medical Council to its Dental Committee, which Dental Committee is empowered by the Act to ascertain the facts of such cases, and its decision upon the facts, so far as the Medical Council is concerned, is final. It does not appear that

the Dental Committee has the power of determining what shall be the law applicable to the cases. The Medical Council was summoned last February to receive the report of this Dental Committee, and then to our utter astonishment on the day of the meeting we found that in that report no mention was made of Mr. Justice Bowen's opinion or of Mr. FitzGerald's, but a wholly new opinion, obtained from Sir Farrer Herschell and Mr. Muir Mackenzie jointly (Appendix No. 1, Case 3.), was substituted, which opinion completely traversed the opinions that had been sent in to the Committee by the Medical Council. Had there been a Dentist on that Committee I feel sure that that Dentist would have remonstrated very strongly against the introduction of a perfectly fresh opinion without any reference whatever being made to the pre-existing opinions. I think that he would have had grounds of complaint had not that remonstrance been acceded to. Moreover, we who sent in the names were not appealed to to substantiate our charge, or appealed to in any way whatever, although the Committee had full power to call in our assistance, and to ask if we had any additional information to afford, and we could have given them a great deal of information. But in the absence of any one on the Committee who knew what the nature of the information might be, it was not sought. Then, when the matter was discussed before the Medical Council itself, Dr. Quain said "that the Dental Committee found there had been no fraud in any one case referred to by them." Now, what would have been pointed out, had there been a Dentist on that Council, would have been that, of the names sent in, something like 70 or 80 had withdrawn from the Register voluntarily, and as many had declined to answer any questions or to take any notice of the letters addressed to them by the solicitor on the part of the Council. I think had there been a Dentist on the board that fact would have been pointed out. Then again, a considerable number of persons had registered themselves as in practice before the passing of the Act, who had registered themselves in the Chemists' and Druggists' Register, and who had passed in pharmacy subsequently to the passing of the Dentists' Act, so that their declaration was incorrect; and I think that that wrong would have been exposed and time asked for further consideration had there been a Dentist on the Council.

6361. Then, I think I may take this from you, that you do not complain that in this instance the Medical Council neglected you,

but what you feel is that if the Dentists had had a special representative upon the Medical Council he would necessarily have been on the Dental Committee, and he would have put new facts before the Dental Committee, and afterwards before the Medical Council, which as you think were not brought before them, and which you think would have exercised a very important influence upon their decision?—Yes. When the matter was under consideration, Dr. Quain defined Dentistry as consisting of merely pulling out teeth, to which stopping and scraping teeth had now been added. He might with as much accuracy have defined ophthalmic surgery as merely taking out eyeballs. He gave that definition in supporting the retention on the Register of a certain number of hairdressers who had occasionally drawn teeth, but who admitted that they knew nothing of anatomy in any form whatever. I think that definition of Dental practice should have been corrected. The upshot of it was, that the Council passed a resolution to the effect that there was not sufficient evidence to justify the removal of the cited names. On the strength of that decision, and under legal advice, we laid a case before Sir John Holker, Mr. R. S. Wright, and Mr. G. A. R. FitzGerald, a case very carefully drawn up, and we submitted as part of the case the opinion of Sir Farrer Herschell and Mr. Muir Mackenzie, and asked for their joint opinion. The consultation resulted in an opinion precisely opposite to the one accepted and acted upon by the Council, *i.e.* an opinion to the effect that the persons whose names we cited had no right to be on the Register (Appendix No. 1, Case 4.) Now, if a Dentist had been on that Committee, and had had the power of speaking and of voting at the Council, some such course as the one we subsequently followed would have been proposed at the time, and the Council would have been asked to defer its decision until the legal difficulty had been cleared up. As it was the Council decided upon, and were forced as it were to accept, the ruling of the Committee, not only in respect of the facts of the cases, but in respect of the law applicable to them. In further illustration of the want of special information on the part of the Medical Council I may mention that a councillor at the last session said, "He thought they (Dentistry and Dental Surgery) were different things," whereas the former term, of recent American parentage (since 1842), has been used from the first as a short substitute, without any difference of meaning, for the longer and more expressive term of Dental

Surgery. In this sense it is used in the Dentists' Act, the two terms having been introduced therein for the purpose of alternative use, and for the avoidance of any difference of meaning.

6362. You are evidently of opinion that it would have been of very great advantage on that occasion, and possibly on several others, if there had been a special representative of the Dental profession on the General Medical Council; would you kindly point out to me what you consider the best form of medical council so far as the Dentists' profession is concerned?—My own feeling would be in favour of two Dentists, rather than one, being appointed (either by the educated Dentists, that is to say, by the licentiates in Dental Surgery, or preferably perhaps by the Privy Council), whose duty it should be to attend the Council on all occasions whenever any Dental questions arose, and that they would in that position be rendered responsible for conveying to the Council whatever information was necessary in respect to the wishes and necessities, educational and otherwise, of Dental practitioners. I am not in a position to say which would be the better form of election; I have no authority to do so from the Society that I represent; but I think that supposing the attendance of the persons so elected were limited to the occasions when Dental questions were under consideration, it would not be an unreasonable thing that there should be at least two, and for this reason, that if the Privy Council appoint, they might appoint unwittingly a person who is very incompetent; but there is a far better chance of securing effective assistance if they appoint two than if they appoint only one. The same holds good with reference to an appointment made by the licentiates; the most noisy man might get in; but if two were elected the chance of satisfactory representation would be greatly bettered.

6363. Then you would be in favour, in short, of there being two direct representatives of the dental profession upon the Medical Council?—I should be in favour of there being two representatives on the Medical Council, nominated by the Crown, or elected by the licentiates, the attendance being limited to dental business.

6364. Might it not be suggested that this member was placed in rather an inferior position as compared with other members of the Council if he were informed at the time of his election or nomination that his attendance was only required on certain specific occasions?—I think that as a dentist's education is special

and general, estimated at 3-5th general and 2-5th special, the dentist is already well represented in respect to his general education ; and what we want there is information as regards his special conditions and requirements, educationally, and otherwise.

6365. In proposing that there should be two direct representatives of the Dentists on the General Medical Council, have you taken into consideration what the total number of the Medical Council would be ; are you making that proposal of two dentists with the idea in your head that the Council will continue to consist of 24?—I have no knowledge of that kind. I make the recommendation of two, because if there were one he would be as far as the Dentists were concerned despotic, and he might be a bad despot.

6366. And he might also possibly be absent when wanted?—He might.

6367. —With regard to the question of infractions of the Dentists' Act, and how far those infractions are or ought to be dealt with by the Medical Council, does your Association take any cognisance of the infractions of the Dentists' Act, *e.g.*, the assumption of titles to which the persons taking them have no right, such for instance, as that of "Dentist Surgeon" by a person who has no connexion with the College of Surgeons?—It has been judicially settled already by the Court of Queen's Bench in January 1860, that you cannot impose any restriction upon the use of the title of Dental Surgeon until you come to a fresh race of men, and the fresh race of men are Dental Surgeons in virtue of their being licentiates in Dental Surgery. Hence it has been held that those registered persons who are already in practice, and who were in practice before the Act, could not be dealt with penally in respect of the question of title. (Appendix No. 2.)

6368. Then you think that in so far as the dentists are concerned, there is no means of enforcing the penal clauses of the Dentists' Act?—No, in respect to the use of titles by registered persons the point has been tried in the Court of Queen's Bench, and there thoroughly discussed, and has with a like result been very frequently discussed since that time, namely, by the Medical Council, by the Parliamentary Bills Committee of the British Medical Association, and by Parliament, when the Dentists' Bill was in committee.

6369. Is there anything else that you wish to put before the Commission?—In answer to your previous question I may state

that the Association would prosecute a person who assumed the title of Dentist who was not on the Register ; but before they can prosecute they must in each case go to the Medical Council and ask its consent.

6370. That is because the prosecutors are the Medical Council, I suppose?—No ; it was supposed that there might be some oppression exercised, to guard against which this provision was insisted upon by the Government. Supposing that we find an unregistered person calling himself a dentist we must state the case to the Medical Council, and gain its assent before we can bring an action against that person.

6371. That is under the provisions of the statute?—Yes ; and if any alteration were made, it would be very desirable that it should be made clear that the Executive Committee of the Medical Council should be able to give such power, because the Medical Council meets only once in a twelvemonth. A Branch Council can give such power, but a Branch Council perhaps only meets once in a twelvemonth. So that it is very desirable that the Executive Committee should be able to empower us, or any other persons, to prosecute an individual who calls himself a dentist or a licentiate in dental surgery, he not being registered as either the one or the other. The Register records the nature of the dental qualification, that is, whether it be the possession of the licentiate-ship in dental surgery, or rests on the fact of having been "*in practice before July 22nd, 1878,*" and will in future record also any surgical qualification held by the registered person.

6372. (*Mr. Simon.*) You referred to an occasion on which the course taken by the General Medical Council seemed to your Association unsatisfactory, owing, as I understood you to mean, to the want of sufficient information?—I referred to the course taken in declining to strike off names from the Register on the authority of one legal opinion as against two or three other opinions of equal authority.

6373. Am I correct in my impression, that, whether right or wrong, the course taken by the Medical Council was a course determined by legal advice?—By the advice, I expect, of the solicitor ; but I would again call attention to the fact that the report of the committee upon which the Council acted contained no notice whatever of two high legal opinions that had been submitted, but substituted a third, which came at the last moment as a thunder clap upon us.

6374. I am not at all meaning to question you upon the right or wrong of the course, but only upon whether it was not essentially a legal matter, and whether the Council did not act on legal advice?—They acted on the advice of their solicitor, I believe, rightly or wrongly.

6375. Am I right in my impression that on that occasion no question was raised requiring special dentistic knowledge in the councillors engaged in the discussion?—I do not think that the question of dental skill was very much considered any farther than that Dr. Quain, in advocating the course of the committee, said that he should prefer submitting himself to the barbers who had no anatomical knowledge rather than to many others who were supposed to be very much more highly educated.

6376. I take it for granted that you would not insist upon a particular phrase used by a particular councillor, perhaps not very deliberately. My point is that the Council (as a whole) was dealing with a question which had to be determined by legal advice, am I right in that?—The Council as a whole were told, I think by the solicitor, that they could not discuss this or that question; and it was said by one member of the Council, whose name I need not repeat, that he hoped the resolutions would be so framed as to show that “the Council was simply acting mechanically in obedience to the law.” Another member of the Council said, on a later occasion, when speaking of the duties of the Executive Committee: “The Council was called upon mechanically, with a pistol at its head as it were, to follow the opinion (*i.e.*, Sir Farrer Herschell’s), laid before it, and we simply endorsed what was laid down to us as the law by the lawyers.” The whole of my point is to show that there is a want of information and a want of well informed dental representatives.

6377. You are of opinion that if there had been a member of the dental profession attending the Medical Council as assessor he would more strongly have contested the legal view of the case?—He would have more strongly contested the legal view of the case, and he would have been able to adduce evidence which would, I think, have induced the Council to withhold its decision until the question had been more thoroughly investigated legally.

6378. (*Mr. Cogan.*) By the Dentists’ Act, foreign and colonial dentists have a right to be registered as well as United Kingdom dentists in a separate column, have they not?—Yes, assuming that

their education is equal to that which is required of English dentists.

6379. The Medical Council only take degrees of certain foreign colleges?—They take the degrees of certain foreign colleges in accordance with their curricula, and in accordance with such information as their prospectuses furnish in respect of the length and character of their curricula, and in respect of the examinations and also in respect of the examiners.

6380. Can you inform us as to what certificates or degrees of American colleges are allowed to be registered?—Those of the Harvard and Michigan colleges alone. Our curriculum requires four years' attendance, and their curriculum only requires three years' attendance. The other colleges in America require perhaps only eight months' actual attendance. The examinations are conducted wholly by the teachers, and we hear very little of any rejections, and we know pretty well that persons can go to America and come back with a diploma of doctor of dental surgery from many of their institutions within five or six months, and sometimes within very much less time.

6381. Would that observation apply to the University of Pennsylvania?—I cannot answer your question off-hand, but all the American qualifications and requirements have been closely analysed, and the results will be found reported in the Minutes of the Medical Council. I cannot carry it all in my mind, because there are, I think, something like 15 of them. The Harvard and Michigan colleges are the only two institutions that require even the shadow of a preliminary education. We require a preliminary education the same as that required of a medical student.

6382. So that there is full security, at least now, that none but a properly educated person can get on the Dental Register in this kingdom?—He must have a thorough knowledge of the whole subject of dental surgery; what we have contended for, and what is now being carried out, is that he should have an education equal to that of a medical man, but differing in some of the details. We strike out of the medical education certain medical specialties and put our own special subjects in their stead, so that the education can be comprised in the four years, allotted alike to the medical and dental curriculum. If you were to require that the dental licentiateship should be taken in addition to the ordinary medical qualification, then you must give six years for

the education, which we have contended would be an unreasonable requirement from the bulk of the dental practitioners.

6383. Was it the fact that a vast number of names were put on the Register shortly after the passing of the Act of 1878, of persons who were by no means qualified?—A very great number indeed, and with a desire to eliminate some of them we sent in those names to the Medical Council.

6384. At the present moment are there many of those persons still on the Register?—A great number. In the absence of a public record the dental practitioners of the United Kingdom were, in May, 1878, on the authority of the carefully maintained private list of Messrs. Ash and Sons, estimated at about 2,000. This well-known leading firm has, for upwards of half-a-century, supplied the larger portion of dentists with the instruments and materials used in dental practice; hence for the purposes of their trade they have used every available opportunity to possess themselves of the name and address of each dental practitioner. This list included a limited number of dentists' assistants and pupils, and of persons who, in conjunction with other callings, practised dentistry. The initial Dental Register, 1879, contains 5,289 names. Of these 2,049 returned themselves as practising dentistry with pharmacy; and if reasonable allowance be also made for the dentists' assistants, pupils, &c., assumed and real, who have registered as having been in practice before the passing of the Act, it will be seen that the estimate of 2,000, as an approximate number of the persons in actual practice, in the sense contemplated when the Act was drawn, and before the word pharmacy was added to section 6 (c.), is justified by the Register. In answer to my inquiry Messrs. Ash state "we consider that 2,000 names may be fairly *added* for assistants, &c., pupils of dentists who have taken advantage of the Dentists' Act to register themselves. We regret that many others who had no such professional claim to be registered have got placed upon the Dentists' Register."

6385. (*Chairman.*) With reference to the question of foreign certificates, it rests with the General Medical Council, I believe, to decide as to the certificates of which of the foreign institutions should be accepted?—Yes, it is entirely in their power.

6386. Have you ever heard of complaints coming from institutions which have applied to have their certificates recognised, and have not been successful?—I have heard that some institutions have made complaints, but members of others have ex-

pressed great satisfaction with the course taken, and they have, moreover, said that they hope that sooner or later the course taken here will force their colleges into a higher qualification and lead to a better state of dental education, for it is notorious that in America, both in respect to medical and dental education, qualifications have been obtained with scarcely any knowledge of the subject of either. Confirmation of this statement will be found in "The History of Dental and Oral Science in America, 1876," in "Special Report upon Medical Education and Medical Institutions in the United States of America, prepared for the United States Bureau of Education," by N. S. Davis, A.M., M.D., 1776—1876; in the address on "The Relations of the Medical Profession to the State," by D. B. St. John Rosa, M.D., 1879; and in "The Address on Dental Education," by Dr. Eliot, President of Harvard University, 1879.

6387. Do you happen to know whether there are any dentists of eminence who hold foreign qualifications which are not recognised, and which they think ought to be recognised?—I have not any instance in my mind at the present moment. I remember one case where a gentleman contended very strongly that a certain qualification should be recognised, but when the whole thing had been gone into he said, "I believe the General Medical Council have done quite rightly." It was argued by the institution which I represent that you could not reasonably expect a higher qualification of an Englishman than of a foreigner, and that the education which had been gradually perfecting here must be greatly lowered if you registered a great number of the foreign dental diplomas; and we wish to have the education increased in completeness and not lowered to meet on terms of equality a lower standard.

6388. To take the case of France, are the certificates of many of the French dental colleges accepted?—I do not know of the existence of one.

6389. Is there in France no such thing as an institution which gives certificates?—No, I think not.

6390. Do you happen to know whether there are any such institutions in Germany?—I think there is at least one, but their requirements are at present very slight. One of their representatives was present at the Medical Congress, and he gave rather a lamentable account of their requirements, and hoped that better times would come, and said that he looked upon the Congress as a great means

of heightening the degree of education that would be ultimately required of dentists.

6391. We know that governments abroad are very particular with reference to the qualifications of medical practitioners; but can you tell us whether foreign governments are lax with regard to the qualifications of dentists?—At present I believe they are, but I think in almost every country now some effective step in this direction has lately, or is about to be taken. For example, in France, Germany, Spain, Switzerland, Canada, New Zealand, &c.

6392. (*Prof. Turner*). Then are we to understand that the dental practitioners in France and Germany are qualified medical practitioners?—They are either qualified medical practitioners, or, I believe, with the exception mentioned in respect of Germany, without any qualification whatever, just as they were here formerly, that is, before the passing of the Dentists' Act when not one *bonâ fide* practitioner in twenty had any qualification.

6393. The General Medical Council has, I think, to frame regulations connected with the registration of dental students?—Yes.

6394. And the General Medical Council has also, I think, to approve of a dental curriculum?—Yes.

6395. And to approve of the subjects of the examination of dentists?—Yes.

6396. So that in your judgment it would be advisable that when those dental questions are under consideration in the Council there should be some one there who should advise the Council as to the facts?—Yes.

6397. Would you propose that this representative of the dentists at the Council board should sit there as a councillor, that is to say, as equal in position to the other members of the Council, or merely as an adviser, or referee?—I should place him on an equality with the councillors on dental questions, and give him a vote on dental questions.

6398. You would give him a vote and a deliberative power?—Yes.

6399. On such questions only?—Yes.

6400. And he should be on all dental committees?—Yes; but as I have already stated, I myself should be rather adverse to there being only one representative.

6401. (*Mr. Simon*.) Has it occurred to you whether you would extend that same principle to any other of our professional specialities; whether for instance you would have representatives of

ophthalmology on particular occasions admitted to the Council?—Certainly not, inasmuch as they do not require that additional, very distinctive, and separate education that renders a dentist efficient, and without which he is utterly useless. Furthermore, while dental practitioners are counted by thousands the representatives of any other medical specialty may be counted by tens.

The witness withdrew.

APPENDICES
TO THE EVIDENCE OF MR. JOHN TOMES.

APPENDIX NO. I.

CASES and OPINIONS respecting the DENTISTS' ACT, 1878.
Representative Board of the British Dental Association, *re* the
Dentists' Act, 1878.

CASE I.

Case for Opinion of Mr. FitzGerald.

1. Is the registrar at liberty to furnish from time to time information as to whether a specified name has been placed upon or erased from the Dentists' Register during the intervals of publication (sect. 11, 3), to persons interested in seeing that unregistered persons do not use dental titles, and that improper persons do not remain upon the register? The withholding of information upon either point might be attended with inconvenience or even lead to injustice.

2. The board, with the view of rendering assistance in carrying out the spirit of the Dentists' Act, desire to possess a more defined statement of the conditions which entitle a person to be placed upon and to remain on the Dentists' Register, as having been *bonâ fide* engaged either separately or in conjunction with medicine, surgery, or pharmacy, at the passing of the Dentists' Act.

(a.) For example, is a person entitled to remain on the register who declared himself to be engaged in the practice of dentistry *separately*, while he was at the same time engaged also in some business not mentioned in the Act?

(b.) Or is a person who declares himself to be engaged in the practice of dentistry in conjunction with pharmacy, but whose name was not on the Chemists' and Druggists' Register—(kept under

- 25 and 26 Vict., chap. 59) which includes all who have a legal right to practice pharmacy—entitled to remain on the register?
3. What constitutes a *bonâ fide* practice in the meaning of the Act?
- (a.) Is an assistant who was in a chemist's shop (even if registered in the Chemists' and Druggists' Register) where teeth are occasionally extracted entitled to remain on the register as in *bonâ fide* practice before July 22nd, 1878?
- (b.) Does the occasional performance of a dental operation, such as the extraction of a tooth, constitute *bonâ fide* practice?
- (c.) Does the *bonâ fides* apply equally and separately to the practice of dentistry and of pharmacy, and can an assistant in a chemist's shop who is not registered in the Chemists' and Druggists' Register, be regarded as in the *bonâ fide* practice of pharmacy?
- (d.) Is a person who assisted a dentist in his practice, but who was in no way responsible to the parties practised upon, and for whose acts in the capacity of assistant his employer was wholly responsible, entitled to be on the Dentists' Register on the ground of *bonâ fide* practice before July 22nd, 1878?
4. Can the name of a person be removed from the Dentists' Register at his own request without any reason being given by him for the removal? (*See* sect. 12 (3) of the Dentists' Act.)

If a cause for withdrawal from the Dentists' Register must be given, will the following or a declaration to the like effect bar the restoration of the name on the ground of practice before July 22nd, 1878?

To the Registrar.

I, A.B., not having been engaged in the practice of dentistry or dental surgery, desire my name to be removed from the Dentists' Register, and I hereby relinquish all claim to its restoration in the Register on the ground of having been in practice before July 22, 1878, or unless supported by a recognised dental diploma.

5. Is the witness to the declaration (Schedule, Dentists' Act) a witness to the facts of the declaration, or merely as to the signature of the declarer? (*See* sect. 35.)

6. Can the Executive Committee of the General Medical Council refer cases of alleged incorrect or fraudulent registration to the Dental Committee (sect. 15) for the investigation of the facts of such cases?

Opinion.

1. I am of opinion that the registrar is perfectly at liberty to furnish any information respecting the contents of the Register, during the intervals of publication, to any persons interested in seeing that unregistered persons do not use dental titles, and that improper persons do not remain on the Register.

2. (a.) A person who, being at the passing of the Act engaged in the practice of dentistry, and also in some business not mentioned in

the Act, declared himself to have been engaged in the practice of dentistry separately, is liable to have his name erased from the Register.

(b.) A person who declared himself to be engaged in the practice of dentistry in conjunction with pharmacy, but whose name was not in the Chemists' and Druggists' Register, is liable to have his name erased from the Register.

3. (a.) I think that an assistant in a chemist's shop, where teeth are occasionally extracted, even if registered in the Chemists' and Druggists' Register, cannot be considered as engaged in the *bonâ fide* practice of dentistry so as to entitle him to remain on the Dentists' Register.

(b.) I think that the occasional performance of one class of dental operation such as the extraction of teeth does not constitute *bonâ fide* practice of dentistry.

(c.) The *bonâ fides* applies equally and separately to the practice of pharmacy, and an assistant in a chemist's shop not registered in the Chemists' and Druggists' Register, cannot be regarded as in the *bonâ fide* practice of pharmacy within the meaning of the Act.

(d.) Whether a dentist's assistant can be considered as in *bonâ fide* practice so as to entitle him to be on the Register, depends on the amount and nature of the assistance furnished by him to the dentist. Assistance must be such as to require the possession of some dental skill and knowledge.

4. The name of a person can be removed from the Register at his own request, without any reason being given by him. Of course the registrar would require a written request, signed by the person making it. The restoration of a name once removed is a matter for the discretion of the General Council (sect. 14), after the facts of the case have been ascertained by the standing committee appointed under (sect. 15). I do not think a person desiring to have his name removed could be legally required to make a declaration relinquishing all claim to restoration on the ground of *bonâ fide* practice before the passing of the Act.

5. The witness to the declaration in the schedule to the Dentists' Act, is a witness merely to the signature of the declarer, but if he signed knowing the declaration to be false or fraudulent, he would be liable to be proceeded against under (sect. 35).

6. I think that the Executive Committee of the General Medical Council can refer cases of alleged incorrect or fraudulent registration to the Dental Committee appointed under (sect. 15).

(Signed) G. A. R. FITZGERALD.

Westminster, October 20th, 1879.

CASE 2.

CASE and JOINT OPINION of the SOLICITOR-GENERAL and Mr. F. VAUGHAN HAWKINS.

The General Medical Council.—Dentists' Act.

Counsel will please see copy of the Dentists' Act (1878).

The carrying out of this Act, it will be seen, is entrusted to the General Medical Council, a body created by the Medical Act (1858).

By section 11 a Register of Dentists is established.

Sections 12, 13, 14, 15, deal with erasures from and restorations to the Dentists' Register.

Section 12 gives certain powers to the General Registrar to alter names and addresses, to erase the names of deceased practitioners, and to erase with consent the names of persons who have ceased to practise, or who, not answering letters from the registrar, shall be deemed to have ceased to practise.

By section 13, the General Council shall cause to be erased from the Dentists' Register any entry which has been fraudulently or incorrectly made, and of persons convicted or guilty of infamous or disgraceful conduct in a professional respect.

Section 14 provides for the restoration of names to the Dentists' Register after having been struck off.

Section 15, on which the questions whereon your opinion is desired mainly arise—provides that the General Council shall, for the purpose of exercising in any case the powers of erasing from, and of restoring to, the Dentists' Register, the name of a person or an entry, ascertain the facts of the case by a committee of their own body, not exceeding five in number, of whom the quorum shall not be less than three, and a report of the committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the General Council. Such committee is always to be maintained, and the committee has power to regulate its meetings, &c.

The dental committee has been duly appointed.

More than 5,000 names have been entered on the Dentists' Register and, as might be expected, questions have arisen as to the qualification of some of them. The several qualifications are defined in section 6 of the Act, and the question arises on the following clause (c) of that section :—

“Is at the passing of this Act *bonâ fide* engaged in the practice of dentistry or dental surgery, either separately or in conjunction with the practice of medicine, surgery, or pharmacy.”

It will be observed that the form of application for registration given in the schedule to the Act does not follow section 6, that is to say, it does not purport to distinguish between persons practising dentistry separately and persons practising dentistry in conjunction with medicine, surgery, or pharmacy. The General Medical Council

therefore, availing themselves of the words "or to the like effect," in section 6, issued an altered form, a copy whereof is printed on page 23 of the published Dentists' Register for 1879.

This form has been universally adopted by applicants. Several hundred gentlemen have filled in the form, and have been registered as practising dentistry with pharmacy. Some have stated themselves to be practising dentistry in conjunction with some trade, such as a jeweller, hairdresser, &c., but these have not been registered.

The first question which arises is, has the dental committee power in itself to initiate inquiry as to the facts of any case that may be brought to its knowledge, or must the case be first referred to the committee by the General Council.

The General Council, as a rule, meet only once in a year and, when it is not sitting, its duties, so far as they can be delegated, are performed by an executive committee. (*See Medical Act, section 9.*)

The Council however, has been advised that it cannot delegate to the executive committee any duty which is in its nature judicial, and the question is whether the initiating any proceedings having for their object the removal of a name or qualification from the Dentists' Register is a judicial act which the Council cannot delegate.

By the Pharmacy Act any practice of pharmacy by persons not registered under that Act is made illegal. (*Section 1.*)

Several hundred persons who have registered as practising dentistry with pharmacy were not at the time on the Pharmaceutical Register.

In ascertaining the facts it may be suggested, that, it is the duty of the dental committee to give to the person whose case is under consideration the opportunity of being heard. Although the committee have no power to decide as to striking a name off the Dentists' Register yet, as their statement as to the facts if conclusive on the General Council, with whom the decision rests it may be said to be unfair on the person whose interest is affected that the facts should be found in his absence, so that, before the General Council he can only argue on such facts without being entitled to offer evidence to controvert them.

The questions upon which your opinion is required are as follows :—

Questions.

Opinion.

1. Must any proceedings to erase a name or qualification from the Dentists' Register, or to restore such thereto, be initiated by the General Medical Council?

2. Can the General Council delegate either to the executive committee under the Medical Act, or to the dental committee

1 & 2. We think that the power of initiating proceedings is vested in the General Medical Council, but that the Council may properly delegate to the executive committee, under the Medical Act, the power of receiving applications to the General Council, and of referring them to the dental committee under section 15 of the Dentists'

under the Dentists' Act, a general power of initiating proceedings?

3. Has the dental committee under the Act any power to originate proceedings?

4. Is the dental committee bound to hear the party interested before finding the facts?

5. Where a person has procured his name to be put on the Dentists' Register as practising dentistry separately, but who, in fact, carries on some other trade, as a jeweller, hairdresser, &c., can the General Council remove his name from the Register?

Act, to investigate and report on the facts of the case, for the purpose of the matter being afterwards brought before the General Council.

3. We think the dental committee cannot itself originate proceedings.

4. We think the dental committee ought, before finding the facts, to give the party interested the opportunity of offering any explanations, and of being heard, if he desires it.

5. We think that the name of a person cannot be removed from the Dentists' Register solely on the ground that he carries on some other trade, though the fact of his doing so might be material in considering whether he was *bonâ fide* engaged in the practice of dentistry at the passing of the Act.

Temple August 6th, 1880.

FARRER HERSCHELL,
F. VAUGHAN HAWKINS.

CASE 3.

CASE and JOINT OPINION of the SOLICITOR-GENERAL and Mr. MUIR MACKENZIE.

The General Medical Council.—Dentists' Act.

The General Medical Council have carried out the registration of dentists in accordance with what they believed to be the meaning of the Act. Objections, however, have been raised which apply to the registration of persons who were registered on their declaration of having been in practice prior to the passing of the Act. These objections are founded more especially on the interpretation to be placed on clause (c) of section 6 of the Dentists' Act.

Counsel are requested to advise the General Medical Council in reference to this section of the Act.

Questions.

1. What is the construction to be put upon the words "*bona fide* engaged in the practice of dentistry

Opinion.

1. We are of opinion that the words "*bona fide* engaged in the practice of dentistry or dental

or dental surgery, either separately or in conjunction with the practice of medicine, surgery, or pharmacy?"

(a.) Do such words mean that a duly qualified dentist must be actually in business on his own account, or could a person otherwise duly qualified, and discharging all the duties of a dentist, but acting as assistant to another, be said to be *bonâ fide* engaged in the practice of dentistry?

(b.) Could a person competent of himself and duly qualified to practise medicine or surgery with dentistry, or to practise as a chemist and druggist and dentist, but whose name is not on the Medical Register, nor on the Register of Pharmaceutical Chemists, nor of Chemists and Druggists, be said to be *bonâ fide* engaged in the practice of dentistry in conjunction with either medicine, surgery, or pharmacy?

(c.) Assuming that a person qualified as in the preceding clause

surgery, either separately or in conjunction with the practice of medicine, surgery, or pharmacy," have no reference to any legal qualifications to practice medicine, surgery, or pharmacy. They are simply intended to indicate that if the person seeking registration is qualified to be registered by reason of his being *bonâ fide* in practice as a dentist, he is to be none the less so entitled because that is not his exclusive occupation, but is only carried on by him in conjunction with the practice of medicine, surgery, or pharmacy.

(a.) We are of opinion that a duly qualified dentist need not necessarily be in business on his own account. If a person is discharging the duties of a dentist, and really practising as such, he is not disqualified from registration merely because he is acting as assistant to another. But he would be so if his duties consisted merely in rendering assistance to his employer, and not in the independent performance of dental operations.

(b.) We are of opinion that the question whether the name of a dentist seeking to be registered in conjunction with medicine, surgery, or pharmacy, is or is not on the Medical Register or the Pharmaceutical Register is quite immaterial. The practitioner in dentistry is to be registered in respect of his dental qualifications only, and the Council need not inquire as to his right to practise medicine, surgery, or pharmacy.

(c.) The above answer applies to this question. It is immaterial

can be registered in the form mentioned, will such person be disqualified from registration if acting as an assistant only?

(d.) Can apprentices to chemists practising also dentistry claim to be registered under the Dentists Act as *bonâ fide* practising dentistry in conjunction with pharmacy?

(e.) Can a person duly qualified to practice dentistry claim to be registered in conjunction with pharmacy on the ground of his practising some form of pharmacy, such as homœopathic or veterinary pharmacy?

2. Much misconception having arisen, on the part of persons applying to be registered under clause (C) of section 6 of the Dentists' Act, as to the interpretation to be put on the words of that clause, and application having been made to the General Medical Council to strike off the Dentists' Register the names of persons stated to have made false declarations in connexion therewith, counsel are requested to advise on the following questions:—

(a.) Whether a person can claim to be registered on filling up the declaration as printed in the schedule to the Dentists' Act, and nothing more?

whether the person seeking registration in conjunction with medicine, &c., is an assistant or not, provided he possesses the requisite dental qualifications.

(d.) We think that apprentices to chemists practising dentistry cannot claim to be registered as *bonâ fide* practising dentistry in conjunction with pharmacy. The 37th section provides for the registration of apprentices and students in certain specified cases, but except in the cases provided for in that section, we do not think that apprentices can claim registration.

(e.) We think it is immaterial what form of pharmacy a person practises, provided he satisfies the dental qualifications necessary for registration.

(a.) We are of opinion that a person can claim to be registered under clause (A) of section 6 on signing, as prescribed in section 7, the declaration in the schedule to the Act. The registrar may, if he thinks fit, require the declara-

(b.) Whether the General Medical Council can, at the request of persons now registered, omit from the Dentists' Register the words "with pharmacy," or any additional qualification that may have been entered on the Register, if the Council be satisfied that the request for insertion has been made through inadvertence or misconception?

(c.) Can the Council require proof to be furnished of any additional qualification required to be registered, such as the production of any diploma, degree, or license of any medical or surgical body, college, or institution?

(d.) In the absence of such evidence, has the General Medical Council power to remove the words "in conjunction with medicine," &c., from the Dentists' Register?

tion to be affirmed by a statutory declaration, as provided by section 7, but nothing more can be required.

(b.) The General Medical Council can, in our opinion, omit from the Dentists' Register the words "with pharmacy," or any like words in every case in which they think proper to do so. Such words are, in our opinion, superfluous, and should not have been placed on the Register at all. The Register should, in our opinion, contain the names of the practitioners, with any dental diplomas or qualifications to which they may be entitled, but should not contain any reference to their qualifications or practice either in medicine, surgery, or pharmacy.

(c.) We think that the only additional qualification which should appear on the Register are those which express or imply fitness to practice dentistry (section 11, clauses 2 and 6). If a candidate for registration desires to have such additional qualifications registered, we think that the Council can certainly require proof of such qualifications by the production of the necessary diploma, degree, or license.

(d.) We have already said that we think that the Council have full power to remove from the Register the words "in conjunction with medicine." We think further that in any case in which the Register contains statements of a dentist's qualifications, the incorrect statement may, under section 13 be erased.

MONTAGUE MUIR MACKENZIE.
FARRER HERSCHELL.

CASE 4.

CASE and OPINION of Sir JOHN HOLKER, Q.C., M.P., Mr. R. S. WRIGHT, and Mr. G. A. R. FITZGERALD.

Case.

Herewith are sent :—

1. The Dentists' Act, 1878.
2. Copy case, and opinion of Mr. FitzGerald thereon.
3. Copy case, and joint opinion of the Solicitor-General and a junior counsel thereon (*see* pages 60 to 66 inclusive of the number of the Journal of the British Dental Association marked in red ink.)

Before the year 1858 there was no provision whatever for dental education, and no qualification was required for dental practice.

Under clause 38 of the Medical Act, 1858 (*viz.*, 21 and 22 Vict. c. 90),—it shall, notwithstanding anything herein contained, be lawful for her Majesty, by charter, to grant to the Royal College of Surgeons of England power to institute and hold examinations, for the purpose of testing the fitness of persons to practice as dentists who may be desirous of being so examined, and to grant certificates of such fitness.

The College of Surgeons obtained its dental charter in 1859, authorising the institution of examinations in dental surgery of persons who desired to be examined, and the issue of certificates of fitness to practice. Those persons who had yet to enter upon practice were required to submit to a curriculum before presenting themselves for examination, but persons in practice before the date of the charter were, on certain conditions, admitted to examination *sine curriculo*.

A large number of the leading dental practitioners at once availed themselves of the opportunity offered by the College, and secured the qualification of licentiate in dental surgery, and successful dental schools were established for the education of pupils.

The education prescribed was found highly satisfactory, and the benefits secured thereby so incontestable that at a public meeting of dental practitioners, held in 1875, it was determined to ask Parliament to make compulsory the education and qualification, at present optional, on all who should in future devote themselves to dental practice, and for the purpose of giving full effect to the obligation, to require registration of all existing *bonâ fide* practitioners.

A Bill was drawn on the lines of the Medical Act, 1858, keeping also in view the Pharmacy Act, 1868, and when drawn was submitted to and approved by the College of Surgeons of the United Kingdom, and submitted also to the Medical Council. The Bill was introduced into Parliament by Sir John Lubbock, and on its second reading was approved by Lord Sandon on behalf of the Government subject to free amendments of detail. These amendments, subsequently drawn by the Government draughtsman, consisted in making the Bill (at the

instance of the Medical Council) conformable with the dental section of the Lord President's Medical Bill then before Parliament, it being understood that in the case of the Dentists' Bill passing, the dental section of the Lord President's Bill would be withdrawn, and steps were taken to this end when the Medical Bill was itself withdrawn. The Bill introduced by Sir John Lubbock became law as the Dentists' Act, 1878.

As originally drawn, it contemplated the registration only of persons who devoted themselves wholly to the practice of dental surgery or dentistry, and of persons who combined dentistry with the practice of medicine or surgery. Memorials were, however, addressed to Sir John Lubbock by chemists and druggists (all of whom are registered under the Pharmacy Act), stating that a certain number of their body combined the practice of dentistry with the chemists' and druggists' business, and claiming to be registered as dentists.

To meet what appeared to be a reasonable claim, the words "or pharmacy" were added in the registration clause of the Bill after surgery, and the clause so amended stands in the Act as follows :—

6. Any person who—

- (a.) Is a licentiate in dental surgery or dentistry of any of the medical authorities, or
- (b.) Is entitled, as herein-after mentioned, to be registered as foreign colonial dentist ; or
- (c.) Is at the passing of this Act *bonâ fide* engaged in the practice of dentistry or dental surgery, either separately or in conjunction with the practice of medicine, surgery, or pharmacy, shall be entitled to be registered under this Act.

The promoters of the Act framed sub-section (c) of the above section with the view of admitting to registration persons who practice dentistry by itself, or persons who practice dentistry in combination with the legal practice of medicine, surgery, or pharmacy, as defined in the Medical and Pharmacy Acts respectively, and no others.

The preamble of the Medical Act, 1858 (21 & 22 Vict. c. 90), gives as the reason for its passing, that "it is expedient that persons requiring medical aid should be enabled to distinguish qualified from unqualified practitioners ;" and the preamble of the Pharmacy Act, 1868 (31 & 32 Vict. c. 121), states that the Act is passed because "it is expedient for the safety of the public that persons keeping open shop for the retailing, dispensing, or compounding of poisons, and persons known as chemists and druggists should possess a competent practical knowledge of their business, &c."

Both preambles thus show that the Acts were promoted and passed for the protection of the public, and a person not registered under the Medical Act is subject to a penalty if he take the title of physician, or any similar title ; and under the Pharmacy Act, 1868, a person not

registered under that Act is liable to a penalty if he take the title of chemist, druggist, or any similar title.

On the passing of the Dentists' Act, 1878, the Medical Council proceeded to the work of registration, and with the view of ascertaining under which of the specified conditions a person practised, each applicant for registration under section 6 (c) was required to fill in the following form :—

I request to be registered as a dentist under clause c., section VI., of the Dentists' Act, 1878, for which purpose I submit the following particulars :—

1. I hereby affirm that at the date of passing of the Dentists' Act, 1878, I was practising dentistry.*

(Signed)

2. Declaration required to be made by a person who claims to be registered under the Dentists' Act, 1878, on the ground that he was *bonâ fide* engaged in the practice of dentistry at the date of the passing of the said Act :—

I†

residing at‡

hereby declare that I was *bonâ fide* engaged in practice of dentistry at§

at the date of the passing of the Dentists' Act, 1878.

(Signed)

(Witness)

Dated this day of 18

Note.—Any person who wilfully procures, or attempts to procure, himself to be registered under this Act, by making, or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding and assisting him herein, is liable under the Dentists' Act, 1878, to imprisonment for 12 months.

In fulfilment of the purpose of the inquiry, persons were registered as "in practice before July 22nd, 1878," "with pharmacy," or "with medicine or surgery," if either were practised, as the case might be. On the publication of the Dentists' Register, it was found that a large number of persons had declared themselves to be in the *bonâ fide* practice of dentistry in conjunction with pharmacy, whose names were not to be found in the Chemists' and Druggists' Register, and who could not practice pharmacy without contravening the Pharmacy Act (31 & 32 Vict. c. 121, s. 15).

* Here has been inserted whether practising separately, or in conjunction with the practice of medicine, surgery, or pharmacy.

† Here has been inserted the name in full.

‡ Here has been inserted the address in full.

§ Here has been inserted where the practice was carried on.

Counsel's opinion was taken (Mr. FitzGerald's hereto appended) which confirmed this view, and on its authority those persons were written to, suggesting their withdrawal from the Register. Subsequently the names of those supposed to be incorrectly, if not fraudulently registered, were sent into the Medical Council, accompanied with a copy of Mr. FitzGerald's opinion. This opinion, together with an opinion which had been obtained from Mr. (now Mr. Justice) Bowen, by the Medical Council, was read by the Council with closed doors, and together with the names sent in, was referred to the dental committee of the Council (section 15 of the Act). The report of the dental committee contains no notice of either of the two opinions, but it is accompanied by opinions of Sir F. Herschell, and a junior counsel, a copy of each of which is also sent herewith. It will be observed that this opinion is contrary to that of Mr. FitzGerald, and would apparently make the words of section 6 of the Act, "either separately or in conjunction with medicine, surgery, or pharmacy," to have no meaning whatever. The Medical Council have adopted the opinion of Sir F. Herschell on the construction of the Act, and the result is that the names of a large number of persons, for the most part chemists' and druggists' unqualified assistants, are retained in the Register, whose registration was not for a moment contemplated by the promoters or draughtsmen of the Act, and whose claims to any knowledge of dentistry are scarcely colourable, being at most confined to the occasional extraction of teeth on behalf of their employer. Furthermore, the names of others are retained on the Register, who practice some calling other than either of those named in the Act. For example, hairdressers, watchmakers, travellers, cutlers, and opticians.

The meeting of the Council followed the issue of the report of the dental committee too quickly, to admit of any inquiry. Moreover, the appended opinion of Sir F. Herschell was marked (*strictly confidential, for members of the Council only*), thus forbidding any inquiry. Dissatisfaction was expressed by members of the Medical Council at the meeting, at the manner in which the business had been conducted, but they felt themselves powerless, and constrained to follow in the leading of the committee, and not only to leave the disputed names on the Register, but also to remove from them the appended descriptive term "with pharmacy," &c., and even to invite back for registration those persons who had withdrawn their names at the suggestion of the British Dental Association, sanctioned by the opinion of Mr. FitzGerald.

The Medical Council have acted upon the authority of a single high legal opinion which traverses the opinion, upon the soundness of which the British Dental Association depended in bringing before the Medical Council the cases of alleged incorrect or fraudulent registration. With this difference in the legal opinions, the Association cannot

regard the legal interpretation of the clause in question, as by any means determined.

It is submitted that looking to the working of sub-section (c) of section 6, and to the fact that the words "the practice of medicine, surgery, or pharmacy" would appear both in legal and popular acceptation to refer to practice by legally qualified (that is to say registered) practitioners under the Medical Act, 1858, and looking as well to the general scope and object of the Dentists' Act itself, full effect ought to be given to the words in question. Should the opposite contention be correct, a considerable obstacle will be placed on the way of the working of the Act, and its benefit to the public will be diminished.

COUNSEL are requested to advise on the following Questions :—

Questions.

(1.) What is the true construction of sub-section (c) of section 6, *i.e.* is Sir F. Herschell, right or wrong in his opinion?

Opinion.

(1.) The 6th section of the Dentists' Act, 1878, enacts that "any person who . . . (c) is at the passing of this Act *bonâ fide* engaged in the practice of dentistry, or dental surgery, either separately or in conjunction with the practice of medicine, surgery, or pharmacy . . . shall be entitled to be registered under this Act."

We are of opinion that the words "practice of medicine, surgery, or pharmacy," refer to the legal practice of these professions by duly qualified persons. If this were not the natural meaning of the words taken by themselves, we think they must receive this interpretation under section 34 of the Medical Act of 1858 (21 & 22 Vict. c. 90) in the case of medicine and surgery, and under section 12 of the Pharmacy Act, 1852 (15 & 16 Vict. c. 56), and section 1 of the Pharmacy Act, 1868 (31 & 32 Vict. c. 121), in the case of pharmacy.

We are further of opinion that persons who at the passing of the Act practised dentistry at the same place in conjunction with

another business or profession (not being medicine, surgery, or pharmacy, as above interpreted), are not entitled to be registered under the Act. In each case it will be for the Council to decide as a matter of fact, whether the person's real business was dentistry. They would not be precluded from so finding merely by the circumstance that he occasionally or incidentally, or at some other place, carried on another business, but a person whose real business was that of a blacksmith, watchmaker, or veterinary surgeon, would not in our opinion be a person who was "*bonâ fide* engaged in the practice of dentistry or dental surgery," within the meaning of the Act, merely because he added to that business the practice of dentistry.

(2.) If wrong, what is the best mode of proceeding to obtain a judicial decision on the section?

(2.) We think that practically the only means of obtaining a judicial decision will be for the Council to expunge from the register the name of some person who, according to the view which we have taken, was not entitled to be registered. The question can then be tried on a Mandamus to restore the name. The Council would no doubt be prepared to give every facility for this purpose.

JOHN HOLKER,
R. S. WRIGHT,
G. A. R. FITZGERALD.

Flavell and Bowman,
21, Bedford Row, W.C.
July 14th, 1881.

APPENDIX NO. 2.

The PROSECUTION of Mr. GOULD in 1859, for using the Title of Surgeon-Dentist. (Extract from *The Surrey Comet*.)

Reference having been made by Mr. Tomes and others to this case, we have deemed it of sufficient importance to reprint the following extract bearing upon it. This we are enabled to do through the courtesy of Mr. Gould himself, who has kindly furnished us with the necessary documents.

Court of Queen's Bench.—Jan. 21, 1860.

[Before Lord Chief Justice COCKBURN and Mr. Justice CROMPTON.]
Ladd (Appellant) and Gould (Respondent.)

This was a case stated by the magistrates of Kingston-upon-Thames at the request of the appellant, submitting for the opinion of the court whether upon the evidence Mr. Gould was guilty of the offence contemplated by the Act, the magistrates having dismissed the information.

Mr. Lush, Q.C., and another appeared for the appellant, and Mr. Quain and Mr. Kelly for the respondent.

Mr. Lush said this was a case stated for the opinion of the court under the new Medical Act, and it raised the question whether the word "surgeon" in connexion with the words "and mechanical dentist" was using the title of a surgeon within the 40th section of the Medical Act. The question was whether on the evidence the party was guilty.

He was stopped by the Lord Chief Justice Cockburn saying, Well, but what have we to do with this—there is no case for us; this is a question of facts, not of law, and the court never interferes with justices' decisions on facts. We can only entertain a question of law, and there is none in this case.

Mr. Justice Crompton.—This is a question on which the magistrates were bound to draw their own conclusions from the facts.

Mr. Lush.—Yes, my Lords, this is an appeal from the justices raising a point of law, as to the use of the word "surgeon."

Lord Chief Justice.—I do not think there was any false pretence in using the word "surgeon." That is a question of facts for the justices as to the intention. Did he wilfully and falsely assume it, and pretend to be a surgeon? The justices had the facts before them, and I think decided quite rightly.

Mr. Justice Crompton said the respondent had called himself "surgeon and mechanical dentist," which he thought meant much the same as "surgeon-dentist." I think I should have decided as they did.

Mr. Lush said the magistrates meant to leave to the court whether the evidence brought the party within the meaning of the Act.

Lord Chief Justice.—I think it did not, but that is a question of fact. This is like the case of persons calling themselves surgeon-dentists who are known not to be surgeons, though some of them are.

Mr. Lush.—But, my Lords, he called himself a surgeon, he had the word surgeon on his door plate, and he is not one.

Lord Chief Justice.—Yes, but it was connected with the word dentist, as surgeon-dentist.

Mr. Lush.—No, the inscription on the plate is surgeon and mechanical dentist; he calls himself a surgeon and a mechanical dentist.

Lord Chief Justice.—No, no. That is explained by his statement before the justices, that originally his plate was "surgeon-dentist," but he found it necessary to explain to the public that he had made artificial teeth, and some time ago, 15 or 16 years, he introduced the words "and mechanical," and it means and reads thus: "surgeon-dentist and mechanical dentist," shortly expressed, "surgeon and mechanical dentist." There is no intention to deceive. That is not assuming the name of surgeon according to the Act.

Mr. Justice Crompton.—There are men who call themselves surgeon-corn-cutters, surgeon-chiroprudists, as well as surgeon-dentists. That is not assuming the name of a surgeon. Surgeon-dentist means that the person is skilful in treating diseases of the teeth, and nothing more. It is a matter of fact for the magistrates to decide, and with the evidence before them they might have found either way, but the Court would not find for them. The statute gives power to put questions of law only to this court, not questions of fact.

Lord Chief Justice.—Why, dentists have always called themselves surgeon-dentists, custom, immemorial usage have sanctioned it. Everybody understands what it means, and knows them as such.

Mr. Lush.—But, my Lords, he acted as a surgeon and practised as one. The woman went to him as a surgeon, believing him to be one. He treats her as one, and she pays him for the remedy.

Lord Chief Justice.—Pooh, pooh (*holding up his arm*), the woman went to him because she could get something cheaper at a chemist's than at a doctor's. He gives her a bit of plaster or something to put on her elbow she had struck, and to call that practising as a surgeon. No, no.

Mr. Justice Crompton.—It is not because a woman goes in to get a linament to rub her arm that he is to be considered as acting as a surgeon.

Mr. Lush.—Then if your Lordships decide that point the Medical Registration Bill is a dead letter.

Lord Chief Justice.—No, we do not decide the point, for it is not before us.

Mr. Lush.—That point will be brought before you before long.

Lord Chief Justice.—Very well, when it is we will decide it.

Mr. Lush.—Will you send the case back for re-hearing?

Lord Chief Justice.—Certainly not; the case has been properly decided. I do not think there was any falsehood or any intention to deceive, which was necessary to bring the case within the Act; that was also the opinion of the magistrates. They might have come to a different opinion if the evidence justified it.

Mr. Justice Crompton.—The magistrates had all the facts before them. They were the proper judges of the facts and could have decided either one way or the other; but they found that he did not wilfully and falsely pretend to be a surgeon, and I think they decided properly.

Judgment for respondent. — *The Surrey Comet.*

Mr. THOMAS EDGELOW, M.R.C.S., L.R.C.P., examined.

6402. (*Chairman*). You are a Member of the Royal College of Surgeons and a Licentiate of the Royal College of Physicians?—I am.

6403. And you have been requested by the Association of Surgeons practising Dental Surgery to lay their views before us?—That is so. I appear as the President to express their views.

6404. Will you kindly tell us the objects with which your Association was established?—Our Association has been established entirely with the object of raising the status of the dental profession, and amongst the rules that we have, the first is that nobody can be a Member of the Association unless he is on the Medical Register; we do not admit anyone who is on the Dental Register unless he be on the Medical Register as well, and the only qualification for our Association is that the person shall be on the Medical Register.

6405. (*Prof. Huxley*). And that he has had a complete medical education?—Quite so.

6406. (*Chairman*). What steps have you taken to carry out the object of your Association, viz., improvement of the Dental Education?—We try to make our views known amongst the profession as much as possible, and we hold meetings at specified times. We have certain points that we give very great prominence to, which I could, with your lordship's permission, briefly lay before you.

6407. Do you hold any relations with the General Medical Council?—We have no relations with the General Medical Council.

6408. Do you ever bring cases or facts with relation to Medical

Education before their notice?—Our views have been brought from time to time before the General Medical Council by the secretary.

6409. With regard to the General Medical Council, dentists, as we know, have no direct representation upon that body; has your Association any strong opinion with regard to that point?—I cannot bind the Association to the opinion which I am going to give you; I had not time to get a Council Meeting to answer that question as regards the whole Association. For myself, I can only say that I feel that a dentist, as a dentist, would be out of place upon the Medical Council. If he is there as a registered member of the medical profession I understand his position, but I do not understand his position there only as a dentist.

6410. And you individually think that it would be inexpedient to allot a special seat upon the Medical Council to the dentists' profession as such, as apart from the institutions which now return members to the Council?—I do entirely think so.

6411. Are you content with the present constitution of the Medical Council?—Personally I am.

6412. And you can state to us the views of your Association upon that point?—My belief is that I am representing in these particulars the views of the Association.

6413. Then virtually you have no especial remark to make with reference to the Medical Council in its relations with the dentists?—No, beyond the fact of my believing it to be inexpedient, as I have mentioned, to have a dentist, as a dentist, on the Medical Council, and in that I believe I represent the views of the Association, though I cannot speak positively upon the point.

6414. Does your Association approve of the indirect control which is exercised by the General Medical Council over dentists generally under the Dentists' Act of 1878?—Our Association would be very glad if the Medical Council had more complete control, and could deal with the names of those who are on the dentists' lists as they would do if they were at liberty to exercise their own judgment.

6415. Then your Association approves the objects which the Act of 1878 had in view, namely, the establishment of a relation between the Medical Council, as representing the highest controlling body of the medical, and the dental professions?—If that implies that our Association at the time approved of the Dentists' Act, it did not. We opposed in many particulars the Dentists'

Act when it was passing through Parliament, but without success.

6416.—Would you mind repeating to me the points which seemed to you objectionable in that Bill as it was at that time?—It seemed to us that under that Bill dentists are allowed to call themselves surgeons whether they be on the Medical Register or not. That is a point which our Association has the strongest feeling about. We feel that no one has any right whatever to call himself a surgeon with or without any adjunct word unless he be upon the Medical Register, that is, unless he has a qualification entitling him to be placed upon the Medical Register. We object as much to a man calling himself a surgeon-oculist or a surgeon-aurist unless he be on the Medical Register. I have at the present moment in my pocket a current paper with an advertisement in it in which someone who is not on the Medical Register (the name is immaterial), describes himself as “surgeon and practical dentist.” There the public is absolutely misled. The man is not on the Medical Register at all, and I think that in the interests of the public they ought to know whether a man who calls himself a surgeon dentist is a surgeon or not.

6417. Was that the main ground for the dislike entertained by your Association to the Bill of 1878?—It was one main ground. Another main ground was the great number of men whom we considered absolutely unqualified who were allowed to register under that Act; and we feel that as regards that Act it would be a very great thing for the protection of the public if there were a double list made, containing on one side the names of the licentiates in dentistry, and on the other side those who have no qualifications whatever. At the present time they are all mixed together, and nobody can tell whether or not a man had any qualification before he was put on the Register. Numbers are on the Register who confessedly have no right to be there, and whom an unsuccessful effort has been made to remove.

6418. Prior to the passing of the Act, those unqualified persons could, and I suppose did, practise as dentists?—They were supposed to do it, but we believe that numbers got on who had no more qualification than a man who opens your door to allow a visitor to come in or out.

6419. Then you hold that, at all events under the cover of that Act, those persons who obtained a status which prior to the passing of that Act they had not?—Precisely so.

6420. That is the main ground of your objection?—Yes.

6421. Was it legal prior to the passing of the Act for a person to style himself "Surgeon-Dentist?"—That is a point upon which there is a difference of opinion. Before the year 1878, there was a case before the late Lord Chief Justice, who decided that he had no power to stop a man calling himself "surgeon" in conjunction with some other name, although that man was not on the Medical Register.

6422. Will it be possible in future for persons imperfectly qualified to attain admission to the Dentists' Register?—Persons who are not licentiates in dental surgery, that is to say, those who have not taken what we consider the minor qualification, cannot be placed on the Dental Register in future, and undoubtedly that is a valuable safeguard, and I cannot help saying that it is a very good thing indeed that the Act has been passed, though we object to those men who are not qualified being swept in by its provisions. But we aim at something higher, and that is at having dentists qualified as medical men as well.

6423. Then your objection to the Act of 1878 is that thereby privileges were created in favour of certain existing persons, and your objection is not to the Act as it will work hereafter?—Certainly, as regards raising the status of the dental profession generally, but I do not think that that would touch the question of the use of the word "surgeon." The main thing that we object to is that anybody should be allowed to use the word "surgeon" in conjunction with another word unless he is upon the Medical Register, and is entitled to place his name there by virtue of holding those qualifications.

6424. How would you propose to remedy that defect in the Act? By a clause in the new Medical Act stating that in future nobody shall be entitled to use the title of "surgeon" or "doctor" in conjunction with any other word whatever unless he be on the Medical Register, or have a qualification which is registrable on the Medical Register.

6425. Would you propose to allow a person who was possessed of the qualification of the College of Physicians in Edinburgh, and who also had qualified as a dentist, to style himself "Surgeon-Dentist"?—Might I answer that by putting a question? Would such a person be allowed to practise any other branch of surgery under similar existing circumstances? If that is the case, I say yes, if not, I say no.

6426. Then may I take it that your objection to a person

styling himself "Surgeon-Dentist" is not that he is not a member of the College of Surgeons, but that he is a person not on the Medical Register?—It is so.

6427. Are there any other defects in matters of what I may call a penal nature to which you wish to call our attention, and to which the Act of 1878 does not in your opinion sufficiently attend?—I know of none.

6428. Are you of opinion that it would be expedient to place the dentists under a separate and special Act, and to govern them by a separate Medical Council of their own?—Dentists, as dentists, if they are to be separated from the medical profession, I think had far better have their own absolute guidance, and be left entirely apart from the medical profession. If they seek for a separate status as dentists they should be ruled by dentists.

6429. Should you yourself be in favour of separating dentists from the remainder of the medical profession?—Since the Act passed I should be in favour of separating dentists *qua* dentists from the remainder of the medical profession; but I should strongly object to surgeons who wished to practise dentistry being cut off from the body of the profession.

6430. Would you give me the number of members of your Association?—Fifty-five, and ten honorary.

6431. (*Mr. Simon.*) You take great exception to the use of the term "Surgeon-Dentist" for persons who are not members of the College of Surgeons; in the judgment of Lord Chief Justice Cockburn, to which you referred, was not the view taken by him that "Surgeon-Dentist" was a compound word in the same way as the expression "veterinary surgeon" is a compound word, and that a man calling himself a Surgeon-Dentist was not calling himself a surgeon?—That view was taken, and that is why I wish that the new Act should expressly state that that view could not be taken in future.

6432. And was it not alleged that from time immemorial the expression "Surgeon-Dentist" had been used as a compound word, and had not been understood to encroach at all upon the province of surgeons?—I am not sufficiently up in the judgment of the Lord Chief Justice to give an answer to that question.

6433. As regards the other point to which you referred, viz. the indulgence which, when the Act passed, was shown to persons already in practice, and which brought upon the Register a certain number of persons whom you considered very indifferently quali-

fied, if you had had the making of that Act, what other principle would you have adopted, if any, than the principle which was adopted, of admitting to the first Register all persons who were already *bonâ fide* in the practice of Dentistry?—I felt the difficulty so much that I am bound to say that I opposed the Act as strongly as I could when it was passing.

6434. And yet you think that the Act has been of advantage and is of advantage to the profession of Dentistry?—I think it will be hereafter. At the present moment I can hardly say, having regard to the mixed people that are registered, that the profession is at present particularly raised by it. I believe that it will undoubtedly be ultimately raised by it as soon as those men of whom I speak have in course of time died out.

6435. You are of course familiar with the fact that in all analogous legislation (for instance, on the passing of the Apothecaries' Act in 1815) whenever a first register has had to be made, persons already *bonâ fide* in the position for which provision has had to be made, have been recognised as being entitled to registration?—I quite admit the whole difficulty.

6436. So that, in fact, unless that had been done, a first register could not have come into existence?—No, but I think it might have been made a little more exclusive.

6437. (*Professor Huxley.*)—Did I correctly understand you to say that you would desire legislation of such a nature as to forbid anyone to practise dentistry who is not on the Medical Register?—No, I did not mean to say that at all.

6438. You did not wish that?—No, not at all, only to prevent persons calling themselves surgeons who are not surgeons. I do not want to touch their right to practise as, or to call themselves, Dentists, but I think that no one ought to call himself Surgeon-Oculist, or Surgeon-Dentist, or surgeon anything, unless he be entitled to be on the Medical Register.

6439. (*Chairman.*)—We had here just now the representative of the British Dental Association, has your Association the same objects as the British Dental Association?—I think that the British Dental Association would differ very strongly from my view about the word "surgeon." I think they would like all those who are on the Dental Register to be allowed to call themselves Surgeon-Dentists. That is the main point of difference. We have to recognise legislation which has taken place. The Dentists' Act has passed, and we recognise it, but we wish in future, if possible, to have

some means by which the public can know whether or no a man is a surgeon who calls himself a Surgeon-Dentist, and whether when he calls himself a "Surgeon and practical Dentist" it means that he is a surgeon. In this case that I am referring to, of the man whose advertisement I have in my pocket, he is no surgeon at all, and he advertises and calls himself a "Surgeon and practical Dentist." The public gather from that that he is a surgeon, but he is not a surgeon, he is not on the Medical Register at all.

Mr. RICHARD QUAIN, M.D., F.R.C.S., examined. (*Nov. 18th 1881.*)

6742. (*Chairman.*)—You are a member of the Senate of the University of London, and Fellow of the Royal College of Physicians?—Yes.

6743. And you have been a Crown nominee on the Medical Council since the year 1863?—Yes.

6744. And you have been secretary and chairman of the Pharmacopœia Committee of the Medical Council?—Yes.

6745. And you are treasurer, are you not, of the Council at the present time?—Yes, I have been one of the treasurers since 1863.

6932. Is there anything further that you wish to mention to the Commission?—I would venture to suggest that it would be very desirable to amend the Dental Act. A great mistake has been made in appointing the general body of the Medical Council to carry out the details of this Act. In the Duke of Richmond's Bill there was a clause which gave the Council power to appoint a Board that would have carried out all those details without imposing the duty on the Council. This Board could have carried out those details in an inexpensive form. The Council according to the Duke of Richmond's Bill could have made rules which, when approved by the Privy Council, would have had the force of law. Instead of which the Dentists have chosen to adopt the Medical Act of 1858 as a model, an Act the amendment of which is the very subject under your consideration. It would be very desirable that the Act should be amended in accordance with the principle contained in the clause of the Duke of Richmond's late Bill (Clause 22, Medical Act, 1858, Amendment Bill, H.L.), and that in any amended Act there should be power taken to divide the Dentists into two classes, those who have a qualification by examination, and those who are only qualified on their own declaration. The Council is threatened with

law proceedings on the subject. If it could be possible under the Amended Act to follow the example set in the Act obtained by the Veterinary Surgeons in the last session, in which all registered persons are divided into two classes, one, those who have obtained qualifications by examination, and the other by their own declaration, there would be an end of the present contention. The contention is that the Medical Council should take off the names of 400 people who have been put on the Register on their own declaration of being engaged in the practice of Dentistry prior to the passing of the Act. Their claim depends upon the interpretation of a very ill-worded section of the Act, and if this could be settled under an Amended Act by the persons registered being put into two divisions, it would be an advantage.

6933. Any person who chooses to call himself a practising dentist is entitled, is he not, to have his name put on the list?—Yes, coupled with the declaration that he is engaged in Dentistry or Dental Surgery. One of the questions which has arisen is whether a man who extracts 500 or 600 teeth a year, and who has been a dresser in a German hospital, can declare that he is a person *bonâ fide* engaged in the practice of Dentistry.

REPORT.

DENTAL SECTIONS THEREOF.*

VI.

63. The Association of Surgeons practising Dental Surgery appeared before us by their President, asking that qualified Dentists not on the Medical Register should be prevented from styling themselves "Surgeon-Dentists." We do not see our way to make such recommendation.

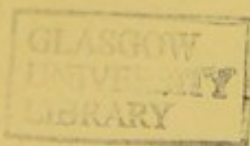
64. The British Dental Association have asked for direct representation upon the Medical Council. We cannot recommend that this should be granted.

* Section 28 of the Dentists' Act provides that if at any time a conjoint system of Medical Examination and Licensing is adopted that it shall also apply to Dental Education, hence the whole of the Educational sections of the Report bear, directly or indirectly, upon dental questions.

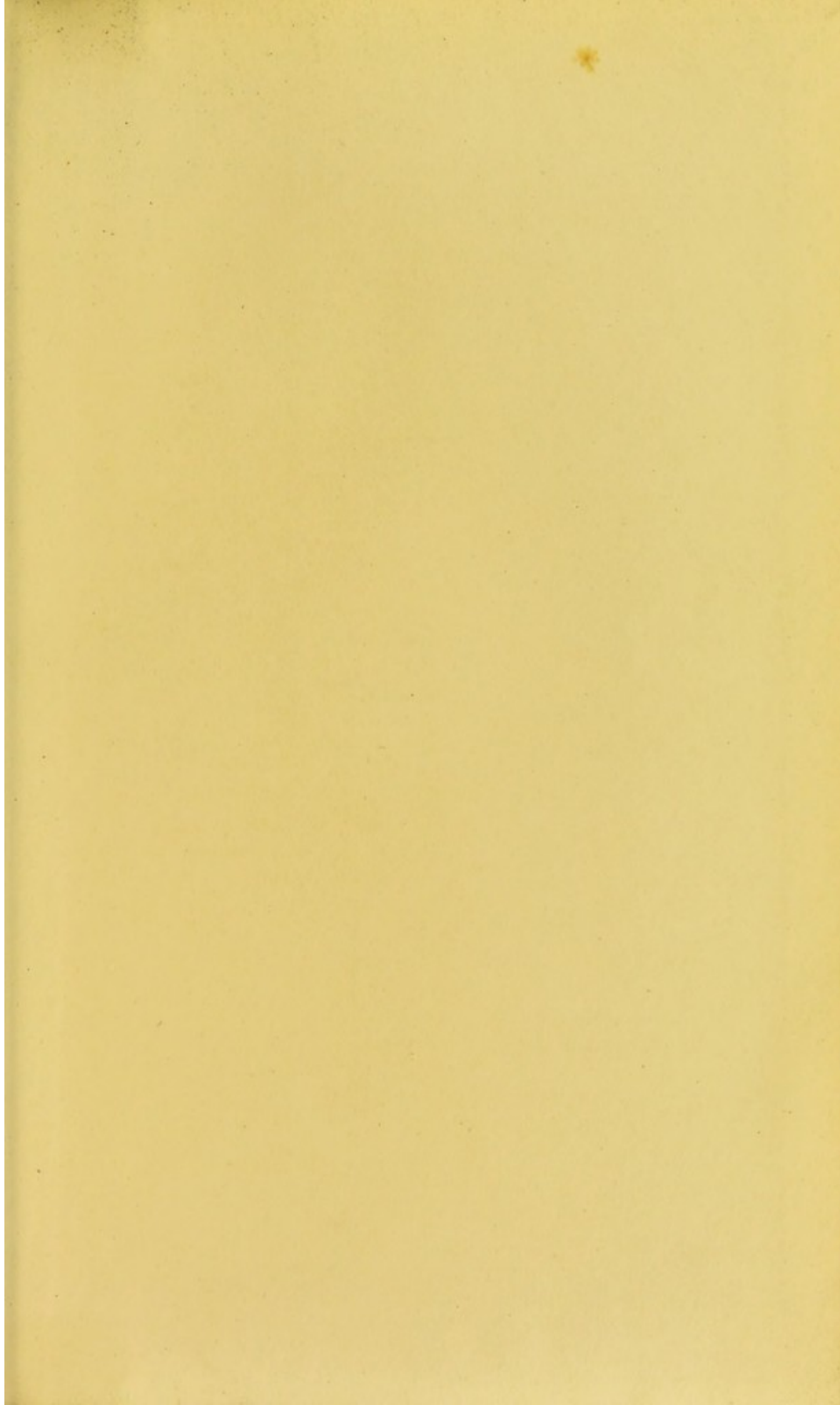
THE following answers were given in evidence before the Commission by Dr. Billings (Blue Book, page 240), and being as relevant to dental as to medical education and examination, should have been printed in the foregoing report.

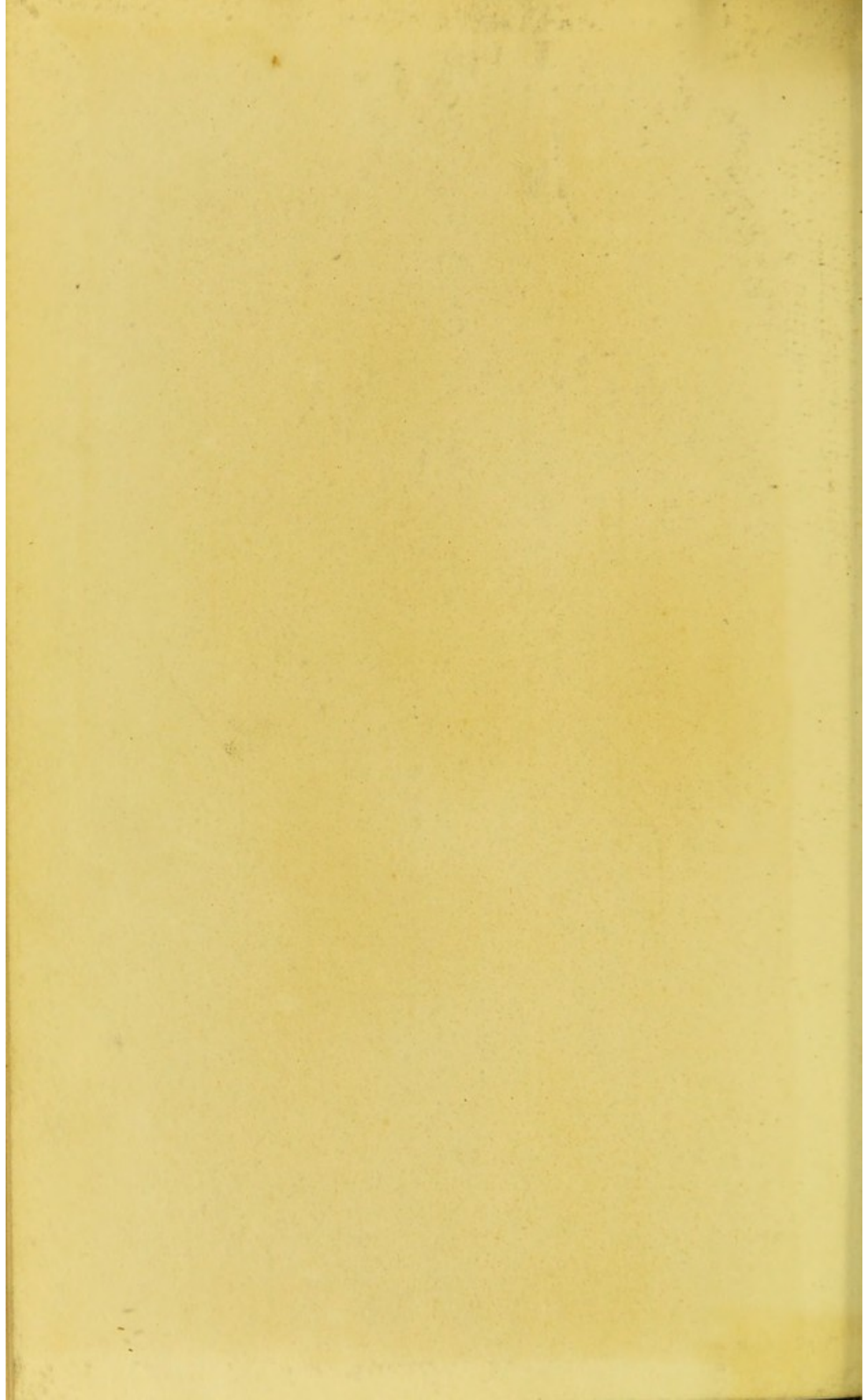
4829. Is it necessary, before medical study is commenced in the United States, that a preliminary examination in general education should be passed?—That is not customary, but there is a regulation to that effect in some of the schools; the preliminary examination, however, is of the simplest nature.

4843. The position, then, that you have taken up is this, I understand, that any American graduate before being allowed to register should be required to submit his degree and a statement of the examinations that he had gone through to the central medical body of this country, namely, the General Medical Council; and that that body should inquire into the character of the examination which he had undergone?—It would be rather difficult, I fancy, for the General Medical Council to inquire into the character of the examinations of the American schools. There are a great many of them, and of all grades, and in the majority of the States any three, or four, or five men who choose to associate themselves together and expend a very small amount of money (£15 or £20, perhaps, paid to a lawyer to conduct the matter) can obtain a charter from the State which will empower them to act as a medical school, and confer the degree of doctor of medicine; consequently there are numbers of such schools being formed constantly.



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