

## **The reform of the College of Surgeons.**

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Mackenzie, Morell, 1837-1892.  
Royal College of Surgeons of England

### **Publication/Creation**

[Place of publication not identified] : [publisher not identified], [1890]

### **Persistent URL**

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Fortnightly, April, 1890

P. C. 7

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## THE REFORM OF THE COLLEGE OF SURGEONS.

VISITORS to that legal "Grove of Academe," Lincoln's Inn Fields, can hardly fail to have observed a large building with a sort of shabby-genteel pretension to architectural style which stands on the south side of the square. This, as a Latin inscription on the front informs the passer by, whose recollections of *Propria quæ Maribus* are not yet too remote, is the Royal College of Surgeons of England, a learned body chiefly known to the public as the custodian of the great museum collected by John Hunter and purchased after his death by the nation. To the bulk of the medical profession in this country the College is familiar as the Inquisition Chamber of their youthful days, where the tortures of "paper" and *vivâ voce* were undergone and the mystic rites of "pass" or "pluck" administered. The College of Surgeons gives the licence to practise, or what Molière calls *virtutem et puissanciam . . . taillandi coupandi et occidendi impune per totam terram* or at any rate to that very considerable portion of it over which the Union Jack waves. It probably examines three-fourths of the medical students in Great Britain, and perhaps not less than five-sixths of those in England. In recent years, after the necessary diploma had been secured, few doctors in active practice ever gave themselves the least concern about the College or its affairs, and certainly the Council of that institution never troubled itself about them. Occasionally indeed some convicted criminal or particularly blatant quack was struck off the rolls in deference to public opinion; but there was no active help or even encouragement in the resistance to official tyranny, the struggle for the redress of legitimate grievances or the battle against unqualified practice which make up so great a part of the professional difficulties of a very large class of medical men. In fact, the rulers of the College hardly recognised its Members as forming any part of the body politic; rights and privileges were not for these but for their betters. In this spirit the College has been governed since the beginning of the present century, and though serious protests against both the system and its practical results were made sixty years ago, the efforts of the reformers were unsuccessful, and it was not till quite recently that the general body of members of the College endeavoured again to vindicate their right to a voice in the management of its affairs.

The editor of a well-known magazine once said to me that there are only two subjects which really interest the British public, viz., religion and politics. It is especially difficult to get the general

community to trouble themselves about the affairs of corporations, whether they be city companies, a Royal Academy, or medical colleges. Medical politics are particularly uninteresting even to doctors outside official circles; to the general public naturally they are a sealed book. If now and again some faint echoes of the revolt of Members of the College of Surgeons against the governing body of that institution have reached the public ear through the din of more momentous conflicts, the matter is probably dismissed with a shrug as only "another squabble among the doctors." I hope, however, to show that the question of the proper management of the College of Surgeons concerns not only its own members, but perhaps to a still greater degree the community at large. The demand for reform is not merely, as the governing body no doubt would like the public to believe, the wail of a few surgical Peris standing at the gate of the dingy paradise in Lincoln's Inn Fields, and gazing with longing eyes into the radiant council-room which they may not enter; nor is it echoed only by a few busybodies seeking a cheap advertisement. It is in reality a part of a great wave of professional opinion which is slowly but surely rising and gathering force to sweep away the rottenness of constitution, the inertness, inefficiency, evil traditions, and scandalous abuses of all kinds, owing to which our medical corporations, instead of aiding, have seriously obstructed the course of scientific progress. It is not merely a movement to enable persons who are not now represented on the Council of the College of Surgeons to share in the honours and emoluments within its gift; nor is it simply an agitation for the enfranchisement of the down-trodden Members. These objects are only means to great ends—the furthering the art of healing by the proper employment of the vast resources which the College has at its disposal, the promotion of the common weal by the improvement of medical education, the maintenance of a high standard of knowledge and practical skill in those wishing to enter the medical profession, and the general raising of the intellectual and social level of those who practise it. All this concerns not only the individual members of the public, but the State itself very closely, for the more medical science advances and the more efficient doctors become, the more will human suffering be relieved and the ravages of preventible disease be checked. The whole question will soon be brought before Parliament, and as it is most important that the real points at issue should be clearly apprehended, it is necessary to glance at the history of the corporation, to describe its present constitution and to indicate the changes which it is sought to effect.

The Royal College of Surgeons of England is the representative and the lineal descendant of two ancient guilds, the "Barber Surgeons" and the "Fellowship of Surgeons," both of which were in

existence about the beginning of the fourteenth century, and possibly at a still earlier date. In 1461 the members of the former of these associations, the "Freemen of the Mystery of the Barbers of the City of London using the Faculty of Surgery," were formally incorporated as a company—"one body and one perpetual fellowship or community," by letters patent of February 24th, 1 Edward IV. In 1540 the two societies were amalgamated by an Act of Parliament (32 Henry VIII. c. 42) under the style and title of the "Mystery and Commonalty of the Barbers and Surgeons of London." A large picture of Holbein which is preserved in the Barbers' Company Hall in Monkwell Street, represents Bluff King Hal in the act of delivering the charter to Thomas Vicary, his serjeant chirurgeon, who, with fourteen of his brethren, is kneeling before the monarch. Prominent in the group, and apparently taking precedence of all except Vicary himself, who was the first master of the new company, are his Majesty's barbers, Nicholas Sympson and Edmund Harman.

By the Act of 1540 the union between the surgeons and the elegant fraternity of specialists for the hair was finally consummated. Although at that period surgeons ranked in social scale with "common" bakers, brewers, and scriveners,<sup>1</sup> from a study of the Act it appears that the union between the surgeons and the shavers was rather a mechanical mixture than a chemical combination. The difference between the two crafts is clearly recognised in the Act itself, and no member seems to have been allowed to practise what for convenience may be called both branches of the profession.

The union was not a happy one, and as the surgeons improved in social status they seem to have been more and more anxious to sever themselves from their incongruous yoke-fellows. In 1684 they petitioned the King to be incorporated as an independent body, but the barbers were by no means equally desirous for divorce, and their voice prevailed. In 1744 a final effort was successfully made by the surgeons, and they managed to get an Act passed on May 2nd, 1745, by which the "artistic" section of the "mystery" was definitively cut adrift and a purely surgical corporation instituted under the name of "The Master, Governors and Commonalty of the Art and Science of Surgery," though they were commonly known after this date as the "Company of Surgeons." In the Act under which the new Company was established the commonalty was to "enjoy the same liberties, privileges, and franchises as by any former Acts and Letters Patent given, granted, or confirmed."<sup>2</sup> Notwithstanding its imposing title and its freedom from the old degrading associations, the days of the new corporation were not many in the

(1) They are so classed in an Act of Parliament passed in 1530, (22 Henry VIII.) The low position of surgeons in the social hierarchy in the middle ages was of course due to the feudal notion that all manual work was degrading.

(2) Mr. Tweedy in *The Lancet*, March 23rd, 1889.

land, nor was its career particularly brilliant. After much mismanagement and irregularities of various kinds, it came to an end by a deliberate violation of its own Act of Incorporation, which required that no Court should be held unless the Master and the two Governors, or any two of them, should be present. Now it happened that shortly before the meeting of the Court of Assistants, held on July 7th, 1796, one of the Governors had died, whilst the other, John Wyatt by name, was living in Warwickshire, blind and paralysed. Great efforts were made to have the poor old man brought up to London, and tradition says he was dragged for a considerable part of the way in a post-chaise, but in spite of all he did not arrive in time, and notwithstanding the absence of both the Governors, the Court was held on July 7th—an illegal proceeding, by which the Company was declared to have infringed the Act of Incorporation, and, so to speak, snuffed itself out. In the following year an attempt was made by eleven members of the governing body to induce Parliament to grant an Act of Indemnity, and thus to restore the Corporation under the name of a College to more active conditions of life. The Bill, which was ingeniously drawn so as to give almost absolute power to the governing body, had very nearly been smuggled through Parliament before the members of the Corporation were aware of what was going on, but on learning the state of affairs they at once petitioned against the Bill. These eleven Assistants might have attained their ends, owing to their unedifying official record not being generally known, but as Johnson said of some plausible rogue, they were undone “as soon as their character came up with them.” Lord Thurlow championed the cause of the Members in the House of Lords, and the Bill, which had been on the point of being read a third time, was thrown out without a division.<sup>1</sup> So scandalous were the disclosures which had been made, and so strong had the opposition become, that the Court of Assistants never again summoned up courage to apply to Parliament.

The ingenious idea of obtaining by Charter new privileges which had been refused by the House of Lords occurred to one of the Assistants; and the amiable monarch, who could not have had any idea of the selfish designs of the Assistants, granted a Charter which practically deprived the Members of all vestige of their rights. It was thus that in March, 1800, after a good deal of intrigue, the governing body of the old Company of Surgeons obtained a new Charter, in the preamble of which it is said, “Whereas we are informed that the old Company hath been and now is dissolved,” &c., &c. It is contended that this recital is incorrect, and that the Charter of George III. had no power to override an Act of Parlia-

(1) *Parliamentary Register of the House of Lords.* London, 1797.

ment which has never been repealed. It is evident, moreover, that during the years 1796 to 1800 the old Company of Surgeons must have existed as a legal *nominiis umbra*, as they continued to admit persons under letters testimonial, and on December 13th, 1799—that is four months before the Charter of 1800—by a unanimous vote accepted the guardianship of Hunter's Museum. The new Company was intitled "The Royal College of Surgeons in London," and the surviving Assistants of the old Company were to form the nucleus of the new Corporation. To the Royal College were confirmed "all the liberties and privileges by any Act or Letters Patent granted or confirmed to or otherwise belonging to the previously existing body." It seems obvious, as the Members contend, that a Royal Charter could not take away any of the privileges which had been granted to Members by the Act of Parliament of 1745, and as that Act had not deprived the Commonalty of their rights, the ancient privileges of the Members still belong to them *de jure* even if they have lapsed *de facto*. Persons in a position to be well acquainted with all the circumstances of the case have not hesitated to say that this Charter of 1800 was obtained by "misrepresentation and fraud,"<sup>1</sup> and that the Crown was deliberately misled in the matter. It contained several of the provisions which had excited most opposition on the part of the Members, and which as a matter of fact had caused the rejection of the Bill by Parliament. The petition against this measure stated that the "ancient privileges of the Members as such would be annihilated, and their right of meeting in general court would be taken away." The Court of Assistants was to choose the Master, the Governors, and the Examiners, and to fill up vacancies as they arose in their own ranks. In short, the oligarchical form of government into which the old company had gradually degenerated was fully recognised and confirmed by this Charter, and beyond the fact that it is necessarily implied that the Assistants must be chosen from among the Members, no voice in the management of the corporate affairs is given to the Members. The only crumb of comfort which they could find in the document was that their "ancient privileges" are nowhere expressly annulled therein. They are simply passed over as of none account.

From those who had nothing, however, even the little that they seemed to have was before very long taken away. By a Charter granted in 1843, a "new class of members . . . to be called Fellows" was created, from among whom alone the members of the Council were in future to be chosen. The Fellows were to be a higher academical order, and were to win their spurs by passing a special examination a good deal more searching than the one required for the ordinary Membership. The Members thus lost the only real

(1) *Lancet*, vol. i., 1843, No. 44, p. 125.

“privilege” left them, to wit, their eligibility to the governing body.

By the Charter of 1843 the constitution of the College was practically fixed in its present form. The Commonalty consists of Fellows who must have attained the age of twenty-five years and passed certain special examinations, and Members who must have completed their twenty-first year and passed examinations of a lower, but still qualifying standard. The Fellows alone are eligible for appointment to the governing body or Council, which consists of twenty-four Fellows, inclusive of a President and two Vice-Presidents, who are elected by the Council from its own body. Three members of the Council retire annually and therefore the members of the Council, as a rule, hold office for the long period of eight years. The Fellows alone constitute the electoral body. Until last year, the Fellows could vote only in person, so that election to the governing body was practically in the hands of those residing in London. By a Charter obtained in 1888, however, voting by means of voting papers is allowed under certain restrictions. The Council can make bye-laws, which must, however, receive the approval of the Crown under the hand of one of the Secretaries of State or the sanction of Parliament; it appoints Examiners, holds the property of the College in trust, and has the absolute control of its funds. Fellows who vote, as a rule, belong, or are ambitious to belong, to the same class as those who monopolise the offices and honours of the college. The result is that the college is practically in the hands of metropolitan hospital surgeons, with a very slight infusion of provincial men belonging to the same class. The vast majority of the members of the College, on the other hand, are general practitioners whose professional interests and necessities are altogether different from those of hospital surgeons. The governing body is therefore out of sympathy and out of touch with the great bulk of the governed, an unsatisfactory state of things which materially lessens the usefulness of the College, and must, if allowed to continue, end in bringing the institution a second time to ruin and disgrace.

Having shown by historical references that the present College of Surgeons is the lineal descendant and heir of the old Barber Surgeons' Company, it would appear unnecessary to pursue this line any further, but the culminating argument is to be found in the fact that the present Council have administered the same trust funds as were originally bequeathed to the Barber Surgeons' Company and by the Act of 1745, specially granted to the Company of Surgeons. Thus the sum of £510, originally vested in the united companies of the Barbers and Surgeons, and given to them by Edward Arris for the institution of lectures on the muscles, together with an annuity of £16 bequeathed to the united companies by John Gale, for one

anatomy lecture, was accordingly "vested in and deemed the sole property, estate, and effects of the Company and Corporation of Surgeons established and incorporated by this Act." Now the Council of the present College of Surgeons appoints an Arris and Gale lecturer every year, and pays him with money derived from these trusts, the right to administer which comes to it only as being the legal representative of the old Company in which they were vested. But it holds these trusts under the Act of 1745, as they have never been transferred to it by any subsequent Act. Our point, therefore, is that having inherited the property of the old Company, the College must also have inherited its liabilities—in other words, the duty of allowing its Commonalty (to quote the Act of 1745) "to enjoy the same liberties, privileges, and franchises as by any former Acts and letters patent given and confirmed."

I have endeavoured to prove by historical evidence<sup>1</sup> and legal argument that the Members of the College of Surgeons have been most unfairly deprived of their ancient rights, but such pleadings, I fully admit, may have little weight with the general public. I willingly concede that, if the College, in spite of its vicious constitution, had discharged, and was still discharging its functions in a manner calculated to advance the profession and thus to benefit the public, there would be less substantial grounds for appealing to Parliament; and apart from constitutional history and points of law, I prefer to base the claim of the Members to be masters in their own house on the broad grounds of common justice and public expediency. I am quite willing to give up the laborious fishings for charters and statutes in what Carlyle would call "foul Lethean quagmires"—indeed, the argument based on the ancient guilds may seem to many like an attempt to vitalise the fossil remains of the ichthyosaurus.

I have already sufficiently dwelt on the absurdity of the existing arrangement under which the members who form the backbone of the medical profession in England have to leave the government of the College in the hands of a few surgical Brahmins, who treat them as though they belonged to a lower caste, and seem to dread their admission to the Council chamber as something unclean that would defile them. It is somewhat surprising, however, that the high priests of respectability show no unwillingness to meet these pariahs when invited by them to consultations! The unnatural relations between the Council and the Members could never have continued to exist if the Members had possessed an elective power, and, indeed, it

(1) Those who wish to pursue these investigations are referred to the excellent summary contained in Mr. Ernest Hart's speech delivered at the deputation of members to the Privy Council (*British Medical Journal*, Nov. 19, 1887). This statement was, I believe, based on an elaborate historico-legal enquiry carried out by the eminent counsel, Mr. B. F. C. Costelloe.



might have been thought likely that the whole body of Fellows, and not merely an enlightened few, would have interfered on behalf of their weaker brethren. Mr. Erichsen, formerly a distinguished President of the College, goes so far as to assert<sup>1</sup> that men of science are scarcely to be found in the ranks of the Members of the College, and he appeals to the Fellowship of the Royal Society as a test. He implies that Fellows of the College have frequently obtained this, the blue ribbon of science, but that Members have rarely gained the distinction. A writer in the *Lancet*,<sup>2</sup> whose identity was thinly disguised under the pseudonym of "Historicus," has, however, completely demolished this argument, showing that, whilst there were at that time only eight Fellows of the College (by examination) who were Fellows of the Royal Society, there were no fewer than thirty-one Members of the College, besides fourteen who were Fellows of the College only by election, and therefore must rank as Members so far as examination is concerned. It would, indeed, be easy to show that there are many men among the despised Members who are fully the equals of any of the governing body even in surgery, while in all branches of medical science outside that particular speciality they are immensely their superiors.

The object for which the Royal College of Surgeons was established is indicated in the Charter of 1800 in the following terms: "And whereas it is of great consequence to the commonweal of the kingdom that the art and science of Surgery should be duly promoted. And whereas it appears to us that the establishment of a College of Surgeons will be expedient for the due promotion and encouragement of the study and practice of the said art and science, now we, of our special grace," &c., &c. Now, how has the College fulfilled its mission? It has assuredly not promoted the study of surgery as it might have done by the teaching given within its walls, nor has it sufficiently encouraged students to resort either to its library or to its museum for purposes of self-instruction. There are, indeed, nominally professors of surgery and pathology and comparative anatomy and physiology, who each deliver *three* lectures in the course of the year, whilst other lectures on special subjects are given under certain trust funds. Excellent as these discourses are, however, they can scarcely be described as an adequate provision for "the due promotion and encouragement of the study and practice of the art and science of surgery." It is noteworthy how little of its own money the College spends on teaching: last year the amount expended under the head of "lectures" is given as £107 2s., while the expenditure of money derived from trust funds was £253. The prizes given by

(1) *The Member, the Fellow, and the Franchise*. London, H. K. Lewis, 1886.

(2) December 11th, 1886.

the College are also the proceeds of legacies; it does not offer any "encouragement" from its own pocket. It has never done anything to encourage physiological or pathological research—departments of science closely connected, one might have thought, with the promotion of surgery; and it has only lately set about aiding in the establishment of a pathological laboratory after nearly every medical school in the kingdom has organised one. Under the head of what are grandiloquently called "expenses for scientific purposes" last year the total expenditure was £3,126 11s. 10d., the bulk of this sum consisting of salaries and wages to officials and servants in the museum; of the "promotion" or "encouragement" of research of any kind I see no trace in these accounts! The Examiners, on the other hand, shared close upon £9,000 among them. The library of the College was actually founded against the wishes of those who obtained the Charter of 1800, one of the conditions insisted on by the opponents being that a library should be part of the new institution. It was more than a quarter of a century, however, before any real effort was made to carry this laudable project into execution, and then, as usual in the history of the College, only on pressure being applied from without. These facts suffice to show how the College of Surgeons, which is the richest medical corporation in the world, fulfils its function of promoting and encouraging the study and practice of surgery. The plain truth is that, instead of being in any sense a college or school of surgery, it is little more than a huge shop for the sale of surgical licences.

It is, however, in its capacity of Cerberus at the gate leading into the medical profession that the College is most interesting to the public. The nation has a right to expect that at least this humble necessary function shall be discharged with all possible efficiency. What are the facts of the case? The College has done nothing for the improvement of medical education; on the contrary, it has sometimes shown itself so obstructive to reform as almost to justify a suspicion that it did not wish its members to become well enough educated to throw off the yoke and insist on the restoration of their rights. By a system of cunningly devised bye-laws it succeeded in closing the private schools of anatomy which flourished in London in the early part of the century, and in preventing provincial teachers from preparing students.<sup>1</sup> The governing body thus obtained a practical monopoly of hospital appointments<sup>2</sup> and lectureships, greatly to the detriment of medical education.

The *Lancet* in its early days did much good work in reforming

(1) These restrictions have now been removed, but for a long time they acted both injuriously and unfairly.

(2) It will scarcely be believed that the degree of Master of Surgery of the University of London does not qualify for an appointment for the post of surgeon at the general hospitals of London.

some of the worst hospital abuses, and in fact it made its position by its successful efforts in this direction; but, though it made vigorous attempts to cleanse the Augean stables of Lincoln's Inn Fields, the *cloaca maxima* of the College proved too severe a task even for Mr. Wakley. Many serious defects still require to be remedied. It will hardly be believed that until the year 1868 the College granted diplomas to practise without requiring from candidates the slightest evidence of any knowledge of medicine; though it is notorious that medical cases make up the bulk of what is called general practice. It was only in deference to the remonstrances of the General Medical Council that Examiners in medicine were appointed, but the examinations were little better than a farce. Even then no means were taken to discover whether a candidate had any acquaintance with the obstetrical art, which forms so important a part of the medical practitioner's duties, and it was not till 1881 that, alarmed by a significant hint from the Royal Commission, they took steps to remedy the omission. But even in the province of surgery, on which the very existence of the College is based, its shortcomings are only too apparent. It will scarcely be believed that it does not even now require candidates for Membership to prove their capacity to perform operations. The Medical Council in 1881-2<sup>1</sup> commented most unfavourably on the manner in which candidates' knowledge of practical surgery was tested, but the examination does not seem to have been improved since then to any considerable extent. I am informed by recent examinees that the candidates now mark out lines on the living body with coloured chalk, &c., and afterwards make certain flourishes with wooden knives! This is hardly less absurd than it would be to test the marksmanship of riflemen with pea-shooters. It would appear that the Council is by no means anxious that the Members should become good operators, for at present nearly all operations in London, and many of those occurring in the country, fall into the hands of the Council of the College or their friends the hospital surgeons. It must not be forgotten, however, that there are many persons residing in the rural districts who cannot afford to summon surgeons from London, and hence general practitioners are not unfrequently compelled to use the knife. Again, the surgeons connected with the great slate quarries, coal mines, and many other industries are generally Members of the College, who, as was just shown, have not undergone any examination as to their skill in operative surgery. These gentlemen have to acquire dexterity at the expense of patients, instead of learning it on the dead subject, and I know of several cases in which lamentable accidents have occurred through this want of early training.

(1) The inspectors specially recommended in 1882 that "steps should be taken to test the candidates by actual operations on the dead body."

With regard to other existing abuses there is, first, the uncontrolled management of vast sums of money by the twenty-four gentlemen who form the governing body. How considerable these are may be gathered from the last balance-sheet published by the College. During the year from Midsummer Day, 1888, to the corresponding date in 1889, the total receipts amounted to £28,476 17s. 3d. Of this sum £20,587 14s. was received in examination fees, £7,057 8s. 9d. came from house property and investments, £558 6s. 11d. from fees paid by office-bearers at election and other miscellaneous sources, and £273 7s. 7d. from trust funds. The gravest doubts are entertained by many Members of the College as to the wisdom which has been shown by the authorities in the expenditure of their large income; and the considerable sums which have been lavished on the construction of new buildings are regarded by many as a piece of wasteful extravagance. Another abuse is that these gentlemen have the distribution of the College loaves and fishes entirely in their hands, and they naturally reserve a large proportion of them for their own consumption. As these Examinerships are now worth between £500 and £600<sup>1</sup> a year and Councillors receive a fee of a guinea every time they attend a meeting of the Council, it is obvious that the lines of a Councillor Examiner are cast in fairly pleasant places. One is not surprised to hear, therefore, that some of the fortunate Examiners are loth to relinquish the sweets of office, and get their term protracted in defiance of express regulations to the contrary. The Examiners are elected for five years, and frequently for a second term of the same duration; but a resolution was proposed at the Council on August 19th, 1866, and confirmed on October 11th of the same year, that no one who has been twice elected an Examiner should be elected a third time. Notwithstanding this, Sir William Savory remained on the Court of Examiners for fourteen years, during which period he received the sum of £5,361 12s. However excellent an Examiner Sir William Savory may have been, it seems undesirable that one individual should carry off so large a share of the emoluments of office. The plan of keeping the Examinerships "in the family" is an abuse of a very bad kind; it encourages jobbery and tends to lower the standard of examination by placing the examiners beyond the reach of censure or even supervision. It further prevents the formation of an independent Council, for those who are looking for Examinerships dare not express opinions contrary to those of the leaders on the Council. In all properly constituted corporations the members of the governing body are disqualified from being elected to lucrative offices in their own gift. The members of the Senate of the University of London cannot become

(1) The amount varies in different years, but owing to the increasing number of students there has been a steady rise in the yearly payments to Examiners in the last decennium.

candidates for Examinerships, and it "is a customary rule in corporations, and even in the vestries, that offices of emolument cannot be distributed by the members among each other."<sup>1</sup> The system of having paid Examiners who are themselves directors of the institution was years ago felt to be a very crying evil, even by some of the Councillors themselves, and in 1870 Mr. Quain moved a resolution "that not less than four members of the Court of Examiners should be Fellows who are not, and have not been members of Council." This was passed some time afterwards on the seconding of Sir William Fergusson, but in spite of this rule, in 1884, every member of the Court of Examiners was on the Council, and at the present moment there are no less than six Councillor Examiners. When it was pointed out to the Lord President<sup>2</sup> that the resolution of the Council had not been carried out, the excuse was that some resolutions were "operative," whilst some others were "inoperative," or, in other words, that the resolution of one Council could be treated as a dead letter by another Council. It is needless to observe that the self-denying ordinance of Mr. Quain and Sir W. Fergusson remained a dead letter, and that no attempt has been made to secure its becoming "operative" by getting it inserted in the recent Charter.

With respect to the distribution of offices and dignities, one of the abuses which is loudly complained of is the manner in which the President of the College is elected. In the earlier times a Warden or Master chosen by the suffrages of his brother freemen might feel a legitimate pride in receiving such a mark of honour, but the office is now kept strictly within the charmed circle of the twenty-four who till quite recently undertook the part in regular rotation. In consequence of this the office has become so degraded that it has lost all importance, and as often as not it is filled by a nobody of whom no one outside the profession has ever heard. The President may confer dignity on the office, as in the case of the present eminent incumbent, but this is scarcely as it should be, and if the election of the President were in the hands of the whole Corporation, it would add immensely to the dignity and the prestige of the office. If the President were thus elected it would at any rate be impossible for the temple of surgical science to have a high priest, as has lately been the case, whose eloquence littered the ground with dropped aspirates, "thick as autumnal leaves that strew the brooks in Vallombrosa."

To show the urgent need for reform it should be stated that although the nominal governing body comprises twenty-four members there is an "inner circle" which is the effective managing agency. This consists of the President with a "power behind the

(1) Letter from "Lincoln's Inn," *British Medical Journal*, October 29th, 1887.

(2) The remarks made by Mr. Tweedy at the first meeting of Fellows and Members will be found in *British Medical Journal*, March 29th, 1884.

throne," in the shape of an official who, if the nominal head of the College is not strong, is the wire-puller who works the whole machinery of government. This is the Secretary, who is not himself a medical practitioner. Nothing better shows the profound distrust with which the governing body regards the Commonalty than the fact that at one time there was a regulation rendering Members of the College ineligible for the office of secretary. Whether this regulation still exists or not, its spirit still survives. The governing body prefers a secretary free from any community of feeling with the members, and whose interests, politically speaking, are opposed to theirs. A friend of mine who is behind the scenes expresses the true "inwardness" of the present *régime* by the following equation—

$$\text{SECRETARY} + \text{President} = \text{College.}$$

According to another equally well-informed authority, the mode of procedure, say in choosing Examiners, is as follows:—Unless the President has a *protégé* of his own the Secretary generally selects some person known to be inoffensive, that is to say, one belonging to the class of men that are (figuratively speaking) fat and such as sleep o' nights, like those Cæsar wished to have about him. In these quiet but calculating breasts lies no inconvenient reforming zeal. The President and Secretary having agreed upon a candidate, the Vice-Presidents are next "nobbled," and these in turn subject other members of Council who can be trusted to the same process. The matter is thus settled without any fuss, and when the balloting takes place the unanimity of the vote is wonderful. It is impossible adequately to discuss the subject of the reform of the College of Surgeons within the limits of a magazine article, and I have been obliged to omit many points that have great weight with members of the medical profession because they are too technical to be made intelligible to general readers, without long and wearisome explanation. I think I have said enough, however, to show that the reforming party has a very strong case, and that in fighting for their own rights, they are fighting the battle of the public.

Nothing but a thorough reform of the whole constitution of the College will suffice. As things are at present, the retirement in rotation of members of the Council is so arranged that it takes eight years to change the *personnel* of that body. Evil communications corrupt good manners, and under such a system the most ardent reformer is almost sure to "become subdued to that he works in like the dyer's hand," after such prolonged exposure. Mr. Rivington suggested in 1870 that the cycle of complete regeneration should be reduced to four years, and when a representative government<sup>1</sup> has been

(1) The arguments in favour of the representation of the Members of the College on the Council, and replies to Mr. Erichsen's contentions, are set forth at length in Mr. Rivington's work on the *Medical Profession*, pp. 927, 938.

established it will certainly be necessary that the electors should have the power of directing the policy of the College by eliminating, if necessary, obstructive Councillors.

Having shown that earlier associations of surgeons were representative bodies in which every individual exercised his rights as an elector, having exposed the process by which those rights were lost, and having described the abuses which have arisen in consequence of the gradual decay of a once vigorous institution,<sup>1</sup> it remains to call attention to the present situation, and to point out the steps that are being taken to remedy the most pressing evils. Since 1885 a solemn farce has been enacted by calling an annual meeting of Fellows and Members, a ridiculous parody of the old "moot," when the freemen of the guild elected their officers. But whilst they affect to preserve the outward form of the great constitutional right of meeting, it need scarcely be said that they keep the substance for themselves. Like the lawyer in the fable, they devour the oyster and hand the shell to their dupes. The meetings are summoned by the President, but the Council make a point of taking no part in the proceedings. They sit apart like the gods of Lucretius, "holding no form of creed but contemplating all," and listen with courteous, if occasionally somewhat somnolent, placidity to the debating society exertations in which the Fellows and Members are permitted to indulge. There may be a good deal of sound and fury in these harangues, but to the Council they signify nothing. Indeed, the peaceful tendencies of the new President were shown by the introduction of tea and coffee at the last meeting, and under the soothing influence of these conditions the ceremony went off like a family tea-party. It must, however, be admitted that the governing body has to some extent mended its manners towards the inferior beings under its sway. The serene Olympian indifference with which the Council lets the heathen rage and the people imagine vain things around their feet, is a distinct improvement on the open contempt with which it formerly treated its despised subjects.

It is a fact, incredible as it may sound to the ears of this leveling generation, that in the early years of the present century Members were only admitted into the College buildings—their own house, be it remembered—by the back door in Portugal Street, then a "filthy street," crowded with butchers' and costermongers' carts.<sup>2</sup> In 1824, when a large audience was waiting in the College theatre to hear the Hunterian Oration, Sir William Blizard suddenly ordered the Members present to take off their hats. The command, which was given in the tone of an angry schoolmaster, was received with laughter, and the pompous official had to comfort his outraged

(1) See Green's *Short History of the English People*, Sec. iv.

(2) *Memorials of J. F. South*, p. 71.

dignity as best he could with the assurance that the audacious rebels were Quakers.<sup>1</sup> In 1831 an effort was made by the late Mr. Wakley, the proprietor and first editor of *The Lancet*, to recover the right of holding a meeting in the lecture-room of the College of Surgeons. The doors were advertised by the authorities to open at three o'clock, the lecturer not commencing till four. The object of the meeting was very harmless and indeed praiseworthy; it was to get up a memorial to the Admiralty, to induce that body to rescind a recent regulation under which naval surgeons were not allowed to attend the levées of his Majesty. It would seem likely that such a meeting would have been acquiesced in by the authorities, but instead of this, the distinguished reformer who headed the movement was, under the authority of the President, seized by several "Bow-street runners," and expelled with an amount of brutality which even in those days excited astonishment. Indeed, had not Mr. Wakley been a man of great power and some agility, there is no doubt that he would have been murdered on that occasion, for one of the "runners" aimed a blow at his head with a heavy metal staff whilst he was lying prostrate on the ground.<sup>2</sup> The attempt of Mr. Wakley to revive the ancient rights of the Members to assemble in their own house was, to use the words of Sir Leicester Dedlock, looked upon by the Council as the "opening of floodgates, and the uprooting of distinctions"; and an elaborate bye-law was at once passed (Sect. xvii.—Meetings of Fellows and Members), by which it was ordained that any Fellow or Member attempting to take part in "any debate or discussion whatsoever . . . at any meeting convened by the President or Council for the delivery of lectures or orations either before or after the same shall have commenced or terminated . . . shall forfeit all his rights and privileges as a Fellow or a Member." It will scarcely be believed that this infamous bye-law was acted on in the year 1889, and that several highly respectable members of the profession were threatened with expulsion from the College for endeavouring to assert their rights.

The origin of the present agitation for reform in the constitution of the College of Surgeons is, in my opinion, directly traceable to the immense "betterment" in the intellectual and social condition of medical practitioners, which has been brought about in recent years by the higher standard of general education which has been enforced in recent years. Enlightenment has naturally been fol-

(1) One of the gentlemen, a Mr. William Pollard, as a matter of fact, actually belonged to the Society of Friends. The story is told in a different way in the charming *Memorials of J. F. South* (p. 77), but I have given it as I heard it from the late Dr. Billing, who died a few years ago at a very advanced age.

(2) *Lancet*, 1830—31, p. 796. The authorities at the College of Surgeons had obtained the "runners" from Bow Street, owing to the magistrate being under the impression that a large meeting would take place at the College, and that a number of pickpockets were expected to be present!



lowed by awakening, and the medical "masses" have now become keenly alive to the injustice and absurdity of a system of class government which was formerly more or less blindly accepted as in harmony with the eternal fitness of things. Errors and shortcomings and other signs of human infirmity in the powers that be are more clearly seen; abuses are more speedily detected and less meekly tolerated. In short, the Members of the College of Surgeons have had it borne in upon them, that, to use the words of one who was himself for several years a member of the governing body, "it is an anomaly that a great institution like this, consisting of, at the very least, 13,000 perfectly educated and well-qualified men, should be entirely at the mercy of twenty-four of their number."<sup>1</sup>

The right of the Fellows and Members to meet in the College for the purpose of discussing collegiate interests was first definitely recognised on March 24, 1870, when a general meeting of the College was called to consider the position of the institution as regards proposed medical legislation. The meeting was convened by the President and Council, in accordance with a requisition signed for the most part by provincial Fellows and Members. The reception of these gentlemen by the President was "childlike and bland"; he smilingly informed them that the Council "gladly and unanimously acceded to their wishes that they should meet in the College." But it subsequently transpired that the pleasant old gentleman who at that time acted as President had an ace up his sleeve, for the day before the meeting he had caused the College beadle to be sworn in as a special constable "to prevent felonies and disorders."<sup>2</sup> Notwithstanding the unanimity and gladness shown by the Council at meeting the Members in 1870, they made no further efforts to dwell together in brotherly unity till 1884. The immediate cause which led to another conference was a proposal emanating from the Council that application should be made to the Crown for a new charter embodying certain alterations in the by-laws. The most important of these were that the amount of the yearly value of property in land or rents permitted to be held by the College should be raised, and that, in accordance with the repeated demands of the medical press, and of a memorial signed by four hundred Fellows, the mode of election to the Council should be by voting papers as well as in person. Many Members of the Council would have obtained these alterations with the knowledge of the Fellows and Members of the College, but on the motion of Mr.

(1) Mr. Timothy Holmes in his speech as one of the members of a deputation from the Association of Fellows of the Royal College of Surgeons to the Lord President of the Council, November 11th, 1887.—*Brit. Med. Journ.*, Nov. 12, 1887.

(2) See a letter from Colonel Henderson, then Chief Commissioner of Police, to Mr. Christopher Heath, *Lancet*, vol. i. 1870, p. 638.

Erichsen, a Member of the Council, it was decided to submit the suggested alterations in the charters to a general meeting of the Fellows and Members. This meeting was held on March 24, 1884, and at it Mr. Paul Swain, a very distinguished Fellow practising at Plymouth, moved four resolutions of an extremely moderate character, but all tending in the direction of reform. Three of these were negatived by the Council, only one being accepted, and that one in such a form that it was practically useless. In fact the Council, like Marshal MacMahon, seemed to say, *J'y suis, j'y reste*. This attitude of uncompromising resistance to demands in themselves moderate and equitable, and made in no turbulent or aggressive spirit, led to the formation of two associations, one of Fellows and the other of Members, with the object of effecting a reform of the constitution of the College. The associations have ever since actively pursued the end in view, and they have already done something towards its accomplishment.

The great difficulty in the way of effecting reform of the College has hitherto lain in the supineness and indifference of the great bulk of its Commonalty. Their attitude has been like that of the political Gallios known in America as Mugwumps; they have been willing to let who would attend to the business of the Corporation, so long as they were relieved of all trouble. In his *Physiology of the Medical Student* Albert Smith describes that interesting personage as not caring after he had "passed" if the hospital which he had "walked" was burned down the next day. I do not think I am wrong in saying that there is a like absence of sickly sentiment with regard to the College in the breasts of many of its members. Nevertheless, in spite of the great *vis inertiae* to be overcome, the associations of Fellows and Members have aroused the feelings of the medical profession at large, and this in its turn will, it is hoped, exercise a powerful influence in Parliament. The action of the Members' Association is especially likely to attract the attention of the public, who cannot have forgotten the scandalous way in which some members of this society were treated by the Council of the College on February 28th of last year. After exhausting every effort at conciliation, and after having invited the President to call a general meeting without effect, the Association of Members, acting on legal advice, and having given due notice to the Council, convened a meeting to be held at the College. I have described the similar demonstration which took place sixty years previously, on which occasion the Members gained an entrance to the College, and I have set forth the ruffianly way in which their leader was subsequently expelled. In the more recent affair the President showed greater strategical skill. The precincts of the College were treated like a proclaimed district in Ireland, and a powerful body of police was drawn up in the courtyard. The practitioners, however, did

not attempt to blow up the gates with dynamite, or carry the palings by assault. On the contrary, they retired with dignity to the Venetian Chamber of the Holborn Restaurant, as their ancestors had marched under similar circumstances to the Crown and Anchor in the Strand more than half a century previously. It need scarcely be said that on both occasions the Members recorded their grave dissatisfaction with the attempts of the President and Council to deprive them of their rights. But the matter did not end here. Last February the Council gave notice to the secretaries of the Members' Association, the supposed ringleaders of the meeting, that, in accordance with bye-law Section 17, they would be deprived of their Membership and would thus lose their right of practice—a sentence which would practically deprive them of the means of earning their livelihood.

With regard to the legal aspect of the Members' claim to hold meetings in the building paid for with their own money, and to have something to say as to the making of the laws by which they are governed, there is in my opinion great force in an argument urged by Mr. John Tweedy<sup>1</sup> at the deputation of the Association of Fellows to the Lord President of the Council. Mr. Tweedy pointed out that in the Charter the Fellows and Members are called "the body corporate and politic." In the declaration which every Member has to sign on his admission to Membership, he binds himself whilst a Member of the College to observe the bye-laws thereof. But, as has been said, these bye-laws may be altered, rescinded, or added to without the knowledge or consent of the "body corporate and politic," and even against their express wishes; so that, as Mr. Tweedy well says, of two parties to a solemn contract, one is at liberty to alter the terms at pleasure, while the other is bound by it without having any power of approving or disapproving. Such an arrangement can only be described as absolutely contrary to every principle of equity. It is almost as if in subscribing to the Thirty-nine Articles, one bound oneself to accept all others that theological imagination might at any time devise.

What is it, it may be asked, that the reforming party wants? Its aims are clearly expressed in the draft of the Bill which will soon be introduced into the House of Lords by Lord Dunraven. The principal features are: That the Council of the College shall be elected by voting papers by the Fellows and such Members of the College as are of ten years' standing.<sup>2</sup> That the Fellows and

(1) Deputation of the Association of Fellows to the Privy Council, 1887. Published in supplement to the *British Medical Journal*, November 12th, 1887.

(2) In the most recent draft of the proposed Bill the Members are not necessarily compelled to wait ten years before they can acquire the right to vote, but the Council is to have the power to effect this end by providing a bye-law. This appears to be a distinction without a difference, as the Council is not likely to shorten the period of probation.

Members shall be entitled to meet at reasonable times within the College, and that resolutions passed by a majority of two-thirds of a meeting consisting of at least 300 Members concerning the bye-laws or the expenditure of the College shall be binding on the Council. That the iniquitous penal bye-law (Section xvii.), which has hitherto prevented Members meeting, shall be rescinded. That six Members of the College of twenty years' standing may sit on the Council after being duly elected. Finally, that the manner of election of Examiners shall be amended, and the term of office of the members of the Council shortened. There is much in this Bill which is good; but a more liberal scheme is really required. The fact that only three members of the Council retire annually makes it impossible for any constituency to seriously change the character of the Council, except after a lapse of several years.

In obtaining a new Constitution it is of the greatest importance that the Examiners should be prohibited from sitting on the Council, and, indeed, no member of the Council should be allowed to become an Examiner until he has ceased to act on the Council for a period of at least five years. Again, considering that the share of the income of the College provided by the Members is nine times as great as that contributed by the Fellows,<sup>1</sup> it appears to me that the Members are making a mistake in asking that only six of their body may sit on the Council, whilst the remaining eighteen seats will be occupied by Fellows. Perhaps what strikes one most in the proposed Bill is the extreme modesty of the Members in estimating their own capacity to vote for Councillors, and the long term of self-imposed probation they consider they must undergo before any of their persecuted race could sit by the side of the august autocrats of the Council table. The Member, under the proposed plan, must wait ten years before he is worthy to become an elector, and he must prove by another ten years of toil and long-enduring patience that he is fit to enter into the glorious company of the elect. Although the workman and small tradesman, the clerk and the artisan, are considered qualified to vote on the most momentous public questions of the day without any term of probation, a Member of the College of Surgeons, according to the proposed new Act, would require ten years to educate himself as regards the intricacies of his corporation before he would be able to give a vote to the person he would like to represent him on the governing body of the College! This is all the more remarkable, when his very education as a medical man would give him the kind of information which it is desirable an elector should possess. The affairs of great corporations, such as banks, railways, gas companies, and insurance offices are certainly more intricate than those of the College of Sur-

(1) Last year, according to the balance-sheet set out in the Calendar of the College Members contributed £18,347 14s. as against £1,914 10s. paid by its Fellows.

geons; but I am not aware that any company exists in which a shareholder is obliged to wait several years after purchasing stock before he can become sufficiently educated to take part in electing directors. It is to be hoped, therefore, when the modest Bill which the Association of Members of the College of Surgeons have requested Lord Dunraven to introduce into the House of Lords comes up for discussion that its provisions will be greatly enlarged, so that the Commonalty may be properly represented, as they were in the old days of the guilds.

Even in the suggestion which I have made there is nothing of a revolutionary nature, nothing smacking of Nihilism or anarchism or tending in the remotest degree to upset that glorious ark of our political covenant, the British constitution.<sup>1</sup> The purpose in view is simply to restore the Members to the position from which they have been unjustly deposed, and to place the College on a more representative basis. As now constituted the governing body represents nothing but itself; that is to say, it is elected by a mere fraction even of the small minority who possess the franchise.<sup>2</sup>

It is easy to forecast the issue of the struggle which is now perhaps only beginning. However long it may last, whatever checks or reverses we may have to encounter, the weakest must in the end go to the wall. We are many thousand to a mere handful, and the flowing tide is with us. The oligarchical system has been tried and found wanting, and it must now give place to something better. Reform is in the air, and if the Council of the College of Surgeons is wise in its generation it will yield with the best grace it can to the inevitable.

MORELL MACKENZIE.

(1) When the Bill, by which the governing body of the old Company of Surgeons sought to have itself reconstituted as a College, was before the House of Lords in 1797, its principal supporter was the Bishop of Rochester, who said "he thought that he perceived an equalising spirit at the bottom of the opposition to this Bill. He thought Democracy a monster that ought to be unkenneled from its lurking-places and hunted down wherever it could be found. It was a monster which in these times ought to be extinguished in the birth." The Right Reverend Father in God had probably not recovered from the shock of the French Revolution; indeed, the disturbance of his mind is seen in the nice derangement of his epitaphs. Yet even this defender of the divine right of governing bodies was obliged to confess himself "unfriendly to the idea of investing twenty-one members with an absolute dominion over the property of the whole corporation."

(2) In 1887, the Councillor returned at the head of the poll received only 205 votes, and the gentleman whose name stood lowest on the list of those elected had only 101. The Council, therefore, altogether did not represent more than a fifth part of its very limited constituency, and a man was raised to a position which gave him power to manage the affairs of about 17,000 educated men by the votes of 100 among them!

\* \* \* *The Editor of this Review does not undertake to return any Manuscripts.*