

Speech of the Count de Montalembert, in the House of Peers of France, the 5th June, 1847, on the subject of medical reform.

Contributors

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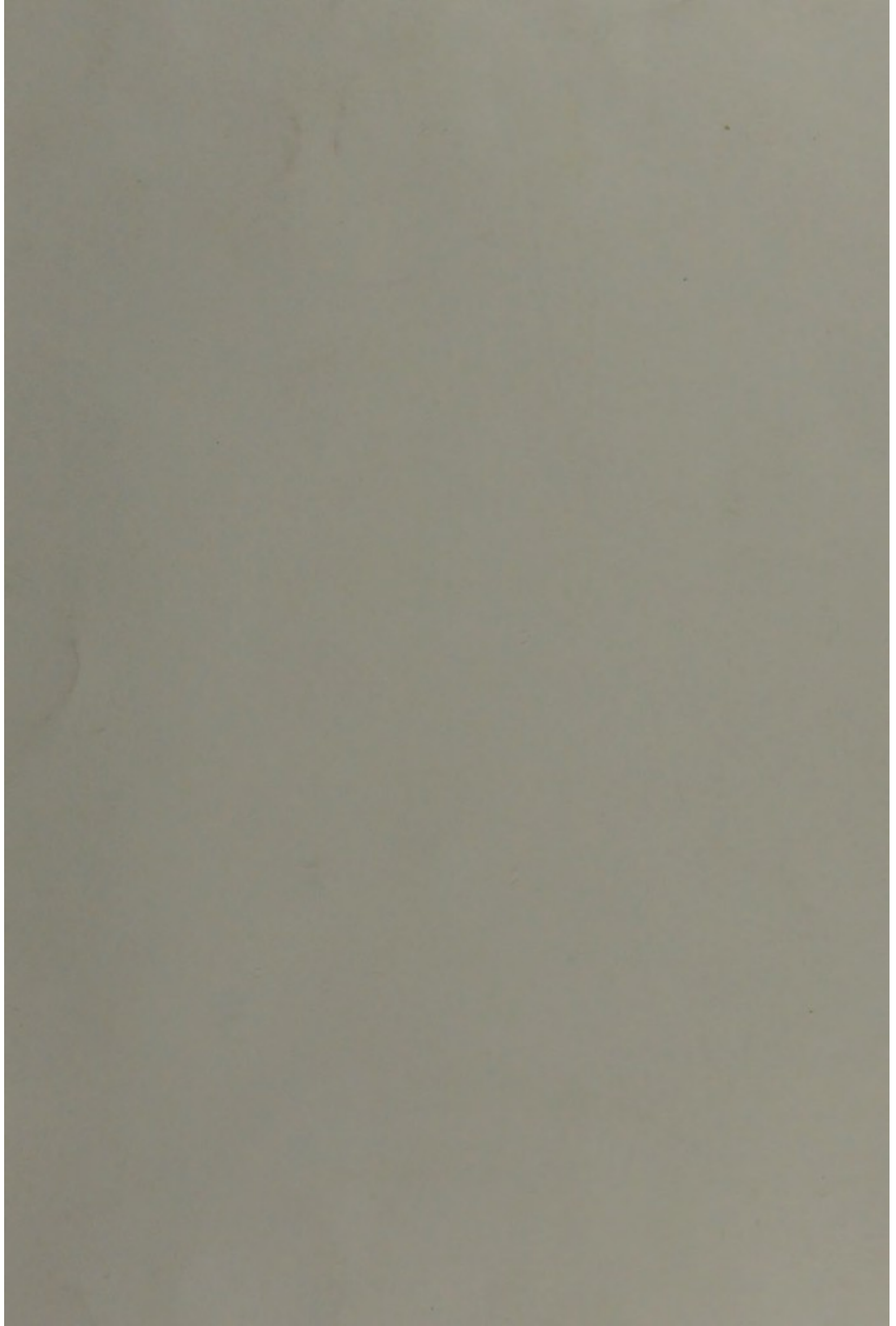
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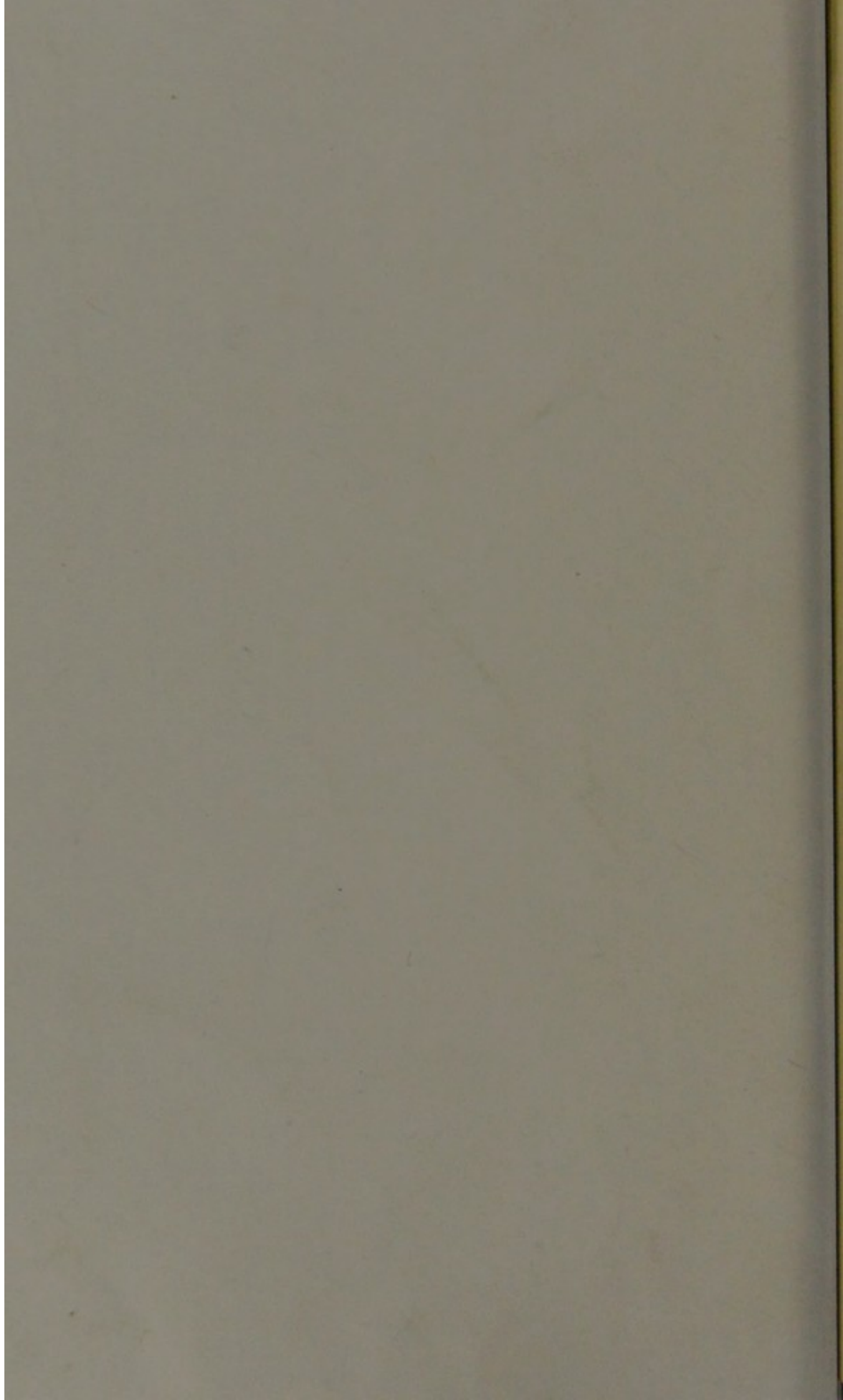
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SPEECH

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OF THE

COUNT DE MONTALEMBERT,

IN

The House of Peers of France,

THE 5TH JUNE, 1847,

ON THE SUBJECT OF

MEDICAL REFORM.

WITH NOTES OF THE TRANSLATOR.

LONDON:

HOULSTON AND STONEMAN,

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THE HISTORY OF THE

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P R E F A C E.

IT may occasion surprise that I should think of making known to the people of this country, so advanced in all matters of municipal jurisprudence, the ideas of a Frenchman on the subject of Medical Reform; and that surprise will not suffer diminution on finding that they are the thoughts of a Peer of France. But truth is not confined to any nation, nor is philosophy the inheritance of a class. I am greatly pleased to find, in the highest rank of society, a man able to sound all the depths of this subject. Those, who have the happiness of being acquainted with the Count de Montalembert, will be little surprised to discover in his speech such proofs of industry and accuracy, so much solid and commanding talent in the argument, and such felicity of illustration throughout; but it may give rise to a smile that it should be reserved for a Peer of France to lay down clearly, for the first time, and promulgate fearlessly, the true philosophical principles which ought to guide and pervade all medical legislation.

About the time that a great excitement took place in England on the subject of Medical Reform, men's minds were similarly agitated in France. It is much to be regretted, that the interest created in both countries did not extend beyond the bounds of the medical profession. Had this feeling taken a wider sweep, the

demands for change would not have been narrowed within the pale of corporate interests and pretensions. The evils endured were indeed distinctly enough felt, but their proper remedies were obscurely perceived, and in many instances the alterations required would have been a great injury to the community, as the following pages will amply testify.

Too many of the proposed innovations of the French Government have passed into law, to be a future fertile source of discord and agitation. It was my desire to have prefaced the speech of the Count de Montalembert with a short analysis of the Bill as presented to the French House of Lords. But I found this quite impossible. It is a long and cumbrous document, composed of a vast multiplicity of details, in which there is no other connecting idea or link but that which is so admirably drawn out by the noble speaker—viz., the prurient desire of the minister to meddle with all things and govern all things.

But medical are unlike ecclesiastical and legal affairs. They refuse all controul of governments. They exist only in the domain of thought, and escape the chains of prescription, precedent, and rule. As well might we try to confine that chartered libertine the wind, as seek to impose restraint on the human mind. The medical body of Europe forms a vast republic, in which there is nothing dangerous to any existing government, but which cannot be combated by weapons taken from the armoury of arbitrary power. While foreign universities maintain and cherish able and eminent teachers, the attempt of national legislatures to coerce medical practitioners within the pale of national institutions is vain and ridiculous. When useful discoveries and beneficial remedies are promulgated, the public will seek them, spite of every

obstacle, be they found in the hands of the learned or the ignorant; and the disciples of physic will seek the knowledge of their profession, and with it the title to exercise its functions, where they can do so most commodiously and profitably, spite of all the restraints which politicians and statesmen imposed for ends and reasons to which students are wisely indifferent.

Every design, however, to alter the laws of the realm, should not only be undertaken with the most wary caution, but if ill-advised, should be timely and earnestly opposed. Intentions to destroy are too often masked under professions of improvement. For this reason I think it useful to call the attention of my countrymen to attempts of this kind among our neighbours, which will prepare us to resist similar projects by parties among ourselves.

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A S P E E C H,

&c.

MY LORDS,

I THOUGHT I should have been called on to reply to an apologist of the Bill before the House, but, to my great surprise, I find that I succeed to an adversary, not indeed of the Government, but of the Bill. The learned orator, who has just resumed his seat, seems to have followed the same order of ideas as the eloquent M. Cousin, to whose speech you listened with so much pleasure yesterday. He requires, in fact, two classes of doctors. This is exactly what M. Cousin asked for yesterday; but it is what is refused both by the Government and by the report of your Committee. I am anxious to make evident the very remarkable fact, that the Bill has found its best apologists among those who assail the very principle on which it is founded.

But it is by no means my wish to fix the attention of the House on those matters of detail. I would rather look upon this Bill, if not from a more lofty, at least from a more general point of view. I preface my observations by declaring, that I will not say a word either of *Officiers de Santé* or *Concours*, and I think that these questions should have been reserved for the discussion on the clauses of the Bill. I wish to examine and to assail the *whole of the Bill*, and to expose the feeling which has dictated it. The Government declared, in the beginning of the discussion, that they accepted the amendments of your Committee. This was an act both of modesty and prudence; but I do not believe that I am thereby excluded from an examination of the Bill, such as it was laid on the table of the House. It is in the Bill such as it proceeded from the hands of the Government that I expect the clear impression of the spirit in which it was conceived, and which sways the councils of his Majesty in all matters relating to education; for you are probably well aware that this is but the first part of a work in many volumes. There are already two volumes before your Lordships' House, one of which concerns medicine and

the other the law. There are two also before the other House of Parliament, which relate to primary and more advanced schools. There are, perhaps, others in reserve, for the Minister of Public Instruction is well known for his fecundity; and I hope he will permit me to say, without any intention of hurting his feelings, that his fecundity brings to my recollection an expression of the Secretary of State for Foreign Affairs, who assured us that our age was famous for its fecundity in abortions. I trust that such will be the happy issue of the honourable gentleman's conceptions.

The manifest intention and prevailing object of all these Bills is, to extend the influence of the Government, not only over public education, where its unchecked despotism is already too well established, but over the mind, the thought, and the science of the nation. I said the influence of the Government, but we all know that, when the Minister of Public Instruction speaks of the Government, he means himself. Indeed, in all these Bills—I appeal to those who have read them—it is the authority of this particular minister which it is sought to extend and strengthen in the most exorbitant manner.

It is most true, that this tendency of the executive Government to lay a heavy hand on all that constitutes the social life and intellectual ornament and power of the country, disquiets and alarms me. It makes me apprehensive of the future prospects of the country, it alarms me for the safety of the Government itself. I cannot comprehend where is the prudence, where the utility of giving the Government, already so heavily laden, the additional burden of guiding and controuling the scientific bodies of the kingdom.

These fears are not confined to myself. They have been reciprocated by men of great eminence in other pursuits, who have not hesitated to express their regret at witnessing the invasions of the Government even on property, under the pretext of some administrative function. But I am alarmed as they are, and much more than they are, when I observe these daily and progressive usurpations of power by the Government in all directions, where nothing in the world can justify its intrusion.

I think the Government is hurrying to its destruction, in thus maintaining and declaring itself the successor and heir of the great feudal system, that is to say, of an excessive, corrupt, useless, minute, and vexatious power, which, after long duration, was found altogether insupportable—beaten, broken, and overturned. But the feudal system, in its day, was a splendid and powerful institution, as well as a real social benefit. All historians, all philosophers are agreed on this point. But this political combination received its death-blow when it sought to invade, to govern, to meddle every where, and to make all men feel the yoke of an incompetent Government. So, also, in our days, a powerful Government has

been found a great advantage, so long as it was necessary to act against the abuses of a preceding *régime*; but if we continue to pursue the course in which the present Government would push us, I am convinced that we also shall become the objects of hatred and insurrection. For really life, such as it is offered to us now-a-days, political, social, and civil life, can only be compared to the course of certain great rivers under the old feudal system—the Rhine, for instance—where it was impossible to take a single step without meeting with a toll, a palisade, or a castle: every where obstacle, interdict, and extortion.

In the useful career of life of our countrymen, the same thing may now be observed. At every turn, we are stopped and required to pay an impost, to exhibit a licence. If our vocation be to teach, we must ask leave to do so; if we desire to publish our thoughts, we must not be qualified by education, but licensed by the Government to do so; if we discover a well of mineral water on our property, we must not give it to our friends to drink without the permission of the police; and, by this new Bill, which is a great aggravation of all our former ills, it will be in future a crime punishable in the heaviest manner, to give charitable advice, or dress the wounds of our neighbours, without the authority of the Government.

My Lords, I am struck, and I think your Lordships will feel surprise, at the contradiction which such a state of things presents with our political rights. It is strange that political liberty, which is in general the last stage of the emancipation of a people, should be so great among us, and that our natural and social liberty should be so limited and so nearly destroyed. At other periods of our history, the people had no right of interference in the conduct of our political affairs, but they had at least the privilege of choosing their own occupations, of governing all that related to their trades, their families, and corporations. But in these days, when they may freely take a part in the general Government, influence the march of both home and foreign affairs—at a time when they may without fear or risk seek the destruction of cabinets, and even, in some sad and extraordinary cases, help to overturn dynasties,—the encroachment of the State has not left them the poor privilege of managing the affairs of a village according to their sense of their own interest, of ruling after their own fashion the well-being of their families, the cultivation of their minds, or the care of their health, because his Excellency the Count de Salvandy has made the notable discovery that he is the proprietor and rightful guardian of all these things.

It is in the Bill that we must seek the doctrines of the Government on these subjects. It would be difficult to find a more curious document. It has not been sufficiently understood. I do not say in the House, where it has undergone a critical examina-

tion, but without by the public. The Government newspapers have considered its details so lengthy and uninteresting, that they have not even published them; and the opposition journals have not had the talent to discover its mischievous tendency. It is buried in the *Moniteur*, or in our portfolios. I am truly sorry for this, because it is in the expressions of the Bill itself, which are candid almost beyond belief, that we find the extraordinary pretension of the Count de Salvandy to constitute himself the guardian of the public health—as if he had not already, without this new function, a sufficient extent of responsibility to weigh down a much stronger minister!

But, my Lords, I am placed between two fires. If I am obliged to reject the theories of the Government, I can as little agree with the objections to the Bill, expressed with great earnestness by the members of the medical faculty. These gentlemen have found an eloquent and zealous advocate in my noble friend, the Prince de la Moskwa. But, for my own part, I cannot conceal the fact that, with few exceptions, such as the memorial of the graduates of Montpellier, and an essay by M. Loreau on medical practice in the country, I have found in the publications which have been sent to us by medical practitioners little else than the inspirations of a corporate feeling, the reasonings of a caste, the selfish, almost greedy demonstrations of a trade, which have shocked me. It is easy, indeed, to plead a cause in a narrow spirit, but this is not the way to gain and excite the interest and sympathy of legislative assemblies, whose duty is to watch over the welfare of the general body of the nation, and not yield up the commonwealth to the depredation of special interests within its bosom. I will even admit to your Lordships, that after rising from the perusal of all these trashy writings, were I not restrained by the respect I owe this illustrious assembly, I would gladly seek in the works of Molière and Lesage the only answer these doctors deserve. I should thus, at least, make myself some amends for the weary labour I have undergone in wading through pages, where the only question is about the greater or smaller amount of doctors' fees, or the power and profit of medical corporations. Let me, however, be understood not to speak here of the time-honoured profession of physic, but only of such of its members as have taken part in these discussions.

In both the parties whose writings I have placed before the House, I have observed a novel doctrine of most pernicious tendency. Both would persuade us to consider the profession of medicine as a sacerdotal office, a kind of magistracy, or a public function, to be viewed with some particular veneration.

My Lords, I believe it is no such thing. Medicine is what our forefathers, in their simple and truthful language, called it—a liberal profession. There is no question here either of priesthood

or magistracy, or other state function. It is a liberal art, freely exercised and freely accepted by ourselves and our families. I think, my Lords, you will admit with me the necessity of re-establishing the real meaning of the word, and of destroying an illusion which would betray us. The physician's office is in the bosom of our families: he has nothing to do with the State.

It may, indeed, be well that physicians should be selected to fill certain offices, and it may also be consistent with the well-being of the State and the dignity of the medical profession, that the Government should delegate a portion of its authority and power to a physician-inspector, or the physician of an hospital. But that a physician engaged in private practice should be viewed in the light of a public functionary, a magistrate, or a kind of priest, is quite impossible without a pernicious change in the very nature of this useful profession. Yet this, my Lords, is one of the pretensions of the Bill before the House. In its preamble we find the formal declaration, that medicine is a priesthood, and physicians are officers of State.

Of all known sciences it is that which, in my opinion, is the least subject to so injurious a transformation.

I beg the favour of your Lordships' attention, while I read to the House the opinion of a very distinguished physician, M. Berard of Montpellier, on the nature of that profession, in the midst of which the Government would establish an orthodox doctrine and a priesthood:—

“ Other sciences are fixed and perfect in the greater part of their principles. They are extended by the discovery of new truths, which do not disturb the body of doctrine already established.

“ But no part of the science of medicine is fixed or finished. Its best-established doctrines seem to be, or really are, threatened with destruction by the discovery of new truths.”

Medicine, then, is an imperfect science. I will even add that, of all the sciences, it is the most doubtful and variable. The systems actually professed are almost as numerous as their professors. Had we within the walls of this House ten or twelve physicians, I doubt not that we should hear the avowal of ten or twelve different systems. But this great variety is characteristic of all human knowledge. The fact, however, forbids us to give to any corporation the privilege to establish the limits of knowledge, to judge of right and wrong, of what is true or false in the science of medicine. In the practice of the law and the different grades of its professors, a very different rule prevails, and I beg your Lordships' permission to dispose of this false analogy before proceeding farther: it is often objected to us, yet no analogy can be less perfect. The rules and limits of the law are established by the Legislature and the Government. Its province and occu-

pation are the interpretation and application of the civil and criminal law, which is codified and settled by public authority. But who will venture to say what are the laws of medicine? What public authority will dare to pronounce on its mutable and fluctuating principles? No arguments drawn from the profession of the law can have any application to the science of medicine.

It is still more easily to be understood that in former ages, a sovereign authority and strict orthodoxy may have been established among the professors of theology, since this science traces its existence and its origin to a superior power and a supernatural source. But that in a country which does not grant infallibility to any one, there should be an attempt to establish, for the profit of about 20,000 persons, a kind of medical orthodoxy or apothecary's infallibility (*infaillibilité d'apothicaire*), this is what I can neither admit nor understand. It is at once the utmost stretch of despotism and the most striking instance of the ridiculous.

My noble and learned friend, Count Beugnot, will, I hope, permit me to express my surprise that he, who has so ingeniously, so cleverly, and so eloquently proved the absurdity of a *State-Theological*, should lend the aid of his talent and authority to this attempt of the Count de Salvandy to establish a *State-Medical* among us. As for me, I repudiate, with equal dislike, both these absurdities.

But medicine is not only an extremely doubtful science, it is also opposed to innovation, and really a declared enemy of progress. Open the book of its history, and you will find in every page the proof of what I advance. It is true that the same may be said of all incorporated professions; but none of them have more constantly opposed the progress of science than the corporation of physic.

Guy Patin, one of the most celebrated physicians of his day, opposed the use of emetics with a zeal that amounted to fury, and persecuted with violence the inventor of this remedy. The sons of the discoverer were not admitted to their degree as doctors, till they had sworn before the Faculty of Medicine of Paris their abandonment of their father's heresy. The Parliament even, at that time, excited by the party feeling of the doctors, issued proclamations against the use of emetics.

Have we not seen in more modern times the same scandalous abuse of power in the opposition to the use of quinine and of vaccination, and in the denial of the discovery of the circulation of the blood?

Our learned colleague, M. Flourens, ought to be better able than I am to inform the House on such a subject, for I admit that I know these things only by report. But I believe that when the Englishman, Dr. Harvey, made known his great discovery, he had no more violent opponents or evil-minded traducers than the

physicians themselves. Was not the celebrated Bordeu persecuted and even interdicted during part of his professional life? I fear much that future discoveries the most profitable to mankind may find their most malignant enemies in the bosom of the medical profession, and for this reason I am anxious that you should refuse them such a monopoly as that which it is this day proposed to give them.

But I am asked, Will you, then, give no privileges? Will you permit no distinction of ranks? Will you have no penalties for the illegal exercise of the medical profession? Certainly, my Lords, I would have such things, but within due limits. I would have classes indeed among medical men, and their gradations should be granted after the most severe examinations, but these gradations should be an honour, a recommendation, a guarantee of capacity, and a title to public confidence, but neither an arm of offence nor a means of oppression against those who are unable or unwilling to take so distinguished a title.

It seems to me that there is a very strict analogy to be established between the titular grade, which is the sign of the amount of science and erudition attained, and the manufacturers' mark, which is now demanded to indicate the purity, solidity, and genuine quality of our manufactured products. All men would reject with indignation the idea of compelling our manufacturers to use such marks. In like manner, I cannot comprehend in science any other system. Let physicians and surgeons have their titles placed under the protection of the laws, and severely forbidden to those who would usurp them. Nothing can be more proper than this. But to compel all those who would offer advice in matters of health to assume such titles, is a most unnecessary encroachment on individual liberty, and a coarse limitation of the freedom of the human mind.

As to penalties, I not only admit them, I claim them, but in the spirit of our laws. I ask even severe penalties,—but against what? Only against the illegal assumption of titles. Should any one offer advice and assume a name which the law has not conferred on him, let him be severely and surely punished. Nothing is more natural, nothing more just than this. But that the simplest and most easily understood offices of a physician or surgeon, when practised by either men or women, without imprudence or ignorance, should be punished as misdemeanour or felony by severe enactments, this is what I do not understand, and shall never admit to be either reasonable or just.

I do not, then, allow any other penalties, than such as are applicable to the usurpation of a professional title, or to such abuse of a professional position as would argue imprudence, unskilfulness, and immorality on the part of a physician.

This is the case, my Lords, in England. There the laws pro

secute, but they prosecute only those who have committed some great imprudence or otherwise abused their professional office. Yet I do not find that the mortality is greater in England than among us, or that her sanitary condition is at all more defective than our own.

But with the statutes which the Government would establish, what would be the result? Simply this. That unlicensed knowledge would be viewed as a crime, and that the simplest and most benevolent use of that knowledge would be punished as a misdemeanour.

I do not know whether your Lordships have read the trial of the widow of a celebrated physician, Madame Hahneman. First of all, let me assure you, that I have not the smallest prejudice in favour of homœopathy, or any other doctrine or system in medicine. I have a very good reason for this,—that I have never been ill, and consequently have no decided opinion in favour of any medical system. But I have a very great sympathy with, and a very decided opinion in favour of liberty, common-sense, and justice. Well, I have read this trial, and I cannot conceal from you that I am to the greatest degree ashamed of it. That lady was accused, at the instance of the Dean of Faculty of Medicine, the same officer who tried to obtain a prohibition against her husband from practising medicine in France. She was dragged before the Correctional Tribunal by the Attorney-General, who, notwithstanding, declared with an honesty which did him the greatest credit, that no real fault could be laid to the charge of the accused, that she was a most estimable person, who did a great deal of good, but that medicine was in France a monopoly, and she had infringed the legal rights of the profession! This, my Lords, was said by a great public functionary in public court! And this lady produced before her judges, a great number of certificates from persons of the first rank and quality in France, among others one from our colleague, Count Baudrand, which proved that she had rendered the greatest services to the afflicted, and that she had acted with the greatest disinterestedness. Notwithstanding this she was condemned, she was punished for having been useful, for having practised charity. These were the only crimes imputed to her.

President Mesnard.—She was punished for having broken the law.

Count de M.—But it is a detestable law which prohibits benevolent acts of this kind. Neither imprudence nor ignorance were laid to her charge. She was guilty of possessing knowledge and practising charity, and was *punished accordingly*.

Permit me to lay before your Lordships another example. A man of great celebrity has arisen among us. I know not whether his fame has reached your ears. Priessnitz, the inventor of the

water-cure, is only an illiterate peasant. But his system, invented in Austria, by a man who had no medical knowledge, is now adopted and become popular everywhere, notwithstanding the clamour and opposition of the physicians. This new doctrine has had the same obstacles to surmount which, in former days, were opposed to the use of quinine and emetics. But it has triumphed over all difficulties, and has now many partisans in France even among the physicians.

Well, if the inventor had made his discovery in France, he would have been denounced by the Dean of the Faculty, prosecuted by the Attorney-General, and should this Bill of M. le Comte de Salvandy become law, his punishment would be two years' imprisonment, because he, a simple illiterate peasant, though a public benefactor, had invaded the kingdom of physic without being a doctor.

When I reflect that judgments of this kind have been given and may be repeated by courts of law, I blush for my country and her institutions. I am persuaded that our posterity will also blush for shame, and that such proceedings will be denounced as worthy only of those dark middle ages, which put to death wifches and bewitched animals, or of those more recent periods which prohibited the use of quinine and emetics.

The old saying, well known to you all, rises to my mind when I think of these things: "*Invidia medicorum pessima.*" And why are medical hatreds the worst of all? Because they have their origin in the love of gain; because they are, at bottom, a mere question of money; because the physicians who encourage and promote these prosecutions look upon patients as their property, and would use them as such.

But I shall probably be told that I would protect and give impunity to quacks. My reply is, that there are quacks everywhere; and, in proof of it, I cite the opinion of those who are most interested in favour of the proposed law, and most hostile to me—I mean the published opinion of the permanent Committee of the Medical Congress, of which so much has been said. This permanent Committee, in the observations it has addressed to us, declares that the titled and legal quacks inflict the deepest and most painful injury on the medical profession. This, my Lord, is the opinion of the physicians themselves—of those who, under an allegation of quackery, have asked for and obtained such severe penalties against the unlicensed practice of physic.

It is indeed evident what they say is true, and that in all professions there are and ever will be quacks.

But if these quacks have talent, they cease, in my opinion, to be quacks; and if they have none, their fashion will soon cease, and their danger with it.

But I confide in the good common-sense of the nation. I wish to see public opinion less cribbed and confined. I believe it to be as good and efficacious a safeguard as the authority and power of a government. But I perceive with great pain that, in the present tendency of affairs among us, the whole human race is looked upon as unfit to manage its smallest and most customary interests, while the little and pitiful minority of appointed agents of the Government are assumed to be infallible. It seems to be a settled maxim that all men, except public functionaries, are to be treated either as children or enemies, whose normal condition is either a state of pupillage or a state of suspicion.

I know not where we are to stop in such a career, for there is no profession, no occupation, in which there are not to be found men able and very willing to take advantage of public credulity. The Government, consequently, will never be without excuse for the intrusion of its power, under the pretext of saving the public—substituting its own meddling, and oftentimes bungling, for the safe and wholesome direction of public opinion. I cannot, for instance, understand why the business of a banker, which concerns so much the comfort and well-being of families, should not be submitted to the same regulations and restrictions as that of a physician.

But we shall not stop there. There is no end of the rapacity of a Government for power. When well accustomed to these changes, it will be an easy step for the Government to furnish us with tutors and governesses. The State should take care that they also are fit for their office. This is the case now in Russia. There you have not the right and the power to hire a governess without the permission of the Government, because the Government knows far better than you the good and bad qualities of the persons whom you would engage for such duties; and the little girls who teach the rudiments of knowledge to your children might impose on your credulity!

Already Count Beugnot, in his report, talks of the folly of families. For my part, I think the State is quite as foolish as the families it contains, sometimes much more so even in its own concerns, particularly its financial affairs. But in what, my Lords, do you think that the folly of families is most manifest? It is chiefly in all that relates to the marriage of their children. To be consistent and reasonable, we should have the permission of the State to perpetrate a marriage. And who knows what may be accomplished if we have the great good fortune of preserving the Count de Salvandy for twenty years at the head of the Government? I do not despair of seeing our future sons-in-law come to us armed with the authority of his Excellency in the usual terms, "In the name and by the authority of me, Narcissus Achilles de Salvandy, declare," &c. &c.

Count de Salvandy.—I did not think I should be thus assailed in the House of Lords. I am not in safety here.

Count de M.—That is really the way that marriages take place in China. To take a wife, it is necessary to obtain the permission of a mandarin. His Excellency having to choose between the English system and the Chinese way, leans evidently to the mode of the Chinamen.

My opinion, on the contrary, is very decidedly in favour of the English system. When I am told that it is Utopian, and that I do not understand the requirements of practical life, I refer boldly to the great example of a people, our nearest neighbours, within seven leagues of our frontiers, who have enjoyed, for so long a space of time, in peace and prosperity, a full measure of civil and political liberty. I point to that country, where every thing is free, science and religion, its press and its commerce.

What, then, is the state of medicine in England?

I have made inquiry, with all the diligence and exactitude in my power, concerning the system which regulates the practice of medicine in England. There exist on this subject, as on all that relates to religion, some ancient and forgotten laws. They are, indeed, arbitrary enough, but they are obsolete and neglected. All that remains of them in actual vigour consists of certain unimportant privileges, granted by charters, not to the general body of the medical profession, but to the medical corporations of the city of London. These charters are dated in the tyrannical reign of Henry VIII.

The corporations have indeed sometimes endeavoured to enforce these arbitrary laws; but the courts of law, very different in England from what they are in France, have always maintained the liberty of the subject, and confined within the narrowest limits the exercise of power granted in ignorant and barbarous times. This spirit has sufficed to disarm corporations and colleges, and secure the public advantage.

If I am rightly informed, there have been prosecutions at the instance of the College of Physicians of London, but no convictions for at least a hundred years, in the case of an Englishman or foreigner practising without a degree obtained in England. Attempts, indeed, have been made recently to introduce a more narrow system, but they have failed. The apothecaries possess a more recent and more oppressive charter, but it also is falling into disuse.

It is quite certain that a foreign physician may practise his profession in England without hindrance of any kind, and without molestation by either the courts of law or the Government.

What a contrast, my Lords, with what takes place in France, and with the restraints of all kinds put both on foreigners and our own countrymen! Pascal's epigrammatic saying is become true

in our days: "Verité au-delà des Pyrenées, erreur en deçà!"—Liberty on the other side of the English Channel, vexation, oppression, tyranny on this side. For my part, I cannot submit to such a state of things.

To reconcile us to it, two things would be necessary; the first, that we should find it a source of inconvenience and evil in England; but science, literature, industry, all are flourishing and great in England. Her power is at least as great as our own; governed by a free and liberal system, without bureaucracy, and without centralization, she has attained the summit of prosperity, and counts in her colonies one hundred and fifty millions of subjects more than ourselves. She has reached by this system the highest round of civil and political greatness. It cannot, then, be said that it is a false guide, a dangerous, antisocial system, incompatible with the power and prosperity of the kingdom.

The second reason, if true, might indeed reconcile us to such a state of things,—That the French people are neither sufficiently instructed, nor good enough for so free a system.

This would indeed be a humiliating admission, and one against which I shall protest while life and reason remain to me. Never shall it be said that there is this superiority of race in the people of England. It would be a still more debasing distinction than that which the aristocracies of former days attempted to establish between classes of men. I do not understand why the accident of a man's birth in England should confer on him the fullness of his political, social, and intellectual rights, his liberty of action and association with his fellow-men, the liberty of the press, freedom of trade, and all these things without the shadow of interference on the part of Government, whilst, by the accident of his birth in France, he should be conducted from the cradle to the grave with the police at his heels!

Let me not be told you would rather then be an Englishman than a Frenchman! Assuredly not; because there is something greater still than the possession of liberty, something yet more beautiful. It is the glory of combating for it—of devoting oneself to, and preparing the way for this greatest conquest of all—of inscribing one's name, however obscure it may be, among the precursors of the intellectual and social enfranchisement of one's country.

This is the life I have chosen for myself, with perfect reliance that our posterity will sanction this system; and, when that day arrives, the whole of our legislation, so full of restriction and vexation, will be regarded with that smile of derision so well expressed by the great Christian poet, when, all the labour of his journey over, and arrived in a better world, he casts a backward look to contemplate the misery from which he has escaped,—

"E vidi giesto globo
Tal ch' io sorrisi del suo vil sembiante."

But shall I now reproach the Government with being less radical than I am? Certainly not. It is one thing to refrain from proclaiming liberty, and another to aggravate the reign of slavery. We may without a crime respect inveterate prejudices and vicious habits when public opinion does not call for a change. But when a pretension is made to enlarge and ameliorate our institutions, we have a right to expect that changes proposed should not have for their only object to narrow the spirit of our legislation, and injure us.

The Minister of Public Instruction was, a few minutes ago, wounded by an observation made by me without any malicious intention. I do not wish to continue the attack on him; but I cannot help observing that, as there are several ways of governing, so I think I can distinguish three different kinds of ministers.

The first includes those who, with great strength of character, adopt some great leading idea, of which they make a great cause. They follow it as their standard, personify it with themselves, sometimes throwing themselves across a torrent of wrong ideas to stop it, sometimes diverting the stream by proceeding with it. We have, even in this age, seen great examples of this kind; Casimir Perier in France, Sir Robert Peel in England. The one lost his life in the struggle, and the other his place. Both have made their names immortal.

There is a second class of ministers, whom I would call useful. Without aspiring to the position of the first, they may, notwithstanding, render great services, and deserve the esteem of the public. They are the ordinary ministers, able to discharge ordinary duties, who do good when they can, and prevent mischief when in their power. They deserve and receive much approbation.

But there is a third class of ministers, who carry rashness and ignorance into every detail of the Government, who unsettle every thing and change every thing, who are never at peace; who never demonstrate in their changes either reason, or principle, or system to which they adhere, or which they would strengthen, unless it be that of increasing their own power and influence, and leaving some mark behind them of their injurious presence.

Well, my Lords, I fear—and I think I have a right to say it, without giving offence to the Minister of Public Instruction—I fear that posterity will rank him in the last class, because our children will judge him, not as we do, by that generous, loyal and benevolent disposition which procures him so many friends, even among those to whom he gives neither title nor place; but they will judge him by that avalanche of laws, proclamations, and ordinances issued by him daily.

To return to that which concerns the science of medicine. The great changes which he has proposed were not required,

either by anything which has occurred, or by any want of them which has been felt.

Much has been said of the Medical Congress. What were the wishes—what the demands of this Congress? Whilst I approve the origin and the active energy of this institution, I am far from being one of its admirers. It has claimed many things to which I own that I regret much to find the Government giving its adhesion in the Bill before the House. From this Congress proceeded that extraordinary increasing penal legislation; from it proceeded the interdiction of the gratuitous distribution of remedies by religious houses; and this Congress also required the abolition of the *Officiers de Santé*, who fortunately found such eloquent defenders in this House. But this Congress also emitted a desire for a very important change, which the Government has wilfully misunderstood.

[Here the Count de M. read a part of the report of the Congress. It related to a recommendation of perfect liberty in teaching.]

How, then, has the Government replied to this wish? By a formal and complete denial of the freedom of the schools demanded. The answer is in these terms:—"As for the freedom of the schools, the Government declines to allow it. It is not prepared for such a change, and it denies the right."

Do not let us be told that the Government admits the amendment of the Committee. I know very well that it admits it; but we are well authorized, with the honourable M. Cousin, to believe that it most reluctantly makes this admission, which is now inconsistent with the rest of its system, and absurd in it. I affirm that the Minister should give us explanations on this subject; for with language so bold as his, no objection so forcibly made should be passed over in silence.

But I willingly acknowledge, that in all which relates to medical teaching, as in all that relates to the practice of medicine, a time of transition should be allowed, provided these transitions be in the direction of improvement. And if we may not yet be admitted to the privileges of the English system, I demand that we should, at least, be put on a level with the system of Germany.

What, then, is the state of Germany? In a country where there are twenty-two universities, in each of which medicine is taught—in a country where the universities are so completely organized, that in the University of Berlin, for instance, there are ten or twelve courses of philosophy, whilst in the Faculty of Letters of Paris there are only four or five—it is evident that much liberty must exist in the schools by reason of their extreme diversity, even if it were not established by law. Well, what is the rule with regard to medicine? All these universities give the title of Doctor.

In some countries this degree is not sufficient for the practice

of medicine. After leaving the university, it is necessary still to obtain the permission of the Government to practise. In others, and particularly at Leipsic, at Giessen, and in the Grand Duchy of Hesse, the authority to practise, called *venia practicandi*, is included in the title of doctor.

But by a regulation just published in this last university, and which is, I believe, posterior to the project before the House, the liberty of the schools is granted in the most extensive manner.

Every candidate whatever who presents himself for examination may be admitted to the degree of doctor of medicine. No inquiry is made as to when, where, or how he has studied. He will be questioned only as to what he knows; and when he has satisfactorily acquitted himself, he will receive the title of Doctor, containing the privilege of practising throughout the State.

I own I felt no small degree of humiliation on reading this regulation, to think that, in a country like France, we are not able to attain that degree of intellectual liberty which is freely given to the Grand Duchy of Hesse.

But I shall be told that all my ideas are foreign, that I cite only the examples of England and Germany, whilst a national system of our own is the object of desire. I shall now, then, lay before your Lordships an authority drawn from our own history. Perfect liberty in medical teaching was proclaimed in 1791, and by whom? By M. de Talleyrand, in the name of the great Commission of Public Instruction appointed in 1791.

M. de Talleyrand was not a foreigner, nor was he fanatical, still less was he revolutionary, though he spoke and wrote in 1791. I think even that the Minister of Public Instruction alluded to the same authority, when he affirmed that the constituent assembly had laid down the principles which ought to be the absolute law of the future. I have sought for, but have not been able to discover any other principles except those proclaimed by M. de Talleyrand in his very interesting report on public instruction, where he comprises the whole subject of teaching. Hear, then, what he wrote on the 11th September, 1791:—

“ The necessity of submitting to examination should be rigorously maintained, because the credulity of the people must be carefully guarded against the seductions of quackery. A public security must be given to the profession of medicine. But, at the same time, you will take care that the old restrictive laws, which fixed the order and time of study, shall be abolished. You will not suffer that any school should assume to itself oracular authority. Not the time, therefore, but the learning will be the subject of examination. Certificates will not be asked for, but proofs of knowledge. Candidates may be admitted doctors without having frequented any school. They may have passed through them all and be rejected. By that

“ double security, all that is required by justice may be associated
 “ with that which is necessary for liberty and the public welfare.”

My Lords, we must frequently recall these remarkable words to confound those who boast incessantly among us, that they are the historians, the heirs, and only representatives of the French Revolution, and who would establish, in its name, the most shameful practices of monopoly.

I shall add to the above authority one which is less imposing, because it is of our own day. It has, notwithstanding, its value, because it proceeds from that Medical Congress, which has petitioned both in favour of and against the Bill.

“ With freedom of teaching, no school could assume to itself
 “ the title of orthodox, and impose its doctrines on the world.
 “ Freedom of teaching gave us Bichat and Broussais. Freedom
 “ of teaching had spread widely the name of the School of Paris,
 “ when the Faculty of Medicine did not yet exist; and if the
 “ Faculty ceased to exist, freedom of teaching would still preserve
 “ the name and glory of the School of Paris.”

These opinions of the physicians of our own day remarkably confirm the opinion enounced by M. de Talleyrand fifty years ago, and also that contained in the charter of 1830, in which, to my great satisfaction, M. Cousin proved yesterday that there existed no exception for the higher kinds of instruction. Its freedom is as clearly granted as that of the primary and secondary school. To all these things M. de Salvandy contents himself with the reply, that “ the Government is not prepared for such a change,
 “ and denies the right.” Such expressions are as imprudent as they are adverse to the best interests of science and the prosperity of the country.

I have some remarks to add on another part of the Bill, which has not as yet been touched on by any one. I allude to the penal part of it. I ask, with surprise, what could have induced the Minister of Public Instruction to apply such exorbitant and Draconian penalties to a crime which he is now only endeavouring to create by his own legislation—to the simple fact of the unlicensed practice of medicine—the crime of which the lady was accused whose case I related to your Lordships, and who, in the present state of things, is only condemned to pay the insignificant fine of 4*l.* sterling.

The Minister proposes, and I am painfully surprised to find that your Committee recommends, the punishment of this hitherto unknown crime by an imprisonment of six months at least, or two years at most. I beg your Lordships will compare such punishments with those proposed by those eminent men, Messrs. Chaptal and Cuvier, in the law concerning the schools of medicine. Do you know what these great authorities then proposed? A fine ranging from 2*l.* to 20*l.* for the unlicensed practice of medicine,

and one of 20*l.* to 40*l.* for the assumption of titles, imprisonment being then awarded only in case of relapse. But the maximum of their imprisonment was the minimum of that proposed by the Minister. The prohibition to practise their profession, that barbarous punishment, added by M. de Salvandy to every sentence whatever of a court of law against a medical practitioner, was only temporary in the project of Messrs. Chaptal and Cuvier, and could only be applied to circumstances relating to the duties of a physician.

These, my Lords, were the proposals of 1825. You may hence judge of the reaction that has taken place during twenty years in the direction of tyranny and violence.

Now let me place before your Lordships the Penal Code, which no one thinks too indulgent, and let me point out to you the sort of misdemeanours and crimes with which we are called upon to class the unlicensed practice of medicine, which may be, in some cases, an incalculable benefit and a Christian duty. They are these. The minimum of six months', and the maximum of twelve months' imprisonment, are applied by the penal code to

The imprisonment of the subject without the judgment of a court.

The forgery of false certificates.

Rebellion to the number of three to twenty unarmed persons, or of one to three persons armed.

The connivance of jailors with escaped prisoners.

The breaking of seals of magistrates.

Begging with violence, threats, or in gangs.

Verbal threat of murder or poisoning, and the seduction of minors under twenty years of age.

Such an assimilation of punishments is surely inconceivable and monstrous! What! the unlicensed practice of medicine such as it was in the hands of M^{de}. Hahneman likened to the abominable crime of seduction of children!

There is another observation to be made, which is hardly less curious. It is that of the crimes punished in a more lenient manner than the crime created by this Bill. Here are some of them :—

The conspiracy against the laws by public functionaries.

The attempt to corrupt or intimidate public functionaries.

Stealing letters at the post-office by the officers of Government.

Disturbance of public worship.

Insult to the ministers of religion.

Violation of the sanctity of the tomb.

Abuse of the confidence of a minor.

Manslaughter by imprudence or negligence.

A public insult to chastity.

The minimum of punishment allotted by the law to all these crimes is less than that demanded by the Minister of Public Instruction for his created crime of the unlicensed practice of medicine—nay, for less than this, for having neglected to register a diploma at the Academy of Medicine. For this omission, the punishment is heavier than for all these crimes. Your Committee, indeed, has rescinded this last clause of the Minister's Bill, and also his monstrous pretension to punish a physician by perpetual exclusion from his profession, and permanent legal incapacity on account of any fault which may have been visited by a sentence of a magistrate, even for infractions of the game-laws or the rights of fishing. The tribunals would all of them, according to the Bill, have had the power of adjudging the legal incapacity of a physician. We should thus have re-established confiscations in their most odious form. For if it be incompatible with the ideas of these days to confiscate the property of the subject, how much more so to confiscate his professional skill, his science, his instruction, the whole of his moral and intellectual existence? Is not this punishment a thousand times more cruel, and is it not humiliating to find such penalties in a French law? Indeed, I cannot find language to express strongly enough my surprise, that a man like the Minister of Public Instruction should make such a proposal to the House of Peers! I think I have a right to address to him the most bitter remonstrances, that he should have intended to class a physician, accused of practice without licence, with thieves and swindlers. I say intended, for you all remember that the Minister refused to delay this Bill till after the discussion of the law on prisons. He could not wait till a prison wall was built up between a well-educated and charitable man condemned on a point of form, and the felon reserved for perpetual imprisonment and the galleys, after the most shameful and atrocious crimes.

There is another remark which should not be omitted. On whom do your Lordships imagine that this law will fall with the greatest severity? Not surely on quacks; but on philanthropic individuals, who, from motives of kindness and charity, devote themselves to the relief of suffering. The penalties of this law will reach the benevolent in their country-houses, the clergy in their parishes—nuns, and sisters of charity. Rest assured that they will be the principal sufferers, for rivalry is the thing chiefly feared. Quacks take good care to be well paid. Medicine distributed by the hand of charity alone is given gratuitously, and is therefore the only thing to be feared by those who, influenced by their pecuniary interest, shun all rivalry, and especially the assistance granted by religious institutions in poverty and sickness.

M. de Talleyrand, whom I quoted above, was of a different opinion. In the same report he required, on the contrary, that priests should have some acquaintance with physic, and should

practise it for the advantage of the poor. He said, "Nothing which tends to soothe suffering, and comfort the afflicted, should be altogether unknown to a clergyman. Acquaintance with the simpler drugs and with the laws of health should make part of ecclesiastical education."

Were his intentions carried into effect—were French priests to practise medicine among the poor in places where there are no physicians, and even in places not destitute of medical aid—you would see them persecuted and imprisoned under this law. Those who have asked for and obtained from the minister a punishment so much more severe than that already in existence, know this so well that they have only one fear—that the law should be too severe to be ever enforced.

No one who reads this Bill can mistake its spirit and tendency. Herein I am glad to find that the Prince de la Moskwa agrees with me in opinion. The secret thought of its author runs through it. Its object is political. The intention is to increase as much as possible the number of friends and dependents of the Government, to add to what a great writer of these days calls "the functionocracy." As yet physicians have in great part escaped this enslavement: but now, by the institution of medical councils and district physicians, they will partake largely in this general abuse. I do not hesitate to say that there will be between the Government and the physicians a bargain, in which the former will hold the following language: "Belong to us. We shall prevent any invasion of your interests. You shall have the exclusive profits of your own profession. We shall maintain the most severe penalties to preserve you from all encroachment, either at home or from abroad. But, in your turn give us your votes and support in all political matters." It will be, on a small scale, or perhaps a larger one, the repetition of what takes place in the political world. A member gives his support to the Minister, and the Minister gives to the member the appointment to all places in the province.

The same thing will take place among men of science, and this odious corruption will be accomplished with great ease by the appointment of two physicians to each canton, or six thousand for the kingdom.

For my part, had I the honour of being a physician, I should look, not with distrust only, but with something like horror, on projects which should affect in so calamitous a manner the independence of that noble profession, which as yet has placed its principal reliance on itself, and has had the great and rare privilege in our days of being entirely estranged from the ruinous influence of the Government. Let, however, this Bill pass, and it will become one of the principal sources of official corruption.

In conclusion, my Lords, I conjure such of you as preserve

still some attachment to the principles of 1789 and 1830—such of you as with justice fear the progress of encroachment on the part of the Government—I beg of you to open your eyes, to look forward into the future and see the path on which the Government is leading us. They would induce us to make the whole kingdom one great monopoly. The monopoly of education exists already. The laws now proposed to you will establish a monopoly of science. The jurisprudence in fashion in the Courts has already effected a monopoly of religion in favour of two or three recognised sects.

There remains only to create a monopoly of property. To this end, as you well know, a sect of fanatics is now striving: I trust the Government will never favour their ideas; but it may be feared that in spite of themselves, and even without their knowledge, they are preparing the advent of so great an evil, by their own assaults on the honour and liberty of individuals.

It is with these fears and these convictions that I look on this Bill as a great step towards national monopoly—I consider it a direct attack on the charity and liberty of the country, and on the intelligence of the age in which we live. For these reasons I reject it with all the strength of my mind, and my heart, and my conscience.

In France, as in England, the subject of medical reform is much agitated. It is to be regretted that in both countries the aim should be so false a one. A perusal of the tracts and pamphlets on medical legislation would lead one to doubt whether their authors had any distinct conception of the interest of the public in the matter. Many of them, no doubt, thinking that the sole object of legislative interference is the “protection of the profession,” would be quite content with severe laws against quackery, which alone they think would ensure the advantage of the community, and of their own little portion of it. Some of the gentlemen who meddle with this subject, undoubtedly take a more useful view, and would add to the laws for the protection of medical men enactments to purify and elevate their own order, that they might be more and more worthy of the privileges accorded to them. But I do not think that, with the exception of the Speech of which I have here given a translation, I ever met with a publication which contained a plain and unflinching statement of the true principles which ought to form the basis of all medical legislation. That the advantage of the community is the sole aim and end of law-making, and that if steadily pursued it will be found to include the real profit of every portion and class

of society, is a truth which I believe no one doubts, who has given himself the trouble of thinking candidly and seriously on the subject.

It is curious to observe that, while the object has been the same in both countries, the direction taken has been so different. Men's minds have been influenced by long habits of thought and long habits of action. The bent, too, has been given by political institutions. France, ranking with the foremost nations in refinement, in intelligence, and instruction, is yet essentially a despotic country. She has little self-reliance, and seeks to obtain any solid benefit only through the Government; governments, however, never work but through institutions already established. It is seldom, indeed, that they call in the aid of the mass of the community; seldom even that they seek counsel of its most reputed members. Of all this the Count de Montalembert has shewn us a most flagrant example. It is difficult to believe, that in this age, extravagant conceit, and insolent love of power, should have led any Minister of State into the follies so admirably corrected in the foregoing pages.

But have we any reason to boast? Have we not long felt and long complained of the defective and vicious institutions by which our profession is enthralled, and the dearest interests of the nation sacrificed? What progress have we made in their improvement? Is it indeed altogether certain that the changes which have taken place may be viewed in the light of improvements? May they not rather be considered for the most part as extensions of some of the worst features of the system complained of?

The medical profession in France has been altogether ruled by a central authority, in direct contact with, and under the strong influence of, the Government. In England, on the contrary, it is administered, where it is subject to any influence at all, by the medical corporations. That this is a wiser system it would be difficult to aver. It certainly does not seem to produce greater satisfaction or contentment in our profession, which ought to be a peaceful one; and it would create much heavier complaints were we less keenly sensitive to the few and small evils under which we suffer ourselves, and more alive to the great and constant calamities of the public.

Those calamities are nothing less than robbery and murder—committed in every considerable town of Great Britain, at every season of the year, and every hour of the day, in every imaginable shape, and with every kind of aggravating circumstance. The robbery and murder of quacks are not like the same crimes committed on the highroad, confined to the wealthy, and to the speedy abstraction of life, but they are practised on every class of the community, and the tragedy is one of many acts, with many changes of decoration and scene. The victim is first ensnared, and

then his substance and his health are wasted, amid various sufferings and prolonged torture, on which it is painful even to think.

I am not of opinion that the vast extent of quackery which exists in this country is at all injurious to the pecuniary interests of the medical profession. It may be quite otherwise. Quacks add another class of diseases to those which are the produce of our own follies, and incident to the mortal condition of man.

But it would surely be a mean and miserable ground of legislation, that quackery should be restrained because the medical profession demand it. This great country requires it; and its interests are not the less to be attended to by its rulers, because it is as yet but obscurely conscious of the evil under which it groans.

Do we for these reasons think that it is necessary to repress the undefined and undefinable practice of quackery by violent and arbitrary laws? By no means. The single crime of which the law can or ought to take cognisance is the deception. But the assumption by quacks of the designation and garb of well-educated professional men is a cruel fraud on the ignorant and unwary, and a crime against the State, of which the laws may and must take effectual notice. Let this deceit be abstained from, and let quacks appear what they are; the public will not then mistake them. But when people fall into error through a pitfall of deceit and cunning, they have just ground of complaint against the law.

There is another kind of deception very constantly and very profitably practised by quacks, against which the public, I admit, do very seriously require protection. It is not merely the assumption of the name of a physician or surgeon, which enables them to carry on their trade of imposture. Their advertisements, their loud and impudent boasting, their long lists of trumped-up cures, are well calculated, as they are studied, to deceive. It is no answer to this to say that men are not to be protected against the consequences of their own folly. Such an argument would dispose of the greater part of our criminal law. The ignorant and the weak are, on the contrary, the fittest objects of the protection of the State. To shield them from oppression and wrong is the first and noblest office of the magistrate and the judge. This part of his subject has escaped the noble peer of France. It was natural that it should do so; for our neighbours are little exposed to the seductions I have just mentioned. The arbitrary laws of France enable the Government to reach offenders in a multitude of instances where guilt goes unpunished in England.

But much care must be taken, if a remedy be devised for this very fruitful source of injury in England, that no encroachment be made on rights and on that liberty of action which are far dearer to Englishmen than even the care of their health. I believe, indeed, that though an attempt to defraud and deceive an individual may very well be construed into a misdemeanour against the

State, it will, notwithstanding, be found a better safeguard to the parties liable to injury, and a far more effectual way of reaching the guilty, to consider this offence not as a crime, but as a wrong, and leave the parties to the remedy of a civil action; not, indeed, as they are at present, but with laws suited to the case, by which the bold charlatan would be made to feel that he contracted a real, a prompt, and heavy legal responsibility towards his patient. The same laws might be made to reach with great effect that worst kind of quack—the man of good and regular education, who abandons the slow, laborious, and honourable path of his profession, to tread in the shameful and lucrative steps of the impostor.

The system of investing the medical colleges and corporations with the office of public prosecutor is now, I think, proved to the satisfaction of all men to be quite inefficient. The last attempt at legislation of this kind in the charter of the Apothecaries' Company, though often supposed to be an improvement on its predecessors, may very easily be shown to be a still more conspicuous failure. I believe that company has not yet instituted a prosecution against any of the well-known dishonest quacks who have overspread the country.* The terrors of the Apothecaries' Charter have been chiefly felt by practitioners who would have done honour to that or any other body of men by belonging to it. But this is not all. It will hardly be believed by the general reader, yet it is a fact well known to all medical men, that the greatest infringements of the Apothecaries' Act are committed by the members of that body themselves. There are very few of them in considerable practice who do not keep an assistant, and this gentleman is very seldom possessed of any diploma or other legal qualification for his office. Indeed I believe I may say that the legal right to practise would for the most part disqualify him in the mind of his employer. Do I therefore wish that the general practitioners should give up their assistants? or do I assert that any injury is thereby done to their patients? By no means. The business of the general practitioner could not be carried on without the aid of that laborious and very meritorious class of assistants. No injury is done to the sick by their employment, because no deception is practised. But these facts are surely sufficient to prove how vain is the attempt to check professional impropriety by the instrumentality of professional corporations.

* Yet it is neither from want of subjects for prosecution nor from lack of evidence against them that the powers of the Apothecaries' Company have been permitted to sleep. I know a man who, though a few years ago the porter of an hospital, now carries on a sufficiently lucrative practice in the neighbourhood of Pimlico. Another, a little farther on, kept a hairdresser's shop but a few months ago, and now levies contributions in the precincts of Sloane-street. I have also heard of a Frenchman who, from electrician and galvanist, has made himself a profitable name in the city. The impudent rogue, on being reproached with his practice, had the hardihood to reply that he revenged the field of Waterloo. Besides the known and advertising quacks, the town teems with characters like the above.

The ideas of the Count de Montalembert on the second subject which forms the staple of his speech will appear to many readers hardly less novel and daring. To emancipate the pupil from all these restraints and regulations which have hitherto formed the principal part of the discipline of the schools, will no doubt be represented by many as tantamount to the destruction of all medical learning. Yet what can these men desire more than that the candidates for medical honours should come prepared with all that knowledge, theoretical and practical, which entitles them to a well-earned place in a learned profession? Surely this must be greatly preferable to the miserable system of routine and artificial checks by which the very defective public examinations for honours are corrected. If the candidate be really possessed of the required knowledge, can it signify, or can the knowledge be different in quality, whether gathered on his right hand or his left? Nothing can be more easy than to compel a pupil to a certain number of years' residence, and a certain amount of payments for required inscriptions or tickets for the benefit of his teacher, and then, by dint of a little cramming, push him through the slight impediments of an ill-contrived examination, that he may take his place in "*nostro docto corpore*." But if something better than all this be desired,—if the real elevation of our profession be looked to in energy, dignity, and usefulness—in genius, learning, and talent,—then surely the qualities and knowledge of the candidate will be chiefly looked to, and will alone decide the question of his admission into an honourable body of men, and the trust to be reposed in him by the public.

It may, indeed, be a question of doubt and discussion whether this result be best obtained by a system of unrestrained freedom, such as that recommended by M. de Talleyrand, or by the imposition of certain checks, giving a guarantee to the world that the state of pupilage has been spent seriously and industriously. For my own part, I am convinced that this is the best part of our present system; and I am by no means inclined to relinquish it, though it may seem to infringe on that mode of perfect liberty advocated by M. de Talleyrand. A little reflection, too, will, I think, show that there is no hardship in it, at least to the young. The theoretical part of our profession may be mastered by a quick-witted and intelligent person in a very short time to such a degree as to enable him to scramble through any of the examinations at present in fashion. But nothing short of long-continued, and thoughtful, and daily ministration of the practical duties of our profession can fit any man, be his talents what they may, for the great trust to be reposed in him, and nothing less should be required by the public for the qualification conferred on him.*

* It must, notwithstanding, be apparent to the dullest intellect that M. de Talleyrand has hit the most important point in the arrangement of a medical education. Though the period of probation be in itself an excellent thing, the

With regard to aged and honoured men in our profession, I own I have a great difficulty. Our system will indeed be imperfect if in our Britain, so free and so great, an impassable barrier should be erected to prohibit the rise in life of any man; and it must be felt that to send back to the schools a man who has passed years in the laborious pursuits of our profession, and the cultivation of his mind, would be not only a great wrong to the individual, but a deep disgrace and injury to the nation. It does not appear to me that any evil could accrue from a promotion to superior stations, on mere solicitation, at a given period of life, of those who had passed the previous portion of their professional existence in a more generally useful grade with credit and propriety.

It will easily be seen from these observations that I advocate an immediate and total severance of all matters relating to the government and regulation of the profession from its corporations and colleges. Let it not be supposed, however, that for this reason I desire their destruction. Far from it. I would indeed preserve them, not only as the venerable remains of our time-honoured institutions on which Harvey and Sydenham shed the lustre of their immortal names, but I would foster them as the prolific sources whence rivers of future knowledge and improvement may flow. Medical colleges, gathering together all the lights of our time, encouraging the progress of science and uniting its professors—what can be conceived more respectable and more admirable? But medical colleges clinging to corporate privileges, cherishing advantages in trade, prosecuting and persecuting their own brethren—what can be imagined more despicable and more hateful?

examination previous to the license is the all-important step to the community. The more searching and minute it is, the more varied and frequent, the stronger the guarantee to the public. But it is not for the advantage of the public, and is unjust to the pupil, to make his degree or diploma depend on the issue of one examination, in which chance decides much for or against him. A series of examinations, on the contrary, conducted with sufficient minuteness, and without unnecessary rigour, extending over the whole period of his studies, would be a most beneficial measure.

Our practice is the reverse of all this. Let any one examine the present state and past history of the laws and regulations, *statuta solemnia*, &c. &c. of our universities, colleges, and corporations, and say whether there is not a more eager desire to benefit the lecturer than to improve the pupil. There has been, indeed, a great extension given to the curriculum of study. This is an unquestionable benefit to the teacher, whatever it may be to the public; but as far as I can learn, the examination itself is little, if at all, altered. It would be no difficult matter to give a very painful, yet a plausible explanation of all this. I do not believe, however, that there has been any design in it; but it is easy to perceive that improvements become much more easy when they concur with men's interests, and that defects in the examination are met by severe exactions in the curriculum, which are often not beneficial, but a tax on the time, the patience, and the pocket of the pupil. The truth is, that were either the business of teaching or the labour of examining what they ought to be, men, absorbed by the daily duties and crushed by the gnawing cares of practice, could not undertake them.

Such, however, is the influence of habit and the power of ancient association in England, that I fear these ideas, reasonable as they seem to me, will be unpalatable to and unpopular with many readers. But I have much confidence in the progress of truth when separated from selfish feelings. Those, no doubt, whose interests are bound up with our present institutions will prefer that things should continue as they are, and their numbers will be increased by many whose limited ideas of the greatness of our profession rest upon its corporate forms, and whose views are bounded by parchments and charters. There is in medical, as in ecclesiastical affairs, a Puseyism which would sacrifice the essence of things to their forms,—which would raise a corporation above the law, and place the heel of a profession on the neck of the community in which, and by which, and for which it lives. Such men must be left to their errors. They are lost in the windings of a crotchety imagination, and in the promptings of their violence and their pride they have stifled the emotions of their hearts. No arguments of reason can reach them, and no sufferings can soften them. To one thing alone are they awake and sensitive—their constant and disgraceful failures in all their projects. I rejoice to think that in the coming-on of time they are likely to suffer more defeats and greater ignominy.

THE TRANSLATOR.

