

A statement of circumstances connected with the Apothecaries' Act, and its administration / by George Man Burrows.

Contributors

Burrows, George Man, 1771-1846.
Royal College of Surgeons of England

Publication/Creation

London : J. Callow, 1817.

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STATEMENT

OF

Circumstances

CONNECTED WITH

THE APOTHECARIES' ACT,

AND ITS

ADMINISTRATION.

BY GEORGE MAN BURROWS, M. D. F. L. S. &c.

————— If we suffer,
 Out of our easiness and childish pity
 To one man's honour, this contagious sickness,
 Farewell all Physic. —————

SHAKESPEAR.

————— Sed id pro causâ apprehendi, quod contulisse
 plurimum videtur.

CELS.

London:

PUBLISHED

BY J. CALLOW, MEDICAL BOOKSELLER,

CROWN COURT, PRINCES STREET,

SOHO.

1817.

STATUTE

Circumstances

connected with

THE APOTHECARIANS' ACT

AND

ADMINISTRATION

II

BY GEORGE JAY BERRORS, M.A. F.R.S. &c.

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A STATEMENT, &c.

WHEN the fact is notorious, it were a work of supererogation to attempt proving how sedulously I have laboured, to the best of my judgment, for the interests and the improvement of that branch of the Medical Profession, termed General Practitioners; and that when fitted by suitable education and examination of their qualifications for practising, how anxious I have been to secure them, by an Act of the Legislature, the right they had acquired to public confidence.

Few, perhaps, will deny me this justice, although many may dissent from the plan adopted as being the wisest for the attainment of these objects.

In the various capacities I have had the honour to fill, it were impossible to remain wholly a stranger to the suspicions some have entertained, that the final aim of all my exertions was to exalt one class of the Profession by degrading the others; to increase the power, and aggrandize a corporate body of which I was a member; and finally to benefit my own individual interest. Had I relaxed my exertions to notice calumnies, the important end I had in view must have been sacrificed; I therefore heard, but gave no further attention than to counteract any sinister effects. Conscious in integrity, I have, through a series of years, persevered, and encountered, and overcome apparently insurmountable difficulties; and would willingly have left to the silent, but sure, operation of time my refutation.

But the period is arrived when silence is no longer a merit ; when the exposure of the past is essential to the well-being of the future ; when public considerations, equally with private, combine to prevent concealment ; when, in short, it would be a crime to withhold communication.

Painful as it is to be the narrator of circumstances wherein self must always appear so prominent ; yet even the dread of being considered an egotist must not deter me from performing a task, which the high obligations I owe to those who have put their trust in me demands. To the General Practitioners, who have so peculiarly distinguished me by their confidence, therefore, and to the Medical Public at large, whose interests are deeply involved in the perfect or imperfect execution of a measure intended for general benefit, explanation is due.

To have a just conception of the subject, of the conduct I have pursued, and of the reasons that determined it, it is necessary to take a long retrospect. I must trace the rise of the Associated Apothecaries and Surgeon Apothecaries, and succeeding events to the present epoch. I would be brief ; but the occasion does not permit.

From an extensive and intimate acquaintance with Medical Practitioners, I had been long aware that they had more difficulties to encounter than almost any other class of persons ; and I was convinced that they were principally derived, 1st, From the intrusion of persons who were never educated for the exercise of the healing art : 2. From any person having a right, to practise without control, under the denomination of Surgeon or Apothecary, and who, by arts of which gentlemen were incapable, injured the regular practitioners : 3. From the disgrace these intruders, by their conduct, brought on the character of the regularly educated and deserving practitioner : 4. From the depreciated emoluments of Apothecaries, owing to a considerable portion of their former business being engrossed by dispensing Chemists, &c. :

5. From the increase of taxes, and the expense of every article of life, drugs, horses, &c. while the means of meeting this state of things were, from the foregoing causes, particularly the 4th, annually diminishing.

All these circumstances were severely felt as early as 1794; and then induced a similar Association, of which also I was a member, but almost immediately withdrew, from a conviction of the impracticability of its views. If these causes were operating to so great a degree at that period, how much must they be augmented in the progress of the last twenty years! Medical men have had to sustain an equal proportion of the burthen of the times with the landholder, the capitalist, and the trader; but with this marked difference—the emoluments of the one have been annually decreasing, while the means of the others were ever augmenting to meet increasing expenses. Hence it was impossible to intermingle among Medical men, and not be acquainted with the difficulties so generally experienced, and with numerous cases of individual distress.

Such being the fact, any thing that suddenly added to the weight of the already too oppressive burthen would naturally excite a strong effort, either to bear or get rid of it. Thus, when a new duty on glass was proposed in 1812, which was almost equivalent to another income tax, it was deeply felt by all Apothecaries, and roused them to endeavour to remove or modify it. Accordingly, meetings for that purpose took place; and as is common, when persons having similar sentiments and pursuits, assemble, other subjects of complaint were discussed, and various means of relief were proposed. And, with this intention, an Association, consisting of Surgeon-Apothecaries and Apothecaries, the first in rank, abilities, and character, was formed. I own that I entertained much more extensive views. I conceived that if a large body of them could be brought firmly to unite, and adopt those views, that the opportunity

was highly favourable for performing an essential service to the public, and, at the same time, to the Practitioners themselves. But I was convinced that if these views were suddenly avowed, the improbability of accomplishing them might excite alarm, and prevent all further endeavours.

I therefore published, and widely circulated, "AN ADDRESS TO THE APOTHECARIES OF GREAT BRITAIN," under the signature of "PHARMACOPOLA VERUS;" which, while it regarded the primary and ostensible objects of the Association, plainly inculcated the hope that the result would lead to other and more important consequences; and that amelioration and improvement of the condition of the General Practitioner would be attempted. It produced the desired intent. At a subsequent, and very general meeting, a numerous committee was appointed to carry into effect certain resolutions, authorising an application to the existing Medical Bodies to request them to coincide in an appeal to Parliament, for legislative regulations of the practice of Surgery, Pharmaceutic-Medicine, and Midwifery.

I was chosen Chairman of these Meetings; nor did I shrink from a duty which was so entirely in unison with my inclinations. But when the General Committee met, I was conscious that talents to which I had no pretensions, and very arduous application, were requisite for him who should preside over their deliberations. Consequently I most sincerely cooperated in praying a gentleman to accept it, who from character, experience, and influence in the Society of Apothecaries, was represented to be peculiarly adapted to the office. Upon that gentleman's declining the most strenuous application, and finding that the objects of the Association were in danger by delay, I at length yielded consent to undertake it. Could I have anticipated the extent of the obligations I thus incurred, I candidly confess I should have been appalled, and must have declined the honour.

Deeply impressed with the importance of the trust, I seriously applied myself to its varied duties ; and I was most ably and zealously assisted by the majority of the London Committee. Never, I am confident, did any persons attend more sincerely or disinterestedly to the objects for which they were nominated, or encounter with more perseverance, the obstacles which were presented to their accomplishment.

For two years the labours of the Committee were incessant ; nor was their anxiety much diminished during a third year, when they had to co-operate with the Society of Apothecaries, to whom the soliciting and passing of a Bill through Parliament was transferred.

It were superfluous here to recapitulate the proceedings of the Committee ; since from time to time they were published in the Medical Journals, in the form and to the number of SEVEN REPORTS. Justice must be done to that zeal which could induce individuals to make so large a sacrifice of time as the attendance on the Committee-Meetings occupied. There were full one hundred and thirty Meetings, each occupying several hours ; but without any charge on the subscription fund, except a trifle for the hire of the room.

Those labours are now, it is to be hoped, nearly finished ; their termination awaits only the fate of the Surgeons' Bill. The Committee then will, of course, submit the whole of their proceedings, and surrender to their constituents that power and that fund, which have been so long and so confidentially entrusted to their disposal.

In the conducting of the multifarious transactions in which I became engaged, I endeavoured to discharge my duty with fidelity, and had the satisfaction of feeling, that my conduct always met with the approbation of my colleagues. Experience, by degrees, inducted me into the *ordo negotii* of office, and gave me so intimate a knowledge of all the bear-

ings of the subject, that, inspired with confidence, I was soon able to execute the business with facility and greater effect. But the business of the Committee was trifling in comparison with the correspondence. The Association embraced full *three thousand* Practitioners, a part of whom formed themselves into District Committees, and embodied their observations into resolutions; and these were transmitted, either through their chairman or secretary, to me. Besides these, about fifteen hundred individuals separately addressed me; every one of whom I also answered. The correspondence with the public bodies, the reports of the Committee, the minutes of the meetings, the sketches of the clauses of the various bills, attendance on both Houses of Parliament, interviews with the members and counsel, and the arranging and directing to the Committees throughout the kingdom above *forty thousand circulars*, receipt of subscriptions, and the disbursements, all fell to my lot to manage.

This is stated, not by way of enhancing the value of my services, by an ostentatious display of the extent of them; for, had that been my object, I might, at any time, have found the means of obtruding them; but they are detailed to shew, that, having performed all these functions for several years, I consequently had become the depository of the grievances, the complaints, and the wishes expressed by the Practitioners at large; and that I had also necessarily become acquainted with the opinions of all the parties soliciting, supporting, advising, or objecting to the proposed legislative measures. Hence, both the spirit and the letter of the Act were perfectly familiar. Thus informed, I might presume upon my own opinion; and I firmly acted upon it. The consciousness of extensive knowledge of the subject ever afterwards, when the Act had passed, and became a law, determined my conduct. Hence, too, I ventured to conclude on the mode, by which its

administration would be rendered either beneficial or nugatory; and, upon this conviction, was founded the whole of my subsequent actions.

Nothing would more clearly shew the difficulties the General Committee had to contend with, than the publishing of the resolutions of the various Provincial Committees, and the sentiments expressed by individuals, who composed the Association, or who wished to associate with it, provided certain preliminary conditions were acceded to; but these, in the aggregate, would fill volumes. Indeed, it would suffice to refer only to the resolutions of the meeting of deputies, held at the Crown and Anchor Tavern, on the 23rd of March, 1813, to prove the contrariety of opinions which existed as to the nature of the provisions of such an Act as would embrace all the objects of the Association. Still, however incongruous these objects were, the Committee thought it their duty to arrange, in strict conformity with their instructions, a Bill, which, although they were unanimously of opinion, would never be entertained by Parliament; yet, not to have carried there, would have been a direct violation of the pledge given to the Association. The experiment was tried: how unsuccessfully is well known. Afterwards the Society of Apothecaries, having received the sanction of the College of Physicians, prepared a Bill; and this was submitted to a General Meeting, and, with a few alterations and additions, was adopted.

This Bill was destitute of several fundamental points, inserted in the former; but it was generally more feasible: and, although it did not meet my entire approbation, yet it was sound in principle; and, if carried into effect agreeably to its spirit, I felt convinced it must prospectively accomplish a great deal of good.

When the General Meeting, convinced that the erection of a fourth Medical Body would not be permitted, agreed to confide the soliciting and the executing of the Act to the Society of Apothecaries, I

sincerely rejoiced. Although a Member, I had never taken any part in their affairs ; and, therefore, knew no reason why it should not by them, as well as by any new and untried body, be administered in a manner as conducive to the welfare of the public as to the interests of the Apothecaries at large. Therefore I most heartily co-operated with the Society, through all its stages, in procuring the passing of the Bill.

In the conferences which took place between the Committee appointed by that body for conducting the Bill, and the Committee appointed by the General Committee of the Association, I was impressed with the opinion that the Society meant to act openly and honourably ; and I flattered myself, that, as the Chairman of the Society's Committee, Mr. Simons, was still a Member of the Committee of the Association, and one of its treasurers, that nothing derogatory to the responsibility attaching to these characters, would ever be attempted in the progress of our joint exertions.

It would be an untruth were I to say, that nothing occurred during the passing of the Act to induce a suspicion, that the views of those who acted for the Society were quite as liberal as professed, or that the communication with me had been as candid as it ought to have been. In fact, it was manifested just as the Bill had arrived at its last stage, that its principles had been narrowed in more than one particular which I could not approve. But there was no option. Parliament had but a few days to sit, and acquiescence with its passing in its then shape, or the loss of the Bill was the alternative. Again, the dissatisfaction raised by the Surgeons' Bill, which was just introduced, and erroneously blended with the Apothecaries, raised so many fresh obstacles, that I felt assured if not now the latter never would pass. I, therefore, preferred having the Act, with all its faults, rather than have none ; and especially as I entertained a hope that whenever it was amended,

which sooner or later it must be, then there would be opportunity of correcting it.

The period had now arrived when the Members of the Court of Examiners were to be nominated. I received a summons to be sworn in as one of them. Report informed me of the names of some others; but I knew not who they all were until they assembled to take the oath of office before the Court of Assistants. They were all gentlemen whom, I was confident, were fully fitted for the office; but there were two Members of the Court of Assistants among them! The inauguration was altogether ominous. Some of the gentlemen who were summoned, were so little interested in the matter, that they did not know such an Act was in existence, till they were desired to take upon them the office of Examiner. They objected, that having never seen the Act, which, by the bye, ought certainly to have been sent with the summons, they did not know what they were called upon to undertake or be sworn to do. However, presently all were summoned before the Court, and were ranged standing in a rank. The clerk read the oath, each kissed the book, and then walked out just as wise as he entered. Not a syllable was spoken, no explanation of the nature of the functions we were called upon to exercise, no civility, no compliment; in short, the most important occurrence that ever happened within those walls, passed as a trivial and ordinary affair!

When withdrawn to another room to elect a Chairman, &c. Mr. Simons, a Member of the Court of Assistants, as well as of the New Court, placed himself in the Chair, pretty plainly indicating that that was his destined place. He was accordingly immediately and unanimously elected,—a compliment, I admit, which certainly was due to him, and could not have been dispensed with. He informed the Court, that the Court of Assistants had been pleased to appoint Mr. Watson, his son-in-law, Secretary to the Court of Examiners! To the gentleman

nominated as Secretary none could object; for one better fitted for the office, in every particular, could not have been selected; and I beg to observe, that his future conduct merited every praise. But many of the Members participated in my surprise, that an officer of such importance to their proceedings, should not have been first recommended to the Court of Examiners; for a recommendation on such an occasion would have been equivalent to, though not so offensive as, a command. However, no one was disposed to raise impediments at the threshold of their operations.

One or two other Meetings of the Court were held, to arrange future proceedings. I inquired if no Member had prepared laws for the government of the Court; but, understanding from those who had been so long aware that it was about to assemble and enter upon business, that none were digested, I suggested the necessity of a Committee being nominated to draw up a code for the approbation of the Court. This was objected to as useless, because a few very simple regulations were all that were wanted. But the majority coinciding in opinion that a Court, constituted by an Act of Parliament, should be conducted with proper decorum and form, a Committee, consisting of the Chairman, Mr. Field, and myself, were named, to prepare the rules. I drew up a code, as complete as my judgment dictated, and submitted it to my colleagues; and by them, excepting a very few emendations, it was approved; and it met with the unanimous approbation of the Court.

The delicate subject of remuneration to the Court of Examiners had never yet been hinted; but shortly the Chairman announced, that he was commissioned by the Court of Assistants to inform the Court of Examiners, what they had been pleased to consider was a proper remuneration for the services of the Examiners: *viz.* five shillings to each Member for each Certificate that was granted; and that it was intended to allow two shillings and sixpence each to the Clerk

and the Beadle of the Company for every Certificate:—the one opened the notices sent by the Candidates of their intention of being examined, and the other attended and ushered every Candidate in and out of the room! and that the remuneration to the Secretary would be in proportion to the trouble he would have in the year.

This strange association of persons, and assimilation of the services of the Court with those of the Clerk and the Beadle, was properly resented as a great indignity; and was so strongly commented upon, that it was afterwards announced that three guineas would be divided among all the Members of the Court who signed each Certificate, and the Clerk and the Beadle were kept in the back ground. The Court acquiesced; for they chiefly objected to the distribution, and not to the quantum of the remuneration.

Many of the Members could not avoid remarking at the determined course the Chairman had adopted, to make the Court feel their inferiority and subjection to the Court of Assistants; and were equally disappointed and shocked at what was passing.

From reciprocation of feeling, and from a just sense of what was due to the Public, to the Profession, to that Court, to themselves as Members of it, and to the Character of the Society itself, and without any other concert than from the expression of common feeling, a determination spontaneously arose to support a more becoming system; and to resist all attempts to reduce that Court into a mere trading Committee. To have remained quiescent, would have been a shameful dereliction of principle; to have retired, would have been to abandon a post, when, by holding it, essential service might be rendered to that cause for which many had so long and so zealously laboured. For myself, particularly honoured as I was with the confidence of so large a proportion of my brethren, to have deserted the office, would have been an absolute abandonment

of a positive obligation. I had entered upon the office with an intention to do my duty faithfully, and to the best of my judgment; I had sworn the same to the Court of Assistants; and I was resolved that the Act should not be frittered away to suit the interested purposes of any men breathing.

By way of preserving perfect harmony, however, between the two Courts, and that the proceedings might preserve that regularity which was consistent with the functions of a Court constituted by Act of Parliament, and in order that too great responsibility should not attach to any particular member by adopting verbal instead of written communications; I had introduced, as one of the rules in the Code of Laws, that all communications from the Court of Examiners to the Court of Assistants should be made in writing, and be signed by the Chairman, and that the Court of Assistants should be requested always to adhere to the same form, signed by their clerk; and as the Court of Assistants had seen and approved of the whole of these laws, this mode of communication was considered as established.

Upon the occasion of the communication by the Chairman relative to remuneration, I reminded him that it being verbal testimony only, it was contrary to the rules and could not be officially received. It was evident he was much hurt at this resistance to his being the channel of communication between the two Courts; but he could not openly resist it. The hint, however, was disregarded; and there is no memorandum upon the Minutes to this day respecting remuneration to the Court; nor have the Court any voucher, except the Chairman's word, for this provision of the Court of Assistants.

There were many strong reasons, without relation to the character of the present or any future Chairman, why a communication merely verbal between the Courts was really improper: 1. Where it was verbal no minute could be made of it; and being therefore dependent on memory, it never could become

a document for reference or precedent: 2. If the Chairman were ill, or should he not be a Member of the Court of Assistants, how was this practice to be continued? 3. Verbal communications were subject to wilful as well as accidental alteration; whence the most serious consequences might follow: 4. As the Court of Examiners were appointed to execute a very important public duty, for which they were answerable not to the Court of Assistants only, but to the laws of their country, all their proceedings must be properly minuted and registered; because they were liable to be demanded as evidence in courts of law: 5. Because nothing would tend so much to preserve a good understanding between the two Courts, as adhering to an invariable and indisputable mode of communication.

As the irregular practice of verbal communications with the Court of Assistants, through the medium of the Chairman, still however continued: by way of putting a still more decided negative upon it, on January the 4th, 1816, I made the following motion [See *Appendix*, No. I.] which was carried by a majority of one vote.

Almost immediately after the first meeting of the Court, I introduced to their consideration the many errors which the Act contained; but more particularly the *fifteenth* clause of it, by which, unintentionally, all students, who had not served a five years apprenticeship, were excluded from examination; and I urged the necessity of a legal opinion being taken, whether so cruel and retrospective an enactment could by any means be obviated.

Parliament was now about to meet, and as the defects of the Act became more glaring, and were more and more felt, I addressed the Court, pointing out the various errors of the Act, and their tendency; and concluded with moving [Nos. II. III.].

The same Members who opposed [No. I.] having declared their intention to debate these motions, a special meeting was appointed on the 15th for that

purpose: [No. II.] passed, the votes being six to five; one Member declined voting. It was thought by those who had opposed it, that [No. III.] would be carried as a matter of course, being a consequence of its precursor; but a Member who had voted for [No. II.] declaring he was inimical to [No. III.] it was therefore lost by five to six. By this singular turn, the application to the Court of Assistants was negatived; and hence that justice, which was due, in my opinion, to the Public and to the Profession, was defeated. The chief argument used by the Chairman and his party was, that it was premature, for that we were not yet acquainted with all the defects of the Act. This I considered as a subterfuge. But if the Court of Assistants had been addressed by those whom they had nominated to administer the most important part of the Act, they must in common decency have complied with the prayer of their application.

But another blunder in the Act was soon discovered, and which shewed the absolute necessity of procuring its amendment. Counsel had given an opinion that no Army or Navy Surgeon could practise as an Apothecary in any part of England and Wales, *unless he had been in practice as such prior to the 1st of August, 1815.* But this made no alteration in the disposition of the Court. There was a party in it who were determined that the Act should remain as it was, even with all its imperfections. I was one of those, weak enough to imagine, that if the Court of Assistants were made acquainted with the real state of the case, that a sense of rectitude would induce them to procure an amended Act; and especially as it appeared to me that their interest was materially concerned; for clearly a great number of Apothecaries were prevented by its defects, from applying for certificates to practise, and others set it at defiance. Although my expectation of the Court of Examiners addressing the Court of Assistants had been thwarted, yet I resolved that ignorance of existing defects in the Act

should not be pleaded by them as an excuse for not applying to Parliament to amend it ; therefore, as I had been requested to commit my objections to the Act to paper, I sent [No. IV.].

No answer was returned to these observations or the letter. But, at the next Meeting of the Court of Examiners, a *written* communication, dated March 29th, was received from the Court of Assistants, desiring "that all communications respecting the Act be sent to the *revived* Committee upon the Bill," *i. e.* were to be sent to the person who had opposed and prevented any movement respecting the Act ; for it was the Chairman who was *ipso facto* the *revived* Committee.

It fortunately happened that the Navy and Army Surgeons had, upon discovering the manner in which the Apothecary's Act affected them, memorialized the Secretary at War, Lord Palmerston. A communication consequently took place between Lord Palmerston and the Society, which ended by the Noble Secretary intimating that he would bring a Bill into Parliament immediately, *at the public expense*, to amend the Act as far as it affected the Medical Officers of the Army and Navy ; at the same time leave was granted, that the Society might embrace that opportunity of altering and amending other parts of the Act.

It was now clear enough what were the real objections to the Society's applying to Parliament. It was announced that the object would be accomplished at the *public expense* : it instantly became, therefore, neither premature nor inexpedient. I was immediately summoned to meet the *revived* Committee ; my paper of the 29th of March was produced, and every point I had stated was discussed ; and some were adopted, while others upon consideration were deemed unnecessary. However, no Bill was introduced ; and I found, upon inquiry of Lord Palmerston, that his intention was deferred till the present Session. The Army Medical Board had also warmly interested

themselves in the question, and had communicated with the Society upon it. At once all parties appeared satisfied. It was more than six months before I could unravel this enigma. At length, late in September, business called me into the Beadle's Office, where I found the Notice [No. V.] stuck up.

To those who read it, and advert to the circumstance that it was the Court of Examiners who particularly represented to the consideration of the Court of Assistants the unpleasant predicament of the Army and Navy Surgeons, that upon their recommendation legal advice had been taken, and that Counsel had declared that Army and Navy Surgeons could *not* be considered as practising Apothecaries, whose warrants bore date antecedent to the 1st of August, 1815; it will appear singular, on what grounds the Court of Assistants had, *upon the instant of May the 3rd*, come to a resolution diametrically opposite to that legal opinion they had received. But what will appear still more singular is, that this important resolution, which ought to have been directly communicated to the Court of Examiners, as a guide for their future conduct when Army or Navy Surgeons applied for examination, was never sent to the Court, but to the Beadle! and I verily believe, that at this moment there are many of its members who have never seen nor heard of this decided and sweeping resolve, which at once controverts the legal opinion, and settles the law. If further advice disproved the first, such counter-opinion ought to have been imparted to the Court of Examiners; otherwise they might be perpetually erring between the construction given to the Act by Counsel, and that by the Court of Assistants. Lord Palmerston has not brought in a Bill this Session; and these valuable servants of the public, the Navy and Army Surgeons, ought to be apprised, that there is no legal authority for supposing that they are not liable to prosecution if they practise without license from Apothecaries' Hall.

In the course of the first ten months of the labours

of the Court of Examiners, they had seen with great regret, the deficiencies of the Candidates who offered for examination; that many had consequently been rejected, and that others who had passed were by no means so perfect as could be desired, especially in Chemistry, Pharmacy, and Materia Medica. Nothing is more imperative than that every one who prescribes remedies for diseases should be acquainted with them when unsophisticated and in their natural state, as well as with their qualities, doses, &c. Candidates were perpetually pleading as an excuse for ignorance, that in the shops where they had served, all chemical preparations, tinctures, compounds, &c. were purchased ready prepared; and that drugs, such as bark, rhubarb, &c. were always in the form of powder. Many other important defects evidently existed in the elementary part of their medical education. The Court, sensible of this, drew up and published some very judicious regulations as to the nature of, and the testimonies of education which they expected from Students before they presented themselves for examination. But, aware of the physical impediments which prevented young men from acquiring, while apprenticed in the country, proficiency in this elementary knowledge; and that when they came to London they thought these studies of such inferior consequence, that they seldom paid them any attention; I entertained a belief, that if a degree of emulation could be excited among the Students, the study of Medicine, Chemistry, Pharmacy, and Materia Medica might be equally and as ardently cultivated as Anatomy and Surgery; to which, almost exclusively, the majority devoted themselves.

The desultory mode of education pursued in the London Medical School is, for many reasons, objectionable; but chiefly because talents are never fairly brought into collision: consequently, emulation is never excited. Hence, too, extraordinary merit meets with little notice beyond the insulated limits of a single hospital, and is long before it receives its just reward from public patronage.

I had before delivered my opinions very fully on this subject, in the Review of Cross's Sketches of the Medical Schools of Paris, in the *Medical Repository**

I knew it was impossible for the Court of Examiners, which was not the executive body of the Society of Apothecaries, to carry any extended plan into practice; but I felt that, as a constituted body, it could, at a trifling pecuniary sacrifice, set an example that would confer everlasting honour upon its public character, and a most essential service both upon the public and the profession. I therefore had arranged a few outlines, which, as the first year of the services of the Court of Examiners was near expiring, and the same Members might not be reappointed, it was a fit time to propose.—On June 13th, therefore, I submitted an introductory motion [No. VI.].

This I prefaced by a few general remarks, stating,

* "London demands a SCHOOL of EMULATION. Why do not the public teachers coalesce, and establish examinations, and exhibitions, and rewards? Every teacher would thus have the strongest possible interest in the improvement and attainments of his pupil: for the éclat of his success would be reflected on the school where he was taught; and the student would be excited by the most powerful and active incentive to apply with zeal, that he may be able to compete for honours which in professions never fade; and which, he well knows, must, in a country like this, where superior merit is always encouraged, lay the sure foundation for renown and fortune.

"There is, in London, another defect we will cursorily mention, and that is the want of a regular school of Pharmacy. The apothecaries' shops in England do not furnish those means of instruction in this important science which are necessary to form a good Pharmaceutist. Young men cannot acquire in such situations a practical knowledge of Chemistry, of Materia Medica, or of Botany; and, when in London, if they are laudably desirous of prosecuting such studies, there are no institutions affording all the requisites for pursuing them with full advantage. A school therefore should certainly be established in this metropolis, where all these sciences and arts would be practically taught and illustrated, especially Pharmacy, even to the very manipulations of the art. These projects are not chimeras; they are obvious, simple in principle, and facile of adoption, and such as we hope ere long to see carried into effect." *Number for December, 1815, Vol. IV. p. 487—88.*

that as the examination embraced Physiology, the Practice of Medicine, Chemistry, Pharmacy, Materia Medica, and was also to include Botany, that if a Prize were offered annually for an Essay on one of these subjects in rotation, that each would be treated once in every five or six years; and thus, time would be allowed between every Essay for new facts and discoveries being developed and collected, which would always afford fresh matter to the prize-subject, whenever it revolved. And, if it were thought this proposal would be objected to by the Court of Assistants, as there were twelve Examiners, a subscription of a few guineas each would furnish a prize of sufficient value to excite attention and competition; and establish a precedent worthy the example of their successors.

This motion was lost; and it was the only one which I submitted to the Court, while I had the honour of being an Examiner, that was not either carried, or had the support of half the Court.

In referring to the Minute-book a short time afterwards it was discovered, that the practice which had always heretofore obtained, of entering on the minutes of the day, the names of the mover and seconder of every motion, had recently been departed from, and that the names were now omitted. There was no order in the book, nor any motion entered, that authorised such an important change in the usage, which hitherto had been invariably followed. In tracing back the first departure from it, it was found that the above motion was the first instance of its occurrence. Upon inquiry, no satisfactory explanation of this singular alteration could be had. The Secretary could say only, that a certain Member had objected to the established form of making the entry; but the Court had never discussed any proposal for altering it, and of course there was no order recorded.

It was argued that the practice ought to be continued, and that as the precedent had been dropped without any authority, the names should be re-

stored to all the motions on the minutes. But this was rejected; and a motion was carried—"That the names of the mover and seconder of any motion be not entered in the minutes, unless specially directed by the Court!" I must leave the inferences from this extraordinary proceeding for others to make.

The period at length arrived, when the Court, according to the Act, were to be dissolved. Although there had been a great deal of discussion, some arrogance and illiberality, and a few acts that exhibited much personality, yet I can conscientiously declare, no animosity was ever entertained by me against any one, nor had my conduct out of the Court ever betrayed a feeling of what had passed within it. I continued to maintain precisely the same relations with every Member composing it which existed before its formation. For some months, the conduct of certain Members had departed much from that tone of dictation, which had proved so offensive; and I indulged a sincere hope that the reformation arose from conviction of former error. Hence I sincerely embraced the occasion of the meeting of the last Court, to move thanks to the Chairman; and this I did in as strong language as I could convey it; and the Court parted in perfect concord.

A day or two afterwards, the same members received a summons to be re-sworn. They attended the Court of Assistants for that purpose, as before; and the same cold ceremony took place. The Chairman was unanimously re-elected. Unhappily, occasion too soon offered to disturb this harmony.

On the 12th of September, a candidate presented himself for examination, to whom, upon the reading of his testimonials, I objected. But I cannot detail the whole of this affair better than by referring to the Letter [No. VII.] which I felt it my duty to address to the Court of Assistants, upon this memorable occasion.

The Chairman, and his *fidus Achates* upon every question, pertinaciously contended that notwithstand-

ing the late Act, every person simply compounding prescriptions, was, *bonâ fide*, an Apothecary; that prescribing for the sick was not necessary to constitute him such; and that the right of Apothecaries to treat diseases was by no means sanctioned by law. In proof of this position, the latter gentleman quoted the report of a trial, about a century ago, *The College of Physicians versus Rose*, (see *Mod. 44. Mich. 2. Ann. in B. R. 3 Salk. 17. 16 Viner 341. 1 Brown. Parlia. Cases 78.*), when a verdict was obtained in the Court of King's Bench by the plaintiffs, and which appeared to prove the illegality of Apothecaries prescribing for the sick. The Chairman, in the heat of argument, forgetting the more prudent caution of his friend, read to the end of this astounding report; and, unfortunately for his cause, read so much, that it turned out, that the House of Lords had reversed this very verdict; thereby establishing the indisputable right of Apothecaries both to visit and to prescribe for the sick!

I was not unacquainted with this trial: but so convinced was I that the Court of Examiners would perceive the deception that had been practised upon them, that I did not offer a single comment upon it; but to my astonishment, the votes of the Court were nevertheless equal, and the Chairman, according to his invariable course, gave his casting vote on the side he had argued.

As I had never been admitted into the arcana of the executive of the Society, nor into any personal communication, except when the Bill was soliciting and my advice was useful, it had escaped the recollection of the Chairman and his friend, that during one consultation with their Bill Committee only, I had a peep into the Minute-book of the Court of Assistants. The occasion was this: when the Bill was to come before a Committee of the House of Commons, it was necessary to be prepared with evidence that Apothecaries had for a long series of years actually visited and prescribed for the sick. The Chairman

stated, that if Mr. Haworth, the Father of the Society, could have been examined, he would prove that they had so practised, to his knowledge, for near seventy years. But there was also a report in their Minute-book to which Counsel might refer, and which had long since settled that point, *viz.* the trial of *the College of Physicians versus Rose*; and which had established that Apothecaries were legal practisers. The Minute-book was accordingly referred to, wherein it appeared, that the Society had taken a very great interest in this question; and had, if I do not mistake, *at their own cost*, defended Mr. Rose against the College; moreover, had celebrated the reversal of the verdict of the Court of King's Bench by the Lords, as a very great triumph; and, further, it was said, that, from the date of that trial, the legality of Apothecaries practising had never been disputed! Yet the two persons, who were so well acquainted with all these circumstances, eighteen months afterwards, when it suited a particular object, perverted this document, and brought it forward to support a contrary position. I mentioned this circumstance to several Members of the Court of Examiners, after this curious specimen of tergiversation had been exhibited.

On Sept. 26, I presented a formal protest, [No. VIII.] against the illegal proceedings of the last Court; but it was decided, that it should neither be received nor entered in the minutes.

On the same day a Member, who was a Member of the Court of Assistants likewise, expressed his determination to bring forward in the Court of Assistants, my conduct in refusing to put my signature to a Certificate, which all the other Members present had signed.

To this I replied, I had acted under the conviction that it was an illegal, as well as an impolitic, act; that since the last meeting I had taken a legal opinion, which had confirmed my judgment of its illegality; and that there existed no power within those walls, that should make me do any action con-

trary either to the letter or the spirit of the Act of Parliament. That he might complain to the Court of Assistants if he pleased; but that he must recollect the doubly responsible and delicate situation he and the other gentlemen, who were Members of both Courts, had placed themselves in: they were bound by an oath not to reveal the secrets of the Court of Assistants, and they were bound by their word and honour, and the rules of the Court of Examiners, not to reveal their proceedings. How then could he represent what was passing in that Court in another place, and not be dishonoured? The present was a fit opportunity for telling him, and the other gentlemen who were Members of both Courts, that the two situations were incompatible, for no man could faithfully serve two masters; that no one who was a Member of the one Court ought to belong to the other; and that, no doubt, there would be frequent opportunities when they would all feel the truth of this remark. The Member prudently declined his threatened proceeding.

On the same day, Oct. 3, that the Letter [No. VII.] was sent to the Court of Assistants, I informed the Court of Examiners that, although I had been the person chiefly instrumental in framing the rules by which it was regulated, yet I confessed I had wilfully broken them; a step which nothing else would justify, but the determination that the Court had manifested to compel me to do an act which my reason told me was as contrary to the law of the land, as it was to the duty I owed the Society, and to the whole body of Apothecaries;—I had sent a Letter that morning, detailing the facts which had occurred, relative to the examination of the Druggist, and appealing to the Court of Assistants, whence the authority of the Court of Examiners emanated, for advice: but that, as I scorned to do any thing covertly, I begged leave to inform the Court of what I had done, and to lay upon the table an exact copy of that Letter for its information.

Soon after there was a Meeting of the Court of Assistants, and I expected some notice of my statement and application for advice as to my future conduct. The Chairman of the Court of Examiners had just been chosen Master of the Society. I waited till the 27th of November; when, fearful lest the same question should again be agitated before I had the expected answer, I wrote a private note, [No. IX.] to the Master. I received the reply, [No. X.] to which I sent the rejoinder, [No. XI.]

I now felt assured that no notice would be taken of my Letter of Oct. 3rd. Having waited till December, I was almost resolved to lay the whole transaction before the public, but from this I was dissuaded; it being urged that it was very possible that the Court of Assistants had been so much occupied with other business that they might not have had time to enter upon the subject; and that, as there would be another Court at the latter end of that month, it would be prudent to wait the event of it. To this advice I gave assent. When, on the 1st of January I found I was completely anticipated; for my letter appeared in the Medical and Physical Journal, and in the Medico-Chirurgical Journal. The Editors added, that it was anonymously sent; and yet, in each Journal it is differently inserted. I suspended my intention of publishing to see what would be the result. A considerable sensation was evinced by those who felt themselves exposed to censure by the publication. The Court of Examiners took no notice of it; but, nevertheless, great inquiries were made to discover the publisher. I found that I was suspected; but that little concerned me. I frankly answered all my private friends who spoke to me on the subject, and contemned the idea of its being imputed particularly to me, when there were so many other channels through which it might have become public.

Shortly it was bruited through the Hall, that I was to be summoned before the Court of Assistants to answer their interrogatories respecting the way my

letter became public, and the affair lost nothing by the diffusion of the report. I treated the whole with contempt. At length, on the *5th of March*, I received a summons, (No. XII.) which bears date *the 28th of January!* Evidently something was now intended, and not of a very friendly nature, else why delay the notice five weeks? and why omit stating for what purpose I was to appear?

Thursday the 20th the Court of Examiners met as usual, and after the ordinary business, the same gentleman, who, being a Member also of the Court of Assistants, had threatened to inform that Court of my refusal to sign the Druggist's certificate as an Apothecary, said, that as it was well known that a letter, which I had written to the Court of Assistants in October, had appeared in the Medical Journals, he moved, that the paper which he had drawn up, declaring that the Members composing that Court knew not by what means such letter had been published, should be signed by them all, and be sent to the Court of Assistants, which were to meet on the following Tuesday!

Certain Members, by their alacrity in acquiescing, showed how deeply they participated in this act; others were astonished; some hesitated, and testified their repugnance to subscribe to a proposal which took them by surprise; but as all declared they knew nothing of the letter, the whole at length signed the paper. When it came to my turn, I passed it on, nor did I make any comment till all had affixed their signatures. One Member, when he had signed, having a particular engagement, was obliged to retire.

I asked leave of the Court to take a copy of this paper; to which, however, without leave I had, as a Member, an undoubted right. The Chairman and his friend peremptorily refused, unless I would say what I intended to do with it! This I declined doing. Stung to the quick by this unprecedented and illiberal proceeding, I indignantly remonstrated

against the manner in which I had that day been treated; which I avowed I should ever conceive to be a gross personal insult; for it was:—1. A direct violation of that respect which was due to a colleague, who had been as attentive to his duty as any Member of that Court, and who never in one instance had given to any of them personal offence; and because the Member who now brought this declaration so suddenly before the Court, had had months to consider of it, and now introduced it without the least previous notice: 2. That it was directly contrary to the rules of the Court, [No. XIII.] which provided in all personal affairs, a mode of proceeding, well according with delicacy to the individual, and the respect due to the Court: 3. That it was peculiarly indelicate, to say no more of it, in a Member of the Court of Assistants to bring forward such a measure in that place, where there were also two others like himself, who were to sit, on the following Tuesday, as judges in another Court upon a matter they had made themselves principals in: 4. That it was highly indecorous and unjust to place an accused person in such a dilemma. It was prejudging the case: for if I signed the Declaration, it would be superseding the inquiry which was instituted, and deprive me of the only opportunity of doing myself justice before the Court of Assistants; and if I did not sign it, it would be considered by that Court as a confirmation of their suspicion. I concluded by observing, that it was my opinion, that the whole business was rash and unfair, and reflected great discredit on those who had countenanced it. I would fain be excused repeating the reply of the Chairman, but I wish to give a faithful picture of the scene in which I was involved: “Your opinion,” retorted the Chairman, “who wants your opinion, Sir?” I cannot express what were my feelings; but at the moment, I answered him as I felt. I then inquired of the Chair, if the business of the Court was over? and receiving an affirmative, retired.

I was informed the same evening that upon my

departure another singular scene arose. The observations I had made, after the Declaration had been signed, had opened the eyes of many to the indiscreetness of what they had done, and the consequences to which it might lead. How then to undo what had been so precipitately concluded, was the subject of a desultory debate of an hour. Some were for burning the Declaration; this could not be done because one Member, who had signed it, had left the Court; others proposed that the Secretary should keep it until the ultimate disposal of it could be agreed upon; but he prudently declined having the charge of a paper that had caused so much confusion; at length it was folded up in an envelope, and sealed with the seals of several of the Members!

The gentleman who so injudiciously introduced this motion, averred that it was his own spontaneous act; thus implying either that it was an error in judgment only, or that he had no coadjutors in the transaction; but I have obtained clear information that it was premeditated, and that he actually consulted other Members of *both* Courts upon it, before he entered the Court Room. The only excuse I can allow him is, that he was the cat's paw on the occasion.

The eventful 25th of March arrived. I was punctual in attendance on the Court of Assistants. I found a Member of the Court of Examiners, who had taken the copy of my Letter home with him, and retained it a few days, and the Secretary to the Court of Examiners in waiting. They were both examined before me; even the Secretary—a thing rather contrary to the rules of etiquette. After waiting an hour and a quarter, I was at length called. Like a culprit cited before his judges, there was not the smallest token of civility or respect evinced—no salutation—no seat provided; but contrary to every principle of justice or equity, I found the parties most interested,—my decided opponents—those in whom this very inquiry had originated, with another of my colleagues sitting in judgment! and my col-

league, the Chairman of the Court of Examiners, now as Master of the Society, presiding over the Court, and commencing the interrogatories! But even this degree of indecency, after all I had witnessed, I was prepared for. I believe by the old constitution of the Society, a Court could not be held unless the Master presided; but by the 6th clause of the new Act, which the present Master had himself introduced, it is enacted—"That each and every of them, the said Master and Wardens, for the time being, may, and they are hereby respectively empowered, by writing under his or their hands, to appoint any *one* or more of the said Court of Assistants to act as Deputy Master, or as Deputy Wardens, as the case may be, in all matters and things done, or authorised to be done, by the said Master, or the said Wardens, under and by virtue of the said recited Charter, or of this Act," &c. If nothing but an impartial inquiry were meant, here was an opportunity for the Master to evince it, by declining to preside: it would have been a most delicate and unequivocal proof of liberal feeling. But the sacrifice of such a triumph as was anticipated, was too great to forego.

The moment after quitting the Court, and that I could, I noted down the whole of what had passed; and having been somewhat in the habit of reporting, I can aver that the following is a pretty correct account: I will pledge my honour there is nothing intentionally omitted or altered:

Mas. The Court are desirous of knowing from you, Sir, how this Letter came into the Medical Journal?

B. What Letter, Sir?

Mas. The Letter you sent to the Court some time ago, an exact copy of which is printed here?

B. Did the Court then receive any Letter from me at that time?

Mas. Yes.

B. How should I know that? did they ever notice or answer it?

Mas. No! the Court did not think it necessary.

B. Then what right have the Court to ask me relative to a Letter which they did not think worthy of acknowledgment or answer; and which consequently is no document to refer to. I think they were bound to have answered it; but as they did not, they ought not now to make any question about it. But pray, Sir, in what capacity am I cited here?

Mas. As a Member of this Society, I believe, Sir.

B. I deny your authority to summon me here, as a Member of the Society, for what I did in my official capacity as a Member of the Court of Examiners; they are quite distinct from each other.

Mas. I fancy the Court has cognizance of the matter.

B. I am clear they have not. But I'll waive all objection: I don't come here to dispute the authority of this Court. And now let me know what the Court desire, and I'll answer; although I have reason to complain of not being treated with candour and openness in this affair.

Mas. Do you know, Sir, how this Letter came to be published?

B. All I have to say about the Letter is this:— Here is the fellow of that copy of it which was left with the Court of Examiners. Both were written at a law-stationer's, as I wanted them to be copied in haste. Twenty people might have seen them there. This copy has been in the hands of two solicitors, whom I consulted upon the point of law proposed in it; and a case for counsel was made out from it, upon which I was determined to have acted. This copy was returned to me, and since has never been out of my hands, except to lend it for two or three days to a Member of the Court of Examiners, who was out of town, when the circumstance it refers to took place. I have never suffered any medical or other person else to see it, and I have never, even to my most confidential friends, mentioned its contents. Two gentlemen, Members of the Court of Examiners, said they had had copies of it sent

to them ; but I declare, upon my honour, it was not done by me. This is all I have to say upon the subject. — But as I am now before this Court, I must beg leave to repeat, that I think I have been altogether very improperly treated. I received a summons to attend here, but it stated no purpose for which I was desired to attend. Certainly, if this Court had cause of complaint or suspicion against me, the notice should have specified for what purpose I was cited. I might then have been prepared with evidence to rebut any accusation. This would have been an equitable way of proceeding. But I do not pretend I was ignorant why I was summoned, though no thanks are due to this Court for it ; for it has been noised abroad, and reached my ears, with a variety of strange additions from various quarters. But I treated these rumours as ridiculous ; and did not believe the import of the notice, till a Member of the Court of Examiners called upon me about ten days ago, and made me acquainted with the nature of the business of this day. This leads me to another affair, wherein I have been most grossly and insultingly used. I allude to a declaration produced last Thursday in the Court of Examiners for the signature of its Members, and to be sent to this Court ; a measure which was levelled directly at me, and was a violation of the established laws of that Court, and of every rule of decency.

Mas. Sir, there is no such paper before this Court. This Court know nothing of it.

B. Not before this Court, Sir ?

Mas. No, Sir.

B. Still, Sir, this Court do know something of it ; I am confident there is not a man in it ignorant of the transaction ; for it was brought forward by a Member of this Court in the other Court.

Mas. We can't permit you to speak of things not before us.

B. Gentlemen, my character has been aspersed, and unfair means used against me. I call upon you to permit me to use this opportunity of clearing myself.

Mas. The Court can't hear you, Sir!

B. Gentlemen, you have no right to refuse me. It was you who summoned me here, and now I have a right to be heard. You appointed me to an official situation, in executing of which I have been ill used; and I have just claim upon your attention and protection. I have endeavoured to do my duty honestly. I have sacrificed much in the obtaining the Act that enables you to chuse a Court of Examiners; my health and my business were both injured by my exertions, and it will be very unjust not to hear such a man in his own defence. I have never done any one thing to deserve your censure; but I believe much pains has been taken to misrepresent me in this Court; and I wished for an opportunity of personally telling you that every thing I have done as an Examiner, has been of a nature to draw the two Courts into closer union, and not to sow disunion; and it has been done with perfect respect to this Court. Before you suspected me of doing any thing covertly, it should be proved that publishing this Letter was at all wrong.

Mas. I don't say it was; certainly you might publish it if you pleased.

B. Sir, I am not a man to do an act in a corner, and be ashamed afterwards of avowing it; I will tell you more about this Letter. I was extremely hurt, I confess, that I received no answer to it; for I thought it was the duty of this Court to reply to the application for advice of any person they had appointed to execute a particular office, and who felt he was required to act against the law and his conscience. After waiting nearly three months, I intended myself to have published the Letter, but with my name attached, and in my own Journal, *The Repository*. I was dissuaded from so doing by several friends, Members of the Court of Examiners, upon the plea that, at the first Court after receiving the Letter, there might be so much business before it that there was no time to consider it; and it was their unani-

mous opinion I should have an answer after the following Court; but within a few days after the second Court, the Letter was anonymously published in the two other Journals. I therefore, being anticipated, took no further steps in the business.

Mas. This is nothing to the purpose, Sir.

A Member. I was going to say so, Master.

Another Member. But, Sir, you have not come to the point about the Letter.

B. Sir! I have said all I intend to say about the Letter, and if the Court are not satisfied with my explanation I shall say no more. (A pause.) Sir, (*to the Master*) please to accept my resignation of the office of Examiner. [No. XIV.] Gentlemen, Good Morning.

I then withdrew.

The neglect the Court of Assistants had shewn to my application for advice, to guide me in the execution of an office which they had sworn me to execute "faithfully, impartially, and honestly, according to the best of my skill and knowledge," and which they would not have refused their most inferior servant; the rumours which the unguarded speech of many of the Members of that Court had occasioned; the form of the summons, which intimated nothing; the delay in serving it; the disgraceful scene at the last Meeting of the Court of Examiners; in which some of the very individuals composing the present Court were the prominent actors, and might possibly, as in fact one, as we have seen, really did again take the lead, were circumstances when combined, which impressed me with the conviction that there existed a party, determined, at all hazards, to get rid of me; and that they had tutored the Court of Assistants to their views. It was time, therefore, to think of what was due to my own character.

Nothing but a sense of public duty had kept me so long a Member of the Court of Examiners; and while I felt conscious I could be serviceable to the

profession, I was determined no intrigue should induce me voluntarily to retire. But I was confident that there existed so predominating an influence, of which many other very recent proofs had been given, not relevant to the present subject, and therefore I shall not adduce, that my presence as an Examiner could no longer be useful; and therefore I carried with me a notice of my resignation, which I meant to present or not, according to the manner with which the Court acted.

All the precursory circumstances I have detailed augured unfavourably, and what occurred in the interview aggravated them. I was particularly shocked to learn, that, although the Court of Examiners, upon re-consideration of the Declaration, had thought it necessary to hesitate, and finally not to transmit it to the Court of Assistants, yet had been so neglectful as not to inform me of it; but left me to appear before the Court, supposing that it had been presented. I found also that in the very bosom of the Court there was no spirit of conciliation; but, on the contrary, there was an indisposition to permit me to do myself justice, or to give me credit for the numerous instances I had shewn of unbounded zeal for the *real* interests of the Society. The finishing stroke was, the desire evinced by other Members of the Court, besides the Master who had many times interrupted what I was saying, to cross-examine me; and this after I had declared I had no more to tell relating to the Letter: this determined me immediately to withdraw from so ungrateful a service.

It were worthy of inquiry, what object the Court of Assistants had in view by this imprudent interference? If the Letter did not merit an answer, it was waste-paper, and the contents indifferent. If the subject were important, and its publication of such consequence as to deserve inquiry, it was a dereliction of duty in the Court not to answer it. Suppose I had published it, had I violated any obligation to them? If the publication were the

business of either Court, it was assuredly that only of the Examiners.

It was certainly in my power to have pointed out many channels through which this Letter might have found its way to the public. I could have directed the Court of Assistants to have examined its own Members, and have pointed to an active Member among them, who, if he did not shew it to another person, at least described the matter it contained; but so erroneously, and with such absurd comments upon it, that it was plain he was totally ignorant of the Act of Parliament, and the subject to which the Letter referred. That this gentleman had thus broken his oath, was related to me in a large company, and within sixty hours after my letter had been read in the Court of Assistants! I mentioned this breach of duty and decorum to some of the Members of the Court of Examiners many weeks before the letter was printed in the Journals. There were probably forty individuals of the Society, who might, if they chose, have had access to and copied it. But neither the favour nor the censure of any authority would have induced me to betray the confidence which had been reposed in me.

In reviewing the preceding transactions, it is natural to conclude that there is something radically defective in the constitution of the Society, or that the executive part of it has a very imperfect notion of the duties imposed by the late Act of Parliament "*For the better Regulation of the Practice of Apothecaries.*" Both these conclusions are just. The composition of the Court of Assistants is the great defect; and until that be remedied, or the administration of the Act be placed under other auspices, it is impossible that the intentions of the Legislature and the Profession can ever be as beneficially executed as they ought to be.

A Member is sixty years of age before he comes to his rotation of being admitted on the Court of Assistants; and from the increase of the Society within the

last twenty years, the calculation now is, that every Member will have attained to seventy before he is on this Court ; — a period of life when most have forsaken all professional views, and are guided by those which are the natural concomitants of great age.

Full sixteen of the twenty-four present Members do not practise the profession : some of them for thirty and forty years have retired ; one or two never practised at all. How is a Court so constituted to have a proper regard for the interests of science ? The extension of their trade had been, for a long series of years, the principal care of the Society ; and in cultivating it, they suffered many valuable privileges granted by their charter, and which embraced professional objects, to become obsolete ; and the institutions depending upon them for the encouragement of science, to fall into decay. An executive so composed is little calculated to inspire confidence. But, as it ever has been, the Court were known to be influenced by the opinions of one individual, and he appeared, happily, to possess the estimation of all classes of the Society. This individual is MR. SIMONS, the present Master. To his exertions were ascribed several improvements ; two of which reflect great credit upon him, *viz.* the restoration of the Botanic Garden, at Chelsea, and the appointment of a Professor of Chemistry and Materia Medica, who is an ornament to science. Such acts inspired me with great respect, and I viewed them as harbingers of a new and a more enlightened policy.

Previously to the Association, I was almost unacquainted with this gentleman ; but I had ever heard of him as one possessing ability, and a liberal mind. It was matter of much gratulation to me, to think that under such auspices, it was very probable, that the Court of Assistants would, if the power were trusted with them, exercise it impartially and for the benefit solely of the profession. Had not Mr. Simons been among them, I should have doubted the policy of the step the Association had adopted by commit-

ting their interests to their charge and direction. I could not imagine that a person so characterized would voluntarily take an advantage, or support any proceeding that regarded the administration of the Act, contrary to the most liberal interpretation; except that he had been over-ruled, and had acted rather in compliance with superior obligations due to the Court of Assistants, than those which he owed to the Committee of the Association of which he then was, and still is, I believe, a Member. Therefore, giving him full credit for correct and honourable intentions, I wrote to him very fully and confidentially, just at the period when the Bill was supposed to have passed, [No. XV.], pressing a point of great interest with the General Practitioners.

This letter manifests my very high opinion of him, of the power he possessed of insuring an adherence to the spirit of the Act, and the doubts I entertained of the Court of Assistants acting as the importance of the measure demanded; unless guided by the enlightened mind of some one who had, from conviction, solicited the Act on the broad basis of public good.

Until the present moment, no one ever knew that I wrote this letter, nor of many other efforts I privately made to induce a liberal policy in carrying into execution the new Act; nor is this the only proof of my anxiety that the Court of Assistants should embrace this opportunity of evincing their earnest disposition to do every thing the occasion required, and that they should enjoy all the merit, as if spontaneously emanating from themselves. Among other efforts to raise the character of the Court and conciliate general esteem, I suggested the conferring of some especial mark of their sense of the eminent services rendered on this occasion by several Members of the General Committee, who were not Members of the Society, and who had successfully laboured in promoting and obtaining that Act, by which the honour and advantage of the Society would be so

eminently benefited; and further how gratifying it would prove to the whole body of Apothecaries, if the freedom of the Company were voluntarily presented to one or two of the individuals who had so highly and disinterestedly distinguished themselves; well knowing that the Court of Assistants possessed the power of so doing, and that its interest could not be injured by such an instance of liberality.

Nothing can be more foreign to my nature than to descend to personality. I have nothing in the execution either of my public or private duty to charge myself with on this account; and when, as an Examiner of the Society, I have often felt obliged to repel attacks upon the privileges and character of the Court or the Profession, and I have in the warmth of argument uttered an expression that might be so construed, I have ever been ready to apologize for the transgression. But, at the same time, I have ever considered the actions of persons, who have voluntarily undertaken a public trust, to be fair objects of reprehension when they departed from the strait line of their duty. The more exalted their rank, the greater generally is their ability to do good or harm; and such persons ought to be viewed with the more vigilance and apprehension.

The formation of the Court of Examiners, and some immediate acts, excited a suspicion that the Chairman was not quite so disinterested as was hoped. A monopolist is dangerous in all societies. And I could not help fearing that when in one individual the responsible offices of Member of the Court of Assistants, Chairman of the Court of Examiners, Treasurer and Chairman of the Navy Department, Chief of the Commercial and Botanic Departments, &c. were united, that the combination would produce an influence too preponderating to be resisted. It was conceived, that, when elevated to the rank of Master, he would be deterred from continuing an Examiner, by a just sense of the inconsistency of the first officer of the Society acting in a Court subordinate to that in

which he was paramount ; and the reflection that if he displeased its Members, by the power given under the 10th clause of the Act, they might, at any time, degrade him from their Chair,—but the Master of the Society continued also Chairman of the Court of Examiners !

When such power is concentrated, it is over-whelming ; and the Act will continue to be administered rather as it suits circumstances, than according to the spirit of the law.

Unfortunately, too, so much of the old trading leaven of the Society prevails, that the honour and the power which the Legislature has recently conferred is less considered as a means of improving the Profession than as a new source of acquiring wealth and power.

This remark would appear illiberal, if it were not true that the Chairman of the Court of Examiners has several times in plain terms, told the very Court over which he was presiding, that it was no greater in rank or importance than a mere Committee, like any of the selling Committees of the Hall, and that it had no business to deliberate or debate upon any subject ! When also the subject of remuneration was introduced, the most offensive comparisons were made, and the services the Court rendered were constantly paralleled with the functions of these Committees. The Members within these two months had reason to represent that when they attended in their places, and there was no Candidate to be examined, the example of all other Courts should be followed, and some fee be allowed to every such Member ; more especially as many of them came from a considerable distance to make a Court, which the Act enjoins shall, whether there be business or none, be held once in every week. To this also it was most uncourteously retorted, that those who did not approve what the Court of Assistants were pleased to grant, might retire, for there were plenty who would be glad to fill their places !

In making a determined stand against admitting a person who had been apprenticed only to a Chemist, I was moved by no principles of hostility against this or that class of persons. I have uniformly resisted encroaching upon the rights of any body of persons connected with the practice of Medicine; I never for a moment tolerated attacks upon any of the constituted Medical Bodies, although, of course, their conduct, as it related to the proceedings of the Association, was often fully canvassed and unavoidably censured. The practising Apothecaries justly complained that the dispensing Chemist and Druggist had greatly deteriorated the profits of their business; and I, as much as others, felt the truth of it: but the practice had existed so long, that it had acquired from custom the force of law, and it was impossible by sudden or violent means to suppress it. It had indeed become difficult to define who was or who was not an Apothecary; and I greatly rejoiced when the Chemists and Druggists proposed the twenty-eighth clause of the Act, because it in some measure defined that which was before undefined.

The licensing of this candidate, whom I opposed, was afterwards justified by those who supported him, on the ground that his examination proved his competency; but this was quite another, and *à posteriori* argument. The objection was, that with such testimonials as he had produced, he could not be legally admitted to an examination. A person who has spent seven or eight years in a mere trading concern, is little calculated to adorn a profession. Circumstances have so changed the business of Apothecaries, that, now, if they are attentive to medical practice they have no leisure for retail business; and hence few keep shops. There is a character appropriate to the practice of the honourable Profession of Medicine; and, whenever it is departed from by any class of those who exercise it, we may say with the poet, "Farewell all Physic."

To admit a Candidate to examination who pro-

duced the testimonial of a Chemist's apprenticeship only, was opening a door wide which had cost so much pains and expense to close; and it was to the manifest injury of the profession of the Apothecary.

The *cui bono* here naturally occurred. There were, particularly since the peace, more regularly educated Practitioners in the kingdom than could find employment. To introduce irregulars was to the injury of those who had a right to look to the Society for protection. Would the Society deny this justice to their brethren? Were it possible, that for the sake of the paltry gain which might accrue from the issuing of more Certificates, that the Society would barter the interests of the great body of Apothecaries? To these arguments no answer was returned.

Perhaps it may be asked, when I saw the arbitrary course which had been adopted, and such flagrant violations of the spirit of the Act, and that I found the efforts of a few independent Members of the Court of Examiners who entertained my sentiments were unavailing, why I did not take steps to lay the case before the Public, and promote this session an appeal to Parliament for the amendment of the Act? It must be remembered, that the particular fact which now brings me before the Medical Public, and which caused my Letter to the Court of Assistants, of the 3rd of October, did not occur till the autumn; that I was obliged to wait till Christmas to see whether the cause of complaint would be corrected; that as soon as I could receive that answer, some officious person published my Letter in the Medical Journals; that this immediately excited a commotion that indicated some decisive consequences; that in January it was agreed upon by the Court of Assistants that there should be an inquiry instituted, with the nature of which I was ignorant till the 25th of March; that while all these things were *in transitu*, it was impossible I could judge the event; and, finally, that while I was a Member of the Court of Examiners, I was bound in honour not to divulge its

proceedings—and I here publicly challenge an allegation that by any act or discourse I ever betrayed or hinted that any irregularity or cause of dissatisfaction in that Court had ever existed.

I am absolved from this obligation; and therefore am at liberty to reveal various causes of very great dissatisfaction and disgust. In so doing, I have undertaken, in justice to those who have confided in me, and to my own character, a very painful but necessary duty. When every transaction connected with the execution of my trust is disclosed, it rests with those whom it most concerns to take what farther steps they may chuse to determine.

Prolix as this account has been, yet I must take the liberty of adding something more. May be it is the last time I shall have to address, on this subject, a large and most respectable class in society, to whom for so many years of my life I belonged, and for whose welfare I shall ever entertain the most lively regard. It is the result of dear-bought experience, and, as a legacy, it may be useful on future occasions.

It will be seen that there are fundamental errors in the Act, which sooner or later must be rectified. From this exposure, and perhaps from the dread of expense, the Court of Assistants will, no doubt, studiously, and as long as it is possible, avoid going to Parliament to amend the Act. But the Association sleeps only; it is not defunct. There are very strong grounds for a Petition to Parliament to amend the Act: 1. On account of its present errors and defects, many of which have been detailed: 2. That under its present form of administration, it cannot be made as useful to the Public or the Profession as was intended: 3. Because the Court of Examiners is dependant on the Court of Assistants, although the former is the only competent body to judge what is requisite to give effect to various provisions of the Act; therefore that Court, and not the Court of Assistants, should, under certain restrictions, have the disposal of the monies arising from the premiums for Certifi-

cates: 4. Because Members of the Court of Assistants are allowed seats in the Court of Examiners.

If the Court of Assistants consisted of gentlemen in the vigour of their years and faculties, and were actually practising Apothecaries, then the Court of Examiners might, with some propriety, be confined to that body only, as is the case in other Corporations; but while the Members are elected by seniority, twelve Examiners, properly qualified, can never be selected from among them. Let the Court of Assistants enjoy the property, honours, disposition of the Trading Committees, and of the Trade itself, which they have so successfully conducted; but let the Court of Examiners have the means of carrying into effect the professional objects of the Act, without other control than the law, and with a fund adequate to so important a purpose. The Trade of the Society is an affair that concerns those only whose money is embarked in it; and those who enjoy places, authority, and emolument arising from it. If the Trade be badly conducted, the Public would, comparatively, be little affected, for they would apply to other traders; but the functions of the Court of Examiners are of infinitely high importance to the public weal, since the health of nine-tenths of the population of the kingdom is concerned in an effective discharge of their duties.

As to the Court of Examiners; while they are nominated by the Court of Assistants, care will be taken by the latter to chuse several of their own Members, and the remainder will be selected from those who hold situations of dependance and some value, and upon whose acquiescence they know they can always depend for a majority.

None can be more respectable as men or capable than the present Court of Examiners; and it is becoming me that I should bear testimony to their attention and great patience in examining the Candidates, and the strict impartiality with which the examinations have always been conducted. But the secret influence of the superior court, and some attachment to old preju-

dices, are too much felt, and induce an unbecoming vacillation. Several important motions would have been carried, if, when a Member of the *Court of Assistants* has happened to differ from the Chairman, he had dared to vote according to his conscience; but as he could not do that without offence, he has not voted at all; and therefore a motion has sometimes been lost, although the sense of the majority was for it.

While any of the Members remain in the Court of Examiners whose views assimilated with mine, I apprehend that some reason will be devised for their removal. A complete change, perhaps, will never happen: there is too much tenacity for place and power to commence with the senior members, and to begin with the juniors would be invidious and contrary to all precedent. Time will discover whether my abdication suffice, or a purgation be still deemed expedient.

From the induction of the Court of Examiners into their office, to the present moment, it would appear that they have been the constant object of the jealousy and suspicion of the Court of Assistants. The latter have been evidently afraid of an *imperium in imperio* within their sacred walls: and yet I will venture to assert, that the Court of Examiners never, for one moment, by any act have interfered with or lost sight of their respect for the superior Court.

The erection of this new Court has deprived the other of no peculiar privilege to which they had ever shewed attachment. Precisely the same authority is exercised by them. Whatever good is accomplished by the labours of the new Court the whole credit is reflected upon, and attaches to the Society as a corporate body. It is true that persons becoming Members of the Society, instead of being examined by the Court of Assistants, must now be referred to the Court of Examiners; but this the former cannot lament, since their examination was so loose, that every candidate, by giving a small *douceur* to the beadle,

might be pre-informed what he would be examined in. The Court of Assistants also receive the proceeds arising from the examinations, and they dole out the quantum of remuneration as they please; nor can a guinea, however pressing the occasion, be appropriated by the Court of Examiners—a circumstance which may be attended with peculiar inconveniences. Indeed it has already several times occurred, that that Court have found it necessary to the interests of the Society, and those concerned, that a certain Resolution should be advertised; but as this was first to be submitted to the Court of Assistants, who hold the purse, and as they meet, perhaps, only once a quarter, the Resolution of the Court of Examiners has been entirely disregarded, or garbled, or advertised so partially, or at such a distance of time, that it has been rendered totally inefficient.—These are very serious obstacles to the administration of the Act.

This childish jealousy shews itself also, tacitly, in various ways. I will mention, for example, one only: It has been the custom from time immemorial for the Court of Assistants to invite to their Court-Dinners, the Members who hold offices in the Society. Although they have placed in the List of the Society, the Court of Examiners next to themselves, and before the Committees; although they have reimbursed themselves for the expense of the Act, and have funded a surplus of several hundred pounds, arising from the examinations; although by the appointment and the labours of this New Court, the Society have been elevated from the character of a mere trading Company, to the rank and consideration of a Medical Body, entrusted with most honourable and extensive privileges; yet the Court of Assistants have never paid the Court of Examiners the compliment of a single invitation! This trifling mark of civility would have been no great stretch; for out of its twelve Members, nine or ten are visitors of course on these occasions. The temper of public bodies,

as well as of private individuals, is as much betrayed by minor traits, as by acts of the first importance.

The Court of Assistants have been singularly remiss in suffering almost two years to elapse without even revising their bye-laws, which bear date, 1799; and which, as may be supposed, are totally inapplicable to the present functions and relations of the Society.

Infinite are the instances of the infraction of the Act, by persons in no respect qualified, commencing to practise as Apothecaries since the passing of it, and of whom no example has yet been attempted to be made. The difficulty of obtaining evidence has been objected; but the difficulty would vanish if the desire to gain information and prosecute were real. Even if the charge were once preferred and failed, the knowledge that the Society were determined to protect their own rights, and those of the regularly-educated Apothecaries, would deter others from the commission of similar offences. But the fear of expense pervades every determination, and paralyzes all energy.

This Exposition will evince, I hope, that I have discharged the various public functions with which I have been honoured with correspondent zeal and fidelity; and that although, in so doing, I have had to encounter a degree of hostility and misrepresentation not precisely to be expected, and which I will not conceal have been extremely distressing* to my feelings, yet that personal considerations have never interrupted my exertions.

In the performance of these functions, I have given unequivocal proofs of my respect for the Society, even when combined with those endeavours which my anxiety for a correct interpretation of the Act prompted. Perhaps it may not be irrelevant to refer

* The numerous individuals who have at times applied to me since the passing of the Act, *for the exertion of my influence with the Society*, in aid of various requests, and which in a general way I evaded, will see in these pages an ample apology for my conduct.

to one of those proofs ; because it was done without the participation or knowledge of any one, at some cost also, and especially because it received the marked approbation of the Society ; who, at *their own expense*, honoured it with a re-publication. I thought an explanation of the Act was greatly wanted, both for the information of the public and the profession. I therefore published a Letter in the *Morning Chronicle*, and afterwards in the *Medical Repository*, (Vol. V. p. 85) ; to the pages of which also I might refer, for numerous instances of my constant desire to give full effect to the Act. I have inserted it in the Appendix [No. XVI.] because it contains some doctrines, which although highly approved at the time, yet were, when afterwards urged by me in the Court of Examiners, by the very same individuals, denied.

When I ceased to be an Apothecary, it was my sincere wish to retire from the Chair of the Association and the General Committee ; well knowing that many would conclude, that my interests not being the same, I should be less ardent in their cause. Neither did I perceive in what manner my continuance in that office could be serviceable ; but the Committee earnestly pressed me to remain until the Surgeons' Bill was disposed of ; and then the business for which they were constituted, being finished, nothing was left to be done but for themselves, with me, to render an account of our proceedings, and to relinquish our trust. With this argument I acquiesced ; but I shall be ready, whenever called upon, to account for my conduct, and return to that privacy and quiet, to which so long I have been a stranger.

Still I shall derive consolation from the belief that good may spring from my resignation ; and great as was the satisfaction I derived from contributing my aid in the Court of Examiners, yet that sacrifice will be cheap if it tend to establish a better system of administration.

The Court of Assistants may at length open their eyes to the danger of the course they are treading, and may, by adopting a more enlightened policy, prevent further consequences.

Judge Blackstone has observed, that “Corporations, being composed of individuals, subject to human frailties, are liable, as well as private persons, to deviate from the end of their institution.” The Court should not forget, that these frailties will appear more striking in proportion as private interest or ambition predominates. The greatest fault that can be committed is to risk so important a charge as the Legislature have confided to them, to the keeping of any one person, who, whatever may be his virtues and talents, may have infirmities also; and hence the character and interests of the Society may be irretrievably implicated. Let them reflect for themselves, and act for themselves; they will then come to right conclusions, and pursue the path which will direct them to honour and respect. It is for the good of the Public, and not for that of the Society alone, they are called upon by the Legislature, and the voice of their brethren, to administer the Act of Parliament. It is a remedial Act: and it should be ever remembered as a maxim laid down by the same great constitutional Lawyer, that “There are three points to be considered in the construction of all Remedial Statutes; the old law, the mischief, and the remedy: that is, how the Common Law stood at the making of the Act; what the mischief was, for which the Common Law did not provide; and what remedy the Parliament hath provided to cure this mischief. *And it is the business of the judges (i.e. the Court of Assistants,) so to construe the Act, as to suppress the mischief and advance the remedy.*”

The Court of Assistants may at length open their eyes to the danger of the course they are treading, and may, by adopting a more enlightened policy, prevent further consequences.

Judge Bingham has observed, that "Corporations being composed of individuals, subject to human frailties, are liable, as well as private persons, to deviate from the end of their institution." The Court should not forget that these frailties will appear more striking in proportion as private interest or ambition predominates. The greatest fault that can be committed is to risk to important a change as the Legislature have confided to them, to the keeping of any one person, who, whatever may be his virtues and labors, may have infirmities also; and hence the character and interests of the power may be invariably impeded. Let them reflect for themselves, and not for themselves, they will then come to right conclusions, and pursue the path which will direct them to wisdom and success. It is for the good of the Public, and not for that of the Society alone, they are called upon by the Legislature, and the voice of the Legislature, to administer the Act of Parliament. It is a remedial Act; and it should be ever remembered as a maxim laid down by the same great constitutional lawyer, that "There are three points to be considered in the construction of all Remedial Statutes; the old law, the mischief, and the remedy; that is, how the Common Law stood at the making of the Act; what the mischief was, for which the Common Law did not provide; and what remedy the Parliament hath provided to cure this mischief. And it is the business of the Judges (i.e. the Court of Assistants) to construe the Act, as to suppress the mischief, and advance the remedy."

APPENDIX.

[No. I.]

Copies of Resolutions moved in the Court of Examiners.

(January 11th, 1816.—Carried.)

THE Court of Examiners feeling fully convinced that the settling of a regular mode of communication with the Court of Assistants is indispensably requisite for giving form and consistency to its proceedings, and for precluding the possibility of any misunderstanding arising between the two Courts, beg leave to state this opinion to the Court of Assistants; and to request that, in future, it will be pleased to order all matters relating to this Court to be communicated to it in writing, that the same may be entered on its minutes.

[No. II.]

(January 18th, 1816.—Carried.)

THAT, In the execution of its functions, it has become manifest to this Court, that there are numerous errors and defects in the Act for the Regulation of the Practice of Apothecaries, which militate against the declared views and intentions of the Society; and which are extremely prejudicial to the interests of the public, and various classes of the medical profession.

[No. III.]

(Same date.—Rejected.)

THAT a Memorial shall be presented to the Court of Assistants by this Court, expressive of its opinion, as contained in the preceding Resolution; and of its conviction, that a Committee, consisting of such persons as are most conversant with the provisions of the Act, is requisite; to revise the same, and to report thereon: and that the Court of Assistants will be pleased to order a copy of the said Report to be transmitted to this Court.

[No. IV.]

*Copy of Papers sent to the Court of Assistants,
(March 29th, 1816.)*

OBSERVATIONS ON THE APOTHECARIES' ACT.

SECTION 3,—Excepting as far as regards the examination and destruction of bad drugs, this section is nugatory; because, although a penalty of £5 is imposed for the first offence, yet it cannot be recovered from the error in drawing up Section 26.

SECTION 9,—The obligation for the Examiners to meet once in every week is objectionable, and may often be attended with great inconveniencies. At any rate, there ought to be a discretionary power or latitude given, that the Court should not be obliged to assemble, whether there is business or none.

SECTION 12,—There should be power vested in the Court of Assistants to administer an oath to every Secretary to the Court of Examiners; that office being one of great trust and confidence.

SECTION 15,—The omission of a single sentence in this Section, renders the Act retrospective, and therefore unjust; in the clause in the original bill, after the words “that no person” there followed in a parenthesis (“except such as shall be actually bound by proper indentures, or shall have commenced a course of medical education, at the time of passing this Act.”) The restoration of this sentence, and referring the operation of it antecedent to August the 1st, 1815, would rectify this unfortunate and grievous oversight.

As few youths, apprenticed to Country Apothecaries, have opportunities of acquiring a proper knowledge of the fundamental principles of their profession, the imposing of a term of five years is manifestly injudicious, and tends rather to prevent than facilitate their proficiency.

SECTION 16,—To comply with the provisions of this Section an evasion of the letter of the Act must be practised, or the Master, Wardens, and Society must meet weekly; for otherwise, *their* Clerk cannot signify *to them*, the notices of persons intending to qualify.

As this is the only duty imposed by the Act on the Clerk of the Society, and may be wholly dispensed with, a trivial alteration of words would obviate the difficulty.

SECTION 17,—This Section is altogether nugatory, from the error in Section 26, as is proved by the experience of six months since the passing of the Act.

SECTION 18,—This also is nugatory until Section 26 is corrected; nor could it be carried into effect if that Section were perfect; because,

1st, Monthly Meetings of Country Examiners of Assistants are enjoined, whether there is business to transact or none.

2nd, No fund possessed or acquired under the Act, would be adequate to remunerate respectable practitioners of ten years standing, for acting as Examiners.

3rd, As there is no provision to induce them to act voluntarily, and nothing can compel them, such offices will never be executed.

There is no mention in the Act of any person to whom Country Assistants are to apply, when desirous of examination. The 16th Section refers to those, only intending to practise as *Apothecaries*.

SECTION 20.—The greatest presumed offence of which the Act takes cognizance, is, practising without examination and a certificate of competency; and yet the fine imposed is £20 only on persons so offending, while by Section 5, the non-compounding of a Physician's prescription, or unfaithfully compounding it, makes such offender liable to information before a Magistrate, punishable by pecuniary fines equally large, and, moreover "be rendered incapable in future of using or exercising the art and mystery of an Apothecary!" Now this is inflicting for the minor, a punishment infinitely heavier than for the major offence; contrary to sense and justice, and the custom of the English law. The degree of penalty in this Section (20) should be regulated by the enormity of the offence committed. Either the penalties here are too trivial, or in Section 5 they are excessive.

This Section also imposes a penalty of £5 on every Assistant acting without a certificate. But no penalty attaches to persons for employing them without this proof of their having conformed to the Act.

SECTION 22,—No person is mentioned to whom a candidate should apply, who is desirous of re-examination

SECTION 26,—From the omission of two words this Section, as far as regards the recovery of penalties or forfeitures of the sum of £5 or under, which particularly applies to assistants, is nugatory. The 9th line should have the words, in the parenthesis, added, "and if such penalty or forfeit shall amount to (*or be*) less than," &c.

This defect actually makes void all penalties on Assistants; and is probably one reason none have yet applied for examination for a certificate.

SECTION 28,—It is generally conceived that this Section does not prevent those who were Druggists and Chemists, before the passing of the Act, from prescribing and practising medicine. As that was most assuredly the intention of the Legislature, all obscurity of the meaning of this Section should be removed.

If any information or action were brought by the Society against any offender for practising as an Apothecary without a certificate, it has been suggested by good authority that a question might arise of the meaning of practising "*as an Apothecary*," and what the real functions are of a person so denominated.

Does practising, by visiting and prescribing for the sick without a licence from the College of Physicians, or the mere keeping of a shop for the dispensing of Physician's prescriptions and the compounding of medicines, constitute a lawful Apothecary?

If this question cannot be answered positively, an amended Act should guard against such a question being ever raised; by reciting specifically, and defining what is the practice of an Apothecary.

There are several other errors, of lesser importance perhaps, which cannot fail of presenting themselves to a committee of persons well conversant with the provisions and omissions of the Act.

(Signed) G. M. BURROWS.

March 26th, 1816.

62, Gower Street,
March 28th, 1816.

GENTLEMEN,

WITH the accompanying paper, containing my observations on the Act, which I was requested by Mr. Simons to draw up, I cannot refrain from offering some remarks; but which I submit with due deference to your judgment and correct intentions.

Undoubtedly there may be many more defects in the Act than I have discovered; but I presume that I have pointed out sufficient to shew, that it is not defective only, and consequently is inadequate to the objects it professes, but that it is positively oppressive on several classes of the Medical Profession.—That it is retrospective is clear, and that this effect was never contemplated by the Legislature, nor by your Court, nor by the general Committee of Associated

Apothecaries, &c. is equally manifest; as appears on the authority,—1st, Of the Bishop of Peterborough, by whom the 15th clause which renders the Act retrospective, was restored;—2nd, From the circular printed “General Outline of a Bill,” which was issued under your implied authority, and which declares that, “In this bill every *retrospective effect* is particularly guarded against, not only with respect to persons already in practice, but also as it relates to those who have already commenced their medical studies, so that no possible injury can occur to either of them;”—and 3rd, From all the documents of the General Committee, wherein all retrospect is most carefully avoided.

It is true, this unfortunate effect was not the result of design, but of haste. But is that a reason why the Society should refuse, or procrastinate, applying to Parliament, to amend an enactment which absolutely excludes hundreds of innocent and meritorious individuals from the practice of a profession, to the exercise of which they have been regularly educated? Can the Society hesitate, when honour, good faith, and humanity point the way?

At this crisis, Gentlemen, if a declaration of your resolution to amend the Act be declined or even delayed, I feel it incumbent on me, as a member of the Society, to endeavour most seriously to impress on your minds some of the consequences that will probably ensue.

The several parties aggrieved have hitherto been deterred from petitioning Parliament, either to repeal or amend the Act, solely from a firm reliance on the integrity of your Court, and the expectation that redress would emanate from the same source as that which has so undesignedly involved them in their present difficulty. Should they be deceived in their well-founded expectations, and coalesce, and petition Parliament, it would be under a deep sense of wrongs; and the General Association, which, when in full confidence of the liberal views of your Court, was passive and acquiescent in the power and administration being placed in the hands of the Society, would become most dangerously active; and exert every means to withdraw all authority from it, and attempt at least to establish one independent on it. The experiment might be fruitless; but it would be expensive to all parties; and ought on every account to be deprecated. To oppose such a combination, and such an attempt in Parliament, would cost the Society incalculably more than soliciting a new bill, if it meet with no opposition.

Many of the imperfections of the Act were forcibly urged in the House of Peers, and the Lord Chancellor, through whose powerful support alone it was at length carried,

candidly admitted them. But he remarked, that the suitors of the bill (the Society of Apothecaries), being aware of them, would naturally bring in another to amend them. The observations of the supporters or of the opposers of the measure did not apply to its retrospective effect. Neither party was apprised of it. Had it been discovered, the bill would then have been inevitably lost.

The Society therefore, in my humble opinion, is by implication pledged to Parliament and the public, to introduce a bill to amend the former; and that in the present session.

And this plea might with great truth and much point be stated as a ground for bringing it forward as a public bill; which, if allowed, would throw all the charges on the public of carrying it through Parliament.

If there were no other objections to the Act than its unjust retrospective operation, the Parliament, the public, and the profession would acknowledge the propriety of an immediate application to correct so glaring an evil; and the Society would acquire, by adopting such a line of conduct, that credit and approbation it would so amply merit. If the application be the result of necessity or compulsion, the Society will lose all claim to public confidence; and will risk the introduction of provisions into any future Act both derogatory and injurious to it.

Permit me, Gentlemen, to add, that the truths I have taken the liberty to represent to you, and the arguments I have adduced, originate in the purest motives; that the prosperity of the Society of Apothecaries, of which I have the honor to be a member, is ever the object of my sincere regards; and that no one has a greater personal respect for the Court which presides over it, or is more anxious to uphold and keep from reproach the high character with which the Legislature and the profession have recently invested it.

With the extent of my obligation to the Society I am fully impressed: but I also know that the obligation is reciprocal. Nor must I forget that in acquitting my debt to the Society, I owe also a duty to the public, which is paramount over every other consideration.

I am, Gentlemen,

With the greatest respect,

Your obedient humble Servant,

(A Copy)

G. M. BURROWS.

*To the Master, Wardens, and
Society of Apothecaries.*

[No. V.]

Apothecaries' Hall, May 3, 1816.

At a Meeting of Assistants held this instant.

RESOLVED,

That the Surgeons and Assistant Surgeons of the Army and Navy, whose warrants of appointment bear date previously to the 1st of August, 1815, are considered by this Court as at that time Practising Apothecaries, and that it is not therefore necessary for them to undergo an examination, and to receive a certificate from this Society.

J. BACKLER, Clerk.

[No. VI.]

Court of Examiners, June 13th, 1816.—Rejected.

THIS Court having seen with sincere regret that many of the candidates who have presented themselves for examination are exceedingly deficient in the knowledge of those sciences which are essential to the profession of the Apothecary; and entertaining an anxious wish to promote their improvement, and conceiving the exciting of a due spirit of emulation among medical students is most likely to attain so desirable an object,

MOVED,

That a respectful representation of the foregoing opinion of this Court be made to the Court of Assistants, accompanied by a recommendation, that a Prize be annually offered to the author of the best practical Essay, on some one of the sciences which constitute the course of examinations of candidates for a certificate to practise as an Apothecary.

[No. VII.]

Copy of a Letter from G. M. Burrows, M. D. a Member of the Court of Examiners, to the Court of Assistants of the Society of Apothecaries.

Laid before the Court of Examiners Oct. 3rd, 1816.

Gower Street, October 2nd, 1816.

GENTLEMEN,

HAVING been appointed by you a member of the Court of Examiners of the Society of Apothecaries,

and a circumstance having occurred in the execution of that duty, which renders an appeal to the Court of Assistants imperative upon me, I beg leave to state the case for your consideration and decision.

A candidate of the name of _____ applied on the 12th ultimo, to the Court of Examiners, to be examined for a certificate to practise as an Apothecary.

He stated that he had been bound apprentice as a citizen and ironmonger, in the year 1807, for seven years, to a Mr. _____, chemist and druggist, of _____ Street, that his indenture was in the Chamberlain's Office; but that his master had given him the following certificate, which he produced:—

“ I hereby notify to whom it may concern, that _____
 “ _____, was bound apprentice to me on the 3rd
 “ day of November 1807, for the term of seven years; that
 “ during the said period he conducted himself to my satis-
 “ faction; that he was in the habit of dispensing medicines,
 “ and making preparations in pharmacy, under my direc-
 “ tions, and that he is of a good moral conduct.

London, 18th of June, 1816. _____

Half the members of the Court, including myself, objected to Mr. _____ being admitted to examination; upon the ground that he had not served an apprenticeship to an apothecary, as the Act directs; and therefore could not claim under the Act to be examined. The casting vote decided that he should be admitted to examination. I then offered a formal and written dissent; founding my objection on its being an illegal proceeding.

A proposal to postpone deciding the question of examination for a week, was also rejected.

As I considered the proceeding as contrary to law as it was to policy, I refused putting my signature to a certificate, granted under such circumstances; and the reasons that influenced my determination are,—

1. That the candidate had served his apprenticeship to a chemist and druggist, and not to an apothecary.

2. That the master's certificate did not set forth, or assume that he was an apothecary; but a mere dispenser of medicines.

3. That a dispensing chemist and druggist, who neither before nor since the passing of the Act, ever called himself or wrote upon his house *Apothecary*, is not an apothecary, nor can his apprentice claim as such.

4. Because whatever doubts might have prevailed formerly, as to who were or who were not apothecaries, none

can exist now ; since the committee of the House of Commons would not grant the prayer of the petition for the late Act, until evidence had been examined that apothecaries had from time immemorial visited and prescribed for the sick : and unless satisfactory proof of that fact had been adduced before them, the Act which expressly enjoins the Court of Examiners to examine all apothecaries touching "*their skill and abilities in the science and practice of medicine*" (see Section 14) would never have passed.

5. That the said master is not an apothecary, is also clear according to the usage of the Society ; for his shop is exempt, by former custom as well as by the Act itself, from the inspection of the Society's Examiners ; nor has it ever been examined by the College of Physicians, although it has remained in its present state for thirty years past.

6. That no apprentice who had served this master, or any other chemist and druggist, would be admitted to purchase his freedom of the Society ; which, if I am rightly informed, always require indentures of apprenticeship to a member of the Society or to a regular apothecary.

7. The chemists and druggists opposed the bill, and procured the introduction of a special clause (see Sect. 28) to free them from being considered apothecaries, and from being subjected to the provisions of the Act.

8. That the Court of Assistants have themselves sanctioned the opinion that dispensing druggists and chemists were not apothecaries.

9. That the Court of Examiners have themselves also decided that persons serving an apprenticeship to chemists and druggists solely, have no right to be examined or to practise as apothecaries.

Lastly, If it be established that dispensing chemists and druggists are *legal* apothecaries, the Court of Assistants cannot by virtue of any bye-law refuse any chemist or druggist admission into the Society after having received a certificate as a qualified apothecary.—Thus a precedent might be introduced, that may prove subversive of the Society itself as a body of apothecaries.

These, gentlemen, are not merely my arguments ; but they embrace the opinion of the best legal authority I have been able to consult. But as the legal opinions to which I allude, could not be received, as they did not come through the official and regular channel, I submitted a motion at the last meeting of the Court of Examiners, that the Court of Assistants should be requested to take counsel's opinion on a subject so delicate and important ; in order that the minds of all the Examiners might be correctly informed, and

the consciences of the majority of them be satisfied whether they are acting right or wrong. But this question was also negatived by a casting vote only.

Failing therefore in my attempt to lay this case before your Court in the more consistent way, my only resource is, to make a personal appeal for advice to guide my future conduct on any similar occasion.

If the law be otherwise than I have been taught and interpret it, however much I may lament the defect in the Act, it is my duty to submit and conform to its enactments; but having at present a quite opposite impression, I feel it equally my duty as a member of the Court of Examiners until instructed by legal authority to the contrary, to firmly resist, by every fair means, all attempts to admit candidates having served dispensing chemists and druggists only, to an examination. Neither will I sign the certificate of any such candidate.

I therefore most respectfully solicit from the Court of Assistants an early intimation of their pleasure on the subject now proposed to them.

I have the honor to be,

Gentlemen,

Your obedient humble Servant,

(A Copy)

G. M. BURROWS.

*To the Master, Wardens, and Court of
Assistants of the Society of Apothecaries.*

[No. VIII.]

DISSENT.

At a meeting of the Court of Examiners of the Society of Apothecaries, held on Thursday the 12th of September, 1816, at Apothecaries Hall, London,

Mr. ——— who had served an apprenticeship of seven years to a Mr. ——— chemist and druggist, of ——— Street, which apprenticeship expired in 1814, presented himself as a candidate to be examined for a certificate to practise as an apothecary: to which the undersigned member of the said Court objected; and presented a paper, signed with his own name, to the chairman, declaring that, as the said Mr. ——— had *not* served an apprenticeship to an apothecary, as the Act directs, that the examination of such candidate was contrary to the law.

That the dissent of the undersigned having been refused an entry on the minutes of the Court, and being well advised that his objection to the said examination was both just and legal, he now demands, in his place, as a member of the Court of Examiners, the immediate entry on the minutes of this Court of this his formal dissent to the examination of the said Mr. ———

(Signed) GEORGE MAN BURROWS.

*Apothecaries' Hall,
September 26th, 1816.*

[No. IX.]

Copy of a Letter to William Simons, Esq.

Gower Street, Nov. 26th, 1816.

DEAR SIR,

It is now nearly two months since I had the honor, in the capacity of a member of the Court of Examiners, to address a letter to the Court of Assistants; to which I respectfully solicited an answer—a return to which I had before conceived, every member of the Society was entitled who applied to the Court on a subject strictly relevant to the interests of the Society.

Possibly you may feel at liberty to acquaint me, whether the Court have come to any determination of affording me the information for which I have applied. But I beg to be understood as *not* to be wishing to press you on a point, which, considering your high situation as Master and member of the Court of Assistants, you may be precluded from offering.

I am, dear Sir,
Your's truly,

(A Copy)

G. M. BURROWS.

[No. X.]

To Dr. Burrows.

DEAR SIR,

I am surprised and sorry for the request to me contained in your note of yesterday; it will be necessary previous to my giving you the satisfaction required to pre-

vail on the Court to absolve me from the oath of secrecy taken on my admission into that Court.

I am, dear Sir,
Sincerely your's,

WILLIAM SIMONS.

*Soho Square,
November 27th, 1816.*

[No. XI.]

Copy of a Letter to William Simons, Esq.

Gower Street, Nov. 27th, 1816.

DEAR SIR,

When I had expressly stated that I begged not to be understood, as pressing on you an answer inconsistent with your duty as the Master, or as a member of the Court of Assistants, I can see no reason for your feeling or expressing any surprise at my request.

I also have a duty to perform, and a duty to which I have solemnly sworn to strictly perform. Where then is the impropriety for being anxious to receive that information which is to be my future guide in the right execution of a duty imposed upon one by the body to whom I appeal?

Had I attempted meanly to dive into the deliberations of the Court of Assistants, or to artfully induce one of its members to betray his trust, it might have occasioned surprise and sorrow. But my question was simple, open, and gave full time for consideration. I merely asked, whether the Court would afford me the information I had solicited; and for this be assured I feel nothing to regret.

I am, dear Sir,
Your's truly,

(A Copy)

G. M. BURROWS.

[No. XII.]

Apothecaries' Hall, 5th March, 1817.

SIR,

I am directed to inform you that at a Court of Assistants of this Society, held on the 28th day of January last, "It was ordered that you should be desired to attend the next Court of Assistants."

In compliance therefore with that order I beg leave to acquaint you that a Court of Assistants will be holden at

Apothecaries' Hall, on Tuesday, the 25th day of March instant, at 2 o'clock precisely, at which time and place you are desired to attend accordingly.

I am, Sir,

Your obedient humble Servant,

EDMUND BACOT,

Clerk of the Society.

To Dr. G. M. Burrows.

[No. XIII.]

Extract from the Rules of the Court of Examiners.

SECTION 3, RULE 3,—Every motion _____ that *personally relates* to any member or officer of the Court, shall be decided by ballot.

RULE 4,—No member to have a vote in any Court upon a motion or question which relates to, or concerns himself.

SECTION 7, RULE 2,—Every motion _____ that *personally relates to any member* or officer of the Court shall be written and read by the Master, and be given to the secretary; *but the same shall not be taken into consideration until the next, or some subsequent meeting.*

RULE 3,—No resolution shall be considered to have been adopted by the Court, *until it has been confirmed at a regular subsequent meeting, except as to certificates for candidates.*

[No. XIV.]

March 25th, 1817.

GENTLEMEN,

I find it is impossible any longer to act as a member of the Court of Examiners of the Society of Apothecaries with advantage, either to the public or to the Society: for that reason, and from the respect which I feel is due to my own character, I beg leave to decline the office of an Examiner.

I have the honor to be,

Gentlemen,

Your humble Servant,

G. M. BURROWS,

To the Master, Wardens, and Court of Assistants of the Society of Apothecaries.

[No. XV.]

Letter to William Simons, Esq. Soho Square.

Brompton, June, 1815.

DEAR SIR,

Understanding that the bill so long the object of our persevering exertions, has at length received the sanction of Parliament, I presume we may congratulate each other on an event so peculiarly gratifying; and which by the benefit it will progressively confer on our branch of the profession, will amply reward us for what trouble we have had in obtaining it.

A legislative enactment that enforces education and examination of the pretensions of all who hereafter mean, as Apothecaries, to undertake the charge of the public health, must be acceptable to all classes of society.

It is true other regulations were contemplated, in my opinion, very important, but these have been wisely for the present relinquished; for it was evident that by persisting in them the primary object of our solicitude which is attained would have been endangered. But although we have thus bent to the weight and peculiarity of circumstances, yet a ground work has been laid, upon which, when matured by experience, improvements may be made, and those essential parts now omitted be ultimately established. Throughout the progress of this bill I have felt convinced that in the conspicuous and active share you have taken to promote it, you were actuated by the most liberal and enlightened views; and I entertain no doubt, that as far as your decision and personal influence extend, in carrying the powers which this Act confides to the Court of Assistants into execution, that you will confirm the impression myself in common with others have of your intentions.

I know that you think and feel with me, that the Legislature, the medical public, and the associated Apothecaries, have entrusted the Court with these new and extraordinary privileges for the good of society at large, the improvement of science, and for promoting the respectability and prosperity of our branch of the profession; *and not for the aggrandizement or advantage of any particular individuals, or body of persons.* The public will naturally be intent on the first acts of the Court, under the authority of this bill, and by those acts they will be judged.

You will not be surprised that I should take a deep interest in the manner with which the new functions of the

Court will be exercised. To you therefore I shall speak with the openness and freedom to which I think I am entitled, as one who has zealously co-operated in accomplishing this measure, and who feels conscious that its operation will be rendered beneficial or nugatory, according to the spirit with which it is adopted.

We know from experience *that persons long acting in corporate capacities, instinctly acquire a bias, and are apt to consider the members of their own body every thing, and those out of it of less importance.* I consequently dread, lest the Court of Assistants, forgetting for a moment that the public has invested them with these new and important powers for its own service and advantage, and *not exclusively for that of the Company over whom only they have hitherto had superintendance,* will select the examiners solely from the members of the original body. By original body, I mean the Society. It should be recollected that, in future, as every examined Apothecary will have a certificate from the Society, such individual Apothecary will in fact be, and have a right to style himself a member of the Society of Apothecaries, as every licensed Physician or certificated Surgeon is of the College of Physicians or Surgeons; although such members can have nothing to do with, nor will they be, as a matter of course, a part of the corporation.

It may be asked, if I conceive a competent Court of Examiners cannot be chosen from the present Society? I answer in the affirmative: but I will contend, that by going out of the corporation, a better Court might be formed; for neither you nor myself will presume that that body engrosses all the best informed, who practise as Apothecaries in London and its environs. I hold it therefore to be imperative, as far as public duty can be so on the Court of Assistants, to be guided at all times, but especially in their first choice, by a liberal interpretation of the Act; and evince to the world, and to every branch of the profession, their real attachment to the cause of science, and of their devotion to the public welfare.

If unfortunately the Court of Assistants should determine otherwise, it may be justly suspected that they have been moved by motives less honorable and enlightened than those which the public at present is disposed to ascribe; and their future actions, however wise and pure, will be derided, and the character of the Court of Examiners they may appoint will be robbed both of dignity and effect.

Besides, if practitioners not members of the Society see a selection so partial, will it not excite just feelings of repugnance and perhaps of resentment? The Court would by so

doing virtually annul some essential provisions of their own Act; for as the examinations of country shops and assistants is not compulsory, what respectable practitioner will voluntarily aid in executing functions that will be deemed subordinate, for a body so prejudiced? Beyond thirty miles of London, there are not perhaps thirty members of the Society resident in the whole kingdom; and the Court cannot be sure that even they would act. It may be said that it is meant to requite those who undertake their services; but are such as are moved by pecuniary considerations only the "persons properly qualified" for these responsible offices?

It should be remembered too, and ought to be urged, that the associated Apothecaries of the whole kingdom, in their first meeting in November 1812, and in all their provincial meetings, acquiesced in the propriety of appealing to the constituted medical bodies to apply to Parliament: through them alone they sought redress and regulation; nor did they wish any authority to be erected independent on those already existing. When their just request was repulsed by all the medical bodies, they were compelled *pro formâ* to introduce in their proposed bill some form of an examining body; and until under that necessity, no fourth body was ever contemplated or desired by them.

By the perseverance of the association; by their influence with their representatives in parliament, and the public; by the expenditure of a thousand pounds of that fund they had raised, which paved the way for the present Act, that would otherwise have cost the Society treble the sum in procuring it, they have mainly contributed to an enviable extension of the powers, patronage, and resources of the Society. If a system of exclusion be adopted to those who deserve so much, what may not be said? Are there not numbers who will report, whether true or false, that the Society know every man, if not by his merits, may become a member of the corporation by paying the admission premium?

In offering these sentiments I am quite certain I write those of the majority of the members of the Society itself, and of the committee with whom I have so long acted. The latter, for whose opinions I can best answer, have too high a respect for the Court of Assistants to express their wishes in a manner derogatory from that feeling; but I make no doubt that they will make a representation to the Court on the subject; and I think you will agree with me, that their conduct throughout this arduous struggle entitles their opinion and wishes to every respect and consideration.

Do not, my dear Sir, imagine that I have any private views to advance by this communication. I never have

had nor ever will have predilections when I am pursuing an object on public grounds. Your judgment in arranging this bill, and laudable anxiety to carry it through every impediment, are well known, and are duly appreciated by us all, and no doubt are in an equal degree by the Court of Assistants, of which you are so useful a member; and all feel that you must be sensible that the credit of the Court will be stamp'd by their decision on this question. The merits of this act of justice will be their own, if promptly executed; for the application of the Committee will be frustrated by being anticipated, and this appeal to you will be consigned to oblivion. If unhappily neither reflection nor argument prevail, in pursuance of a public trust confided to their charge, the committee will have the very unpleasing task of reporting to their constituents such efforts as they may have collectively and individually used, and in vain, to induce the Court to adopt a course which policy and sound sense so obviously dictate. What odium thence attaches must lay with the Court.

What I have advanced is the *argumentum ad judicium* with the truth of which I expect that you will coincide. Were I to appeal *ad passiones*, there is also a point that strikes me that may be worthy of your reflexion, although to me a very inferior object: still as a member of the Company I will mention it.

I have always understood it was not considered particularly desirable to increase the number of the Company by holding out extraordinary inducements to enter it. If the Court of Examiners be never composed of any but such as are members of the corporate body, and if that situation prove one of emolument, will it not allure, for the chance both of the honor and profit, a prodigious influx of members? To attempt to prevent this by an instant rise of the premium would be very invidious, and excite much animadversion. Were one or two of the twelve Examiners not of the Company, by keeping open the door to the possible admission of non-members, this effect would be diminished, envy and jealousy be suppressed, and your bill will really be what it is intended—a bill for the protection of the public against impostors, and for the improvement and benefit of our class of the profession throughout the kingdom, and over which the Court is now to preside and watch. The importance of the crisis will be the best apology for so long a letter.

I am, dear Sir,

Yours, very truly,

G. M. BURROWS.

[No. XVI.]

On the New Regulations of the Practice of Apothecaries, &c.

“ To the Editor of the Morning Chronicle.

“ SIR,

“ From the perusal of the very interesting account of the Anniversary Meeting of the Society for the Relief of the Widows and Orphans of Medical Men, in your paper a short time since, a doubt cannot exist but that you are as much the friend to Medical Science and its Honourable Professors, as you are known to be to Science in general. You seem, Sir, fully impressed with the utility of the Medical Profession, and the important services it renders to society; and to justly appreciate the benefits derived from the labours of the well-educated and experienced Medical Practitioner, whatever be his rank, and the evils that consequently result from the machinations and practices of the ignorant pretender.

“ But although there be some enlightened persons who entertain similar views; yet it is astonishing, considering how intimately the interests and happiness of mankind are involved in every thing that affects the state of Medical Practice, that such total indifference should be evinced to the import and operation of the Act, passed in the last Session of Parliament, for the better regulation of the Practice of by far the most numerous class of Practitioners—the Apothecaries.

“ As this apathy can be ascribed to no other cause than to the want of information of the real objects of that measure, it is my present design to obtain that attention to the subject it ought to receive; and to point out, that it enforces an appropriate education, and competent professional knowledge in every Apothecary, before he is allowed to undertake the charge of visiting and administering to the diseased.

“ Hitherto any person might practise Physic in any part of the kingdom, under the denomination of Apothecary, without education, or any proof of his abilities. Consequently, much mischief ensued; for the public having no guide to direct the judgment, could not discriminate between the competent and incompetent. Hence, too, the regularly educated and respectable Practitioner suffered in reputation by the arts and mal-practice of those who assumed his name and character.

“ To prevent such impositions in future, and to secure Medical Practitioners, in whom there might be just confi-

dence, the Act alluded to was solicited, and passed. It appears to effectually provide against the recurrence of such abuses.

“ By this Act it is provided that,

“ I. Every person intending, after the 1st of August 1815, to commence practising as an Apothecary, must undergo an examination by Twelve Examiners, appointed by the Society of Apothecaries, “ *to ascertain his skill and abilities in the science and practice of Medicine,*” and to grant a Certificate that he is duly qualified to practise.

“ But, previously to examination, each candidate must produce testimonials that he is of the age of twenty-one, and that he has served an apprenticeship; has a competent knowledge of the Latin tongue; has attended certain courses of Lectures on Anatomy, Physiology, Chemistry, Materia Medica, and the Theory and Practice of Medicine; and that he has attended a stated time to the practice of a Public Hospital. The actual examination of the Candidates attainments consists—1. In translating the Latin Pharmacopœia of the London College, and Physicians' Prescriptions; 2. In Pharmaceutical Chemistry, 3. Materia Medica, or knowledge of the natural and artificial substances used in the cure of diseases, their virtues, doses, &c.; 4. Physiology, or the science which treats of the actions and powers of the animal body; 5. Of the knowledge of diseases, and of their treatment; 6. It is intended that Botany, a science so indispensable to a correct knowledge of Materia Medica and Pharmacy, shall form a part of the examination; but the Court of Examiners, being aware how little it has hitherto been cultivated, it is understood, waive it for the present, in order that students may have an opportunity in the ensuing summer of studying it.

“ II. Every Apothecary is bound, under severe penalties, faithfully to make up and compound the prescriptions of physicians of the London College.

“ III. Every Apothecary's shop is open to inspection, as to the goodness of his drugs, preparations, &c. by Examiners appointed for that purpose, who may destroy the same if of bad quality.

“ IV. Every person practising as an Apothecary, without the certificate of examination, is liable to a penalty of twenty pounds each time he visits or prescribes medicine for the sick.

“ V. Such persons so acting without the certificate, cannot recover any charge for medical advice, attendance, or medicines, in any court of law.

“ VI. No person can act as an Assistant to any Apothecary,

for compounding and dispensing medicines, without examination, and a certificate of his competency.

“VII. For the information of the public, a list of every certificated Apothecary, and his place of residence, must be annually published.

“Such are the principal regulations of this Act, and of those who are appointed to carry it into execution; from which it is manifest, the public welfare is very properly the first object, while, when in full operation and effect, the Apothecary acquires no other advantage than protection from the intrusion of impostors into his profession, and a recognition of his right to the character and privileges of a lawful medical practiser—a distinction just and politic, and surely merited by that class to whose care and skill the health of nine-tenths of the population of the British Empire is committed.

“The dispensing chemist and druggist petitioned Parliament against the Bill, and are exempt from its operation; and are therefore not subjected to any test of their competency to make up prescriptions and dispense medicines; or to any inspection of the qualities of their drugs, &c. and are consequently, in this respect, absolutely without superintendance or control. But if they prescribe medicines for the sick, they are then liable to information and prosecution, and the penalties for such offence.

“If these important enactments be faithfully and fairly executed, they must prove highly satisfactory to all ranks of society; and, I think, every one will coincide in opinion, that this Act is one in which the public have the highest possible degree of interest, and that they ought to be acquainted with its purport.

“The chief objects also of the Surgeons’ Bill, which was introduced so late in the last Session of Parliament, and withdrawn for amendment, were to prevent persons from exercising the art of Surgery in any part of this kingdom, without examination and approval by the College of Surgeons, excepting those already in practice.

“Unfortunately, the Apothecaries’ Act is not so perfect as could be wished; a fault certainly not to be imputed to its suitors—for, from various regulations and amendments introduced by the Peers, it was, when returned, rejected by the Commons, and therefore had twice to pass through both Houses. The consequence was, that there being barely time to get it through in that Session, some errors that were discovered in it could not be corrected. But the Lord Chancellor observed, that it was in principle an excellent measure, and considering it rather an experimental one, its defects

and omissions, when fully ascertained, could be easily amended at a future period.

“ Perhaps no stronger evidence can be adduced of the inadequate education and unfitness, generally, of young men intending to practise physic, and hence of the necessity for these regulations, than the few candidates that have applied to the Court of Examiners of the Society of Apothecaries for examination of their qualifications. Not more than twenty have offered themselves; yet there are many hundreds of pupils in the London Hospitals, otherwise eligible, but not possessing a competent degree of knowledge to become candidates.

“ It is reported that on two examining days lately at the College of Surgeons, 105 candidates passed; and received the diploma! It is evident the testimonials of eligibility, and the subjects of examination being different, that a candidate may pass there with great *éclat*, who has not the requisite qualifications for the examination at Apothecaries’ Hall: thus, the former may be crowded with applicants, while the latter has few; owing to a conscious deficiency in those sciences that constitute the course of examination at the Hall, and, perhaps, a wish to acquire the knowledge of them previously to presenting themselves. If the last be really the motive, it assuredly is very commendable. But, I fear, and indeed positively know, that many students have imbibed a notion, that if they possess a Surgeon’s Diploma, they may legally, and with impunity, practise physic, without the certificate of an Apothecary.

“ As this impression is most erroneous, and might prove exceedingly injurious to many young men intending to settle, whose pecuniary means are commonly very scanty, it cannot, for the sake of the public, as well as of those so erring in judgment, be too soon noticed and refuted. They who commenced practice as Apothecaries, since the passing of the Act, without certificates, are—

“ 1. Ineligible to any public appointment.

“ 2. Are liable to certain fines and penalties, according to the fourth, before-cited, provision.

“ 3. They have no legal claim for any remuneration: and whatever be the amount of their book-debts, should any practitioner become obnoxious to his neighbours, the whole of this property will be endangered.

“ 4. They risk the degradation of their professional character and reputation.

“ 5. The probable compulsory relinquishment of business, when they have incurred the expence of settling, to comply

with the regulations which the law and the Court of Examiners of the Society of Apothecaries have imposed*.

“The British Legislature has at length enacted some provisions to guard the public health from the practices of the grossly ignorant. On public grounds purely I have noticed and detailed some of the most important of the enactments, and made them the subject of animadversion and explanation; and as a caution to those individuals most immediately concerned, and from motives of humanity, I have set forth some of the evils they will incur, who choose to set at naught and violate institutes so wise and patriotic.

“I am, Sir, yours, &c.

Nov. 29, 1815.

“PHILO-MEDICUS.

* There are two other dilemmas to which those entering into practice since August 1st, as Apothecaries, and acting without the certificate, will be exposed:—1. That having no real designation or rights, any contract of co-partnership with a legal Apothecary would be liable to be vitiated, at the pleasure of the partner practising before the passing of the Act, or having a certificate:—and 2. such pretended Apothecaries will have no exemption to plead from serving on juries, leets, or parochial offices.

FINIS.