

Letters on the charters of the Scotch universities and medical corporations, and on medical reform in Scotland / by J.A. Lawrie.

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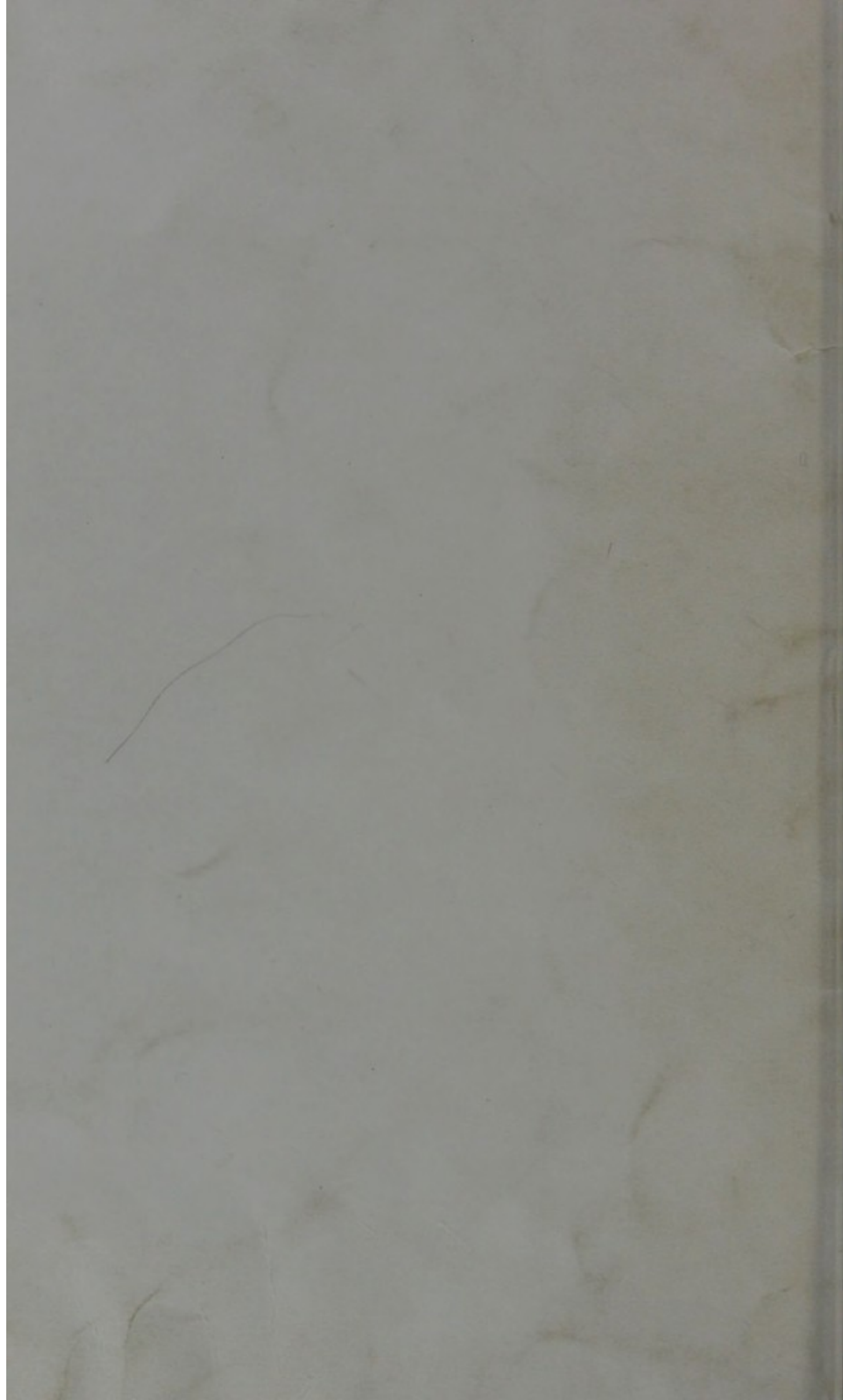
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LETTERS

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ON THE

CHARTERS OF THE SCOTCH UNIVERSITIES

AND

MEDICAL CORPORATIONS,

AND ON

MEDICAL REFORM IN SCOTLAND.

BY J. A. LAWRIE, M. D.

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JOHN SMITH & SON, GLASGOW.

MDCCCLVI.

CHAPTER I

THE HISTORY OF THE FIRST LETTER

The first letter of the book is a letter from the author to the reader. It is a letter of introduction, and it is written in a very simple and direct manner. The author tells us that he has written the book for the purpose of giving us a history of the world, and that he has written it in a very simple and direct manner, so that we may be able to understand it. He then tells us that he has written the book in a very simple and direct manner, so that we may be able to understand it. He then tells us that he has written the book in a very simple and direct manner, so that we may be able to understand it.

FIRST LETTER.

SIR,—Any one who has watched the numerous attempts which have for many years been almost annually made to effect (so called) medical reform, must, I think, have come to the conclusion that the conflicting claims of the various graduating and licensing corporations have been the principal cause of their universal failure; and that, until these claims are either amicably arranged or entirely set aside, all hope of a settlement of this perplexing subject must be abandoned. As I should be sorry to see this latter course forcibly adopted, and believing that mutual misapprehension as to what the status and privileges of these bodies really are is one important cause of disagreement, I should be glad if you would grant me space in your pages while I endeavour to state, so far as I can ascertain them, the position and privileges of our Scotch Universities and Medical Corporations, and try to deduce from them what appears to me to be an impartial measure of reform. I shall confine myself, in details, to the Scotch portion of the question; being convinced that another cause of failure has been the endeavour to make the measure of reform, in all its details, precisely similar in the three kingdoms,

forgetting that our Scotch Universities and Medical Corporations, and also the different grades of the profession, differ in many essential respects from those of England. Any attempt to reform the legal profession in England and Scotland by one Bill, applicable to both countries in details as well as principle, would necessarily prove a signal failure. What hope is there that it will be more successful in the medical profession? Have we not seen English Bills upset by Scotch delegates, and Scotch Bills hooted at by English Journals?

I must not, however, indulge in a lengthened preface, but at once proceed to endeavour to ascertain the position and medical privileges of our Scotch Universities and Medical Corporations. This, I think, may be advantageously done—1, By reference to their charters; 2, By ascertaining what value each attached to its own privileges before the question of Medical Reform was mooted; and 3, What importance the public attaches to these privileges.

In Scotland, we have five Universities, all of which grant degrees in medicine; viz., St. Andrew's, Glasgow, New and Old Aberdeen, and Edinburgh; one College of Physicians, that of Edinburgh, and two Colleges of Surgeons, viz., the College of Surgeons of Edinburgh and the Faculty of Physicians and Surgeons of Glasgow. The name of the latter—"Faculty of Physicians and Surgeons"—is apt to mislead; but it is, by charter and present constitution, only a College of Surgeons.

I. THE CHARTERS OF THE SCOTCH UNIVERSITIES.

ST. ANDREW'S.

The University of St. Andrew's was founded in the year 1413, by a Bull of Benedict XIII. in compliance with a petition to that effect from King James I. of

Scotland, and Henry, Bishop of St. Andrew's. This document, in many respects admirable, especially when we consider the period at which it was issued, has, among other passages, the following, bearing on our present subject:—

“*Studium generale hujusmodi in dictâ civitate (Sancti Andreae) . . . instituimus, fundamus, ac etiam ordinamus; dictisque Regi, Episcopo. . . . concedimus, ut in eâdem civitate de cætero sit studium generale, illudque perpetuis futuris temporibus in ea vigeat, in theologiæ, ac juris canonici et civilis, necnon artium, et Medicinæ, et aliis licitis facultatibus quibuscunque . . . statuimus et ordinamus, ut quotiescunque aliqui qui processu temporis, in eodem studio in dictis facultatibus bravium assecuti, sibi docendi licentiam, ut alios erudire valeant, petierint impertiri, possent examinari diligenter ibidem, et in iisdem facultatibus titulo Magisterii et Doctoratûs magistrari et doctorari. Quodque quoties aliqui . . . fuerint magistrandi seu doctorandi, præsententur Episcopo . . . qui omnibus Magistris seu Doctoribus facultatum hujusmodi, in quâ vel in quibus examinatio fuerit facienda, in studio ipso actu legentibus, convocatis et presentibus, eos gratis, purè et liberè, ac omni dolo, fraude, et difficultate concessantibus, de scientia facundiâ, modo legendi, et aliis quæ in promovendos ad Magistratûs seu Doctoratûs honorem in iisdem facultatibus requirantur, examinare, studeat diligenter, et illos quos idoneos repererit, petito secretè, purè, et bonâ fide eorundem Magistrorum et Doctorum consilio . . . approbet et admittat eisque petitam licentiam largiatur; aliosque minus idoneos, postpositis odio, gratiâ et favore, nullatenus admit-tendo.”**

* The general meaning of this extract is “That a University be

This charter was confirmed by King James I. in 1432, by King James II. in 1442, and by their successors, and various Acts of Parliament at subsequent periods.

GLASGOW.

The University of Glasgow was founded in 1450, by Pope Nicolas, at the request of King James II. Its charter contains, among others, the following passages:—"Ordinamus . . . Studium . . . perpetuis futuris temporibus vigeat, tam in Theologiâ de jure canonico et civili quam artibus, et quâvis aliâ licitâ facultate."

Its doctors, masters, regents, and students, are to possess the same privileges, honours, &c., &c., as had been granted to those of the University of Bologna. The examinations are to be conducted, and doctors and masters created, much in the same manner, and with the same privileges, as in the University of St. Andrew's, above quoted. This charter was confirmed by James II. in 1453.

After the Reformation, it was deemed necessary to refund, and in some measure remodel, the University of Glasgow; and in 1577, a "nova erectio," or "new foundation charter," was granted by King James VI. From this lengthy document, I shall make only the following quotation:—

"Volumus autem nostrum hoc collegium et academiam Glasguensem iis omnibus immunitatibus et privilegiis gaudere quæ a majoribus nostris, aut nobis, aut alias

founded in St. Andrew's with power to grant degrees in Theology Law, Arts, and Medicine, and every other lawful faculty;" which degrees are to be conferred after careful examinations of the candidates in presence of the assembled doctors and masters of the University. That those found qualified should be admitted, and obtain "the licence asked for;" while the less qualified should be rejected."

quovismodo concessa sunt ulli aliarum in regno nostro academiarum, tam liberè pacificè et quietè, ac si eadem ab antiquis retro temporibus ultra hominum memoriam illi obvenissent.*

This charter was amply confirmed by King Charles I. in 1630, and Charles II. in 1664, and by several Acts of Parliament.

ABERDEEN.

The University and King's College, Aberdeen, were founded, at the urgent request of King James IV. in 1494; by a Bull of Pope Alexander VI. The following quotation shows its tenor:—

“Statuimus et ordinamus, quod in dictâ civitate, veteri Aberdonensi, de cæteris et perpetuis futuris temporibus vigeat, studium generale, et universitas existat studii generalis tam in Theologiâ ac jure canonico et civili, necnon Medicinâ et artibus liberalibus, quam quâvis aliâ licitâ facultate, in quibus, sicut in prædictis, et quibusvis aliis studiis generalibus ad hoc privilegiatis.”

Rules are laid down for rigorous examination in these various faculties:—“Cum rigori examinis licentiatibus quibuscunque Et tunc illi qui insignia hujusmodi sic receperint, licentiam habeant tam in prædicto, quam ubicunque terrarum quocunque alio studio, absque alio examine vel approbatione, legendi, docendi, et cætera faciendi et exercendi quæ Magistri

* “It is our pleasure that the University of Glasgow should enjoy all the privileges which have been granted by our predecessors or ourselves to any other University in our Kingdom, as fully as if they had belonged to it from a period beyond the memory of man.”

et Doctores in aliquo dictorum studiorum facere et exercere possunt."*

This charter was confirmed by King James IV. by Queen Mary, and by Acts of Parliament, in 1617 and July 28, 1633. The Act of 1633 contains the following words:—"Understand that the said University and College was of auld foundet and erectit by umquhill King James the Ferd of worthie memorie, for serving the north parts of this realme, and indewit be him with the most ample privileges of teaching and professing Divinity, Canon, and Civile Laws, Medicine, Philosophie, and all other lawful and liberal sciences, and also of giving of Degrees of Baccallaureat, Licentia, and Doctorat, to these that are worthy and capable of the said Degries in all and sundry the faculties and sciences above exprest, with full power and liberty to the persone promotit and graduated in the samyn to reid, teach, do, and exerce all things whatsoever the persons promoted to the same degrees within the University of Paris, in the University of Bononia, or any other University whatsoever, may do or exerce, both in the University quhair they receivet thair degries, and also in whatsoever other University, *ubicunque terrarum sine ullo alio examine vel approbatione*, and generally with all and sundry quatsomever other richts, privileges, liberties, immunitys, and exemptions given and granted to the said Universities of Paris and Bononia, or to any other University of this realme, or pertaining and belonging to any other

* All licentiates shall be rigorously examined, . . . and then those who have received their distinctions shall have the power, without farther examination or approval, of expounding, teaching, and doing, and practising everything which masters and doctors of any University in the world can do."

University or general Studie. . . . Thairfoir ovr said soverane Lord, with advyse and consent of the Estaits and haile body of this present Parliament, Ratifieas, allows, approves, for his Hieres and his successores, perpetually confirms all and sundry the foresaid auld foundations of the said University and College of Auld Aberdeen," &c., &c.

MARISCHAL COLLEGE AND UNIVERSITY OF ABERDEEN.

This College was founded in 1593, by a charter from the Earl Marischal, under Royal Authority, which was confirmed by an Act of Parliament of Charles II. in 1661. Its charters do not make any special reference to teaching medicine, or conferring medical degrees.

EDINBURGH.

The College and University of Edinburgh were founded by King James VI. by charter, in the year 1582, and by other deeds and Acts of Parliament at subsequent periods; I shall content myself with the following quotation from the Act of 1584:—

“And also with advyse of the saidis estattes has of new agane given grantet . . . to . . . the Rectors, Regentis, Bursars, and Students within the samen, all liberties, fredoms, immunities, and priviledges appertaining to ane free Colledge, and that in as ample form and lairge maner as any Colledge hes or bruikes within this his Majesties realme.”

II. CHARTERS OF THE MEDICAL CORPORATIONS.

THE ROYAL COLLEGE OF PHYSICIANS OF EDINBURGH was founded by Royal Charter by King Charles II. in 1681, ratified by Act of the Scottish Parliament, June 16, 1685. Its powers consist “of calling before them

and fining unlicensed practitioners, and of punishing doctors of medicine, licentiates, and fellows practising within the city of Edinburgh, its suburbs, and privileges, who shall violate any of the laws of the College." The College is prohibited from erecting a school of medicine, or conferring medical degrees. The words are—"Per presentes etiam specialiter providetur, jurium et privilegiorum supra scriptorum dicto Medicorum Collegio concessionem, ad scholarum pro dictâ arte medicâ, aut quâlibet ejusdem parte docendâ erectionem, seu gradus alieni eatenus conferendos et concedendos, nullo modo extendendam." The right and privileges of the four Scotch Universities are expressly reserved, and their graduates are to have the "power" of practising in Edinburgh without fine*—"Specialiter declaratur absque præjudicio fore jurium et privilegiorum in favorem Universitatis seu Collegii Andreapolitani, Glasguensis, Aberdonensis, et Edinburgensis, concessorum" . . . "licitum et legitimum erit cuivis in dictis Universitatibus laurea doctorandis libertatem et potestatem habere in dictâ civitate, aliisque locis supra scriptis practicandi." They are not to be subjected to examination—"absque quovis prævio † seu antecedente examine sed solum modo ad ipsorum diplomatis . . . productionem, licentiare." The right of masters of arts to practise medicine is reserved—"nullo modo præjudicabit quemvis artium magistri gradum in quâ-

* It is specially provided that this charter shall not interfere with the rights and privileges granted to the Universities of St. Andrew's, Glasgow, Aberdeen, and Edinburgh."

† And it shall be lawful for all graduates of these Universities to have the liberty and power of practising within the said city and other above-mentioned places; and, on producing their (University) diploma, shall receive the license (of the College of Physicians) without any farther examination."

libet dicti regni Universitate nactum, et statim medicinæ praxin exercentem."

THE ROYAL COLLEGE OF SURGEONS OF EDINBURGH owes its origin to a "Seill of cause granted by the Town Counsell of Edinburgh to the craft of surgerry and barbouris, 1st July, 1505," confirmed by James IV. Oct. 13, 1506. This curious document, among other privileges, grants "anis in the year ane condampnit man after he bi deid to mak anatomia," and "that na person, man or woman, within this burgh mak or sell ony aquavite, except the saidis maisteris," &c.

By far the most important of the earlier documents connected with this College is the ratification by Parliament, 28th February 1694, "Of a gift and patent by King William and Mary in favour of the chirurgeons and chirurgeon-apothecaries of Edinburgh." This Act granted "*plenum et liberum privilegium licentiam et potestatem faciendi et exercendi utramque artem chirurgiam, et pharmaciam.*" The incorporation consequently became a society of barber-surgeons and apothecaries.

By this Act their exclusive privileges in surgery and pharmacy, previously restricted to the city of Edinburgh, were extended over the three Lothians and the counties of Fife, Peebles, Selkirk, Roxburgh, and Berwick. But perhaps the most curious and, in as far as our present inquiry is concerned, the most important part of this "gift" and "Act of Parliament" is that which defines the limits of medicine and surgery, and appropriates one "Art" to the physician, the other to the surgeon. It is as follows:—"Itaque nos volumus

* "And we will and ordain that the treatment of all internal diseases shall belong exclusively to physicians, while those arising from external causes shall come under the care of the surgeons; and that in all time coming these shall form the boundaries of the two professions."

et declaramus. . . . Curam morborum omnium ab origine internorum ad solos medicos privatim pertinere, at morbos omnes . . . ab externâ causâ provenientes ad chirurgos et Chirugos Pharmacopœos propriè pertinere, et volumus et definimus hos veros, rectos et fixos inter utramque artem futuros perpetuo limites." In this Charter the privileges of the College of Physicians of Edinburgh are specially reserved. The above, although the most important, is not the only legal document connected with this College in which the limits of surgery are defined. In Acts of Town Council 1643 and 1655, words to the following effect occur:— . . . "tumours, wounds, ulcers, luxations, curing of virolls, et cetera, and other accidents . . . belongs properlie to the freemen masters, chirurgians of this burgh. . . ." It is worthy of remark, that these "acts" defining and restricting surgery were passed very nearly forty years before the College of Physicians of Edinburgh was instituted.

By an Act of Parliament in 1850, and a new Charter granted in 1851, the connection which up to that period had existed between the Royal College of Surgeons of Edinburgh (as the representatives of the "barbours, chirurgians, and surgeon apothecaries" of former days) and "the incorporated trades of the said city" was dissolved—the right and privileges conferred by former charters in regard "to the arts and sciences of anatomy, surgery and pharmacy were preserved, and power given to grant diplomas and licenses to practise anatomy, surgery and pharmacy in such form as the College shall from time to time think proper." The holders of such diplomas to enjoy all rights and privileges in the above said arts and sciences, "which have hitherto been enjoyed by the licentiates of the said College."

THE FACULTY OF PHYSICIANS AND SURGEONS OF GLASGOW was founded by James VI. by Charter, dated 29th Nov. 1599, ratified by Act of Parliament 17th Sept. 1672. It "gives" and "grants" within the counties of Lanark, Renfrew, Ayr, and Burgh, and Barony of Dumbarton, "full power" to examine "all persons professing or using the (said) art of chirurgery if they be found worthy to admit and approve of them," and "give them testimonials according to their art and knowledge"; power is also given, with an apothecary, to inspect drugs sold in Glasgow, and to regulate the sale of poisons. The 14th clause regards the practice of medicine as follows:—"It shall not be lawful for any manner of person within the said bounds to exercise medicine without the testimonial of a famous University in which medicine is taught. . . ."

The above charter of incorporation was amended; and the privileges of the faculty regulated by Act of Parliament, 10th June 1850. The most important clause (the second) enacts, "that the fellows and licentiates of the said faculty shall respectively enjoy the same status and privileges and be equally eligible to the same offices throughout Her Majesty's dominions, as if the said faculty had been specially authorised by law to grant licenses or diplomas in surgery, conferring the same status and privileges as those conferred by any other corporation or royal college in Scotland, which now is or may hereafter be authorised by law to grant such licenses or diplomas." In this Act, the faculty sets the honourable example (so far as I know as yet *unfollowed*) of giving up their exclusive privileges.

It appears to me that the following conclusions may

be drawn from these Charters and Acts of Parliament:—

FIRST, AS REGARDS DEGREES IN MEDICINE.

1. That it was the intention of the founders that every power and privilege which a graduate of any University in the world possessed, should be conferred on the graduates of the Scotch Universities.

2. That no degree should be granted without strict examination; and that all degrees should confer privileges “docendi, legendi, et cætera faciendi, et exercendi.” Hence, honorary degrees are innovations not authorised by the charters of our Universities.

3. That the Universities have always possessed the sole power of conferring degrees in medicine in Scotland; and that no one can be a physician in Scotland who does not possess a University degree.

4. The medical graduates of the Scotch Universities possess a legal right to practise medicine in Scotland. No one else does possess this right except medical graduates of Foreign Universities, and possibly the Master of Arts of the Scotch Universities.

SECOND, AS REGARDS SURGERY.

1. The Royal College of Surgeons of Edinburgh, and the Faculty of Physicians and Surgeons of Glasgow, have power to grant testimonials, licenses, and diplomas, to practise surgery within certain prescribed districts.

2. Their powers within these districts were respectively exclusive, and do not probably confer any legal privilege beyond them. Thus the licentiates of Edinburgh could not practise in the Glasgow district, and *vice versâ*; but in other parts of Scotland the diplomas of each body have always been received as conferring a title to practise surgery.

3. In 1815, the University of Glasgow instituted the degree of Master in Surgery, conferring power to practise surgery. This has been done in right of that clause of their original charter, which grants power to confer degrees "*in quâvis aliâ licitâ facultate.*" It was decided by the Court of Session and House of Lords that the holders of this degree could not practise surgery within the bounds of the Faculty of Physicians and Surgeons of Glasgow. But since the faculty resigned their exclusive privileges in 1850, I am not aware that there is any legal impediment to C. M.'s of the University of Glasgow practising surgery in any part of Scotland, except within the exclusive jurisdiction of the College of Surgeons of Edinburgh—a jurisdiction understood to be practically abandoned.

THIRD, IN REGARD TO PHARMACY.

1. The Royal College of Surgeons of Edinburgh have by their charters power to examine and grant diplomas in pharmacy, and to inspect medicines sold in Edinburgh.

2. The Faculty of Physicians and Surgeons of Glasgow, assisted by an apothecary, have authority to inspect drugs sold in Glasgow; but no power by their charter to grant diplomas in pharmacy.

3. The Royal College of Physicians in Edinburgh, assisted by one of the magistrates, an apothecary, and surgeon-apothecary, have power to inspect drugs sold in Edinburgh, and destroy them if bad. They have no authority to grant diplomas in pharmacy.

FOURTH, IN REGARD TO GENERAL PRACTICE.

1. The appellation, "general practitioner," is of modern origin, and finds no place in any of our Scotch Universities or corporation charters.

2. Some of these charters would seem to forbid the same individual to practise medicine and surgery. They are all silent regarding midwifery.

3. At present, no single degree or diploma confers the right of practising medicine and surgery. To practise both legally implies the possession of a degree in medicine and a diploma in surgery.

4. If there be an exception to this, it can only be in favour of degrees in medicine, on the ground that surgery was not separated from medicine till after the year 1448—that the corporation of Barbers and Surgeons of Edinburgh was not established till 1505; consequently, the word “*medicina*” in the charter of the University of St. Andrew’s, granted in 1413, must have included the whole “*healing art.*”—I am, &c.

GLASGOW, *July*, 2, 1855.

SECOND LETTER.

SIR,—I shall now, as I proposed, endeavour to ascertain what meaning the members of the Scotch Universities and Scotch Medical Corporations attached to the privileges conferred by their charters. One obvious, and as appears to me unexceptionable method, is to refer to the diplomas which these bodies granted to their graduates and licentiates before the subject of medical reform was mooted.

DIPLOMAS OF THE UNIVERSITIES AND CORPORATIONS.

UNIVERSITIES. I have not been able to ascertain at what date medicine was first taught, and the degree of medicine first conferred, in our Scotch Universities; but it is incorrect to say that medicine was not taught, or the degree of M.D. conferred, before the institution of the *present* Regius Professorships of Medicine. In proof of this, the records of the University of Glasgow show that Robert Main was appointed Professor of Medicine on the 5th of October, 1637, while the present chair dates from 1713. Besides, in former days, the doctors, as their title implies, and the regents, were the teachers. In the charter of the College of Physicians of Edinburgh, the right and privileges of

the graduates of the four Scotch Universities are specially reserved, and the professors of medicine of the respective Universities are to be received as honorary fellows of the College, although none of the *present* professorships of medicine in St. Andrew's, Glasgow, or Edinburgh, were then founded. The early records of the University of Glasgow are so irregularly kept that it is not easy to determine at what date the form of diploma now in use was first granted; but, so far as I know, there is no evidence of its ever having been other than it now is, and it certainly has been issued in its present words since the year 1732. These words are—" . . . et his eum literis Doctorem appellamus et apud omnes haberi et appellari volumus. Ei * que potestatem damus plenissimam, de re medicâ legendi, docendi, consultandi, scribendi, et disputandi . . . omnesque denique tam theoriæ medicæ quam praxeos actus, ubique gentium exercendi; et omnes simul honores, prærogativas omnes, ei concedimus et privilegia quæ vero Medicinæ Doctori usquam gentium conceduntur aut concedi solent."

It will be observed that this diploma is in conformity with the charter of the University, which conferred rights not limited to Scotland, but extending, *ubique gentium*, rights, which could only be conferred by a Pope in a Catholic age.

The diplomas granted by the other Scotch Universities are so similar to the above that it is unnecessary to quote them.

THE ROYAL COLLEGE OF PHYSICIANS OF EDINBURGH grants a diploma to all its resident fellows, of which

* And we give him all the honors, prerogatives, and privileges (of teaching, consulting, writing, and practising) which can be conferred on a Doctor of Medicine in any quarter of the globe."

the following is the most important clause:—" . . . Ipsum ideo in societatem cooptat, socium residentem adscissit, omniumque honorum atque privilegiorum quibus socii residentes ejusdem Collegii fruuntur, participem fecit." This appears to be a mere form of admission, and not a diploma conferring a right to practise—a right which this College has never, so far as I know, undertaken to confer.

THE ROYAL COLLEGE OF SURGEONS OF EDINBURGH, at a comparatively recent date, granted a diploma to the following effect:—" Examini sese subjecisse, et quæstionibus de rebus Anatomicis Chirurgicis et Pharmaceuticis ei propositis, responsa satis apta et docta publicè reddidisse et ad Artem Chirurgicam exercendam quam maxime paratus esse, videatur."

From this it would appear that the College considered itself entitled to examine on anatomy, surgery, and pharmacy only, and to grant a testimonial of fitness to practise surgery.

THE FACULTY OF PHYSICIANS AND SURGEONS OF GLASGOW, about the year 1812 or 1815, granted a diploma in English, conferring power to practice surgery "within their own bounds." About that period it was altered to the words—" . . . Do find him a fit and capable person to exercise the arts of Surgery and Pharmacy; and do hereby license and authorise him to practise the said arts, according to the tenor of the statute in that case made and provided."

The Faculty, it would thus appear, understood their powers to extend to surgery and pharmacy. I stated in my last letter that I do not think pharmacy is included in their charter.

THE UNIVERSITY OF GLASGOW, since the year 1818, have given a diploma to practise surgery, midwifery,

and pharmacy, in the following words:— . . . “ Artium Chirurgiæ, Obstetrices, et Pharmaceutices, Magistrum creandum consuimus et declarandum, earamque, artium Magistrum eum creavimus et declaravimus et his eum literis Chirurgiæ Magistrum appellamus ” . . . The remaining part of the diploma is verbatim the same as that already quoted for Medicine, the word *Chirurgia* being substituted for *Medicina*.

From this diploma it would appear that the professors of the University of Glasgow, in 1818, considered that their charters authorised them to grant licenses to practise surgery, midwifery, and pharmacy.

From these documents the conclusion is obvious that no one of these bodies considered itself entitled to grant a single license for general practice. The University of Glasgow grants separate diplomas for medicine and surgery; the Royal College of Surgeons of Edinburgh granted a certificate of aptness for surgery, and the Faculty of Physicians and Surgeons gave license and authority to practise surgery and pharmacy; but no one of them, except the University of Glasgow, exercised the power of granting licenses to practise both medicine and surgery.

PUBLIC VALUE ATTACHED TO SCOTCH DIPLOMAS AND LICENSES.

I am now, in the next place, to ascertain in what light these diplomas and licenses have been viewed by the public and by competent judges.

THE UNIVERSITIES.

1. The Report of the Royal Commission of Inquiry into the State of the Universities of Scotland, printed October 1831.

That the opinion of this Commission is entitled to

the highest respect in a legal point of view, is obvious from the circumstance of its being composed, among others, of the highest legal authorities of the period at which it was issued, viz. the Lord President, the Lord Advocate, the Lord Justice Clerk, the Solicitor-General, the Dean of Faculty (Cranstoun), H. Home Drummond, Esq., James Moncrieff, Esq. Among other passages in their Report, bearing on our present subject, the following are some of the most important:—“The profession of a physician consists in the act of practising in that character by attendance on persons who require medical advice; and the right so to practise, constituting the profession, is at once created by the degree of doctor in medicine, conferred by a University.” (*General Report*, p. 56.) “Considering the important privileges attached to a degree of doctor in medicine as a title to practise” . . . (*Ibid*, p. 61.) “A degree in medicine cannot be considered merely in the light of an honorary distinction.” (*Ibid*, p. 64.) In reference to the Apothecaries’ Act of 1815, the Report, p. 67, says—“It humbly appears to us that while this regulation is most unjust in its consequences to the graduates of the Scotch Universities, and inconsistent with the privileges which ought to belong to the Universities of one part of the United Kingdom, it is, at the same time, injurious to the interests of the community, by tending to exclude” the Scotch graduates “from becoming general practitioners in England. “The enactments of the statute in question appear to us to be a material and unwarrantable encroachment on the rights and privileges of the Scotch Universities. It is impossible to adduce any reasonable or satisfactory grounds for denying effect within England to the privileges and status of the medical

degrees granted by the Universities of Edinburgh and Glasgow."

2. No one can be physician to a recognised hospital in Scotland, or, I believe, to a lunatic asylum, who has not a University degree. The same is true of the chair of medicine in our Universities, and, I presume, recognised non-academical schools. The degree of M.D., and Master of Surgery from a University (each by itself) are recognised by the parochial boards of Scotland as qualifying for the office of parochial surgeon.

3. General Practice. In as far as this is concerned, not many of our Scotch M.D.'s enter upon practice without previously becoming licentiates of the Royal College of Surgeons of Edinburgh, or the Glasgow Faculty. At the same time, there are several who are satisfied with the University degree only, some of whom have practised as surgeons and general practitioners for many years within the Glasgow Faculty's limits without molestation. Over the rest of Scotland, the holders of University degrees are universally received as qualified general practitioners. I believe, however, that a majority of the medical men in Scotland hold both a University degree and a surgical diploma.

THE ROYAL COLLEGE OF SURGEONS OF EDINBURGH, AND
THE FACULTY OF PHYSICIANS & SURGEONS OF GLASGOW.

A very large proportion of the medical practitioners in Scotland are licentiates of these bodies, the majority of them holding, as I have already said, University degrees, and a numerous minority practising on the license alone. They are universally recognised as qualified surgeons and general practitioners throughout

Scotland, by the Universities, the hospitals, the parochial authorities, and the public.

The peculiarities of the formal qualifications of the medical profession in Scotland, as compared with England, consist in—

1. The large proportion who are graduates of a University. On a rough calculation, I should say that nearly two-thirds of the medical practitioners in Scotland are doctors of medicine.

2. Notwithstanding this large proportion of M.D.'s, with the exception of a very few in Edinburgh, there is not a physician, properly so understood, in the whole of Scotland. The wealthy city of Glasgow, with its 400,000 inhabitants, has not *one*; we are *all* general practitioners.

3. The same statement holds true of surgery. With the exception of one or two in Edinburgh, there is not a pure surgeon in Scotland; all the surgical licentiates are general practitioners.

4. The titles and qualifications of the fellows of the medical incorporations are also peculiar. Fully one-half of the resident Fellows of the Royal College of Physicians of Edinburgh hold surgical diplomas; while two-thirds of the Fellows of the Royal College of Surgeons of Edinburgh, and of the Glasgow Faculty, are Doctors of Medicine.

If it should be asked, How is this? I should reply, that it is owing to the number of the Scotch Universities—to there being no restriction on their admission of students—and to the circumstance that Edinburgh, Glasgow, and Aberdeen, have a full staff of medical professors and lecturers, whereby the student can obtain a complete course of medical instruction within their walls. I am sorry to add, that it is also in part

owing to the highly objectionable practice of granting degrees in medicine, in some instances, without the candidate having attended any University; and, in others, after a very limited amount of University instruction. Still, with all its faults, the present system cannot be said to have worked ill. Surely it cannot be that the public have been injured, or the profession in Scotland lowered, because a large proportion of its members have studied for four years, and have voluntarily submitted themselves to a double examination. Would it be an improvement if the degree of M.D. were placed beyond the reach of any but a few comparatively wealthy students, and a virtual monopoly of teaching and examining given to the fellows of the Medical Corporations? I confess that for one I cannot think so; and yet, as appears to me, such would be the certain consequences if Mr. Headlam's Bill were to become law.—I am, &c.

GLASGOW, *July* 21, 1855.

THIRD LETTER.

SIR,—In my two previous letters, I have endeavoured to ascertain what are the *present* rights and privileges of the Scotch Universities and Scotch Medical Corporations, and to point out the existing state of the profession in Scotland, as regards legal and formal medical qualifications.

It has been asked, and perhaps not over courteously, What has this to do with medical reform? It appears to me that, considering the shape which this subject has assumed, there is no other basis upon which a just measure of reform can be raised; and so far from considering such an inquiry useless or ill-timed, I can only regret that it has not been undertaken sooner, and by abler hands. Its bearing on medical reform appears to me almost too obvious to require illustration.

Let me advert in a few sentences to registration, which is on all hands acknowledged to be the keystone of all our recently proposed Bills. Now, registration must necessarily be of two kinds, retrospective and prospective. As regards the first, it is quite clear that unless we have previously ascertained the rights and privileges of our various graduating and licensing corporations, it is impossible for us to say who are entitled to be registered,

and under what class the numerous applicants for registration are to be arranged. It was in consequence of finding that the latest proposed Draft Bill abounded in the most unpardonable errors on this point, that I undertook the present inquiry. If a schedule* (in as far as Scotland is concerned) excludes all the bodies which it ought to contain, and includes only those which have no right to be in it, who will be bold enough to say that inquiry and information are useless? It may be convenient to quash the one and repudiate the other; but both, on that account, may not be the less necessary.

Again, as regards prospective registration—If our Draft Bills proceeded on the principle, that all existing Universities and Corporations are to be excluded, and new boards substituted for them, then, indeed, inquiry as to the past might “amuse antiquarians,” but could be of little use to practical men. But it is not so; on the contrary, it is proposed to make use of our existing medical institutions, and of them only. If, then, our existing institutions are to be preserved, and made the basis of prospective registration, surely the interests of the public and the profession will be most consulted by making the best and fairest use of all of them; and this obviously can only be advantageously and justly done after patient search into their rights, however ancient, and inquiry into their present position, as teaching and licensing schools. No Bill ought to succeed, and I venture to predict that no Bill will succeed, which does not mete out even-handed justice to all; and justice never yet has been based on ignorance and self-interest.

* The errors, here complained of, have been in some measure corrected in Mr. Headlam's Bill of 1856.

It may, perhaps, be said, that in my zeal for University and Corporation rights, I am losing sight of the interests of the public and the profession. Very far from it. If I were convinced that medical education in Scotland, and the interests of the profession as a body, would be benefited by crippling or extinguishing the Universities as teaching and graduating schools, however much I should deplore the necessity of the sacrifice, I trust I should not appear as its public opponent. But such is not my belief. It would be unbecoming of me to speak of that University to which I belong; but there can be no impropriety in stating my conviction, that there is no institution in the empire to which British medical education, and the British medical profession in all its grades, owe more than to the University of Edinburgh. Would the public or the profession gain if it were put down, and the medical corporations were exalted in its stead?

MR. HEADLAM'S BILL.

I shall now proceed to offer some remarks on the "Medical Profession Bill" introduced by Mr. Headlam, and now before Parliament.

1. *The Council*.—The Bill of 1856 is so far amended on that of 1855 as to give the Universities a fair representation in the Council: the objections, however, to that body as it now stands are its numbers, its undefined duties and powers, and the great and, for all useful purposes, unnecessary expense which it must entail on the profession. From a council so constituted—whose powers are so ill-defined—whose meetings are unlimited, and centralised in London—more mischief is to be apprehended by the profession than all the existing "medical ills" so loudly complained of. If its numbers

cannot be reduced, at all events its powers, time, place, and, above all, the frequency and duration of its meetings should be strictly laid down in the Bill. The first meeting should be limited to fourteen days, and all future meetings to six days at the utmost.

RETROSPECTIVE REGISTRATION.

1. *Physicians.* Clause XXI. (*a.*) The age proposed is 24. The present age in Scotland is 21: consequently, if this were to become law, all who hold medical degrees (and there are many) between these ages, would be most unjustly excluded. This must not be. There is surely no necessity for making the Bill unjustly retrospective.

In as far as Scotland is concerned, the College of Physicians of Edinburgh is the only body mentioned in Schedule (*c*) of this Bill,* whose licentiates are entitled to be enrolled as Physicians. But the College of Physicians of Edinburgh declare by their laws that no one can be a fellow or licentiate of their body "who has not previously obtained the degree of Doctor of Medicine," and that "graduates of British and Irish Universities are entitled to be admitted as licentiates without any previous trial or examination." Consequently, as the College of Physicians is neither an examining nor, properly speaking, a licensing body, it has no right to a place in Schedule (*c*).

2. *Surgeons.* Schedule (*c*) contains the names of the Royal College of Surgeons of Edinburgh and of the Faculty of Physicians and Surgeons of Glasgow, as Corporations—the possessors of whose diploma shall be entitled to register as surgeons. This is, so far, unobjectionable; but neither here nor in the body of the

* The Bill of 1855 improperly contained the Faculty of Physicians and Surgeons of Glasgow.

Bill is mention made of the graduates in surgery of the Universities. These degrees have been granted for nearly forty years; have been acknowledged in at least one Act of Parliament; and are recognised as qualifying for appointments under the Factory Act, by the Parochial Boards and Boards of Supervision. The propriety of continuing this license is a question for the future—its admissibility as a certificate for retrospective registration is one of simple and present justice. It is not sufficient to give the medical council a permissive power of registering these diplomas; they must be included in the body and Schedules of the Bill.

PROSPECTIVE REGISTRATION.

1. *Physicians.* Clause XXVI. The age proposed is 26! At the age of 21 the law of Great Britain throws open every position in life from the throne downwards, to their respective heirs, and any calling and profession to those who are willing and capable of engaging in them; but this Bill proposes that no man shall practise medicine as a physician till he is 26. A pastor may cure souls at 21; but a physician must not treat a fever till he is 26. A surgeon at 22 may practise *every* branch of the healing art; but a physician cannot practise *one* of them till he is 26. A proposal more tyrannical or unjust can hardly be imagined. The age should be 21, and uniform for all grades of practice.

Having attained the age of 26, studied his profession five years, been examined, declared qualified, and paid large fees to a University, he is then to be re-examined by a College of Physicians in Edinburgh, (without whose letters testimonial he cannot register,) and pay to them such fees as they may choose to ex-

act! Having gone through all this, he must become a member of a Royal College, and pay whatever admission fee it may choose to demand. He then presents himself for registration, and pays £10. Add to this the enormous expense attendant on delaying his graduation to the age of 26; and, after all this, let him console himself with the fact that throughout Scotland there is not employment for a single pure physician, except one or two in Edinburgh. This clause of the Bill is peculiarly injurious to Glasgow and Aberdeen. Students who have studied and graduated at these Universities must proceed to Edinburgh, and be re-examined by the College of Physicians. Surely Glasgow and Aberdeen have a right to complain of this centralising tendency, the effect of which will almost necessarily be to concentrate University Medical Education in Edinburgh.

If I were asked to frame a measure by which the degree of M.D. should become extinct in Scotland, I should copy verbatim Mr. Headlam's Bill; and I should, moreover, point to it as (intentionally or accidentally) insulting, as it now stands, to the Scotch Universities; and, should it become law, certain to destroy them as teaching and graduating schools. I am told that this Bill "carries out the very principle for which the Scotch Universities are contending." Indeed! is it a boon to give us *in futuro*, clogged with impossible and insulting conditions, that which we already unconditionally possess?

2. *Surgeons.* Clause xxvii. In Edinburgh, the candidates must be examined conjointly or severally by the College of Physicians and Surgeons of Edinburgh; in Glasgow, by the Faculty of Physicians and Surgeons alone. Far be it from me to detract from the

respectability of the Glasgow Faculty; but of this I am confident, that it does not contain a single Fellow who will affirm that it is superior to either of the Edinburgh Colleges, much less equal to them both; or that it is the only corporation in the Empire whose examining board is so perfect as to require no alteration. In England, the candidate for the surgical diploma must be "examined in medicine by the Royal College of Physicians, assisted by *five* surgeons in general practice; and in surgery by the Royal College of Surgeons. The same *precisely* in Ireland. In Edinburgh, by the Royal College of Physicians and Royal College of Surgeons. In Glasgow, by the Glasgow Faculty alone. And this is uniformity!

Clause XXVIII. According to this clause, any one registered as a physician or surgeon must become a "Member" of a Royal College, and pay an admission fee, on pain of being struck off the register, and fined by the council. In discussing this clause, let me ask what is meant by the word "Member"? In Glasgow, it was at one time equivalent to Fellow; but we have in Scotland, at present, only two corporation grades—licentiates and fellows. In London, member is equivalent to licentiate; but "Member" in the Bill cannot mean that, because all "registered persons" must previously become licentiates. "Member," therefore, is a new grade, with an admission fee appended, (but no corresponding privilege created, so far as appears from the Bill, for the purpose of aggrandising the corporations at the expense of the licentiate. Truly, this Bill reverses established order, and declares the profession to be made for the corporations; not the corporations for the profession.

Clause XXX. leaves everything undecided. There

may be one course of study and one set of fees in London; a second in Edinburgh; a third in Glasgow; and a fourth in Aberdeen. I have always understood that uniformity was to constitute an absolute feature of medical reform; and that by far the most important duty which the council should have to perform would be to fix the curricula, courses of study, modes of examination, and fees. But this Bill says No. The various corporations are to use their own discretion in these trifling matters, under the from "time to time" correction of the council.

In conclusion, let me point out some of the obvious consequences which would ensue were this Bill to become law. It would entail great and uncalled for expense as well on the candidates for license as on the profession at large. The former, to become a surgeon, must satisfy the demands of—

Preliminary Examiners,	.	.	.	£2	2	0
Registration,	.	.	.	10	0	0
College of Surgeons,	.	.	.			
College of Physicians,	.	.	.			
Royal College for Membership,	.	.	.			

What the amount of the three last may be it is impossible to tell. The Bill does nothing to prevent the present system of underselling; but the fees cannot be less than £10:10/ each. For the whole say £44; but they may be double. In the case of a physician they must be at least £10 more, for the present unfairly levied stamp on degrees; in all say £55.

To the profession the expense is likely to be very considerable. By the time nineteen members of council, registrars, clerks, &c. are feed, travelled, and fed, if we get off with a five per cent. income-tax we may think ourselves fortunate. At present, we may be

slumbering under the drowsy rule of King Log; let us beware lest we be awoke by the sharp *bill* of King Stork.

So far from ensuring a complete register of the whole profession, there is nothing in the Bill to prevent any one, whether professionally qualified or unqualified, from practising without being registered. The result will probably be, that in remote country districts none but the holders of parochial appointments will register.

It will make the Universities secondary and subservient to the Medical Corporations; and discourage University Education, thereby reversing the present relations in which these institutions stand towards each other, which, in Scotland, in as far as medicine is concerned, undoubtedly is, that the Universities shall educate, examine, and confer graduation; while the College of Physicians may admit as Fellows or Licentiates, *without farther examination*, those whom the Universities have declared qualified.

It is hardly necessary to add, that a measure so unsatisfactory as I have endeavoured to prove this Bill to be, ought to be strenuously opposed.—I am, &c.

