

Amendment of the Medical Acts : a retrospect and balance sheet of the Medical Reform Union / by the late provisional executive.

Contributors

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AMENDMENT OF THE MEDICAL ACTS.

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RETROSPECT

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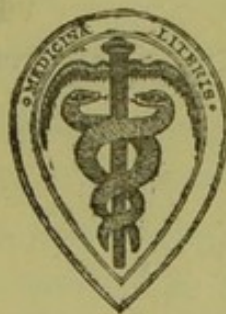
Balance Sheet

OF THE

MEDICAL REFORM UNION.

BY

THE LATE PROVISIONAL EXECUTIVE.



LONDON:

JOHN CHURCHILL & SONS, NEW BURLINGTON STREET.

MDCCLXX.

NOTICE.

The Members of the late Provisional Executive of the Medical Reform Union will feel obliged by this pamphlet being circulated in the Profession. Any one applying to the undersigned, before the 1st October, 1870, and enclosing a penny postage stamp, will receive a copy of this pamphlet by post.

The Balance Sheet shews a sum of £12. 8s. 11d. due to the Treasurer of the Medical Reform Union (Mr. ARTHUR OAKES, 9, Old Square, Birmingham), to whom cheques, post office orders, or stamps, may be forwarded by Members of the Profession, who think that those who have done the work connected with the Birmingham Memorial, should be indemnified for moneys disbursed in behalf of the Profession.

LLOYD OWEN,

*Late Provisional Secretary, Medical
Reform Union.*

9, Easy Row, Birmingham,
August 1st, 1870.

AMENDMENT OF THE MEDICAL ACTS.

IN answer to Dr. LYON PLAYFAIR, the Vice-President of the Committee of Council on Education made the following announcement in the House of Commons on Wednesday, the 25th July :—

“The Government found themselves reluctantly under the necessity of withdrawing this Bill, as it would be impossible at this period of the Session to deal with the question of the constitution of the Medical Council, which there was a desire in some quarters that the Bill should embrace.”

Under the circumstances, it is deemed advisable to review the chief events which attended the introduction, the modification, and the ultimate withdrawal of the Government measure. It is hoped by this retrospect to utilize acquired experience, which may serve the profession in renewed endeavours to obtain the indispensable Amendment of the Medical Act of 1858, and of the fragmentary Acts subsequently passed, with the professed object of amending it.

It is not proposed to relate events in chronological order; neither is it thought necessary to record all the facts of the contest in and out of Parliament, of which the first stage has just terminated.

The object is to point out the leading facts and features of what, notwithstanding its temporary failure, must still be regarded as the best sustained and most promising attempt which the Medical Profession in the United Kingdom, has yet made, for its corporate advancement.

One clear and undisputed gain has to be recorded. The Act of '58 is admitted to be so full of imperfections, that no one has attempted to defend it. On this cardinal point the Government and the General Medical Council—the Universities and Medical Corporations—the Press and the Profession, have been unanimous.

Another clear gain has been the universal assent to the proposition that “the system of Medical Education should be revised, so as to ensure the possession of a thoroughly scientific and practical acquaintance with Medicine and Surgery, on the part of persons applying for the legal qualification.” *

Accession to this prayer involves the establishment of the one-faculty system, and introduction of practical clinical tests in examinations for license to practice.

The number of competing examination Boards is another of the evils of the present system which no one has attempted to extenuate. When the Birmingham Memorial was presented to the Secretary of State for the Home Department, who was attended by the Medical Officer of the Privy Council, the Right Honourable Mr. Bruce thus frankly expressed himself to the Deputation from the Medical Reform Union:—“I have no doubt that prominent amongst the subjects of consideration will be the evil that, in the nature of things, must arise from the great multiplicity of examining bodies.” †

The Government Bill which has just been withdrawn, when first introduced into the House of Lords, contained a

* Birmingham Memorial.

† *Lancet*, 1870, vol. I., p. 392.

clause (18) which would have done much towards putting an end to the competition of examining bodies, and the establishment of the one portal system.*

One of the greatest defects of the Bill is that it proposed to leave the composition of the General Medical Council untouched, while investing that body with much more extensive powers than it now possesses.

The 9,724 Medical Practitioners who signed the Birmingham Memorial, the 4,000 members of the British Medical Association, and the Medical Press, without a dissenting voice, have concurred in stating that the General Medical Council, as now constituted, does not command the confidence of the Profession.

It is very important to keep the fact clearly in view, in all future discussions on the Amendment of the Medical Acts, that, if it be conceded that the General Medical Council is to be invested with increased powers, the present constitution of that body needs amendment by its own deliberate admission.

On the report of its Medical Acts Amendment Committee, the General Medical Council passed (12th July, 1869) a series of resolutions, of which No. 3 and 4 deserves quoting, for their immediate bearing on the necessity for altering the Council's constitution:—

“(3.) That having carefully considered the objects of the Medical Acts of 1858, and the constitution of the Council appointed under that Act to carry out its objects, the Council are of opinion that, for the purposes of the existing Act, the present Council is essentially well constituted.

* The clause in the original Bill as ordered to be printed for the House of Lords (April 8, 1870) is as follows:—

“18. After the date fixed for the commencement of the examinations by any medical examining board under this Act, none of the medical authorities shall grant any of the qualifications mentioned in Schedule A. to the principal Act as amended by this Act or by any of the Acts mentioned in the first Schedule to this Act, except to persons registered or qualified to be registered under the principal Act.”

“(4) That the Council are of opinion that if the Legislature should think proper to invest the Council with extensive powers and fresh duties, by which the profession at large would be brought more under the direct influence of the Council; then in that case the profession at large should have more direct influence in the appointment of members of Council.”

Since the General Medical Council has most fully admitted that the Medical Act of '58 is defective in many essential respects, the assertion that, for the purposes of the existing Act, the present Council is well constituted, amounts to nothing, when urged as a reason why the constitution of that body shall remain unchanged in an Amended Act.

When, moreover, all parties are substantially agreed that the powers of the Council require extension, the admission of the Council is conclusive, because exactly concurrent with the voice of the profession, that an Amended Act, endowing the Council with the requisite amplification of powers, will be defective, if it do not alter the constitution of that body.

This is the principle which must be established beyond dispute, before the manner in which the Council shall be composed is discussed. The indisposition of the Government in the recent discussions to alter the constitution of the General Medical Council, is not easy to explain; unless on the supposition, that the present state of that body would be favourable to the scheme, under which it was proposed to give the Privy Council considerable powers in the government of the Medical Profession. Nicely balanced as the corporate interests now are in the Council, powerless as the Crown Members are to control them, deprived as the Profession is of all power over the representatives of the Corporations, if the Medical Council remained unchanged, the Privy Council might control its divided elements without serious impediment.

In addressing the deputation of the Medical Reform

Union, the Home Secretary concluded with these words:—
 “ Mr. Simon has attended here as the organ of the Privy Council, and I trust you may rest assured that the matter will receive the serious consideration of a government which, I hope, is ambitious of dealing with most subjects it undertakes in a comprehensive way.” No Bill can claim to be a comprehensive amendment of the Medical Act which does not deal with the constitution of the Council. To determine how this is to be improved, it is necessary to ascertain, first, the chief causes of failure in the composition of the present Council.

No one has attempted to impugn the manner in which the influence of successive Governments has been exercised in the election of the Crown Members, who have been distinguished for character, learning, and social position; though not invariably for their sympathies with the great body of practitioners, on whom exclusively has fallen the responsibility of providing funds for the Corporation Council.

The representatives of the Medical Corporations have generally advocated the material interests of the small bodies actually deputing them, and have evinced a singular inability to understand and legislate for the legitimate wants of the profession, in the present advanced state of the great body of its members.

Any one reading the very prolix discussions of the last two Sessions of the Council, cannot fail to be struck with the utter want of regard, which most of the speakers evinced for the Profession as, in the public interest, superior to the Corporations. That surprise increases when it is borne in mind that some of the Corporate bodies who now send Members to the Council, are small and of little significance, while some others owe their existence to a state of things which is rapidly passing away.

Many of the Members of the General Medical Council would never have spoken and voted as they did, if they could have been held responsible by the legal constituents of the corporate bodies whom they only nominally represented. In few words, one of the chief defects of the Council is that the profession, which is, as it always has been, in favour of progress for the general good, has had no opportunity of exercising its influence in the General Medical Council.

Two plans have been proposed for making that influence felt; the one is commonly known as *the direct*, the other as *the indirect* method of representation. We are not acquainted with any attempt at definition of the two schemes; and if we endeavour to define them, and to enumerate their advantages, and drawbacks, as represented by the respective advocates and opponents, we do so with due reservation, and merely with a view to promote, by discussion, the formation of a clear judgment on the merits.

By the indirect method of representation, we understand that the Fellows, Members, Graduates, and others, of the respective Colleges and Corporations shall elect the governing bodies of those institutions, and that by those governing bodies the representatives in the General Medical Council shall be chosen; or the Fellows, Members, and others, might depute the representative in the Council, by voting for him independently of the governing body of the institution. The direct plan we take to signify election of representatives for the Profession in the Council, altogether irrespective of the Colleges.

In favour of the indirect plan is the fact that the electoral machinery is already to hand, that it does not amount to the introduction of a new principle, and might be likely eventually to recommend itself, as a moderate measure of reform, to the governing bodies of the institutions. Experience, it must be admitted, has hitherto gone directly against the latter prediction. Against the indirect plan many have urged

that the influence of the present governing bodies of the Corporation and Colleges, hitherto absolute, would still be dominant in selecting the representatives, who would not represent the views of the profession, nominally electing them, any more than the representative of the College of Surgeons, for instance, can now be said to represent that great Corporation.

In favour of the direct plan is its already considerable popularity. Not only is it supported by the British Medical Association, and by several of the Corporations, but it recommends itself, with much plausibility, as a system which would give the profession throughout the United Kingdom a number of representatives, who would be under no obligations to any party, but would hold an independent position, between the representatives of the Crown and of the Corporations, and would be able to turn the balance in favour of either side, as the interests of the profession might demand.

Against the direct plan several objections have been urged. It is based on a totally new principle, which it may be difficult to introduce. The proposed extension of the powers of the General Medical Council will give it more and more of a judicial character, and there is scarcely any precedent for the election of a judicial body by universal suffrage. Then, again, how are the members of the Profession throughout the kingdom to determine who are the most fitting persons to represent them? How are the expenses of canvassing the large constituency to be defrayed? Is it likely that learned men, and overworked consulting and general practitioners, will incur the trouble and expense of canvassing the profession in the three kingdoms, for the purpose of obtaining a seat in the General Medical Council?

It has been represented in some usually well-informed general and medical papers, that the 9,724 practitioners who signed the Birmingham Memorial prayed for direct repre-

sentation. We reprint the paragraph from the Memorial bearing on this point :—

“ It is respectfully, but very earnestly, submitted, that the influence and power for good, of the General Medical Council would be greatly extended, with the profession and the public, if provision were made in a new Act of Parliament for the representation on the Council of the general body of Practitioners of Medicine and Surgery, who are now, for the most part, deprived of any professional franchise.”

Addressing the Home Secretary on behalf of the Memorialists, Mr. Sampson Gamgee remarked—“ A large number of us in the country—however much we may have worked at our profession—whatever position we may have attained—have no more voice in its government than the coachmen who drive us, and we think we have a right to representation in the governing body of the profession. How, or in what proportion, the franchise should be given to us we do not say ; we simply say this, that the time has ceased when the great bulk of the profession should be destitute of any professional franchise.”

Whatever method of representation is adopted, it does seem undesirable to add to the number of the council, if on no other ground, on the one of cost. The grouping of minor bodies to be represented by one member in lieu of several, affords the means of reducing the present Council, without disfranchising any University or Corporation ; and the system of grouping, commendable in principle, has the advantage of sanction in the constitution of Parliament itself. It might be urged that those Corporations which consist of several thousand members, should have more than one representative ; and if the election were conducted on sound representative principles, such a request would deserve careful consideration. But it is submitted that, before discussing the re-distribution of seats in the Council, or the manner in which the Profession shall be represented in it,

the safest course is to lay stress on three facts; 1stly, that the Medical Council as now constituted does not possess the confidence of the Profession; 2ndly, that it is unjust that the great mass of the Profession should have no voice in electing their governing body which they alone pay to support; 3rdly, that the experience of Universities incontestably proves the possession of the franchise by members of learned Professions is attended with decided advantage.

The interview of the Deputation (March 10, 1870) with the Home Secretary to present the Birmingham Memorial, is deserving of further notice, as having afforded almost the only instance, throughout the recent discussion, of interest being taken by the general press, in the Amendment of the Medical Acts. Not only were the reports of the interview published at considerable length in most of the newspapers throughout the country, but on the day following the interview, most of the London, and several of the provincial, dailies, discussed the question in their leading columns. The fact is only recorded as an exception to the very general apathy of the public in the matter. All that is wanted to secure the passing through Parliament of a good measure of Medical Reform, is that the Profession shall agree on the principles which it should embody, and on the clauses for giving those principles legislative effect. There is still another need. The Profession must organize itself, and be prepared to back its opinion with the established machinery, through parliamentary agents, for carrying out a parliamentary contest, and, if necessary, for introducing, through a Member to be carefully chosen, a Bill into Parliament, embodying the views of the Profession. As a basis the Birmingham Memorial is still available.

When that document was first drawn it was only intended for local circulation, but when it was found that it received very general support from the medical press, it was deter-

mined to circulate it throughout the whole profession of the three kingdoms. Assents to the memorial were received at the rate of 600 a day; but when an appeal for funds was made, circulars to upwards of 6,000 practitioners, who had signed the Memorial and to each of whom a stamped envelope for the Treasurer was enclosed, produced, in eight clear months (June, 1869, to February, 1870), the aggregate of £173. 19s. 7d., from 786 subscribers; being at the rate of 4s. 5d. each; and the money spent in postages to obtain that amount having been upwards of £50, or in round numbers, 30 per cent.

Many members of the Profession have grown so dispirited with previous fruitless attempts at reform, that they have almost lost faith in its attainment. But this is an age apparently destined to be memorable for the achievement of projects, which seemed impracticable in the hands of our predecessors. The Medical Profession has never been so near the attainment of its wishes as in the present Session of Parliament; the Medical Corporations find themselves much less powerful than in the contest which resulted in carrying the Bill of '58; and it is, after all, a matter for satisfaction that Mr. Forster, substantially admitted the inability of the powerful Government of which he is a member, to carry the Bill in the face of the opposition of the Profession.

The Meeting of the Medical Profession, which was held in London, at the Freemasons' Tavern, on the 7th May ult., adopted the Birmingham Memorial, and the existence of the Medical Reform Union as a fact; it also adopted the Report of the Provisional Executive of the Union, and accepted its resignation, without, however, appointing any successors to them. Practically, therefore, the Medical Reform Union has ceased to exist, and the Birmingham Memorial has at present no one officially entitled to defend its principles. The meeting in question was announced by public advertisement

in many papers,* and yet only fifty-five members of the Profession were present; and the only issue of the discussion was authorising the Secretary of the Meeting, Dr. Edwards Crisp, to forward copies of the resolutions passed, to the Lord President of the Privy Council, the President of the Medical Council, and the Presidents of the several Medical Corporations.†

It is now for the profession to determine how the movement shall be carried on.

Incomplete as this retrospect must remain, two other facts deserve notice.

The influence of the British Medical Association has been very ably and beneficially exercised in the late contest on behalf of the Profession; and it would be unjust not to acknowledge, that the result has been in great measure owing to the exertions of Dr. Edward Waters, of Chester, the President of the Direct Representation Committee of the Association. It is suggested as matter for reflection, whether the action of the Association was not narrowed and somewhat crippled, by the very title and instructions of its Representation Committee. The Profession must direct its energies to a comprehensive Reform of the Medical Act of 1858.

No incident has been more significant than the appeal of the Council of the College of Surgeons to the great body of Fellows and Members, to act with them in petitioning Parliament for the restoration of Clause 18. Advertisements for the meeting were duly published; the right of meeting in the Theatre of the College had been a crying want for many years; and yet when the right was conceded, when a most important crisis in the history of the Profession was at hand; when

* All the Medical Weeklies, the *Times*, the *Scotsman*, the *Daily Telegraph*, the *Birmingham Post, Gazette*, and *Herald*, the Dublin, Belfast, and Aberdeen papers.

† A Summary of the proceeding was also sent, by Dr. Edwards Crisp's good offices, to 400 Members of Parliament.

the President took the chair at the hour appointed for the meeting, the theatre of the Royal College of Surgeons contained 46 persons, including the representatives of the press, and the College beadle.

The Profession can obtain the desired reformation, only on condition of working harmoniously, indefatigably, and liberally for it.

BELL FLETCHER,
SAMPSON GAMGEE,
ARTHUR OAKES,
LLOYD OWEN.

Birmingham, 1st August, 1870.

BIRMINGHAM MEDICAL REFORM UNION.

BALANCE SHEET.

Dr.

Cr.

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BELL FLETCHER.
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Birmingham, 1st August, 1870.

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