

**First and second reports from the Select Committee on Medical Registration and Medical Law Amendment : together with the minutes of evidence and appendix.**

**Contributors**

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FIRST AND SECOND

**R E P O R T S**

FROM THE

SELECT COMMITTEE

ON

**MEDICAL REGISTRATION**

AND

**MEDICAL LAW AMENDMENT;**

TOGETHER WITH THE

**MINUTES OF EVIDENCE,**

AND

**APPENDIX.**



*Ordered, by The House of Commons, to be Printed,  
28 & 31 March 1848.*

*Gr. Mit  
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*Martis, 30<sup>o</sup> die Novembris 1847.*

*Ordered,* That a Select Committee be appointed to inquire into the Registration of legally qualified Practitioners in Medicine and Surgery, and into the Laws and Charters relating to the Practice of Medicine and Surgery in Great Britain and Ireland; and to report the Evidence, with their Opinion thereupon, to the House.

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*Lunæ, 14<sup>o</sup> die Februarii 1848.*

Committee nominated :—

Mr. Wakley.  
Sir James Graham.  
Mr. Rutherford.  
Mr. George Hamilton.  
Lord Robert Grosvenor.  
Sir Henry Halford.  
Colonel Mure.  
Sir Robert Harry Inglis.

Mr. M'Gregor.  
Mr. Walter.  
Mr. French.  
Sir Thomas Birch.  
Mr. Osborne.  
Mr. William Lascelles.  
Mr. Grogan.

*Ordered,* That the said Committee have Power to send for Persons, Papers and Records.

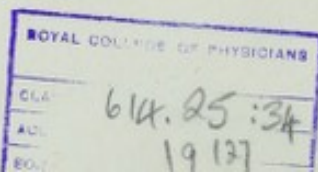
*Ordered,* That Five be the Quorum of the said Committee.

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## FIRST REPORT.

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THE SELECT COMMITTEE appointed to inquire into the REGISTRATION of legally qualified PRACTITIONERS in MEDICINE and SURGERY, and into the LAWS and CHARTERS relating to the Practice of MEDICINE and SURGERY in *Great Britain* and *Ireland*; and who were empowered to report to the House from time to time;

HAVE made Progress in the Inquiry to them referred, and have examined several Witnesses; and have agreed to report their Evidence to the House.

28 *March* 1848.

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## SECOND REPORT.

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THE SELECT COMMITTEE appointed to inquire into the REGISTRATION of legally qualified PRACTITIONERS in MEDICINE and SURGERY, and into the LAWS and CHARTERS relating to the Practice of MEDICINE and SURGERY in *Great Britain* and *Ireland*; and to report the Evidence, with their Opinion thereupon, to the House; and who were also empowered to report from time to time;

HAVE made further Progress in the Inquiry to them referred, and have taken further Evidence thereupon, which they have agreed to report to the House.

31 *March* 1848.

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 LIST OF WITNESSES.
 

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*Martis, 29<sup>o</sup> die Februarii, 1848.*

George James Guthrie, Esq., F.R.S. - - - - - p. 1

*Veneris, 3<sup>o</sup> die Martii.*

George James Guthrie, Esq., F.R.S. - - - - - p. 29

John Ridout, Esq. - - - - - p. 39

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*Veneris, 24<sup>o</sup> die Martii.*

James Bird, Esq. - - - - - p. 89

*Martis, 28<sup>o</sup> die Martii.*

James Bird, Esq. - - - - - p. 104

*Veneris, 31<sup>o</sup> die Martii.*

Francis Hawkins, Esq., M.D. - - - - - p. 119

Benjamin Travers, Esq., F.R.S. - - - - - p. 127

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# MINUTES OF EVIDENCE.

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*Martis, 29<sup>o</sup> die Februarii, 1848.*

MEMBERS PRESENT :

Sir Robert H. Inglis.  
Mr. Grogan.  
Mr. Lascelles.  
Mr. Wakley.

Sir Thomas Birch.  
Colonel Mure.  
Sir H. Halford.

THE LORD ADVOCATE, IN THE CHAIR.

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*George James Guthrie, Esq., F.R.S.; Examined.*

1. *Chairman.*] YOU are a member of the College of Surgeons?—I am.
2. How long have you been a member of the College?—Since 1801.
3. Are you now a fellow, and of the Council?—I have been a Councillor since 1824; I have been Examiner since 1828; I have been twice President; I am the third member by seniority of standing in the Council, and the tenth in point of age.

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4. *Mr. Wakley.*] You have seen the evidence which was given before the Committee on Medical Registration last Session?—I saw it then; I have not seen it since.

5. Did you make an application to be examined before the Committee towards the close of last Session?—Yes, and I petitioned the House afterwards upon the subject, which petition I now have in my hand; praying that I might be heard upon certain points to which I particularly objected in the charter granted to the College of Surgeons, which inquiry I thought necessary for the due administration of justice previously to any general legislation taking place. I have a letter here, saying that the Committee will be pleased to hear such evidence as I may wish to offer on the subject of the inquiry. There are only two or three points upon which I wish to make any observations; but I will beg leave to add, that although there have been great differences of opinion in the Council of the College of Surgeons on several points, all believe they have acted solely with a view to the best interests of the public, and for no private purposes; under these circumstances, all parties are willing that the facts and points of difference should be understood by this Committee and the Legislature.

6. *Chairman.*] Will you state, in the first instance, any observations which you desire to offer upon the evidence that was given relative to the College of Surgeons in last Session?—I will state what I wish to say, but I cannot promise to answer on all the points, because I have not lately read the papers. The College of Surgeons did not apply for any charter whatever; the year before the present charter was granted, I saw Lord Normanby, and afterwards Mr. Fox Maule, upon the subject of a charter, with Mr. Vincent, the President, in consequence of various allegations which had been made previously by different gentlemen, all of which were very incorrect, whatever places they happened to be made in, and the Secretary and Under Secretary of State pointed out and were desirous of a certain change which they thought the Council of the College would not be likely to accede to. The change had reference to what was called, perhaps improperly, self-election. It is a very important fact for the Committee to know, that so far from the Council having any desire to retain what is called self-election, though, I believed then, and I believe now, that it is by far the best way of electing the Council, they felt it so painful to their feelings, and so disagreeable in many ways, that they were desirous of giving it up. Mr. Vincent, who was then President, and myself, the senior Vice President, stated, both to Lord Normanby and to Mr. Fox Maule, that we were perfectly ready to make 500 electors, if they wished, and even to make 1,000 if Government desired it;

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at the same time we thought it advisable to say, that the Council strongly objected to anything like universal suffrage, and that, probably, the Government would have great difficulty in making 1,000 electors, without giving rise to the confusion which has since taken place in consequence of what has been done. On succeeding to the Presidency, I thought it desirable to put our house in order before we applied to Government, according to the desire of Lord Normanby and Mr. Fox Maule for a charter, and, during the summer of 1841, every effort was made that could be made to place the College in such a situation as might enable us to do it safely. We opened our museum four days a week, and made it a public institution, so that it is open to everybody, to artisans of all kinds, to soldiers in uniform, and to every body whatever. The library was opened nearly in a similar way; there was nothing that was not done that could gratify or satisfy the profession; so much so, that when some of those gentlemen who usually take a particularly strong line in politics asked me, or rather I asked them, what further would they wish the College to do, they said, there was nothing they could desire us to do that we had not done, or that I had not informed them we proposed to do for their advantage. Under those circumstances, on the 28th of January 1842, Sir James Graham, the then Secretary of State, transmitted to the College 15 propositions, which he was desirous the College should accede to, with a view to a new charter, and to the Bill he was going to bring into Parliament. On receiving them, I suggested to the Council the propriety of acceding to the wishes of the Secretary of State on all points as far as was in our power, and I wrote a letter to him, dated 1st February, as soon as the Council could meet, expressing our desire to meet his wishes, not accepting every thing he proposed as a settled or definitive arrangement, but accepting generally. The Secretary of State, Sir James Graham, was subsequently pleased to direct that a charter should be made out by our law officers and the law officer of the Home Office. According to the regulations of the College, it was necessary to submit it to our standing counsel, who at that time were the present Lord Chief Baron and the present Lord Chief Justice of the Common Pleas; and they in a committee-room of the House of Commons objected to certain parts, and re-wrote the charter for the College of Surgeons; this was transmitted to Sir James Graham, and the Council were in hopes that he would have been pleased to accept it; not that I approved of it exactly, but I acquiesced from an earnest desire to throw no obstacles in the way of any arrangement which Government might be pleased to make. After a time, Sir James Graham signified that he was not satisfied, and desired that certain alterations should be made in this charter; these alterations were not agreeable to the Council; they did not think they were consistent with the advantage of the profession, nor of the public, and the Council as a body, with the exception of two or three persons, objected to make the alterations. The Secretary of State was imperative, and insisted they should do so; under these circumstances, I advised and moved the Council to submit themselves to the Secretary of State's orders, to say at once fairly, that we could not agree with him in opinion; that we did not think what he directed to be done was for the benefit of the public, but that we gave the matter up to him, desiring that he would do as he pleased. There were two letters written upon that occasion, and laid before the Council; the Council selected the one which they considered to be the most conciliatory. The other, I believe, was quite as reasonable, but contained more liberal views, as to what ought to be done. The letter which was sent to Sir James Graham, and the other, are upon the Minutes of Council of the 19th of April 1843. Having gone thus far, I felt I could take no further part myself in any proceedings relating to the charter, nor the bye-laws formed upon it, and though placed upon a committee of three for the purpose of making these bye-laws, I declined to act; matters went on; the Secretary of State insisted upon further concessions on the part of the Council, which of course were made under his instructions; when it became necessary to accept the charter, we accepted it of course; when it became necessary to pray for it, which we have been sadly accused of having done, contrary to the interests of the profession; for I need not now say to this Committee, that 48 out of every 50 men in the profession have greatly objected to the charter; we were obliged to pray for it on the same principle, the lawyers informing the Council, that if they did not consent to pray for it, which was merely a form, it would be considered to be flying in the face of Sir James Graham, and that consequently it would

would be the same thing as refusing to obey his orders. Under these circumstances, the Council thought it right to pray for it, being quite satisfied to place the business in the hands of the Secretary of State and let him do as he pleased, hoping that it would operate in the end for the benefit of the profession. I was one of those who, opposing the whole matter, did not think it necessary to take any steps upon the subject till afterwards, when we came to the consideration not only of the bye-laws, but of the manner of carrying those bye-laws out. Some of the bye-laws are as exceptionable in my mind, and I believe in that of the profession, as the charter itself, and one of them particularly is remarkably illiberal; it is one which, I am sure, if Sir James Graham reads himself, and considers it in the way in which it actually stands, he will be the first to acknowledge that it should never have appeared among the bye-laws of any public body in the present day. There were others of the same description which it was quite clear must, together with the charter, give rise to great animosity on the part of the profession, and which have led, in fact, not only to that, but to all the evils which have since taken place, and to all the trouble which has occurred in Parliament on the subject. I am not desirous of entering any further into the consideration of this question than simply to say, that I have nothing to do with, and do not intend to fight the battle of the community at large, who are quite able to contend for themselves; but with respect to the officers in the public service, there are one or two points which I conceive it important for the Committee to know, as they have felt themselves considerably aggrieved by the manner in which they are treated. The question with regard to officers of the public service, which alone I undertake to bring before the Committee, is one which requires, I am afraid, a little explanation.

7. What do you mean by "officers of the public service"?—Officers of the army and navy and of the East India Company's service, all of whom have placed the protection of their interests in my hands as having been their practical chief and teacher in surgery for many years, and the friend whom they look to, to do any thing that may be necessary for them in the College of Surgeons, or any where else, in fact, where any thing of the kind is necessary to be done.

8. They consider themselves aggrieved, by what?—They consider themselves aggrieved by the present charter of the College of Surgeons, which deprives them of rights which they formerly enjoyed, and inflicts certain disadvantages upon them very painful and oppressive to their feelings.

9. State the matter of their complaint?—The claims and the complaint those gentlemen have, and the respects in which they desire that the charter should be altered, so as to restore them to the situation in which they were before, are:—In the year 1745 the Surgeons were united with the Barbers, but desirous of separating from them, and having no friends to whom to commit their request, they applied to Mr. Ranby, who had been Surgeon-general of the army at Dettingen, in the time of George the Second, and was his Serjeant-surgeon; and Mr. Ranby agreed to obtain an Act of Parliament, provided he got a sufficient return. In those days very few men were members of the Corporation, and he himself was not one; the condition he made was, that he should be made a member, that he should be put on the Council, and made their Governor or Master on the day on which they obtained the Act; the bargain was assented to, and he became the first Master of the new corporation of Surgeons. In doing this he provided also, that for the future the two Serjeant-surgeons should be also upon the Court of Examiners, and succeed to the Mastership on the first vacancy; in those days, when the King himself went to the field, the Serjeant-surgeons were usually military men.

10. When was that Act obtained?—In June 1745.

11. Is that the first Act or charter of the present College?—It is the first Act of incorporation of the Surgeons separately, and has not been repealed, although apparently forgotten; at that period surgeons were only surgeons; they were rarely apothecaries; and the officers of the army and navy (for this is their claim and their positive right as officers of the public service) contend, that as surgeons they were entitled to succeed, as every other member of the commonalty was not practising pharmacy or midwifery to the office of Councillor or President. Under the Act of 1745, and by the bye-laws made 7 April 1748, it is ordained, section 8, "That no person practising as an apothecary or following any other trade or occupation besides the profession or business of a

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surgeon, shall be capable of being chosen into the Court of Assistants (Council), or, if he should be one of the Court of Assistants, be eligible to the office of Master or Examiner ;” and further, “ that no member of the company shall at any time transfer or betake himself to, or procure himself to be admitted or entered a freeman or member in, any other corporation or company of this city, without having first obtained an order in writing testifying the consent and allowance of the Court of Assistants, upon pain of forfeiting the sum of 20*l.* of lawful money of Great Britain.” Leave was, however, always granted, upon paying one guinea into a box for the poor. The last surgeon so applying was Mr. Mogg, on the 2d January 1795, although two others applied on the 4th April 1801, but were told that, under the charter granted in 1800, the Council did not interfere in such matters, although the bye-law of 1748 was still in force against their admission into the Council. His Majesty George the Third, having appointed Mr. David Dundas, of Richmond, a surgeon and apothecary, his serjeant-surgeon, Mr. Dundas applied, on the first vacancy taking place in the Court or Council, to know why he had not been elected, and was informed, on the 5th April 1792, that he was ineligible (being an apothecary). By the same section 8 of the Bye-laws of 1748, a surgeon practising midwifery was also excluded ; but the question was formally raised on the 3d July 1788, and it was decided by the Court or Council, that surgeons practising midwifery were ineligible. On the 12th April 1758, the Court or Council decided, “ that no person except a serjeant-surgeon shall in future be admitted a member of the Court or Council, until he has either served or fined 21*l.* for the office of master, warden or steward of anatomy (lecturer), or one of the three. On the 1st July 1762, the Court appointed Mr. Lewis Davis, surgeon of the 1st regiment of foot guards, warden of anatomy. On the 5th August 1762, Mr. Davis prayed to be excused, being liable to be ordered abroad with his regiment, when the excuse was accepted, provided his regiment was sent abroad, whereupon Mr. Davis fined 20*l.*, and was entirely excused. On the 5th January 1769, said Lewis Davis was elected on the Court of Assistants in Council, but declined the office. It is thus shown, that there was an admitted difference between a surgeon apothecary and a surgeon in the army, which difference has been abolished under the late charter, and by the bye-laws made under it ; they being reduced thereby to the grade of a surgeon apothecary or general practitioner ; whilst these surgeons of the army claimed and established a right to be submitted for election as a councillor when belonging to the corporation. They established their right to practise independent of the authority of the corporation, when they did not belong to it, but had served three years in the army or navy. This right was frequently contested by the corporation, but this body was compelled to yield, and to abandon a prosecution, on the 4th of April 1782, they had instituted against Mr. Walter Farquhar, a surgeon in the navy, who defied their authority, and would not fine according to their directions. Annoyed by this opposition, the corporation applied in 1797 for an Act of Parliament which should give them greater power ; the Bill for obtaining which, after passing the Commons, was lost in the Lords. The corporation then applied for a charter, and his Majesty George the Third, in granting it in 1800, directed, that Mr. D. Dundas, his serjeant-surgeon, should be placed on the Council, and that in future the surgeon-general of the army should have a place therein as officer. On the 22d June 1797, a number of members of the corporation met, and for the first time desired, that the disqualifying laws against midwifery and pharmacy should be abrogated ; and before the charter of 1800 was applied for, it was left open at the office of the corporation for the signatures of the approving members of the body during six days. After which the dissenting members were heard by counsel before the Attorney and Solicitor-general, and their claim disallowed. The charter of 1843 deprived the surgeon-general of the army and the serjeant-surgeons of their ex-officio privilege to be elected on the Council on the first vacancy. At the last meeting of the Council for an election previously to the new charter taking place, two officers of the army were brought forward by Mr. Keate and myself, and placed upon the list for election. I must explain to the Committee that the manner of election to the Council in those days was, that when a death or any other vacancy took place, the Council met for the purpose of selecting six people by name who were competent to be placed upon it.

12. You are now speaking of the Act of 1745?—Yes ; and of the first charter, of 1800 the last but one.

13. The mode of election which you are now speaking of was prescribed by the charter of 1745, was it?—Yes. G. J. Guthrie, Esq.  
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14. Was that mode of election altered till the last charter was obtained?—No; I am about to speak of the last time the Council met to elect a person previously to the new charter. 29 February 1848.

15. Do you mean the charter of 1843?—Just previously to the grant of the charter of September 1843.

16. You have told the Committee that the mode of election continued the same from the date of the Act of 1745 to the charter of 1842?—Yes.

17. The case you are now speaking of to the Committee was a case that occurred just before the charter of 1842 came into operation?—Yes, about the last meeting of the Council previously to that occasion, two officers of the public service were placed upon the list of six; and another meeting of the Council was called, that we might have the names before us, when again the whole chorological list was called over; and any Councillor could propose anybody that he liked, even at the second meeting, and the gentleman was balloted for, after every observation had been made, presumed to be necessary to show his merits or demerits. On that occasion Mr. Keate and myself withdrew the two gentlemen whom we had proposed, simply because they had passed 70 years of age; they were therefore past the period at which one would wish them to become Councillors; we only put them forward to maintain the right; there has never been an officer of the navy upon the Council, and there have not been many of the officers of the army. Mr. Ranby was the first President, as we may call him, really belonging to the officers of the public service who had actually served before the enemy in a prominent office; I am the second, and there never will be another from the public service of the country, if the present regulations are allowed to remain.

18. Are the Committee to understand from your statement that you hold that every medical officer of the army and navy ought to have a right to be elected into the Council of the College, simply in respect of his commission as a medical officer of the army?—Yes, and his diploma in the College, not practising as an apothecary, and living within five miles of the post office.

19. His diploma from the College, and his commission in the army?—His diploma from the College gave him the right, which his commission as an officer did not invalidate; I myself came under that regulation.

20. Mr. Lascelles.] Is it by the provisions of the charter that they are now excluded, or by a bye-law under that charter?—I am about to inform the Committee, when the charter was to be given, Sir James Graham was pleased to declare that 300 fellows only should be elected or chosen; the whole body having an equal right with these 300; the only bar being that which I have mentioned, that those who practised as apothecaries had lost their right to take a seat upon the Council; but all officers of the public service, not having this bar against them, were entitled to be included in the list of fellows. Previously to the President and myself seeing Lord Normanby and Mr. Fox Maule in February 1841, the Council had decided on the 23d December 1840 on proposing to the Government a class of Fellows and Electors of the Council, "that the class of Fellows of this College should consist of the members of the existing Council, and of those who shall have passed the proposed second examination, and who do not practise pharmacy, together with all who now are surgeons or assistant surgeons to the several hospitals recognized by this College, all lecturers on anatomy or surgery recognized by this College, and all who have been surgeons to such hospitals; the said several persons being members of the College." When the persons thus alluded to were found insufficient to make up the 300, it was thought right to add those who, although eligible for the Council, had been passed by and not elected, as well as others residing in London, who were juniors not practising pharmacy, and some few others who might have a certain degree of note in the country at large. Under those circumstances, being then the President of the College of Surgeons, who always has a certain degree of authority, (though it is an authority which is quite conventional), I said, "You cannot think of leaving the officers of the public service out, for although you are not troubled with many of them, they will be exceedingly indignant if they are not allowed to have the same rank as they had before; therefore you ought at least to take the senior officers belonging to the three branches of the service, and probably they may be

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satisfied with that." It is very important that I should mention this fact, because there is a printed paper before the House of Commons, in which I am shown up, if I may be permitted to say so, rather in the shape of a blockhead and somewhat of a rogue, two qualities I am not desirous to retain if I am able to help myself.

21. What paper is that you refer to?—It is a paper Sir James Graham called for, and a very extraordinary paper it is; it is one by which I thought myself most aggrieved.

22. Could you state the title of the paper?—It was ordered by the House to be printed on the 6th of August 1844.

23. What is the parliamentary number?—The number at the bottom is 596: it is headed "College of Surgeons. Copy of a Letter addressed to the Secretary of State for the Home Department by the President of the Royal College of Surgeons, enclosing two Letters from Sir James M'Grigor and Sir William Burnett; also a Copy of a Letter addressed to the Secretary of State for the Home Department by the President of the College of Surgeons, on the subject of the Charter lately granted to the Royal College of Surgeons in England, with its Enclosures." The number of officers of the public service, including the three branches I have mentioned, is computed roughly to be about 1,000 or 1,200. Sir James Graham proposed to make 300 fellows. If I had proposed to make 1,000 more from the public service, it would have been overthrowing his intention. I therefore suggested to the Council to include only the officers of the public service in the first instance, who were inspectorial officers. In the East India Company they call them superintending surgeons. The Council permitted me to write to the head of the medical department of the army, to beg that he would send me a list of his inspectorial officers who were members of the College, which he did, and they were in number 20. Sir W. Burnett sent from the navy but four; and not knowing the relative rank of the officers of the East India Company, I begged Sir James Lushington would let me have a list of any six, eight or ten of their retired officers most distinguished for their services in India, saying not a word about surgical services, to be placed upon this list of fellows. He sent a list of ten, and two came from the Ordnance. Unfortunately it became necessary to select in some way those 300 men; and in the selection of them, a gentleman was proposed, who is named in that paper at full length, and said to have been taken in consequence of his merits from the rank of regimental surgeon. Between the rank of inspector and the rank of regimental surgeon, there is a person called a staff surgeon, and there are surgeon-majors of the Guards, a great many surgeons of hospitals in the navy, and a great many surgeons of the Indian army; and the moment it was proposed in the Council to elect this gentleman, who was a regimental surgeon, I objected to it upon the ground that we never had applied to the heads of the departments of the public service for a list of their officers of merit. We had only applied for a list of their inspectorial officers, and that before we could take a regimental surgeon, merely because he was a meritorious man, and his merit I admitted to the utmost extent that could be desired, it was necessary and right that we should take into consideration the senior officers above him. I felt myself more particularly bound to do so, because many of those men were surgeons and members of the College before the gentleman who was mentioned was born, that they were men whom I had myself seen in a dozen battles or sieges, and men whom I knew to be distinguished and able surgeons, who deserved the utmost reward that could be given them; I therefore could not submit to these gentlemen being passed over, merely because an individual happened to be known to three or four members of the Council. I thought it the duty of the Council to call upon the heads of the respective departments to submit the names of all their officers of higher standing, and that from them a general selection should be made. The Council yielded to the justice of these observations, but two or three members determined to bring this gentleman forward by name, not contesting the general question as to the merits of the whole, on which I stated that I would not oppose an individual. Several members asked me to name ten, or any number that I pleased to a moderate extent. I said, "No, I could not do that, and unless they would treat the officers of the public service alike, the greatest impatience would be induced among them." The senior officers of the Guards, when they heard of this, were much displeased, and they all addressed the College; the heads of the departments addressed the College;

College; their letters—some of them are here—are very angry letters; the officers themselves addressed the Council individually, and, as is well known, much annoyance took place. They all came to me to say that I had used them ill. I answered them that I had nothing to do with it; that I had done my best to serve them, and as far as I could had fought for them to the last extremity. Under those circumstances, Sir James Graham gave way, and assented to an additional number of fellows being made. This additional number of fellows, amounting to 242, of which 93 belonged to the public service, by one of the errors in that charter, which I should wish to notice as one that ought to be abrogated, are placed at the bottom of the original list, though the gentlemen are 30 or 40 years older than the persons who are at the bottom of that first list. As it was declared that the omissions that were to be put in were put in as omissions, and not as favours conferred, nothing could be more harsh upon all those men thus added than to find themselves at the bottom of the list of the first 300, though they are 30 years, in standing, older than a great number of those who preceded them; the consequence is, that all those officers and persons who have been so added, are precluded from the possibility of ever attaining to the honours of the College, inasmuch as all the young men placed above them must be passed over before it comes to their turn. Great injustice in what has been done for those persons has also been committed, for although so many have been added, a very great number are still omitted.

24. What period are you speaking of now?—The first list of 300 did not come out till the end of the first year, so that there was no possibility of correcting errors, and gentlemen did not know who were passed over and who were not, until the announcement was made who were accepted; when complaints became so loud, that the Council were permitted to add to the number of five or ten, originally supposed to be sufficient to amend all errors of omission. It being found that unless a larger number was made, no satisfaction could be given to the public, and the want of that larger number has been the cause of all the difficulties which have taken place. If the Committee will be pleased to refer to Paper, No. 596, page 8, par. 7, they will see that the Council of the College felt that they were not at liberty to make a larger number, on account of its not being the intention of the framers of the charter that they should; no other framers of the charter were known than Sir James Graham and the law officer of the Home Office. When gentlemen complained to himself, as Secretary of State, of the evil that had befallen them, and the desire they had for justice being done to them, Sir James Graham replied to these gentlemen, that he had nothing to do with it; that the Council of the College of Surgeons made fellows, not himself; when a gentleman complained to the Council of the College of Surgeons, he is answered by them, that they could not elect a larger number, being restricted by the framers of the charter; therefore redress could not be obtained either at one place or the other; an error which should be corrected.

25. What are the privileges of fellows?—The privileges of a fellow at the present moment are, that he is eligible to the honourable offices of the College, and to the only few offices which are profitable, which are Examiners; a person who is not a fellow cannot attain to any of those offices.

26. He cannot be a Councillor nor an Examiner?—No; and what is worse than all is, that said manifesto of the College upon this point says, that the fellows have been selected in consequence of their merit, implying, that the men who are omitted have no merit, but that those who are put on have merit.

27. In what respect does this grievance complained of by those gentlemen whom you now represent, affect, in your opinion, the practice of surgery?—It prevents their being Examiners; it prevents their being Councillors; it also implies, as far as it can do, that they are not men of merit; because it is stated by the said manifesto published by the College, that they had selected the men who have the merit which entitles them to be placed in that distinguished position. Therefore it is implied, that those men who have not been selected are not men of merit.

28. Colonel Mure.] Was it generally understood that it was to be determined by seniority?—No; the Council selected them as they thought best, after private inquiries had been made. The truth of the matter is, that gentlemen in the country who were not known to parties in London could hardly be selected, and those who were known were selected.

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29. *Chairman.*] The persons not selected complained that they were not selected, and they and their friends thought that their merits were at least equal to the merits of those who were selected?—Suppose two surgeons living in the same town of equal merit, and one happens to be known to me, and the other happens to be known to no member of the Council, I propose that gentleman whom I know, and he is made a fellow; but his opposite neighbour, who perhaps may be his rival in business, is not placed upon the list of fellows, although he is quite as talented and as deserving a man, simply because he did not happen to come under my observation, or that of any other member of the Council; such a man may be probably half ruined by a circumstance like that; for the announcement of the College goes down, making it known that the Council having elected his rival on the ground of his superior merit, have left him out. It has had a great effect in some places upon the prospects and comforts and feelings of individuals. An instance of this kind occurred in the case of Mr. Bruce of Ripon; he is a gentleman on half-pay of the army, a very talented and distinguished man, and he has been made mention of on several occasions in my works on account of his services; Mr. Bruce is very much hurt, of course, having been more than 30 years a member of the College of Surgeons, that he should be excluded. The Council could know nothing about the matter. The great error was, that the 300 persons to whom we were limited, could not include a great number of men of merit throughout the country, who were entitled to the distinction; neither could the second list. What ought to have been done was, to have made a public announcement that it was intended to select from among the seniors of 20 years' standing such men as we found it most advisable to place upon the list of fellows, or who were the most deserving of it. Mr. Bruce has applied to be made a fellow, but we cannot do it; we must bring him up, we must examine him, make him pay 10 guineas, and then he will be placed at the bottom of the list. There is a case of two gentlemen of the name of Hall; both of them are Members of the College, and surgeons in the army; in one of the lists given in by Sir James M'Grigor, Mr. Hall was put down; somebody made a mistake between Thomas and John Hall, and intending to send it to Thomas, we in fact sent the diploma to John; John having got the diploma stated that he was very much obliged to us, that it was quite an unexpected honour, but that he would keep it; he was informed that we had made a mistake, and begged that he would send it back again, but he being the senior of the two said, "I do not know why you should select my junior in preference to me, and as you have been so good as to forward the diploma to me, I shall keep it." We were absolutely obliged to make the other Mr. Hall come before us, to examine him, and having examined him, to make him pay a fee of 10 guineas, and then we placed him at the bottom of the list; he is actually 138 below the place he ought to have stood in, had not a mistake been made, which could not be corrected. There is another point which is a very disagreeable one to mention; it is with regard to some of the officers of the Guards; they were displeased, because they thought I had done them an injustice, and in several points that injustice has been done; it has been said that Sir James M'Grigor did not return the officers of the Guards as he ought to have done, [*Parl. Paper 596, page 7, par. 3*]. Sir James M'Grigor, the head of the medical department of the army, can no more return the officers of the Guards than the Speaker of the House of Commons could return the officers of the House of Lords; they are not under his control; but I took care that those officers should return themselves; and on the day on which Sir James M'Grigor gave in the return of 201 officers whom he wished to be placed upon the list of fellows, I induced the surgeon-majors of the Guards to give in a statement of their own claims; yet on this paper it is said that Sir James M'Grigor was to blame for not giving in a return of those officers, those officers having actually made their own return; and that therefore the Guards were overlooked, because no return was given of them; in regard to the Ordnance, the Council made the two inspectorial officers, and no others, and the second on my written recommendation.

30. *Chairman.*] Does your present charter limit the number of fellows?—No, it allows us to make as many fellows as we think just, who must, however, come up and be examined, and pay 10 guineas after such examination.

31. The

31. The new charter allowed you to name 300 without examination?—Yes, and without payment. *G. J. Guthrie, Esq.*  
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32. Was that the whole number allowed to be named?—It was first 250, which was subsequently changed to 300 within the first three months. 29 February 1848.

33. When the charter was passed, you were allowed to name 300, who were to be fellows without payment and without examination, their nomination to take place within three months?—Yes.

34. Did the charter allow you to name any number of fellows you pleased after that?—Yes, within the year.

35. Upon payment?—No, still without payment; to make up for any omissions that might be found to have taken place in the first 300; after the year, every body must pay and be examined. The second list contained 242 names.

36. But there was no limit to the number you might elect paying and being examined?—No.

37. During even the first year there was no limitation as to the number you might have elected fellows without payment or examination, was there?—The limitation was the implication which I have endeavoured to explain.

38. Apart from that implication, there is no limit in the charter?—No, only we were informed that it was not our duty greatly to exceed 300.

39. But the charter did not make the limit?—No; but the framers of the charter did.

40. *Mr. French.*] In making this selection of your original 300, were not the Council of the College in the habit of inquiring into and forming some opinion as to the professional merits of the practitioners they so selected?—The Council of the College of Surgeons know nothing of the 10,000 men belonging to them, except such persons as they happen individually to know; but they did not know one quarter of the men who claimed to be made Fellows; therefore, as they did not know them, so as to judge of their merits, many were left out who deserved the honour.

41. The charter authorizes the College “with all convenient speed after the date of these our letters patent, and before the expiration of three calendar months, to elect as fellows out of their number, a number not less than 250, nor more than 300, and that by one general diploma”?—That was done.

42. Then it provides in the fourth clause, that “it shall also be lawful for the Council of the College, at any time or times after the expiration of three calendar months, and before the expiration of one year from the date thereof, by diploma or diplomas under the seal of the College, with such forms as the Council shall see fit, and without any fee, to appoint any other person or persons to be fellow or fellows of the Royal College of Surgeons of England;” therefore it is absolutely without limit; then it goes on, that with respect to the election of members to be fellows after the expiration of that year, it should be done by the grant of a diploma after examination, and upon payment of the fees; how many did you make the first year?—I have said 300, and afterward 242.

43. Altogether, how many did you make the first year?—Five hundred and forty-two.

44. Why did you limit your election to 542?—Because the gentlemen who were the private advisers of Sir James Graham informed the Council that it was not the intention of the framers of the charter that we should make more than 300, or at least that the Council should greatly exceed that number; as I mentioned before, the Council did not know who were the framers of the charter, except Sir James Graham, and the law officer of the College; the consequence of that was, that nearly all above that number of 300 were made with considerable difficulty, in consequence of its being considered to be in opposition to the wish of the Secretary of State; and as we had submitted ourselves to his will, a great part of the Council thought it right to do exactly as they believed he desired to have done.

45. *Mr. Lascelles.*] Had not the Council the power within themselves of remedying this grievance, if they had chosen to exercise it?—If they had thought it right to do it, under the circumstances stated.

46. *Mr. French.*] Had you any official communication from the Secretary of State to say that he wished the number to be limited?—No, only the expression of his supposed intention by those whom the Council knew to be in his confidence.

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47. Sir R. H. Inglis.] In the construction which the College placed upon this charter, did they take the opinion of the present Lord Chief Baron, or the present Lord Chief Justice of the Common Pleas, or any other legal authority?—I believe not; we had signified our wishes to the Secretary of State, and the President of the College, who succeeded me, waited upon Sir James Graham, and was informed that it was his wish that he should comply with the directions he had received from the law officer of the Home Office; therefore we obeyed them, being informed by those gentlemen whom I have mentioned before, that such was the intention of the framers of the charter; the paper, No. 596, to which reference has been made, was given to the public by Sir James Graham, who called for that paper, and placed it upon the table of the House of Commons; there is reason to believe that he approved of it, or he would not have called for it.

48. Had the College any reason to suppose that a royal charter granted to that body ought to be construed in any other manner than that in which a charter granted to any gas company, for instance, might be construed, namely, by the meaning which the terms would legally bear?—I myself advised submission to the wishes of the Secretary of State, because we could not help ourselves; we were a body as to whom, if he thought proper to signify his pleasure to deprive us of our annual income, he could have done it whenever he pleased; he had only to appoint another body to examine, on equal terms with ourselves, and we should have been left nearly destitute.

49. Could the Secretary of State have appointed any such body except by Act of Parliament?—He could appoint us by charter, and so I take it he could appoint any other body.

50. In giving this evidence to the Committee, do you wish them to understand that you are speaking as a private individual, and not by the authority of any legal advice which you may have taken upon the occasion?—I never asked any legal opinion upon the subject; I am stating a simple fact; it may be a thing that ought not to have been; but I am merely stating the fact, that it was so declared to the Council of the College, that we were not expected greatly to exceed the 300; and we did, I think, all that men could do, which was, to put it upon paper and send it to the Secretary of State; he having got it, places it upon the Table of the House of Commons, and there it is before the public; it has been the source of the whole difficulty.

51. *Chairman.*] That is the reason why you did not increase your number at the end of the first year?—Yes.

52. And in the subsequent year you could only elect upon the condition of the charter, namely, upon examination and payment?—And this has been so marked an error, that the Council have of themselves applied to Sir James Graham for permission to alter that part of the charter; and the letter of the Council to that effect has been called for by Lord Granby, and is upon the Table of the House of Commons; the Secretary of State agreed to grant that request, but he loaded his consent with some other conditions, which the Council have never discussed, and the matter has stood over.

53. What was the date of the request for the amendment of the Charter?—20th July 1847; No. 699.

54. Mr. *Lascelles.*] Has there been any representation made to the present Secretary of State upon the subject?—No public representation; there has been nothing done by the Council.

55. *Chairman.*] The alteration which you suggested was, that you should have the power to elect fellows without a special examination?—The alteration which the Council suggested was, that they should be allowed to correct the error which had been committed, and that they should admit to fellowships gentlemen of a certain standing; I believe the period that was approved of was 20 years; they were to be admitted on payment of a fine. The Council desired that they should pay, for this reason, that the gentlemen who had been examined, the number of whom amounts to 93 within the last three years, had paid 10 guineas; some of these were elderly men, and it was known that they would not like it, unless the parties who came in paid also. Therefore with a view of conciliating all parties, it was agreed that they should pay 10 guineas. I assented to that, for the sake of conciliation in the Council, though I objected to the period of 20 years, and wished it should be the shorter period of 12 years. There is another point which I wish to mention to the Committee, in  
which

which the officers of the public service have suffered. One of the officers of the Guards, for instance, was demonstrator of anatomy in one of the St. George's Hospital schools. A commission in the Guards was offered to him, he became an Assistant-surgeon, and was left out of the list of fellows; but the gentleman who succeeded him in that office, and by virtue of succeeding him in the office of demonstrator, was placed upon the list of fellows, being a younger man, and a younger member of the College than himself, and, of course, is therefore now the guardsman's senior, who considers himself greatly aggrieved by that proceeding.

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56. Was he in the list of fellows before he accepted his commission in the Guards?—No; neither was the other. All those gentlemen who consider themselves aggrieved have asked, and it appears to me to be very reasonable, that power should be given to revise the charter, and that the two lists should be amalgamated; the first list of 300, with the second list of 242, which was intended to remedy the omissions of the past; and that power should be given to the Council to place upon this list of fellows all those who have been accidentally overlooked, and others who may now be known to be deserving of that honour, as of course an honour it is considered to be; and that instead of confining it to a very few, the number should be augmented probably to 1,000 or 2,000, according to the offer made on the part of the President and Vice-president to Mr. Fox Maule and Lord Normanby, and then the heart-burnings which have been felt by those gentlemen would be removed; if all those who are really eligible from their character and station, but who have been passed over in this way, had been elected, I have no doubt none of those difficulties which have taken place, and have given rise to the body called the National Institute, &c., would have occurred.

57. Would you have elected some from that large body, or would you have admitted all of a certain standing to be fellows?—What I should have proposed to be done would have been this, that the Council of the College should have announced their intention, in consequence of their charter, of making a list of fellows from among those who from their station or their merits were most deserving of that honour, and that they should have desired those who were desirous of being placed upon the list of fellows to have sent in their claims; when we had the grounds of application from all those gentlemen who had been so called on to send them in, the Council of the College might have elected those whose qualifications appeared to them to be sufficient; no examination in that case would have been necessary; if that had been done, this difficulty would not have taken place.

58. There must have been an election for the limited number who were to be made fellows?—We, who objected to the mode adopted, proposed that the number of fellows should be unlimited, although they must have been submitted to the ballot.

59. But that nobody should be a fellow without election by the Council?—None; what I have said as to not requiring an examination, applies to all those who belonged to the College previously to the late charter. I have never made an objection to an examination, however severe, of the young people who are to come in after the charter. I believe that to be the right way of making fellows for the future, but I object to a distinction which would destroy a man perhaps in his own town, by giving an elevation to his rival, to which he may have had no greater title than himself.

60. Colonel Mure.] Was there any thing in the charter which precluded you from taking that course at first, if you had thought fit?—The Council were compelled to make but 300 fellows.

61. Supposing they had made 300 in the way you propose, having the qualification of the older members sent in to them?—It would have been a much better way of doing it.

62. Had you not the power of doing it in that way, or was there any thing in the charter which precluded you?—We had not the right of doing it, from the bye-law in existence, and by which we were obliged to take those who practised surgery only, in the first instance.

63. Chairman.] Is that under the new charter, or the Act of Parliament of 1745?—Under all.

64. Did you not revise your bye-laws under your new charter?—Yes, and which left them rather worse than before.

65. Did you retain the bye-law, that the fellows eligible to the Council should



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should not practise pharmacy?—Yes, and that and other exclusions have made many practitioners so angry, that they have asked for a college of their own.

66. You have kept that bye-law?—Yes.

67. None of your members are eligible to be fellows if they are practitioners of pharmacy, or if they are living beyond five miles from London?—No; nor in midwifery.

68. With the exception of surgeons in country hospitals?—They cannot succeed to the honours of the College, because they do not live in London.

69. Colonel Mure.] There was nothing in the charter, irrespective of the bye-law, which precluded you from choosing the 300 fellows out of the more eligible members of the profession, was there; you might have passed a resolution to elect the whole of the 300 out of the more eligible qualified members under the new charter?—It was distinctly understood that we were not to do so; we could not do it under the bye-law of 1745 still in force.

70. Chairman.] Is there any thing in the new charter to prevent your revising that bye-law, and altering it with respect to practitioners in pharmacy and persons resident beyond seven miles of London?—We might have revised the bye-law, but they are excluded by the charter. To conclude my remarks on the officers of the public service, I will beg leave to say, that the matter has ended by their being placed upon the list of fellows in five different ways. The cavalry of the Guard are placed upon it in one way, the infantry of the Guard in another way, the infantry of the Line in a third, the navy in a fourth, and the East India Company's service in a fifth; so that there is no uniform rule in regard to either one or other of these services. The head of the navy insisted upon doing as he pleased; the College yielded; he had his own way, and he made an officer of the year 1841 a fellow, excluding officers 30 years older, merely to prove his right, which caused the greatest confusion among them, and the greatest degree of dissatisfaction. The next point which gave the officers of the public service great offence was this: when we had made our first 300, and there was no person who was an apothecary who was not an hospital surgeon also, or a "scavant," among them, it was thought right, in this first list, to include a certain number of apothecaries to conciliate them, 17. Instead, however, of that gratifying them, as we did not take the seniors, but selected from among them certain individuals, whom we knew to be excellent and good men, the consequence was they were more angry than before. To have 17 selected out of 10,000 to be placed upon the list as a compliment, was what they did not understand, and they were very angry. But the army and navy were also very angry, because all those officers of 40 years' standing, some of them the most distinguished officers in the service, were ousted by those 17 surgeon apothecaries. They had a right, as I have pointed out, to stand before them, but these gentlemen could not be placed, from their number, upon the list, by the Council, but by placing those 17 surgeon apothecaries above them, it conferred a rank upon those 17 gentlemen practising pharmacy, of which they, the surgeons, had been actually deprived.

71. Being simply members of the College, and not fellows, they had the mortification of seeing those 17 gentlemen placed above them, and were thus deprived of those rights and privileges which they had enjoyed for 100 years. The charter not only did that, but, at the same time, it deprived the Surgeon-general of the army and the Serjeant-surgeons of their right of sitting on the Council *ex officio*, and in so doing, removed the person they had a right to look to in the Council. The only other thing I shall allude to as one of the matters which materially affect the officers of the public service, and which deserves some little consideration, is a distinction in regard to the making of fellows which is very invidious, and which, I think, certainly should be altered. It is a bye-law, and has been approved by the Secretary of State as all bye-laws are; in fact, no bye-laws can be made unless they receive his sanction. It is the bye-law I alluded to as illiberal, and which, I have no doubt, if it were explained to Sir James Graham, he would withdraw his own sanction from. This bye-law provides, that a gentleman, being a Bachelor of Arts of either of the English Universities, shall, *ipso facto*, be entitled, with a proper education of four years, to be a fellow of the College of Surgeons, after examination; but if he happens not to be a Bachelor of Arts, if he happens to be a Wrangler, if he happens to be a Chancellor's Medalist, and has not been able, in consequence of his religion—in consequence of his being a Catholic or a Presbyterian,

Presbyterian, or any thing else except a Protestant—to subscribe to the 39 Articles, and, therefore, cannot become a Bachelor of Arts, though he possesses every other qualification to be one, he cannot become a Fellow of the College of Surgeons, unless he undergoes two things; the first is, that he must study surgery for a year more, so that, having studied the quantity of surgery necessary for him if he had been a Bachelor of Arts, he must study surgery for another year, which is a very great hardship upon a gentleman, and particularly an officer so situated; and not only that, he must be examined by two professors, who will inflict upon him, particularly if we get one from Cambridge and the other from Oxford, a much more severe examination than he would have had to undergo at either of the universities if he had belonged to one, and, in addition to the year's study, he has to learn French. That appears to me to be the hardest thing in the world, that a man, because he cannot subscribe to the 39 Articles, shall be bound to undergo an extra year's study in surgery, and that he shall learn French.

72. *Chairman.*] Which is not required from those who have passed through the Universities, and have obtained honours there?—No; under these circumstances, I am of opinion that in any arrangements which may be made as to future legislation, the charter of the College of Surgeons should be directed to undergo revision, and that any of those points which appear to require alteration should be altered, more particularly because there are now certain propositions making on the part of different persons to legislate after a fashion, which perhaps may not be better than the legislation which has hitherto taken place; and whilst a charter is proposed to be granted to the general practitioner, to which I have not the slightest objection, it is not proposed, I believe, that the charter of the College of Surgeons shall be revised or altered in any way, so as to remove the grievances I have mentioned. Gentlemen in civil life, I dare say, will take care of themselves; all I propose is, that as far as this charter affects the officers of the public service, the grievances which they complain of should be redressed.

73. *Mr. Grogan.*] With respect to the bye-law as to the additional year of study, and learning French, did not it emanate from your own Council in the first instance?—Yes.

74. Then it was an act of the Council itself, confirmed by the Secretary of State?—Certainly; all bye-laws must emanate from the Council.

75. *Sir R. H. Inglis.*] In reference to the general question of the medical profession in this country, do you desire that the examination for each grade of that profession should be conducted separately by those respectively belonging to each, or would you advise that the examination for the whole, in its three or its four classes, should be conducted by one central board?—If the University of London had been appointed for the purpose of conducting the examinations of the whole profession, there would have been no difficulty in its being done by one board of that kind; the Council of the College of Surgeons would not, I believe, have objected to that being done some years ago, if the Minister had thought right to do it; we were prepared, if the Premier had treated us with a little degree of reasonable attention, to have yielded all our privileges for the public good, if it had been so considered.

76. What is your opinion upon the propriety of the two systems?—I think that, properly constituted, one central board might be sufficient; but it must be a board of high authority, divided into different departments. In all the Universities of Europe, in Paris particularly, one board generally does all the business; but then it is composed of different professors, who each inquires into his own particular subject; if that had been thought right, there would have been no objection to it.

77. Is not the distinction to which you have now called the attention of the Committee, one of words only, and not of things, inasmuch as you state that the Council in Paris is divided into different sections, each examining the young men who are candidates for practice in their own particular subjects?—No; the Professor of Anatomy examines in anatomy, the Professor of Physic in physic, the Professor of Chemistry in chemistry, and the Professor of Midwifery in midwifery; when they have all completed their examinations, candidates are pronounced to be competent or otherwise to perform the various offices they desire to attain.

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78. What is your own opinion upon the subject?—I should say that we are better with separate boards examining upon separate subjects.

79. Have you reason to feel satisfied with the result of the examination in your own particular board, of the Royal College of Surgeons of England?—That question involves something which regards the private affairs of the Court of Examiners, which, however, I believe they would desire to have stated.

80. The question is, are you yourself generally satisfied?—I am. It has been stated out of doors, and it has been a subject of reproach to the Examiners of the College of Surgeons, that the examinations of the present day are more severe than the examinations of 20 years ago, and that the Examiners have been influenced by what is called the pressure of public opinion; in this there is not the slightest truth whatsoever; on the contrary, if any thing, the examinations of the present day are rather less severe than the examinations that took place 20 years ago; I am particularly anxious to state that fact. There is only one way in which it can be satisfactorily ascertained, and that is, by asking the members who have belonged to both Boards of Examiners. Ten years ago a considerable change took place in the manner of examination, but not in the nature of the examination; the manner had nothing to do with the severity or want of severity of the examinations; I have been Examiner since 1828. In order to be quite sure that I am right in stating that opinion, I asked the Examiners, who have been members of both boards, Mr. Keate, Mr. Vincent, Mr. Andrews and Mr. Cooper, and they, with myself, came to the conclusion, that although the present mode of examination, with the written examination which is sometimes required, answers quite as well for the public; nevertheless, we do not believe it is more severe than when effected by the old manner. I have not the slightest hesitation in repeating, that the examination 20 years ago was quite as severe as the examinations are now, and that there is not the slightest foundation for the statement, that they are more severe at the present moment in consequence of the pressure that has arisen from without; the alteration made was for the convenience of the Court of Examiners; and I have no objection, if the Committee wish it, to state exactly how it arose. When I came into the Court of Examiners many were elderly men; some of them lived to the age of 90 or 95; and we found, though the efficiency of the court was not impaired, that some of those elderly men could not sit from five o'clock in the evening till one in the morning, as was frequently the case, without going to sleep; in fact, they could not fulfil their duty without some little assistance occasionally from the younger ones. It became a great inconvenience to sit so long, and therefore we deliberated whether or not some means might not be adopted by which the difficulty could be got over. The former mode of examination was by two gentlemen, one of whom actually examined, and the other watched the examination, the whole court attending to what was passing; the examination occupied 35 minutes, sometimes 40 minutes, and sometimes more. The Examiners themselves vied with each other as to which of them should be the best examiner; and any points in anatomy or in surgery which they were desirous of bringing forward among themselves as new, were brought out in that way. If my fellow examiner made one gentleman say so and so, which I did not like, I made the next man say so and so, in the way that I did like. It was very severe upon a young man to sit at a table before 10 gentlemen watching such an examination, and sometimes to have questions put to him by the whole. By this mode we were detained till one or two o'clock in the morning very frequently, and it affected the health of all; it was then thought if the Court of Examiners divided itself into four, and two gentlemen examined each candidate, it would be better; that if there were two tables in anatomy, and two in surgery, by which we could examine 12 instead of 10 in one evening, it would be equally advantageous to the public, and much more comfortable to ourselves. The Court of Examiners have never had, I am sure, any other feeling in what they have done, than a regard to the public interest. Since I have been upon the Council, nothing has been done, I can say distinctly, except for the purpose of promoting the public interests. We made this change with some fear that it might not be an advantageous one to the public. However, after trying it once or twice, we found it answer very well. The young men thought the examinations just as severe, and the public feeling has been  
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that they have been rather more severe than they were before ; but such of us as know the advantages and disadvantages of both plans, are, as I have stated, rather of opinion that they are not quite so severe as they were before, but that they answer perfectly as well ; so that, in fact, no change, except a change in the manner of conducting the examination, has been effected in the Court of Examiners.

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81. Practically the object of the question was to know whether you were or were not satisfied with the existing state of the examinations in the Royal College of Surgeons of England?—I am ; but I took this opportunity of overturning a favourite mis-statement.

82. As President of the College of Surgeons in the year 1834, you gave evidence before the Committee, which was at that time sitting on the state of the medical profession, with respect to the examination of apothecaries, and in that evidence you stated, “ I beg to say that the Court of Examiners of the Apothecaries Company have done their duty admirably to the advantage of the public ;” do you retain that opinion still?—Yes.

83. Is it correct, in your judgment, to say that the examination before that Court was in 1834 by far the most comprehensive examination in London, as stated by you at that time, and is it also correct to say that such examination deserves that character now?—As far as the word “ comprehensive” goes, it means that it embraces more branches of science ; but as to its being a better examination in those branches of science than could be conducted any where else, I did not mean to imply that ; I believe it was then a very good examination, and as far as I know now, it answers the purpose perfectly well, and I would not change it if I could help it.

84. In the year 1834, you stated that you would not let any surgeon take out his diploma at the College of Surgeons, till after he had been examined and approved by the Society of Apothecaries ; is that your present opinion?—My present opinion is, that it should remain as it always has been, that it should be optional with the candidate to take which he pleased first. It is a matter of practical experience, in which I have found that it has been an advantage to the public that they should have that liberty. I think it is beneficial to the public that it should be continued.

85. Do you wish the Committee to understand that in your judgment it is expedient that the examination for each grade of the profession should be conducted generally by gentlemen themselves engaged in that grade of the profession?—Certainly ; the Council of the College of Surgeons in 1833 professed to have an examination in midwifery, and the bye-law for establishing it passed through all our regular rules and orders, till at last it went to our standing counsel, then Sir Frederick Pollock ; he declared that the Court of Examiners under their charter had not the power to appoint Examiners in midwifery ; that if they wished to examine in midwifery, they must do it themselves. It struck me, who happened to be the proposer of that resolution, that it would be useless for us to examine in midwifery who did not practise it, and consequently that proposition dropped.

86. One of the great evils which is represented to exist in the medical profession of this country, is the practice by unlicensed practitioners ; have you taken into consideration at any time the expediency of repressing such practice by legal enactment?—I have the misfortune, I am sorry to say, on that point, to differ from a great many people ; I am of opinion, that the authority sought for from Parliament to put those gentlemen down by summary process ought not to be granted ; I do not think that people should be prevented from employing any body they like ; I think they should be allowed to have any person they please, whether he is qualified or unqualified. I do not exactly see what fair right there is in Parliament to make a register of one set of persons who are qualified, without making a register of the others who are not ; my proposal always has been, that where people could not qualify themselves, or would not qualify themselves, and still would practise, and others could be found who would employ them, they should be obliged to take out a license, like hawkers and pedlars, and should be obliged to write themselves up “ licensed irregular unqualified practitioners,” and that they should pay a tax every year like these people ; then if a gentleman or lady wished to employ them, and I know a great many do go to these quacks, they might do so ; only they should be taxed in a corresponding degree to the expense that the regular practitioners

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are put to ; I confess I would go to them myself ; if I thought that Tom or Harry could cure my leg or my arm, or do me any good, when none of the regular surgeons could do so.

87. Without entering into the reasoning by which you have supported your last answer, or into the illustration with which you have adorned it, it is desired that you should state to this Committee, whether, within your knowledge, there are not other instances in which the State, for the public good, and for the benefit of third parties, has required that a solicitor, for instance, should be registered and should pay a tax, and that no person should be permitted to practise as a solicitor without having passed his examination, and without being registered or licensed accordingly, paying a stamp duty ; is there any reason why the Legislature should not take as much care of the health of their fellow subjects as of their law business ?—I am very desirous of having a good registry, and one made upon sound principles ; I believe such a register as the College of Surgeons has now is of great use, and I offered when President to include all gentlemen who are practitioners in pharmacy, and to put their qualifications beside their names ; but some of the parties made a strenuous objection to it.

88. Has the Royal College of Surgeons ever tried the effect of penal prosecutions in order to repress unlicensed practice ?—They have no power ; they could not do it ; nor would I do it if I could.

89. In fact, any person, with or without a qualification, may in England practise as a surgeon without let or hindrance from the Royal College of Surgeons or any other authority ?—Yes.

90. May he publicly style himself a surgeon ?—At present he may.

91. Without incurring any liability to be prosecuted by the Royal College of Surgeons ?—I very much regret that he should be able to do so.

92. *Chairman.*] You said just now you did not see any objection to allowing any private party to employ for himself in his own cure anybody he pleased, whether he had passed an examination or not ; do you make any difference between the case where a party employs such a person for himself, and the case where he is employed by him to act upon third parties ; take for instance, the appointment of such a person to a public situation such as surgeon to a hospital, or surgeon to a ship ; would you leave it to the parties who had to choose the person who is to fill such a situation, to select him without having his qualifications for such a situation previously tried, by examination, before some body competent to determine upon his skill ?—That is not what I intend ; I am desirous that every medical man should have the necessary qualifications ; and I am clearly of opinion that no person should hold any public office whatever unless he has the proper qualification necessary for that office ; nor would I allow any person to assume a title which he has not a right to possess, nor to be employed to attend a third party, or give any medical certificate.

93. You would not allow any such person to be employed in a public situation without a qualification ?—No ; they should hold no public situation, and I would make another very marked distinction between them ; I would allow the regular practitioner the right of recovering in a court of law what was due to him for his services, but not the irregular men ; and in that way I would distinguish him from those who had not a regular qualification to practise ; I would mark such persons, in fact, as strongly as I could. When just now I stated that the present examination was not more severe than the examinations used to be, I ought to add to that statement, that though the examination is practically the same, the qualification for that examination has in some degree been altered. Since the year 1835, the Court of Examiners have been increasing the qualification required from their candidates ; they did it in the year 1838 and in 1841 ; and my own opinion is, that we have placed it rather higher than the public interests in fact demand, or that the public can exactly meet. It is possible it might be advantageous if it were, to a certain extent, diminished, and a good preliminary education enforced. One great defect in the charter is, that while it places the preliminary education for the fellowship very high, it says nothing about the preliminary education of the junior branch, which it ought to have done.

94. When you speak of "qualification," do you mean the previous education of the candidates ?—It presses the medical education a little further than I think it should do ; one point which I should say had better be altered is, insisting upon having three winters of study ; that was done with a view of increasing

increasing the knowledge of anatomy; but the Anatomy Bill has failed, in consequence, I believe, of some little error at the Home Office; and two years of continued study may be as good as three winters of doubtful occupation in anatomical pursuits, especially when dead bodies are scarce. When the Poor Law Commissioners were pleased to accede to the proposition I made to them when President, that all persons employed by them should have the double qualification of surgeon and apothecary, many practitioners complained that they would be obliged to come to the College of Surgeons to be examined, in order to obtain a diploma; it was, therefore, desirable not to press those gentlemen who might have been 20 years practising as surgeons to obtain the qualifications which we now require, and the members of the Council agreed, under those circumstances, that in the case of gentlemen of 10 or 12 years' standing, we would take them upon the education which they had at the time when they went into practice, or when they might have passed the College; the consequence was, that when gentlemen applied to us, stating that they were practitioners of 10 or 12 years' standing, we dispensed with a part of the qualification which we had insisted upon from the younger ones; in that way we have been deceived occasionally; an instance has been already before the Committee, I believe, of a gentleman who produced false certificates of attendance, which he verified upon oath, or by his affirmation, which is equivalent to an oath; we received those certificates, and admitted him to examination under those circumstances, which has caused the College to fall into very great disrepute; whereas the fact was that it was intended as a relief to those gentlemen who could not obtain the situation which we, the Council, had prevented their having under other circumstances; this gentleman ought to have been prosecuted criminally for perjury.

95. Mr. French.] Will you state the alteration which you have made in your curriculum?—The Council of the College of Surgeons increased the curriculum in the year 1838 considerably; they increased it again in the year 1839, partly at the instance of the Royal College of Surgeons of Dublin, and partly at the instance of the Royal College of Surgeons of Edinburgh, when the Medical Charities Bill was before the House of Commons. The Council of the London College has been severely reprehended for opposing this Irish Medical Charities Bill, although it has never been known why the College of Surgeons did it, and it has been supposed that it was done from very improper motives, the fact, however, is not so; the College petitioned against that Bill, because they found that under it the College of Surgeons of Dublin wished to obtain a power which they thought would be unpleasant to their Irish members; Englishmen had nothing to do with it; it was upon no English question whatever that the Council opposed that Bill, but simply to ensure justice from one Irish gentleman to another. The College of Surgeons in England did their best endeavour, at that time, to place things upon their proper footing, and so far from deserving that any reflection should be thrown upon us for not having raised our curriculum, we did every thing in our power to raise it to the utmost, and, in fact, to raise it higher than I think the present state of England requires. The principles upon which the London College acted are explained in a letter from Mr. Keate, the President, to Dr. Hunter, the President of the Edinburgh College, dated 21 February 1840, and to Mr. Colles, President of the Irish College, in a letter dated 6 February 1840; they are deserving of the attention of the Committee.

96. Chairman.] What is your curriculum now?—I have them here for 1835, 1838 and 1841.

[The same were delivered in.]

97. Is this curriculum complained of by any parties as exacting too much from candidates?—The candidates do not like it too well.

98. Is it complained of by other parties as insisting upon too high a professional education?—No, I think not.

99. Do you approve of it as it stands yourself?—I have said I thought a little alteration might take place for the better; it says that there shall be three winters of study, which occupies three years, three months being generally the vacation; many young men of good talents and good health would like to work two years consecutively, and be spared the third winter, and as the object for giving the third winter was for the sake of the anatomical study, which has not

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been carried out, and as the students often become idle in the second year, the general practical experience of the Examiners has pointed out to several of us that it would be better to make an alteration, so as to allow two consecutive years for those who could go through it, and where they could not, to insist upon the third winter session, which would give a benefit to the public, because it becomes very expensive to many persons who cannot afford to maintain their children for the time required.

100. Do you find the practice of cramming go on to a great extent?—Yes, and principally upon that account.

101. That is attended with very bad effects, is not it?—Yes, so far as it leads to their forgetting what they have learned; no man remembers what he learns unless he learns by his eyes and his hands; learning by his memory alone does not answer; the injury which cramming does is, that it enables candidates to go through their examination without possessing the solid knowledge which ought to be required of them.

102. You require actual dissection as a part of the examination, do not you?—No; we do not make them dissect, neither for the ordinary diploma nor for the fellowship, when members of eight years' standing; we have the certificates of the teachers that they have done so, and we examine them in such parts, generally bones, as we have before us; a good and experienced examiner is never deceived; he may be too lenient.

103. Colonel *Mure*.] You made some remark at the commencement of your examination relative to surgeons practising in the twofold capacity of surgeon and apothecary; the remark was with reference to qualification; the examination for that purpose is an examination by the Apothecaries Company, is it not?—The examination now is on the part of the Apothecaries Company.

104. Is not it part of the regulation of the Apothecaries Company that everybody admitted to their faculty should serve an apprenticeship of five years?—That is one of those things which it is most desirable to get rid of.

105. Is a qualified surgeon who wishes to qualify as an apothecary exempt from that apprenticeship?—No; but it is evaded; it is one of those bad laws that should never have been enacted; the Society of Apothecaries obtained an Act of Parliament to regulate them as apothecaries only; by having an Act of Parliament, and the College of Surgeons having a charter only, they were enabled to do as they pleased, and it has been the cause of much annoyance between the two bodies; because the Society of Apothecaries were able to say, we will have such and such things done, and if persons do not comply with them they are able to prosecute them; the College of Surgeons can only say, we wish to do so and so, but they have been unable to resist the influence of the Society of Apothecaries; consequently both parties have, to a certain extent, disagreed; it is desirable that both bodies should be placed upon the same footing, either by an Act of Parliament or charter, so that one party should not interfere with the other; there are, say 12 branches of science in which candidates are examined; an examination in 12 branches of science should not be conducted at one time, and by one body; it therefore appears advisable that the College of Surgeons should examine in anatomy, physiology and surgery, and that the Society of Apothecaries, or any other properly constituted body, should examine in the remaining sciences necessary to constitute a practitioner in midwifery, pharmacy and physic.

106. Then, according to the existing practice, a person, in order to practise simply as an apothecary, requires to go through an apprenticeship of five years; but a qualified surgeon, in order to practise as an apothecary also, may do so by merely undergoing an examination?—By the regulations of the College of Surgeons, he must study for one year in the shop of an apothecary; he must study for one year under a physician, but he must be three years under the eye of an hospital physician and surgeon, to be a surgeon.

107. What is the distinction between the two; is not it that four years are required to qualify to practise as a surgeon?—Yes.

108. And one year to practise as an apothecary?—Yes, in addition, making five years.

109. Mr. *Grogan*.] You have given in to the Committee the curricula of three periods; the inquiry which the Committee are carrying on, you are aware, is with regard to a medical registration; is the curriculum that you handed in, as in use at present in the College of Surgeons in London, more severe or more general

general than the curriculum prevailing in Ireland?—It is more severe than the curriculum in Scotland; three months more of attendance upon the hospital is required, but that, I believe, is the only difference between them; the Dublin curriculum is, I believe, a little more extended than the London. I have it not.

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110. *Chairman.*] When you spoke of Scotland, to what body in Scotland did you refer?—I should say Edinburgh.

111. *Mr. Grogan.*] Do not you imagine it would be possible to agree to some curriculum which should give the gentlemen who graduate in those colleges interchangeably the right of practising in the three countries?—I should not propose to do it in that way; it is proposed that there should be an equalization of fees, that there should be an equalization of age, an equalization of examinations, and an equalization of the curriculum; I object to that, because I do not think we have any right to regulate the period or the price of education in Scotland, and make it dearer than it is. My own opinion is, that Scotland should regulate its own affairs for itself; and when a gentleman wishes to come into England to practise, being a Scotchman, he should be admitted into this country, and enrolled as a member of the College of Surgeons, and enrolled as a member of the Apothecaries Society without any difficulty whatsoever; but if he happens to be an Englishman who has gone into Scotland, solely for the purpose of getting what may be called a little shorter or a little cheaper education, then, for the safety of the English schools, it would be advisable he should pay the difference of the fee; I would ask no more than that from an Englishman who had gone from York to Edinburgh to get his education, and had come into England the next morning after he had obtained his diploma; I would say, you must pay up the fee of examination only, and make up the difference, if any, of education.

112. It is an objection made on the part of the English schools?—Yes.

113. *Chairman.*] If the education is a *bonâ fide* Scotch education, you give him the benefit without any surplus payment?—Yes.

114. If it is not a *bonâ fide* Scotch education, but an education sought by an Englishman in Scotland, you think the English schools must be preserved, by requiring a longer attendance, and the payment of additional fees?—Yes, but I do not think we have a right to make the education of the Scotchman dearer than it is now.

115. *Mr. Wakley.*] How is it proposed to make it dearer?—I understand that the equalization of the fee means an augmentation of the Scotch fee; I suppose that the fee for the diploma is to be equalized by augmenting it in Scotland; besides which it must be remembered, that according to the proposed regulations, a man must go on to the age of 22, instead of being admitted at the end of his 21st complete year; so that a frugal Scotchman's fee is to be raised in amount, and he is to be made to continue another year before he can obtain his diploma; to which I object.

116. *Chairman.*] When a person has a *bonâ fide* education in Scotland, and he comes to London for the purpose of being admitted to the Royal College of Surgeons, what do you propose to do with him?—If he brings a diploma with him, I should say that we should enrol him without difficulty; he should have been a year at least in practice, as may be agreed on by the Secretary of State, in Scotland, after obtaining his diploma, if the qualifications required in Scotland are less than those in London.

117. *Mr. Grogan.*] You would admit him *ad eundem* into the College here?—Yes.

118. *Colonel Mure.*] Would you admit him without an examination?—If he had been examined in Scotland, I would consider the Scotch examination to be as good as our own.

119. Do you consider the examination at the University of St. Andrew's sufficiently rigid to qualify a person to practise as a surgeon?—They do not qualify men to practise as surgeons; it is a medical degree.

120. How does a surgeon get his diploma?—There are three diplomas granted in Scotland, one by the Faculty of Glasgow, which is confined to the western counties of Scotland; the University of Glasgow gives a master's degree in surgery, which is very rarely taken; and the Edinburgh College examine, as we do in London, and a difficulty has arisen upon that point. The Edinburgh College is a double body; it is a college of surgeons and apothecaries; they examine in surgery and in pharmacy, and they give a double diploma, and that



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has been the cause of all the difficulty; when a gentleman has come with this double diploma, given by one body, the College of Surgeons in London, have received it; but the Apothecaries Society have said, "No, we have an Act which prevents your practising in England; unless you are examined by our Examiners, we will not receive this Scotch diploma in pharmacy." And again, if a man comes to England as a physician from Scotland, he is told, "We will not receive that degree in physic, but make you undergo an examination by us again." It may be seen in the letter alluded to, written by Mr. Keate to Dr. Hunter, that the Society of Apothecaries were willing to abandon this point.

121. *Chairman.*] Into how many classes would you divide the medical profession?—I would leave them as they are.

122. Physicians, surgeons and apothecaries, or general practitioners?—I do not profess to know what a general practitioner means, unless the art is mentioned.

123. In which of those would you include the practice of midwifery?—That is a little bit of fancy practice claimed by all.

124. Would you make a fourth class for midwifery?—No; I have already said the College of Surgeons proposed to examine in midwifery, and I believe we would not have objected to two members with that object being placed under the new charter in the Council of the College of Surgeons, but the Council generally on no account would practise midwifery.

125. In point of fact, in which of the three classes are gentlemen who practise midwifery embraced?—Under existing circumstances, they are placed in no class; and in all, the surgeons will not own them; the general practitioners want to take them, but many will not go to the general practitioners.

126. And they are not physicians?—Some of them are physicians; Mr. Stone, for instance, who is one of the principal professors of midwifery in London, is a fellow of the College of Surgeons; but he is excluded by the bye-law of 1745, from a seat in the Council; if it were determined that the College were to examine in midwifery, there would be no difficulty in placing two such gentlemen upon the Council.

127. Does the College of Physicians allow them to be placed upon their Council?—They have not, I believe, let them into what they call their honours.

128. *Mr. Wakley.*] When you say you will not receive them into your Council, have you the power to do so by the charter?—No, it excludes them; a physician may practise midwifery, as Dr. Locock does; a surgeon may practise midwifery, as Mr. Stone does, and an apothecary may practise midwifery; midwifery belongs to no particular body.

129. *Chairman.*] According to your statements, you do not admit them to your honours, and the College of Physicians do not admit them to their honours, and they would not choose to accept honours at the hands of the general practitioners?—No, many would not.

130. *Colonel Mure.*] Does not midwifery form a part of the education of a surgeon?—The Council insist that they should attend upon the practice of midwifery for six months, but the College of Surgeons do not examine in midwifery; there should be an examination into midwifery, no doubt, but it has not been decided who should examine.

131. You insist upon their studying midwifery for six months, but you do not insist upon their being by any test qualified practitioners?—Except the certificate they bring, that they have attended regularly for six months, and are so far qualified to practise that branch of the profession, there ought no doubt to be an examination in midwifery, and the Council did every thing they could to obtain it.

132. *Mr. Grogan.*] You were asked some questions with respect to the interchange of medical men between the three countries; you answered with respect to England and Scotland, but you left out Ireland altogether?—I think the rule should be the same; I would not interfere in any way with the education in Ireland, but when an Irish gentleman comes over here, having acquired a diploma or a degree, he should be enrolled according to the same principle; with respect to the Colleges in Ireland, there would be no difficulty, because the education there is equal to the education in England; therefore we should have nothing to do but to enrol them, and let them pay a sovereign or something of that kind, a nominal fee.

133. *Chairman.*]

133. *Chairman.*] You would admit them without examination?—If they had been examined and approved in their own country. G. J. Guthrie, Esq.  
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134. *Mr. Grogan.*] You are aware that this Committee is appointed with a view to medical registration, to see if any thing can be suggested on that subject which would be beneficial to the public; have you any suggestion on the subject to offer to the Committee?—There is medical registration existing at the present moment; and all that is wanting is, that it should be authorized by law; it only wants the power of an Act of Parliament to enforce the registration; you may have from the colleges at present existing as perfect a registration as can be required. If by an Act of Parliament it were ordained, that no man should be allowed to practise, that is, that he should not be considered as a practitioner entitled to hold any public office, or be paid for his services, unless he were enrolled by the respective colleges, there would be no difficulty in it. 29 February 1848.

135. There is the general practitioner, but you disown him?—No, he is a surgeon now; he is going to make himself a general practitioner. I have no objection to that being so, if they will state what they are general practitioners of or in; but they are going to be general practitioners in nothing; the greater number, however, will register themselves if they are allowed so to do, as Members of the College of Surgeons; and the term "general practitioners" should indicate a person qualified to practise in physic, midwifery and pharmacy, who is also a surgeon.

136. Is not that the difficulty which renders it not quite easy to effect a legal registration now?—What I should do would be this; I would have an Act of Parliament, authorizing the College of Physicians in England to register their own body and sell it for fourpence. I would authorize the College of Surgeons to make a register of their own body and sell it for fourpence; I would authorize the Society of Apothecaries to register their own body and sell it for fourpence; that would be one shilling for the three. If the three were not supposed to be sufficient, I would direct that the secretary of the College of Surgeons and the secretary of the Society of Apothecaries should make one register of the surgeons who are also general practitioners; I offered, when President, to do it for the whole of them, and I was prevented, because it was said I should show them up to the apothecaries to be prosecuted if they had not their license. My principal objection to Mr. Wakley's Bill is, that it causes an expense to the public; it establishes the office of a registrar, and it taxes the profession to pay for it.

137. Would any idea of this kind meet your views; there is a University established in this city; supposing there were a medical council or body added to that University, named by the authority and made a part of that University, composed of the three different branches of which you have spoken, and that they should respectively examine, one into pure physic, the other into pure surgery; and if a gentleman chose to go in for both combined, he should be able to obtain a diploma, and also in pharmacy and midwifery; what objection would you see to a registration based upon that foundation?—That is merely an alteration of the constituted order of things. It is a simple question whether that would be better than the other; I see no objection to it, if it is worth while making a change, it might be as good as any other; but I see no reason for doing it.

138. *Sir R. H. Inglis.*] In fact, it would be reducing all the grades of the profession to what in popular language is called one faculty?—I am afraid I am misunderstood; I mean that there being a register of all, they should be kept distinct as to their being physicians or surgeons, or surgeon-apothecaries. Every man who wants to look in the register will know which he is looking for, and he will be able to see whether a man is a physician or a surgeon, or a surgeon-apothecary, or general practitioner, the more fashionable term.

139. You wish the Committee to understand that your opinion is, that the examination before the central board should be conducted locally, indeed, in one place, but practically by different individuals, according to the branch of the profession which each might respectively desire to practise?—I do not think I have so expressed myself; I have a great objection to centralization generally. I would not wish to have a central board if I could help it, certainly not a central council. I would have candidates examined by their respective bodies; let the physicians examine the physicians, the surgeons the surgeons, and the apothecaries the apothecaries.

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140. Mr. Wakley.] By what means would you secure equality of education?—I hope we are all men of honour in the profession; and if the College of Surgeons of Edinburgh say that they will have a certain curriculum, I believe they will abide by it; and if they say they will have a certain course of examination, I take it for granted they will behave as men of honour ought to do, and take care that they have a proper examination. I object to the meddling proposed by a general council; and as to sending a visitor to see how the examinations go on, it is an absurdity, unless he attended every examination; and if we cannot trust each other as men of honour, it is an imputation upon the profession to which we belong.

141. Do not you know by experience that public bodies are not to be trusted, and that that is why laws are required to see that they properly discharge their duties?—I do not admit that, as regards us the Court of Examiners of the College of Surgeons of London.

142. You have stated, that if a practitioner comes from Scotland or Ireland you would have him registered here in the college to which he belongs on the payment of a nominal fee?—Provided he has been examined and enrolled in the proper college of the country to which he belongs.

143. The production of his diploma being sufficient?—And any other security thought to be necessary. The diploma alone I should not take always to be a proper protection. I know too well that from various parts certificates, diplomas and all other papers come very improperly sometimes.

144. Colonel Mure.] What is the precise difference between a degree, a diploma and a license?—The University of St. Andrew's grants a degree; the University of Edinburgh grants a degree; Glasgow grants a degree; there are two at Aberdeen which grant degrees; the College of Physicians of London grants a license and makes a fellow, the senate of the University of London grant a degree, the Society of Apothecaries a license, the College of Surgeons a diploma or letters testimonial.

145. Is a person having a degree of any of the faculties entitled upon that degree to practise, or does he require a diploma or a license from some other body?—A physician has a degree, a surgeon a diploma, and an apothecary a license; if a Scotch physician of 21 years of age come into England and practise, no one interferes with him until he come within seven miles of London; if he even come to London, no one interferes with him; but if by accident he gets into good repute, and troublesome to his neighbours, they may say, "What business have you here?" and to avoid any trouble from that source, his own good sense leads him generally to say, "I will take out a license here," which he usually does; there is not much difficulty upon this point.

146. Sir R. H. Inglis.] Is it the case that though there may be no hospital in the University of St. Andrew's, attendance upon an hospital consisting of at least 80 beds is required as an indispensable pre-requisite, before the party asking for honours can be considered entitled to receive them?—I think the honourable Member does not exactly understand what St. Andrew's does; at St. Andrew's they are examiners, but they are not teachers; they have no school, in which lies my objection; in my opinion, they should not be allowed to continue, simply because they have not a school, but are merely a body of examiners, whom I would dismiss upon a pension, and break up the establishment until they thought fit to form a regular university. I make the distinction, that I would have no examining bodies that were not connected with schools of their own capable of affording a complete education.

147. Is not it the fact, that there is in the University of St. Andrew's regular instruction in anatomy and in chemistry?—I cannot say, but I should doubt it very much as to anatomy.

148. Are you able to state, that if it be alleged that there is such regular instruction, and that, superadded to such regular instruction in anatomy and chemistry, is required the production of a certificate of the attendance of a candidate upon an hospital for 18 months, such hospital containing not less than 18 beds, the statement to which your attention is called is incorrect?—The examination may be just as good at St. Andrew's as it may be at Edinburgh or at London, and I believe it is. I myself, from a great deal of practical experience, do not value an examination of any kind, further than this, that it shows that an individual is qualified to commence the practice of his profession in the grade which he claims by undergoing that examination; but if it is meant

meant to prove, that the examination shows that the man is a highly competent and able man in the profession, it is nothing of the kind. To be a surgeon or a physician, a man must make himself so, long after he goes through these various examinations; the examination may therefore be conducted as well at one place as another; whether there should be an examining body where there is no school, appears to me to be a question deserving consideration, for the examiners can know nothing of the candidates, except by certificates, and they are often very deceptive.

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149. *Chairman.*] Is not that in a great measure an English question, when it is put in this way, whether you will receive in England a person coming from Scotland with diplomas or degrees; the English College of Surgeons, and the English College of Physicians, have a good right to say, "we will not admit a member *ad eundem* till we have satisfied ourselves of his qualification, and of the qualification that is evidenced by the diploma; if we are satisfied that the diploma or the degree shows a proper qualification, then we may admit him *ad eundem*"?—I should propose that the principal medical persons in Scotland should meet under your own auspices, and arrange what they should do to place the Scotch education upon a proper footing; after that had been done, you might easily make arrangements with the English bodies.

150. If you were satisfied with the standard of education?—If I was satisfied that it was sufficient, no further objection ought to be made.

151. But if they reduced their standard of education, say to the St. Andrew's standard of education, you would not propose to admit them *ad idem*?—I would have them make it up when in England, and pay the additional fees for examination, if any.

152. *Sir R. H. Inglis.*] Have you any reason to suppose that the standard of St. Andrew's is practically, since the year 1826, lower than that of corresponding bodies in other parts of the empire?—It is not considered of much repute in this country, because it is not a place for educating, but merely examining gentlemen coming from distant parts principally to obtain what is improperly denied them in their own country, a degree.

153. Are you aware how many members of the Royal College of Surgeons of London have been rejected in examination at St. Andrew's within the last five years?—I do not know; but I should not consider that that signified any thing; we reject our own. The head of the navy sends his own men back to us from time to time, to be re-examined, and we find, when those men come to us a second time, they have frequently forgotten what they had learnt, or have not improved their knowledge; and in that case, we reject them; the examination in Edinburgh or London, or any where else, is no proof of the perfection of the man; it is only a proof that he is sufficiently qualified to begin the practice of his profession.

154. *Mr. Wakley.*] Do you believe that any system with regard to a reciprocity of practice in England, Ireland and Scotland, will ever be sanctioned by the profession, unless security be taken for an equality of education?—I think if they come very near, the profession will not care very much about it; I should think in England we shall always consider that, as nearly as possible, there should be the same extent of education and the same number of examinations; but if in Scotland a gentleman is required to have three or four months less education, I would not dispute about that, because I know perfectly well that one man can learn in two years as much as another can learn in four.

155. Are you not aware that one of the great obstacles to legislation on this subject has been the failure of every attempt that has been made to secure equality of education?—The difference has been only three months between Scotland and England. The letter of the 19th of April, alluded to and written by Mr. Keate to Dr. Hunter, will explain to you the whole matter.

156. Will you state yourself what plan you would recommend to secure that equality?—That the curriculum should be, as nearly as possible, the same, after a communication between the different bodies. I should say, the examinations should be equally numerous, and I would trust to the honour of Scotchmen, and Englishmen, and Irishmen, that they should be fair and reasonable and efficient examinations. I do not believe there would be any doubt on that point, and I am sure visitors would never make it any better.

157. Are not you aware that charges have been made by one college against another, that there has been an under-bidding for candidates, and that there

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has been an inducement to candidates to apply to the respective colleges by holding out the prospect of diplomas being granted after an inferior examination, and with the payment of a lower fee?—The payment of a lower fee is an objection to the Edinburgh College; but as to a different examination, that is a matter of opinion; some think they get an easier examination there, and some think they get an easier examination here; the college of London has never made any charge against the Scotch College of the kind.

158. Inasmuch as you consider it desirable that there should be an equality of education as tested by the efficiency of the examination, what plan would you recommend in order to secure it?—That they should have the same course of study and the same number of examinations by honourable and conscientious men.

159. How would you secure the same course of study?—By simply providing, that if they did not have it there, they must make it up here. If Scotland should think a two years' education is sufficient for Scotchmen after due consideration, under the superintendence of the Lord Advocate himself, I would allow them to do exactly as they please; but if the gentlemen so educated come into England, unless they have been practitioners in Scotland for one or two or three years, or such a period as might be settled, and I take three years as an extreme point, I should say you must make up that education to the English standard.

160. Are you aware that there would be no difficulty in securing the same payment with regard to diplomas?—I think there would be a great objection in Scotland to having the diploma raised from 8*l.* to 28*l.*

161. It is 22*l.*, is it not, at your College?—The Scotch get a diploma for 6*l.*, I believe, in the two branches, and it costs 28*l.* in England at least.

162. The Scotch might be raised a little and yours lowered a little probably?—We cannot afford to lower ours; we cannot maintain our establishment, as it is; we have paid 16,000*l.* the other day for more ground, and we shall require 20,000*l.* for a new museum. It is quite plain, therefore, that we cannot afford to diminish our income. I am chairman of a committee, constituted by the Council with the hope of being able to form the societies for the benefit of old members, their widows and orphans, and if the Council can ever spare 1,000*l.* or 1,500*l.* a year, I trust it will be so applied.

163. As the reciprocity of practice is so much insisted on, as it is claimed by Scotland and by Ireland with so much earnestness, have you, in any of your interviews or arrangements with the Secretary of State, agreed to any proposition for securing an equalization of education in the three countries preparatory to such reciprocity of practice?—The late Secretary of State introduced a Bill, to which the majority of the Council of Surgeons agreed, upon that point; but I have expressed my own private opinion to the present Secretary of State that it would be much better to let the Scotch and Irish alone.

164. When you speak of letting the Scotch alone, suppose the Scotch will not let us alone, but will come here and practise, do you advise that no security shall be taken that there shall be an equality of education in the two countries?—What I insist on is, that if they have not been in practice in Scotland so as to obtain as much information as the practice of two years or so would give them, I would require that they should make up the difference of education in England. I believe that then the Scotch would be content to equalize the education on that ground, without our interfering with them upon any other.

165. Will you state in what way you propose that the education should be made up in England?—If a gentleman has been six months, for instance, deficient in his hospital practice, he should attend a hospital in any part of England he pleased, or if he had been deficient in a session of anatomy, he should make that up during the winter season, when the schools are open.

166. You mean that he should pay the fees for attendance?—He should attend; if he does not think fit to attend, and nobody chooses to observe it, I cannot help that. The Council tried to do it, but we had not the power to compel obedience to our behests, and we wait the pleasure of the Legislature to grant it.

167. You do not propose to subject him to any examination?—No, I think the Scotch examinations are as good as our own, generally speaking.

168. The Committee are to understand, that you yourself do not object to the reciprocity of practice with reference to the Members of the Colleges of Surgeons

Surgeons of the three countries?—I would admit them from one country to the other, but I should like to give an explanation here, that there is no such thing as reciprocity for England in doing this; it is perfectly well known that there is none. It is a boon granted to the Scotch; no English surgeon goes to Scotland to settle; he cannot make a livelihood in Scotland; the thing is impossible; therefore we are yielding upon one side, and gaining nothing upon the other. It is the same case in Ireland; there is scarcely an English practitioner to be found in Ireland. The great dispute among us was as to Irishmen coming over to the English College to be examined. They are very willing to come over here to be examined, and that was the cause of the failure of the Medical Charities Bill. The fact was this, that after every thing was agreed upon between the three Colleges, the Irish added a clause, saying, that they should have the power of re-examining their own Irishmen who had been examined by the English College; they protested against that as giving them the power to prevent any Englishman or Scotchman practising in Ireland, and upon that point only we petitioned against the Medical Charities Bill; but there are no Englishmen in Ireland, nor in Scotland; at any rate not more than proves the rule that there are none. Therefore, it is England yielding upon every point, and gaining nothing.

169. Are you aware that one of the reasons alleged by Irish surgeons for being examined at the College of Surgeons in England, was, that the examinations were of a much milder character there than at their own institution at Dublin?—I believe it was.

170. Have you any reason to doubt the efficiency of the members of the Irish College?—None.

171. Or the members of the Scotch College?—None; the members of the Irish College were obliged to undergo a longer course of study, and they underwent a more severe examination than either the members of the English or of the Scotch College; but if you carry those examinations beyond a certain point, you cannot get medical men. In the late war, so far from being able to obtain qualified medical men, Government were obliged to take men who had no qualifications, and give them a warrant; therefore, we had in the Peninsula many persons who were fit for nothing but to destroy the soldiery, under the name of doctors. If you increase the age, if you increase the expenses, if you increase the study, you will not be able to find medical men for the country; and that is my reason for saying that I would permit an inferior grade of practitioners or of apothecaries only, so that the poor as well as others should be able to have the advantage of their services at a cheap rate in the first instance.

172. Sir *R. H. Inglis*.] You think that in the constitution of society there must always be an inequality in education, and in other qualifications, for every profession?—Certainly; if a man is never likely to get 200*l.* a year, you cannot expect him to lay out 2,000*l.* upon his education.

173. Mr. *Wakley*.] You stated that the provision with regard to education under one of the Bills which is to be laid before Parliament, was submitted to the Council; that proposition was agreed to by the Council of the College of Surgeons, was not it?—I personally did not agree to it; the Council did.

174. Did you object to the interference of visitors sent by the Council or the Secretary of State?—I objected to that. In the present proposed arrangement there is a great improvement; it has been proposed that a visitor should be of the rank of the college which he goes to visit; but after all, they cannot judge of the examination; at all events they cannot judge of the sentence pronounced upon the individual. I am said to be the severest Examiner at the College of Surgeons and the most lenient judge; that many men escape through me who would be lost as regards their oral examination or their written papers.

175. Do you object to making your examinations public?—The fact is, that the young men are often so bewildered by the present examinations, that I do not think it would answer at all if they were public; that is my only objection.

176. Do you think a man is fit to practise as a surgeon whose nerves are so easily shaken as that?—I think so.

177. Have you ever tried public examinations?—No; the rule is, not to examine publicly, and therefore we do not do it; but we have examined before the whole Council; we examined for the very purpose of forming a body of electors long before the Government thought of the measure, and we ordered all those who were candidates for teachers to come up to be examined; I think

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we examined 11 or 12 before the whole Council, but we gave it up because we found it did not answer the purpose; the young men could not meet it as it might have been expected they would have done.

178. If it were found in practice that the young men were equal to bear the brunt of the examination, do you conceive there could be any better security for the efficiency of the examination than publicity?—None; only it depends then upon the leniency of the judgment; they have a severe examination at present; it is the judgment that is sometimes lenient.

179. Would not publicity be the best security for an honest judgment?—I am for publicity in most things, but not always in these cases; I am for publicity in the Council itself; I wish that their meetings should be open for the confirmation of all business affecting the public, but not when the President might desire the meeting to be private for ordinary business.

180. With reference to the enrolment in this country from other colleges; if a licentiate of one of the Colleges of Surgeons in Scotland came into this country, you would register him at the College of Surgeons?—If he came as an apothecary from Ireland, I would send him to the Society of Apothecaries.

181. If he came as a fellow from the College of Surgeons at Edinburgh, or the College of Surgeons at Dublin, would you enrol him as a fellow?—Instantly.

182. Without any additional fee?—Except a nominal one.

183. And without an examination?—Certainly.

184. Are you, in giving this answer, presuming that equality of education would be secured?—I think so, to a sufficient degree.

185. Tested by a sufficient examination?—I do not rely much upon either length of education or examination; a man must make himself a physician or a surgeon after his examination is over.

186. Do you place no value upon the examination?—Not much.

187. Then why are you yourself a severe examiner?—I like every man to show himself off if he can.

188. If he does show himself as a person of capacity, you compliment him, and place a value on the examination?—Yes, but I do not think it much signifies; the man who passes a bad examination may be a good surgeon; some men are exceedingly frightened; I have seen men so completely bothered, or frightened or overcome, that they could not tell their own names.

189. He has been so bewildered?—Yes.

190. Do you admit candidates to examination upon foreign testimonials?—Provided they have taken a degree in the country where they have been educated.

191. How long has that been the practice?—Since 1841.

192. You have not had many candidates, have you?—Not many; we have had one or two Germans, and one or two from Paris.

193. You stated that there had been a confusion with regard to the operation of the existing charter; do you mean confusion at the elections?—No, not at the elections, but confusion among the great body of the profession, in consequence of the inconveniences and the grievances which they thought they had suffered.

194. What are the alterations which you would make in the present charter?—I would suggest that every gentleman who was a member of the College previously to the late charter being granted should be eligible to a fellowship on producing a certificate of good conduct and character, such as he produces to the Royal Society and others; and if it were found that it was a correct certificate, and he had been 12 years a member, he should be enrolled as a fellow; and I think it would be fair if it were without paying any thing. I have agreed that they should pay 10*L.*, but my own feeling is that they should be admitted without paying any thing. I would have authority to amalgamate the two lists we have at present and make them one. The certificate of character is necessary, because we have in our number, unfortunately, persons who are porters and clerks, and actors and dancing masters, and we could not of course place any of that class with propriety upon the list of fellows. Instead of the Council being elected as it is, it should be elected very differently. We have what is nominally called a constituency of 500 electors; but from circumstances the number present has never exceeded 123; it has on one occasion been 79. I think the Council have infinitely more power,  
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though it may be less good power, in the election, than they had before, because it is quite in their power to prevent any one coming in if they please. It requires a larger number of electors to be at all secure against the influence of the Council; and therefore it is that I have always protested against the small number of electors. The officers of the public service have never been present at any election in a greater proportion than one in forty, showing the fallacy of the reasoning relied upon in the Parliamentary Paper, No. 596, page 7, line 13, *et seq.*, in which it is supposed, that if the claims of the naval and military surgeons had been allowed to the extent demanded, the management of the College of Surgeons would have passed into the hands of the heads of their departments. I do not wish to press this subject further; I have endeavoured to show that I have not been so great a blockhead as not to be able to carry out, when desired, the wishes of the Council; nor have I been so much of a rogue as to betray the trust reposed in me by the officers of the public service. The paper in which the passages which reflect on me are to be found, was a private, not a public, report, and was not intended by the Council to be printed; the public report follows in the same Parliamentary Paper, 596, in which I am alluded to in very different terms. My annoyance has arisen from Sir James Graham having inadvertently laid that private paper on the table of the House of Commons, not recollecting that he had in his own office at the time, from me, nearly all the observations on this subject which I have made to this Committee.

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195. *Chairman.*] You are always sure of carrying the house lists?—Whatever the Council of the College please they can always carry, but they do not interfere, at least, not collectively.

196. *Mr. Wakley.*] You say you have the power to prevent any one coming in; do you mean into the Council?—Into the Council, they can always arrange for any person they please who is first in succession. I believe, therefore, that the ancient mode of self-election was the best.

197. *Chairman.*] Do you mean to say that you can secure the election of a man, or secure his rejection?—The Council can secure both, if they please.

198. *Mr. Wakley.*] In what way could you secure his election?—By letting it be understood that the Council wished it; as the 100 men who attend are, generally speaking, persons greatly attached to the individual members of the Council, any three or four members of the Council can in the present day secure the election or secure the rejection of any particular parties; I am not aware of its having been done.

199. The names are proposed according to their seniority upon the list of the College, are not they?—Yes; I would alter that if I had the power.

200. In the case of a party being proposed and rejected according to the provision of the charter, he may be proposed a second time, may not he?—Yes.

201. And only a second time?—He may be proposed a second time, provided a certain number of persons will come forward to recommend him; but if he cannot get that number, he is passed by, and his misfortune is, that he is passed by without knowing it.

202. What is the number required?—He must have 11.

203. If he be not elected upon the second occasion he cannot be proposed again?—No.

204. Whatever may be his reputation or his merit?—No.

205. Do you deem that very objectionable?—I wish to make an alteration in the whole matter; I would not let the electors be troubled with the same person above three times, but the objection I feel is this, a man does not know when he is to be passed by or elected; there is a case pending at the present moment in which a gentleman of good repute has been passed by. I should state that the Council have not lately interfered at all; his friends had had no intimation that they should propose him, and they did not do it, because no one knew he was next in succession; he is now to be put up on the proposition of 11; but it is under much more unfavourable circumstances; therefore it is possible, unless his friends are active, that another accident may happen again. I desire that every candidate should be regularly proposed, as a candidate for the situation of Member of Parliament is, or that every one should know whom he is going to vote for beforehand.

206. You stated that you had made an application to the Secretary of State



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to alter the charter, but that the condition upon which the alteration would be made was burdened with other proposals which you could not sanction?—Yes, I for one strenuously objected to the Secretary of State's proposition as not being a fair one; others thought the same.

207. What was his proposition expressly?—It is on the title of the House of Commons, No. 699; it was to do something that would have worked very unfairly towards the great body, and in favour of the fellows, who come in as such at once.

208. Colonel Mure.] You made some allusion to a considerable expense that would be occasioned, under the proposed new regulation, to gentlemen who practised in the three different branches of the profession?—I alluded to the expense, if another year were added to the course of study more than at present; and I believe it would be a considerable and useless expense, both in time and money.

209. Supposing it would be a great additional expense for young men to be under the necessity of qualifying themselves, by a general examination, for the general practice of the whole medical or surgical profession, what would be the additional time that you would consider necessary so to qualify them by proper and sufficient education?—As a surgeon apothecary and accoucheur, a man would learn exceedingly well to do it in four years.

210. And as a physician?—As a physician he might learn in the same space of time all that is necessary to know; only people will not employ a physician till he is of a certain age.

211. You do not think that there being one faculty would make much difference in regard to the time of education?—Not any great difference; but I have the greatest objection to one faculty. I beg leave to offer the following objections to the augmentation of the age of the student from 21 complete years to 22, which is, in fact, the commencement of 23. It is argued in support of the addition of a year from 22 to 23, that an average of several years at Apothecaries' Hall will show that the age at which candidates usually apply is between 23 and 24, and that therefore no evil will arise from raising the age from 22 to 23. If the standard were, however, raised to 23, the average would probably amount to between 24 and 25; and if it were again to be raised to 24, the average would probably increase to 25 or 26, and so on, till the impatience of the public would probably annul it altogether. Practical experience as an examiner during the last 20 years has satisfied me that the nearer the student who thinks himself qualified is to 21, the better is he capable of undergoing the examination, and that the farther he is from that age, the less is he capable of undergoing it; and this arises from the circumstance that the education has been connected and good in the first instance, while it has in all probability been desultory in the second, dependent on the inability of the parents of the student to enable him to continue his studies in a regular manner. As no one disputes the fact that a well-educated lad of 16 or 17 years of age can acquire, in four years of steady professional application from that time, a competent knowledge of physic, surgery, midwifery and pharmacy, to enable him to commence the practice of his profession, and to succeed in it; it may be asked why should the incumbrance of another year be put upon him, for no essential purpose, and which the means of the parents can generally but ill afford? That some persons of little preliminary education, and very moderate abilities, cannot qualify themselves under desultory courses of study in that time, is admitted; but it cannot be maintained that the well-educated ought to suffer for the bad, that a good man ought to be punished because a bad one is ignorant. The Court of Examiners of the College of Surgeons are constantly entreated to remit from one month to six, and even more, of the 21 complete years now required, and great numbers would present themselves and prove themselves qualified at 20 years of age if they were allowed. Greater and much more important charges, involving life and death, constantly devolve in our hospitals on young men of 20, than they are likely to meet with as practitioners in ordinary life; and young men of that age are, on the other hand, employed as apprentices and assistants to practitioners, with very little education. The College of Surgeons has been applied to in several instances, to forego a part of the professional education required by their regulations, in consequence of young men having been employed in the sole charge of the poor of a union district, before they had received any regular instruction in either anatomy, physic or surgery and the result of any increase of pressure; will be to augment the number of

of unqualified assistants, and to induce persons of small means to make their sons assistants from 16 to 23, that they may obtain for them a subsistence rather than an education. It will be supporting, by a side-wind, the apprenticeship system, which all parties agree in openly protesting against. As the public service of the country in time of war will not admit of such proceeding, and the late war proved that medical men could not be procured in sufficient numbers with the moderate qualification then required, the heads of all the departments will be obliged, and they are prepared to take, with the consent of the Government, the examinations of their officers into their own hands, under such regulations as they may see fit; a separation to be regretted and even deplored. They must then call upon the Legislature to grant to these officers the right of being enrolled in the Colleges of Surgeons and General Practitioners, if constituted after a reasonable degree of length of service, say three years, when they are returned to civil life, the exigencies of the State no longer requiring their services. That the Scotch will not submit to such unnecessary infliction on their generally moderate means may be presumed, and nothing can be more contrary to good principles than to make education dear, whether in money or time, when the subsequent remuneration must in general be small; the great mass of country practitioners in England realizing, in general, less than four hundred pounds a year. At the present moment there is scarcely a candidate for the office of assistant surgeon in the Navy.

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Veneris, 3<sup>o</sup> die Martii, 1848.

## MEMBERS PRESENT:

Mr. Hamilton.  
Mr. Lascelles.  
Sir Henry Halford.

Mr. Wakley.  
Colonel Mure.  
Sir R. H. Inglis.

THE LORD ADVOCATE, IN THE CHAIR.

George James Guthrie, Esq., F.R.S.; further Examined.

212. Mr. Wakley.] YOU stated, in answer to a question proposed to you at the last sitting of the Committee, that you had violated the charter on several occasions?—I should have said contravened it. The charter directs, for instance, and it is the point which I think most objectionable in the new charter, that there should be a change effected in the constitution of the Council of the College of Surgeons; the Councillors were elected permanently, and the new charter directs that they shall be elected every eight years. The consequence of that election every eight years is a diminution of the respectability of the Council in every respect; and it also led to this, that instead of the President and Vice-Presidents being selected from the Examiners, as they had always been for 100 years, they were directed to be taken from the Council generally. It has been found impossible to work the College under those circumstances; instead, therefore, of taking the members in succession, according to the rota, we keep the custom of selecting them from the Court of Examiners; therefore the charter is so far contravened, that the members of the Council generally do not, as the charter intended, succeed to these offices, but it remains as it was before, it being found that the public business could not be well done otherwise. If the President and Vice-Presidents were away from the Court of Examiners, a great part of the business of the College would be done without the executive officers, who would thus know nothing of its affairs.

213. Chairman.] How did the election for eight years, in your opinion, lower the character of the Council?—The office of Councillor of the College of Surgeons is given to a gentleman, in consequence of a certain degree of station and eminence in his profession. The electors know nothing at the time of his political qualifications; he is elected on the grounds I have mentioned. This is a most important point in the new charter; it was one to which we were obliged to submit, though we steadily resisted it. One gentleman has already been elected three times in four years. Now, when a gentleman is brought forward for re-election, having been once placed in that situation in conse-

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quence of his character and station, if he should not be re-elected it would very much tend to lower him; and I am not aware that in either of the other learned professions, when a gentleman has attained to a certain station of honour, he is ever excluded from it by any circumstances of re-election.

214. You think he should hold his office for life?—I think every person so elected should hold his office for life, for this reason: I am quite satisfied, from my practical knowledge of the subject, that whenever a Councillor shall be removed, he will not be removed by the body generally, but it will be by a cabal within the Council itself, and I wish to protect them from that; it is unadvisable, I think, to do any thing of that kind; I think a gentleman should be retained permanently in his office of Councillor; he is then elected as Examiner if he is thought to be fitted for that office, and he then succeeds to the honours of the College. I have no objection myself to gentlemen being so elected, provided it were upon a different footing; if the fellows who have to re-elect them could know how they have spoken in the Council, and how they have voted, then I should not have the least objection to their being brought forward every eight years; but as it is, we speak and vote in secret, the members know nothing about it, and it is in the hands of any body out of doors who may choose to make speeches against us, or to write against us, to bring us into disfavour with the body at large, and then a man may find himself, without any good reason, some day left out. I have the greatest objection to any thing of the kind; I think it detracts from the character of the profession at large.

215. Mr. Wakley.] Do you consider, in such a science as that of medicine, that seniority in any respect should regulate elections?—I think it should be so far attended to, that a certain number of years should pass by before a man is placed upon the list for election.

216. After his competency has been tested by examination?—Yes; I think it would be very absurd to place men of four or five and twenty in the position of Councillors of the College of Surgeons, which has hitherto been considered a post of honour conferred for good services in the profession.

217. Supposing he had shown by his labour, researches and discoveries that he was entitled to such an honour, do not you consider the members of the profession, who are the best judges of what he has done, should have an opportunity of electing him?—I think he should be 20 years a member before he should be eligible to the honours of Councillor, such as they are.

218. Whatever his labours or discoveries may have been?—That is putting a case that is not likely to happen; I do not know any body that has made such great discoveries, or answered the conditions assumed in the question, under 40 years of age; there may have been two or three, but they have been very few. I was a member of the Council at 38; that arose from my being a member of the College at 16, and the circumstance cannot occur again; no age was fixed until 1802, and being an hospital mate at York Hospital, I was ordered by the Surgeon-general, the late Mr. Keate, to be examined or dismissed.

219. May not deferring the honour to so late a period be a reason why more discoveries are not made by young men, inasmuch as they have not the best stimulus to exertion in the early period of their lives?—The best stimulus to exertion is the favour of the public, and as soon as a man gains that, in all probability he will be elected into that situation, and that is never done under 20 years.

220. At what age was Sir Astley Cooper elected?—Four or five and forty.

221. Mr. Abernethy?—As much, perhaps a little more.

222. Chairman.] You mention that as a general rule of which you would approve?—Yes.

223. And you think that the exceptions which can be reasonably anticipated are not such as to lead you to make any alteration of that general rule?—No; the Council, desirous of doing every thing that could be done for the advantage of the public, proposed that when members of the Council became old, they should not be turned off, as they would be by this eight years' rotation; they felt considerable objection when a man became 70 or 75 to turn him adrift by one of those elections, thereby depriving him of the post of honour which he had retained for a considerable time; the Council therefore proposed to retain for those gentlemen their honorary situations, and if necessary, to provide in some respect for them in removing them from the office of Examiners; this was an objection which they desired to lay  
before

before the late Secretary of State. We proposed to remove them at 70 years of age, to make room for a younger man in consequence; to remove an Examiner, merely on account of his age, becomes a very serious matter; the profession of surgery is a very poor profession, and though there are a few men who make money, the greater part do not, and many men who have filled the most eminent professional situations in London have died without leaving a farthing behind them, not even possessing enough for the support of their families during the last three or four years of their lives; the situation of Examiner, therefore, which has given them about 350*l.* a year, has been a most important consideration for them. Desirous of relieving those men from that situation at 70, and not sending them adrift on the world, under those circumstances the Council proposed that if they were removed at 70 years of age, a pension of 150*l.* a year should be given to them, that is, that it should be given to three persons at one time, and no more: the whole Council agreed to that, with one exception. I went to the Secretary of State myself, as President, with that one person, who did not object to its being done by a bye-law, only to its appearing on the face of the charter, and stated the whole subject; but the Secretary of State declined in the end to adopt the proposal of the Council, and it was not therefore included in the charter.

224. Was not it the practice under the charter of 1800 to elect the members of the Council invariably according to seniority?—No; the rule was this, that when a vacancy was announced, the Council assembled, and a list of the members was read over to them, beginning with the last elected; any member of the Council thinking that A. B. or C., when his name was called over, was a fit and proper person to be elected, moved that he should be placed upon the list, and the whole chronological list, containing perhaps 500 or 600 names, was read over, till six eligible persons, who were moved and seconded, were declared to have been obtained. When that list of six was completed, the Council was summoned for another day, to consider the subject again; on the second day, the Secretary began again to read the names in a similar manner, but we had now the information before us as to the gentlemen whom we considered eligible, and when the name of A. was called over, one gentleman rose, and proposed that Mr. A. should be a member of the Council; if that was not seconded, it fell to the ground, but if it were seconded, the proposer and seconder, stating his name and the reasons why he ought to be a member of the Council, if no one opposed it, he was put to the ballot, and was made a member of the Council; but if any other gentleman opposed it on the ground that his merits were not sufficient, or he did not think him entitled to the honour, they were duly considered; I have seen discussions upon this subject last three-quarters of an hour, each party on both sides stating the merits and demerits of the candidate; and then, when everybody had done, the ballot took place, and he was or was not elected.

225. *Chairman.*] Those six were taken in the order of seniority, as the names were read over?—So far they were.

226. *Mr. Wakley.*] It was not competent to any person to propose E. before A. was proposed?—No; but E. stood on the same list.

227. Under that system, did not it happen that no persons below 50 or 60 years of age were admitted on the Council?—I should say I believe not; I think the usual age was from 44 to 46; I am the only exception to that rule. I do not believe anybody but myself came into the Council under the age of 43.

228. Were the elections chiefly confined to surgeons connected with the London hospitals?—The surgeons of the London hospitals and the teachers of anatomy and surgery are the only persons almost who would claim a right to be placed on the Council from their merits and their station; but it was not always so; there were and are several others who were not surgeons of hospitals.

229. Though they were men of station and merit, did not it frequently happen that they had scarcely any private practice?—I do not like to give an opinion upon that point; it is impossible to say who shall and who shall not have private practice.

230. Was not ——— for a considerable number of years one of the surgeons of Westminster hospital?—Yes,

231. Had he a lucrative private practice?—I do not think that it was lucrative, but I suppose he made 1,500*l.* a year, or perhaps 2,000*l.*; latterly he made

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little or nothing, when he passed 70 years of age; there are several surgeons of considerable eminence who do not make more than 2,000*l.* a year, in my opinion, and there are very few men in London who do, who practise surgery only.

232. If you retain men on the Council for the purpose of providing them with pensions from the College, is not it reducing the institution to men of an eleemosynary character?—No; these men must be men of high professional character; they may be men of great acquirements, and most able men, but they may not happen to have pleased the public, somehow or other; although they are perfectly efficient in their duties, and highly competent to perform their duties on their retirement; and when a man has attained a certain time of life, say 70 years of age, I would willingly give him the same retirement which is given in any other of the public departments of the State, to the extent of three instances; at the same time, I wished this to be stated on the face of the charter, that it might be done fairly and openly, and without disguise, and it was only to be done when the individual was actually in poverty, of which the Secretary of State was to be the judge.

233. Is it your opinion that the fellows of the College are now a highly educated body, the question of course referring to those who are undergoing their examinations?—I do not think better of them than I did before; they have been examined, but I do not think better of them on that account.

234. Do you think a distinction should be drawn between the members and the fellows, and that the fellows should hold a higher rank?—I think, if any change takes place, it would be a desirable thing that there should be a distinction maintained upon reasonable grounds; I have never objected to the appointment of a fellow, or to the distinction, provided it were fairly attainable by all parties; therefore, as far as a better literary education goes, and anything that may be desired in his profession, I am quite willing it should be done; I only wish that the course should be open to the attainment of a fellowship, upon reasonable grounds, by everybody.

235. As you have stated that, in your opinion, the charter ought to be abrogated, will you state to the Committee upon what principles you consider a new charter ought to be granted with reference to the admission of fellows or members, or both?—I will take the fellows first, in the shortest possible manner; I have said already that I think the two lists we have should be amalgamated, but I think all those gentlemen who have been 12 years in the profession, and who belonged to the ancient corporation, should be admitted as fellows on producing testimonials of their character and capability, such as are required for any other of the learned societies; I think also that they ought to be admitted without paying anything; but as 93 gentlemen who have been examined, and have paid their 10 guineas, greatly object to that, and as many others object to their being so admitted, I am perfectly satisfied, provided the other two points are granted, that they should pay; it would probably prevent too great an influx of fellows, who might not think the honour worth 10 guineas.

236. Is there any other which you would suggest?—The next would be, that I would change the bye-laws which impose penalties upon certain persons for not being members of a university, and I should insist, that an education equal to that obtained at a university should be ascertained in future, after the year 1850, by examination; but I would not insist, though it is entering upon a very difficult subject, that any man, after he has become a member of the College, should be obliged to show where he obtained his subsequent knowledge; at present it is confined to particular places, and confining education to particular places makes it enormously expensive; it almost excludes; I would therefore do away with that. I would restore to the Council of the College of Surgeons that permanency which used to exist, believing them to be places and honours which being once attained should not be taken away; that councillors should not be removed except at such an advanced period of life and under such regulations as the College might be pleased to make.

237. You would make the elections to the Council for life, as under the old charter?—Yes; or (which would be another mode) that the quarterly meetings of the councillors should be open to the fellows, at which only all public business should be confirmed, allowing the President to have as many private meetings as he pleased for his own information and that of the Council. If this were done, I should have no objection to the election being every seven or ten years,

years, as might be thought desirable; the speeches and votes of men would be known and reported; public opinion would do the rest.

238. Do you consider that the charters of the three Colleges of Surgeons in England, Ireland and Scotland should be based upon the same principles?—No; I would let each country please itself under the proper authorities of the respective countries.

239. Still you do not object to reciprocity of practice?—I would let every one duly qualified in his own country be enrolled in other countries, provided the education was as nearly as possible the same; I would not dispute about trifles.

240. Can you suggest to the Committee any plan by which equality of education, tested by examination, can be secured?—Only that which I have already mentioned, that if in any country it was not quite the same, the immigrant should be desired to make it up when he came into the other country. If a gentleman had been in practice three years, I would not insist upon any thing at all; I would take it for granted he was quite competent.

241. Do you consider it would be an advantageous plan for a representative of each of the licensing bodies, to assemble annually to consider the curriculum of education, and having resolved upon what they deemed best for each institution, to submit the whole to the Secretary of State, for the purpose of obtaining his decision upon it as the Minister of Public Instruction?—My opinion upon that point is, that it would be very advisable not to have a Council of Health, as it was called, which was quite a misnomer, but a Council of Medical Education; that that Council should be formed by one or more gentlemen sent from each of the colleges, and that the Secretary of State should add three or four laymen upon the same occasion, where all points might be discussed. Medical men will always consider their own interest or that of their body, and therefore they should not be entirely alone. The Council would not be required to meet above once in three years, or only when the Secretary of State might think fit; every good purpose would be obtained, and it would be infinitely better than the Council proposed, in which the offices are desired to be permanent. I do not understand the liberality which, while it deprives a Councillor of the College of Surgeons of his situation every eighth year, provides that another man appointed to a higher Council should be a permanent officer. I view those two things together with great jealousy; if one is to be a representative proceeding, the other should be a representative proceeding. The medical persons sent to the Council, as it is now proposed, should not be appointed by the Secretary of State, but should be appointed by their respective Colleges, and removed by their respective Colleges, so that they may be quite sure that their representatives do represent them, and not themselves. I consider the proposition for forming a Council of Health as stated, to be a thing of a very doubtful character.

242. You did not state whether you objected to the plan of representatives from each of the Colleges assembling, so as to form an assembly by whom all the regulations of the various Colleges should be discussed and considered, with the view of submitting the whole to the Secretary of State?—That is actually doing at this present moment. What I should wish to see is, that the Secretary of State should desire the Colleges to send their representatives to meet three or four lay gentlemen well accustomed to these matters, by whom the whole might be considered together.

243. *Chairman.*] Do you mean to say that that is actually being done at this moment?—The three Colleges of Surgeons, Physicians and Apothecaries, and a body called the National Institute, have been conferring with each other for some time past, particularly the College of Surgeons and the National Institute, in consequence of what has happened to them by the charter. They have got a little frightened lately from what they heard, that if they did not come to some adjustment of their grievances in the course of a month or two, the matter might fall into other hands; and they have assembled for the purpose of seeing what they can do; therefore each party is keeping its own, and making such an adjustment as they think will answer for themselves, and I trust for the public benefit; and when that is done, it will be laid before the Secretary of State, to take such steps as he may think fit for bringing a Bill into Parliament; it is, in fact, in the greatest possible progress just now.

244. *Mr. Wakley.*] My question referred to representatives from all the Colleges and Institutions which have power at this time to grant licenses to practise;

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the question was not confined to the corporations of London, but included the institutions of Scotland and Ireland?—As I have answered already, I wish those bodies to regulate themselves. I should not wish to bring gentlemen from Ireland to England, nor from Scotland to England, to regulate English matters; I do not think we require it; nor do I think the education in England should be applied to Scotland, as they would regulate their own education in Scotland; the only inconvenience that would arise, would be when a gentleman wishes to practise in England; and if he had been two or three years practising in Scotland, I think he should not be interfered with; but if he was only an English student, who had gone there to be educated, I think he should make up the difference in education, and the difference of the fee for examination.

245. Did you say that you objected to refer all such questions to a central authority?—Not to a central board to be appointed temporarily, but to a permanent board. I object to unnecessary places being made which are to be paid for at the expense of the profession.

246. Unless the various curricula are referred to the same central authority, will there even be any agreement as to the provisions of them?—It might be done with the greatest ease in the world.

247. Is there any hope of its being done?—I should say yes, without any difficulty. I am satisfied that the chairman of this Committee would settle it in two days if power were given for the purpose.

248. You state that there have been meetings between the existing corporate bodies and persons calling themselves the National Institute; have you been present at those meetings?—No; the executive officers manage the business of the college.

249. Have not the Council been convened on the subject?—The Council have heard reports from those gentlemen.

250. Have you been consulted with reference to the matters discussed?—Yes, in common with other councillors.

251. Have you agreed to the published manifesto?—The majority have agreed to it; I have not agreed.

252. Have you agreed that those persons who, after the issuing of the charter are to become members of the body, are not to be registered as members of your College of Surgeons?—I do not think that has been yet settled; I believe there is a difference of opinion about it, but my own opinion is, that they ought to remain as surgeons.

253. I will read you a passage from the document I refer to: "But after the passing of this Act, those who shall be admitted as members shall be also admitted by the Royal College of Surgeons, and registered as General Practitioners." Do you consider that it would be fair to deny to those gentlemen the right of being registered as surgeons, or that it would be satisfactory to the profession generally?—Certainly not; I know it would be very unsatisfactory to the great body of the profession.

254. Were you present at the discussions that have taken place?—Not at the private discussions between the representatives of the bodies alluded to; but at the discussions of the Council I have been present.

255. Is the matter finally settled?—It lies over for confirmation to the 9th of March.

256. Have the corporations of Scotland and Ireland been requested to join by their representatives in those discussions?—No; it has been proposed to settle the English matter first. I should state, however, that I have given myself little concern about the College of Surgeons for 18 months past. I have taken no part in those discussions.

257. Individually, then, the agreement that has been entered into has not received your sanction?—Upon some points it has not.

258. Do you recollect any of the important points which you have sanctioned?—I did not vote at all; I made a point of not voting, except upon one occasion. The only vote I gave was, that a gentleman should be examined by both bodies, who was to be what is called a General Practitioner; that he should be examined in anatomy and surgery by us, and examined by the other competent body, whatever it was, in physic, pharmacy and midwifery. My opinion is, that the whole affair of the College of General Practitioners is an error; but it cannot be helped under existing circumstances.

259. The arrangement which has been entered into is founded upon the assumption,

assumption, that a new charter is to be given to a body called the General Practitioners?—Yes.

260. Do you agree in the necessity for forming such a College?—No, I do not agree in the necessity for it; on the contrary, I think it will do harm to the public. The old arrangement, I think, was much the best; but there must be an examining body in physic, pharmacy and midwifery, and, as the Society of Apothecaries are willing to give it up, provided the other party can make their own terms with the Legislature, I have no objection to it; all I say is, that the Secretary of State must take care that the public receive no detriment by the arrangement.

261. Is there any thing in your charter to prevent your examining in medicine?—We could not well do it without a new charter being given to us, or an Act of Parliament. Under it a Court of Examiners in physic, midwifery and pharmacy might easily be formed.

262. Are surgeons of the army and navy also examined by the Apothecaries' Society?—No, they are examined by their own officers before their own boards.

263. Are they examined medically?—Yes; and this body you are alluding to have acted very handsomely, I must say, in agreeing to consider that examination as their own, and to place those officers upon the list of general practitioners, if they desire it.

264. What are the distinctions you would recommend between the education of a physician and a surgeon?—It is a very different education, after a certain point; a physician must learn anatomy, and all other elementary things, like a surgeon; and then he devotes his attention to those points which are more entirely to come under his notice; he ought to learn both, and then he takes the line which pleases him. It is very much like the law, where men choose to go one to the Chancery bar and the other to the Common Law bar.

265. Up to the age of 22, the usual period of examination, would you make any important distinction between the education of a surgeon and of a physician?—None; I should say the change should take place after the end of the 21st year.

266. Is not the practice of persons who call themselves surgeons in a great measure medical?—It is impossible to say what is surgery and what is physic in the present day, beyond the general outline of things.

267. No line of distinction which can be uniformly observed can be drawn?—No; every one knows that a broken leg does not go to a physician; but it is a disputed point whether erysipelas belongs to a physician or surgeon. The physician claims a syphilitic disease; if it affect a man's throat, I claim it as mine; but we never dispute about those things; we cure our patients together in the best way we can.

268. When you are sent for to a consultation, are you in the habit of ascertaining before you go whether it is a medical or a surgical case?—No; no one thinks of asking such a question. I am going to meet two doctors on the case of a stranger when I leave this place; but I do not know at all what the nature of the case is.

269. Supposing it should prove to be the case of some internal malady, without any external appearances, should you in that case decline to act as a surgeon?—If I thought I was capable of curing the disease, I should attempt it; if I thought I was not, I should desire them to send for some one else.

270. Would you try?—I might, or I might not; I should not attend a person with small pox; I should say, "you have sent for the wrong person; I will order you something for the present; but I recommend you to send for a physician."

271. The small pox is considered a medical disease, notwithstanding its external appearances; is it?—Yes.

272. You have stated, that you would not expose to any penalty persons who practise as unqualified practitioners?—I have said, I think, that they ought to take out a license, and be marked as "irregular unqualified practitioners;" and that then, if the public choose to employ them, they may.

273. Do you consider it is for the public advantage and the public safety, that a parent should be permitted to take his child to such an unqualified person?—I think the public should do as they please; they will, whatever the law may say.

274. Then, whence the necessity of your College?—To provide qualified people,

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people, and that the public may know them by the diploma, which they hang up, if they please; by it, marking as irregular unqualified practitioners those who have it not; I would let people go where they please.

275. If such a person were to practise without advertising himself as an unqualified man, what penalty would you impose upon him?—Any such penalties as the law might impose; I do not know what the rate of penalty might be, whether 5*l.* or 10*l.*; more or less.

276. You would impose a penalty upon him unless he did publicly placard or advertise that he was an unqualified person?—He should put over his door that he was Mr. So-and-so, an unqualified practitioner, upon every prescription he wrote, or upon every card he issued, he should write the same; and I would not allow him to make a demand in law for anything, nor allow him to give a certificate, nor allow him to be appointed to any office whatever filled by a surgeon, physician or apothecary; nor should he call himself by any of those names, but he should be an irregular unqualified practitioner, incapable of procuring his money or doing any thing but just what people asked him to do.

277. If he were so to placard himself, do not you believe there would be a great many who would still apply to such a man, and that thus the lives of a great many people might be sacrificed?—They will do the same whether or not. If you raise the qualification of men, as you are going to do, beyond a certain point, the public cannot be supplied, and if no man is to practise but Mr. A. or Mr. B., living 10 or 12 miles off, what is an unfortunate person to do in those circumstances? he cannot employ the quack, and he cannot afford to pay the regular practitioner; but if you allow an inferior class of persons to what is called general practitioners, you would have the poor in some degree supplied; that is the great point Government must attend to, that the poor may not be deprived of the necessary advice which they need; therefore I think the Court of Examiners of the Society of Apothecaries should not be abolished.

278. *Chairman.*] You are afraid, by raising too high the qualification of regular practitioners, you may drive the poor to seek the assistance of persons who are unqualified?—They will be obliged to do so; they will be obliged to go to chemists and druggists, who now practise to a great extent; and as they are totally unqualified, it ought not to be permitted out of their own shops.

279. *Mr. Wakley.*] Is not the proposal which is now made, to institute another body, and compelling the mass of the practitioners to be examined before that body as well as their own, calculated to increase the expense of medical education?—Certainly, and to raise it so much that the poor will not be supplied.

280. That is a point you do not concur in?—No, not exactly; I should wish to have a class of practitioners as they have been before, surgeons and apothecaries acting independently of each other, and, as far as can be, making them take both diplomas.

281. Do you discover any objection to the College of Surgeons being at the head of the great mass of the medical practitioners of this country?—None: that, however, is a question which is painful to me to answer, because it does not allow me to convey the whole facts of the case; the whole body wished it until the charter granted to the Council of the College of Surgeons offended them; angry at the insult offered them, they formed the National Institute, which they would never have done had they obtained redress for what had been done by the new charter of the College of Surgeons. I am satisfied if that charter were abrogated, and a new one formed upon sound principles, three-fourths of those gentlemen would wish to come back to the College of Surgeons.

282. And you consider that advisable?—Certainly; they wish it themselves.

283. *Chairman.*] Do you know the number of the National Institute?—No; there may be a couple of thousands, or there may be four, or there may be less; the body of surgeons in this country is about 12,000.

284. *Mr. Wakley.*] Do not you believe that it would be for the advantage of the public, and of the profession, if the differences which exist between the Council of the College of Surgeons and the great body of the members could be entirely removed?—Certainly.

285. And that College become the acknowledged head of the great body of the profession in this country?—Certainly.

286. Do not you consider that their being connected with a college of a lower grade would be likely to lessen them in the public estimation?—They do not propose that it shall be of a lower grade, but an equal grade.

287. Is not it proposed in the document to which I have referred, that the College shall be called the College of General Practitioners, and not the College of Surgeons?—In the first place, I do not profess to know what a general practitioner is myself, but it does not follow that they should be a college of a lower grade.

288. Would you yourself give your support to a college of equal rank and privilege and influence with your own?—It must be so, if it is established; that is a matter for the Government, and not for me, to consider; if it is made so, I cannot help it.

289. Have not you objected to the establishment of such a college?—I have not objected to it; I would rather the points in dispute were amicably adjusted.

290. Do not you recollect a document which was issued from your College, bearing your own name, amongst others, in which the strongest objections were offered to the establishment of such a college?—Because a man's name is upon a paper, it does not follow that he is in the majority who issue that paper; my name may be seen as having attended the meetings of the Council which have taken place lately, and I may therefore be supposed to have agreed to the things which I have objected to here.

291. The signing of the paper was your own voluntary act, was it not?—No one signed the paper. The members present are enumerated; the opinion of the majority only is furnished; I should be very glad if the majority and minority were shown to the public on all occasions. I think that public meetings should be public.

292. Do you see any insuperable obstacle which presents itself to a perfect reconciliation taking place between the Council and the 10,000 members of that College?—There are some who would not agree to any thing, unless there was a new body formed; but I think the greater part, probably 8,000 or 9,000 of the members, would be delighted to return to the College, and to be in harmony with it, on fair and reasonable terms.

293. Sir *R. H. Inglis*.] When you say, in your last answer, "return to the College," will you state to the Committee whether a body of 9,000 can be said to have left the College?—I think 48 out of every 50 men in the College are displeased with the charter granted to the College, and its results, and that the greater part of them would, to-morrow, join the body of general practitioners, as it is called, in consequence of the grievances they think they have sustained under it.

294. Without pressing you too closely upon the proportions you have now stated to the Committee, do you wish the Committee to understand that, supposing the general body of surgeons to be 12,500, any thing like the proportion of 24 out of 25, being what you have stated, 48 out of 50, have left the Royal College of Surgeons, and are prepared to return to it?—I say, that I think 48 out of every 50 members of the College have strenuously objected to the changes that have taken place under the late charter; and if the objectionable parts of the charter were removed, 48 out of 50 of these would be perfectly satisfied; they have not left, in fact, they have only expressed their dissatisfaction.

295. The phrase "return to the College" almost implied a previous leaving?—A return to their allegiance, I will say.

296. Mr. *Wakley*.] You stated in your last examination that you thought the colleges could make an efficient public register?—Yes.

297. Will you state on whom the duty should devolve, in your opinion, of forming a general register?—Upon the Secretaries; I would only have a register for England in England; a register for Scotland in Scotland; and a register for Ireland in Ireland. That being the case, the Secretaries of the three branches might unite, and make a register.

298. You mean that the Secretaries might make a separate register, and also a general register?—Yes; if ordered by Parliament to do it.

299. Do you see any objection to the plan of registration contained in the Medical Registration Bill of 1847?—The only thing I objected to in that plan was, that in it you placed all the three grades upon the same footing; it allowed a gentleman who was an apothecary to act as a surgeon, which he was not

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entitled to do; and, by the same reasoning, it made a surgeon act as a physician, and it gave a colour to his being considered as such. I propose that every man should be placed in the situation which he has obtained by examination, and no other; I do not object to people interfering a little with each other, but they should not be publicly declared to be alike.

300. *Chairman.*] Publicly you would maintain a distinction between the three great classes of the medical profession?—Yes.

301. Mr. *Wakley.*] Do not you find that the sources whence the qualification of the parties are derived are distinctly specified in the Schedule to the Bill referred to?—I do not object to that; it is to the inside of the Bill I object; and even the schedule is a great deal more bulky than is necessary; it might be done with half the space and half the trouble by putting the name and simply the initials denoting the body to which he belonged.

302. Do not you consider the qualification should be specified?—So as to be intelligible.

303. Is any more than that done?—It might be done more shortly, but it is only a few sheets of paper more; it is of no importance.

304. Do you see anything objectionable to this form?—Not if it is taken alone, and not connected with anything else.

305. Do you see any objection to the form of the annual certificate?—I do object to that seriously; the word “medicine” I understand in the strict sense as meaning the practice of physic, but it does not do so publicly; it means every thing, physic, surgery, and pharmacy, and everything belonging to them; separate distinctions have been made, such as the practice of physic, the practice of surgery, and the practice of pharmacy; a certificate should say the individual is qualified to practise as a surgeon or a physician, or a general practitioner, as the case may be; but it does not do so, and that is what the Colleges have objected to, as pounding us all up in the same mortar, in fact.

306. Have you not stated that you did not see any distinction which should be made in the education of a physician and a surgeon?—In the first part of it, up to the age of 21 only.

307. If their education be the same, and their competence has been tested by an efficient examination, why would you not confer upon them equal rights?—I have not said I would not confer upon them equal rights; I have only said that each man should be described in his particular character.

308. Does not this certificate state whence he has derived his education; in other words, does not it state to what College he belongs?—The objection is to the word “medicine”; that he is entitled to practise “medicine,” which is a generic term for everything which, by holding only one of those three qualifications, he is not entitled to do.

309. You admit that a consulting surgeon does practise as a physician?—Not always.

310. And that he prescribes for the cure of internal diseases?—He may, but he does not always do it, and he ought not to be known as such, unless the public have confidence in him.

311. Will not the public have an opportunity of judging by observing in the annual certificate to which College he belongs?—The public would never look at that paper at all; the public will not buy the register.

312. Though you would not punish an unqualified practitioner who assumes to undertake the treatment of disease, you would not allow a surgeon to practise as a physician, or a physician to practise as a surgeon?—Let them practise in any way they like, but I would not by an Act of Parliament declare they were competent to do so; I would allow every man his perfect freedom of action.

313. *Chairman.*] You object to that form of registration, because the word “medicine” is a word which is equivocal in itself, not importing any one of the three branches, and therefore does not sufficiently distinguish the class to which the person belongs?—Exactly so.

314. Have you or not an objection to a party practising physic and surgery at the same time, if he is duly qualified for both, and adding to that the practice of pharmacy also, if he is duly qualified for it?—None in the world.

315. You have no objection to a party having in his own person the qualifications to practise medicine in all its three branches?—None in the world, provided he has the proper qualification for each.

316. Sir *R. H. Inglis.*] Your impression is, that the public will not buy the register;

register; is it your impression, that those who framed the plan of registration which has been just exhibited to you, mean that the party entered in the register, whether deriving his assumed qualification from the Royal College of Surgeons of England, the Royal College of Physicians, or from the Apothecaries Company, or from any other source in the United Kingdom, will be permitted to affix to his brass plate or over his shop door the words "Licensed to practise Medicine," and that while such a description will unduly elevate unqualified practitioners, it would degrade the qualified practitioners?—I would not allow any body to put up that he was allowed to practise medicine; he should say he was allowed to practise physic or surgery, or pharmacy or midwifery, as the case may be.

317. That is another objection you entertain to the form of registration appended to the Bill of 1847?—It is the only objection, in fact.

318. Colonel *Mure*.] If a man has gone through an education for all the three branches, you would not object to his putting upon his plate that he was competent to practise in all three?—Certainly not; that is the object now desired to be attained, by their being called general practitioners in those four branches.

319. Sir *Henry Halford*.] Has your attention been called to the plan of registration put in by Dr. Hawkins?—I have not looked at it since the Committee last met, some months ago; I thought it a very fair kind of registration; I thought it would answer the purpose; nobody buys a register of surgeons but the members themselves; the public, generally, never care what is the qualification of a doctor, if they think him a good one.

320. Colonel *Mure*.] You mentioned that you considered that the same education which qualified for a surgeon would qualify for a physician?—I said, up to a certain age, up to the age of 21 or 22.

321. You speak of the first examination?—They pass different examinations, in the University of Paris they undergo the same education up to a certain point; that point is up to the examination. The gentleman who is to pass in physic writes his thesis in physic; others in surgery. There may be some little additional surgical education, or some little medical education; but they pass through pretty nearly the same course there.

322. You think there would be no objection to any gentleman who completed his whole education in each branch obtaining a qualification, either as surgeon or physician, as he pleased, or as both if he liked?—I am a doctor of physic as well as a surgeon, and I am entitled to practise both if I please. Many of our English gentlemen wish to give up the term of apothecary. Unless they are 40 years or age the College of Physicians here will not give them a license to practise physic alone, and then they will not dub them doctors. Therefore, those English gentlemen go to St. Andrew's; and that is the evil of St. Andrew's, that they have not a regular school. English gentlemen go down, and are there examined, I dare say, very well and very fairly, and they get the title of Doctor, and then they come back to the College of Physicians, and having obtained the title of Doctor, the College of Physicians will then admit them for the purpose of practising. That is a proceeding which I think the Legislature should do away with, by stating, that after a man has qualified himself under certain regulations, he should be admitted a Licentiate of the College of Physicians after examination.

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323. *Chairman*.] YOU are a member of the Society of Apothecaries?—Yes.

324. And a fellow of the College of Surgeons?—I am; and I am a fellow and member of the Senate of the University of London.

325. Do you hold any office in the Society of Apothecaries?—I am a member of the Court of Assistants; and, at this time, deputy master of the society.

326. Will you be good enough to explain to the Committee the constitution of the body of the Society of Apothecaries?—The Society of Apothecaries was constituted under a Charter granted in 1617, by James 1st; the society consists of a Master, two Wardens and a Court of Assistants, to whom the administrative duties of the society are entrusted; the Master, the two Wardens and 21 Assistants form the Court of Assistants; the livery consists of 150, and the yeomanry of an indefinite number, being the other members of the society.

327. That is the constitution under the Charter of James 1st?—Yes.

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328. Has that been altered or confirmed by Acts of Parliament which have been successively passed in favour of your body?—It has been confirmed by the Act of 1815.

329. How are the yeomanry elected?—Parties are admitted to the yeomanry by a claim of parentage; that is, by being sons of members of the society, by having served an apprenticeship of seven years to a member of the society; and admission is also obtained into the society by purchase; the terms, therefore, are by birth, by servitude, and by redemption, as it is called.

330. Is there an examination before the admission of any party as a yeoman upon either of those grounds?—There used to be an examination upon the admission of a member of the society; subsequent to the Act of 1815 there has not been uniformly an examination.

331. In what cases is an examination made, and in what cases is it dispensed with?—An examination has not been made in any case subsequently to 1815; it was made prior to 1815.

332. Do you admit without examination?—Not without examination, inasmuch as those who claim from apprenticeship undergo an examination before the Court of Examiners appointed under the Act of 1815.

333. Upon what occasion do they undergo that examination?—When they obtain their qualification for practice.

334. In the other two cases do you admit without examination, where the claim is from parentage and purchase?—Yes.

335. May any man obtain admission as a yeoman upon purchase, without any qualification?—Many years have passed without any party being so admitted; I have no knowledge of any person being so admitted myself; I do not think any individual would be admitted who was not a legally qualified apothecary.

336. Since the date of the Act, do you know of any instance of the kind?—I do not know of any; since I have been a member of the Court of Assistants there has been none.

337. Since when have you been member of the Court of Assistants?—Since 1840.

338. In the case of parentage, is any test of qualification required?—Not at present.

339. Is that since the Act of 1815?—Subsequently to the Act of 1815, it was considered that no person would have a claim to admission to the society who was not an apothecary qualified by the Act of 1815; but doubts having been entertained upon the subject, a case was drawn up by the solicitor of the society, and it was submitted to Mr. Knowles, the Common Serjeant of the city, who was supposed to be acquainted with municipal law, and his opinion, which can be laid before the Committee, states decidedly, that that limitation could not, in accordance with the municipal rights, be acted on; and subsequently to this opinion, parties have been admitted on the claim of parentage who were not qualified as legal practitioners.

340. Were those parties admitted without any test, by examination or otherwise, as to their qualification?—Subsequently to that opinion, they have been admitted without any examination.

341. In all other cases, you require the qualification of being licensed medical practitioners?—I believe no person, whether by purchase or under any circumstances, except from birth, is admitted, without having been previously examined.

342. Examined by your body?—Yes; by the Court of Examiners of the society.

343. How are the livery elected?—The livery are elected by the Court of Assistants, from the yeomanry, upon vacancies occurring by death.

344. How are the Court of Assistants elected?—They are elected from the livery by the Court of Assistants themselves.

345. How is the master elected?—The master is elected also by the Court of Assistants from their own body.

346. And the two wardens?—And the two wardens likewise. The usual course is for a gentleman to be elected as junior warden for one year, and the succeeding year as senior warden, and the usual practice is, that the senior warden becomes the third year the master.

347. Does he generally hold the office of master for more than one year?—  
Generally,

Generally, he holds it for one year only; instances have occurred where re-  
elections have taken place the succeeding year.

348. There is nothing in your foundation to prevent it?—No.

349. Who are the examining body by whom licenses are granted?—The  
examiners are elected by the Court of Assistants annually, from such members  
of the society as are legally qualified to practise, and have been members of the  
society for 10 years.

350. Whether those members are members of the livery or of the yeomanry?  
—Whether of the livery or of the yeomanry.

351. How many Examiners have you?—Twelve.

352. What are the privileges belonging to the Society of Apothecaries under  
their Charter, or under the Act of Parliament?—I know of no other privileges  
than those that arise from connexion with the Society as one of the municipal  
corporations of the city, except the privilege of being elected as a member of  
the Court of Examiners, to whom is entrusted the immediate administration of  
the Act of 1815.

353. With respect to practice, what are your privileges?—None whatever.

354. Have you no exclusive right of practice belonging to the body?—No.

355. Neither in London nor out of London?—Neither in London nor out of  
London, so far as I know.

356. Can any body practise as a general practitioner without the license of  
the Apothecaries Company?—Not since the Act of 1815, they cannot practise  
as apothecaries.

357. Nor as general practitioners?—Certainly not, inasmuch as the functions  
of the apothecary form an essential part of the functions of the general  
practitioner.

358. Can the members of the body itself, the yeomanry and the livery, prac-  
tise without a license from the body?—They require a license under the Act of  
1815.

359. Equally?—Certainly.

360. Then nobody, whether belonging to your body or not, can practise as  
an apothecary without receiving your license?—They cannot legally.

361. Any other privileges which belong to the members of the corporation  
are those which arise from an interest in your funds, or the honour belonging  
to the society either as examiners, or wardens, or assistants?—Exactly so.

362. If any body practises without a license from your company, what pen-  
alties does he incur?—He is subject to the penalties imposed by the Act of 1815.  
It has been recently ascertained by a case laid before the Attorney and Solicitor  
General, that persons practising without a license, as it is now called, of the  
society, are amenable to the law, and may be punished as committing a mis-  
demeanor. The Act likewise imposes certain penalties in addition for prac-  
tising without a certificate of qualification.

363. In point of fact, do you know whether that Act is enforced to the extent  
of inflicting those penalties?—To a very limited extent.

364. Is it enforced in London and out of London?—It has been enforced  
in many instances in the provinces and in London likewise.

365. At whose instance has it been enforced?—A communication has, in the  
first instance, been made to the society respecting persons practising illegally;  
and, so soon as the society has obtained such evidence as in the opinion of  
their legal advisers would justify a prosecution, a prosecution has been pro-  
ceeded with.

366. Can a prosecution proceed at the instance of any one but the society  
itself, or some person authorized by them?—It was supposed, at the time to  
which I allude, that the society alone could carry on a prosecution, but it is  
now ascertained that any party may carry on a prosecution.

367. By a *qui tam* action?—Yes.

368. Do you know whether, in point of fact, any *qui tam* prosecutions have  
been instituted in any number?—Not in any number; there was one, I think,  
at Bradford, in Yorkshire. I hold in my hand a paper, containing a commu-  
nication made by the society, with reference to the opinion given by the Attorney  
and Solicitor-general, and another counsel, as to the more extended powers  
which were found at that time to be given by the Act of 1815.

369. Do they find that the Act of 1815, with its power of prosecution, not  
vested in the society, but extending to the form of a *qui tam* action, represses  
the practice of apothecaries where it is not carried on under the license of your  
society?

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society?—The Act, as administered, has not succeeded in fully checking illegal practice.

370. Has it succeeded considerably in checking it?—It has, to a great degree, but not to the extent it is desirable that it should do.

371. Neither in London nor in the provinces?—Neither in London nor in the provinces, till recently, in consequence of the enormous expense which necessarily attends each particular action.

372. You have told the Committee that your Examiners grant licenses; what is required of a candidate who comes before you for examination in respect of previous education?—The Act requires that no person shall be admitted to any such examination for a certificate to practise as an apothecary unless he shall have served an apprenticeship of not less than five years to an apothecary, and unless he shall produce testimonials to the satisfaction of the said Court of Examiners of a sufficient medical education, and of good moral conduct; that is the requirement of the Act of 1815. Under that clause which requires a testimonial of sufficient medical education, a latitude has been allowed to the Court of Examiners to make such requirements as may appear to them just and expedient as regards the course of previous study, on the part of the individual presenting himself for examination. I have in my hand a copy of the regulations which are, at this time, in force upon the subject, and which must be complied with, on the part of the candidate for a license to practise.

373. What is the date of those regulations?—This is dated August 1846, but I think these regulations are published annually, and in 1847 no alteration took place in the regulations of the Court of Examiners.

374. Were the regulations previous to those you hold in your hand of much the same character, or was there any considerable alteration made?—The regulation for the study of medical students has been progressively extending from the passing of the Act of 1815. In the first instance, the course of study was limited, and the examination was conducted with great forbearance. The time of study has been progressively extended, and the number of subjects required to be studied have been increased, and the examinations have altogether taken a wider range, and there has been a progressive increase of their strictness.

375. Does your present curriculum include surgery?—No.

376. Have you any objection to communicate to the Committee the regulations which are in force now?—Certainly not.

[*The Witness read the same, as follows:*]

“**COURSE OF STUDY.**—Every candidate whose attendance on lectures commenced on or after the 1st of October 1835, must have attended the following lectures and medical practice during not less than three winter and two summer sessions; each winter session to consist of not less than six months, and to commence not sooner than the 1st nor later than the 15th of October, and each summer session to extend from the 1st of May to the 31st of July:

First year	-	{ Winter Session { Summer Session	-	{ Chemistry. Anatomy and Physiology. Anatomical Demonstrations. Materia Medica and Therapeutics; this course may be divided into two parts, one of which may be attended in the summer.
				Botany and Vegetable Physiology.
Second year	-	{ Winter Session { Summer Session	-	{ Anatomy and Physiology. Anatomical Demonstrations. Dissections. Principles and Practice of Medicine. Medical Practice.*
				{ Medical Practice.* Forensic Medicine and Practical Chemistry. Morbid Anatomy and Clinical Medicine.
Third year	-	Winter Session	-	{ Dissections. Principles and Practice of Medicine. Medical Practice.* Morbid Anatomy and Clinical Medicine.

\* Twelve months of the medical practice must be at a recognized hospital, and six months either at a recognized hospital or at a recognized dispensary.

“ Midwifery, and the Diseases of Women and Children, two courses, in separate sessions, and subsequent to the termination of the first winter session.

“ Practical Midwifery, at any time after the conclusion of the first course of Midwifery Lectures.

“ The above course of study may be extended over a longer period than three winter and two summer sessions, provided the lectures and medical practice are attended in the order prescribed. The Court particularly request the attention of the students to the increasing importance of Organic Chemistry and Structural and Physiological Botany.”

377. Will you also favour the Committee with those that were first passed after the Act of 1815, so that the Committee may see the two extremes?—The following is an abstract of the regulations issued by the Court of Examiners on the 31st July 1815, immediately on the passing of the Act:—“ The court announced that the candidate would be expected to possess a competent knowledge of the Latin language, and to produce the testimonials of having attended two courses of lectures on anatomy and physiology; two courses of lectures on the theory and practice of medicine; one course of lectures on chemistry; one course of lectures on materia medica; a certificate of attendance for six months, at least, on the medical practice of some public hospital, infirmary or dispensary: and intimation was given that the examination would be,—1. In translating parts of the Pharmacopœia Londinensis and physicians' prescriptions; 2. In the theory and practice of medicine; 3. In pharmaceutical chemistry; 4. In the Materia Medica. Limited as this curriculum may appear at the present time, compared with what the court have since been able to require, it was all the court felt warranted in demanding for some years after the passing of the Act. In the years 1826, 1827, 1828 and 1829, additions were made to the course of study; in the year 1830 the regulations of the court underwent a careful revision, and the new and extended curriculum was prefaced by an address to the students, which so clearly announces the principles by which the Examiners had been guided in their gradual advance to the great object to which all their efforts had been directed, that any retrospect of the proceedings of the court would be imperfect without it.”

378. From what have you read that?—From a “ Statement by the Society of Apothecaries on the subject of their administration of the Apothecaries Act,” published in 1844.

379. Is that statement published by the authority of the society?—It is.

380. Those were the original qualifications, and they were successively altered from year to year, requiring a more extended medical education, till at last it has resulted in the regulations of 1846?—Yes, very little alteration was made from the year 1815 till the year 1827, except upon one point, the admission of an attendance upon the medical practice of a dispensary, in consequence of the hesitation at that time, on the part of the physicians connected with one of the public hospitals, as to giving a testimonial of the attendance of students at that hospital. Difficulties of a similar kind having occurred elsewhere, the attendance upon the medical practice of a dispensary was allowed as a substitute, or in combination with the attendance upon the medical practice of a hospital, but with that exception little alteration was made till the year 1827. In July 1827, which is the termination of the year of service of the Court of Examiners, which is elected on the 1st of August one year, and terminates its year's duty on the 31st of July the succeeding year, the Court of Examiners took a wide reference to the whole of the experience of the Court of Examiners from the commencement of the duty intrusted to them. After making as extensive inquiries as they had the opportunity of making with respect to the course of study of medical students elsewhere, they commenced a gradual system of enlargement of the course of study, both as to the time and as to the different subjects of study, and also as to the order in which those subjects should respectively be studied. In no instance has any alteration been made in the regulations till the experience of the court satisfied them that some alteration was requisite, and then their object was to avail themselves of such experience, and the information they could obtain from any other quarter prior to the publication of the modified regulations.

381. The principal step towards the present system was made in 1827?—Yes; perhaps I may add, that until that time students were allowed to take the subjects of study in any order which they might think fit, and to present themselves for examination at the end of six months, or later, as they might



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prefer; it was found that many came up within a space of time inadequate for the acquisition of the knowledge that was required; the Court therefore considered it more just to the students to point out to them the order in which they should pursue their studies, and to require a longer period of study.

382. It now results in your prescribing a proper curriculum, both with respect to order and time?—Yes, though susceptible of improvement still.

383. In what schools do you allow this curriculum to be followed, and the information to be acquired which it prescribes?—In any British or Irish school, and also in any continental schools from which we can have satisfactory testimonials.

384. Of course you include the schools of Edinburgh, and Glasgow, and Dublin?—Yes.

385. Aberdeen?—Yes; and we have had many whose studies have been conducted almost exclusively in Paris.

386. What are your principal schools in England?—London, Birmingham, Bristol, Hull, Leeds, Liverpool, Manchester, Newcastle, Sheffield, and York.

387. It appears by the Act of Parliament that you require practice with an apothecary; is apprenticeship required?—Apprenticeship has been unfortunately found to be indispensably necessary.

388. What do you understand by the word apothecary; does it involve a license by your society?—Yes; unless in practice previously to 1815, or unless the practitioner in Scotland or in Ireland exercises those professional functions which correspond with the functions of an apothecary in England. I understand an apothecary to be a person who has obtained a certificate of qualification from our society; apothecaries who were in practice in England prior to the date of 1815, and medical practitioners in Scotland and Ireland who are legally exercising functions similar to those of an apothecary in England.

389. Do you admit an apprenticeship to any apothecary in this sense as furnishing a qualification for the license which your body gives?—We do.

390. What length of apprenticeship do you require?—The Act specifies five years.

391. In point of fact, do you actually require the whole of that five years, and a certificate that the apprentice has served his five years under indenture?—That he has been apprenticed for that space of time; but as to the particular way of serving, no inquiry is made. It is inferred that the apprentice is in the relation of a pupil to the apothecary, who is to direct his studies, both theoretical or practical, as in his judgment may seem best, so that they still conform to the regulations of the society.

392. Do you require a certificate of good behaviour from the master?—Certainly.

393. And proficiency?—No; that is to be tested by the Court of Examiners.

394. Simply of good behaviour?—That he has fairly fulfilled his indentures, and that his moral conduct has been satisfactory; it is considered that the apprenticeship has thus been enabled to exercise a beneficial, moral, as well as professional influence upon the apprentice.

395. Can you in any case admit without a certificate of the obligations implied in the indenture being fulfilled?—Many students are admitted to examination without indenture, the Court of Examiners being satisfied with certificates and testimonials stating that the relation of the student to the practitioner corresponded substantially with the relation of an apprentice to a practitioner when under indenture.

396. You do not require apprenticeship absolutely in the strict sense of the word?—Not to be testified by an indenture.

397. What is your substitute for that proper apprenticeship?—A testimonial of the student having acted in the relation of an apprentice to the practitioner for the term of five years; it was considered very early that the indispensable necessity of serving an apprenticeship was an inconvenience, and might be occasionally an injury; it was thought there might have been even an error in the copying of the Act of Parliament, and the word "and" substituted for the word "or," but on reference it was found that the apprenticeship was indispensably necessary, and that the testimonial of a sufficient medical education was required to be in addition to the apprenticeship.

398. What you have now said would apply to a person entitled to be admitted into the corporation as a proper member, equally, for instance, as to the

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the son of a member?—The son of a member might be admitted without being authorized to practise at all.

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399. If he proposed to practise, you would require from him a certificate of apprenticeship equally?—Certainly.

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400. That applies to all your licentiates?—It applies to all licentiates.

401. Suppose a person proposed to come before the Examiners, ready to undergo the severest examination with respect to his medical proficiency, and ready to satisfy the Court of Examiners that he had gone through the curriculum required, or a more extensive curriculum, but still unable to show that he had either served an apprenticeship for five years, or had been an assistant or pupil with an apothecary for five years, independently of an indenture, that person could not be taken upon examination as a candidate for a license?—The Court of Examiners would not be permitted to receive him; he would not become eligible for examination. It has been a subject of great regret to the Examiners and to the society, but we have been bound by the terms of the Act of Parliament.

402. Will you be good enough to explain to the Committee what you meant by taking as an equivalent for an indenture a certificate that the party has been in a corresponding relation to an apothecary for a period of five years?—We consider that an apprenticeship places an apprentice in relation to the apothecary as a student to a person who is to direct his studies; and that, in addition to such information as is in his power to give himself, he is authorized and required to let his apprentice attend such medical schools as will afford him the additional information which he requires, although those schools are distant from his residence.

403. Would you consider the requirements of the statute, or of the regulations under it, sufficiently complied with, if a person were apprenticed to a surgeon in Birmingham, but attended lectures in a distant town?—Certainly; if he attended lectures in London even.

404. Or in Edinburgh, during his apprenticeship in Birmingham?—Or at Edinburgh, during his apprenticeship in Birmingham.

405. Do you find that the relaxation on that construction of the rules has opened a very wide door for admissions?—Yes; and it is productive of great practical advantage; inasmuch as in the recess of the schools the student generally resides with the person to whom he is apprenticed, and acquires considerable information in many important departments of his profession.

406. You mentioned that it was to your own regret and the regret of the society that the requirements of the statute as to apprenticeship were so stringent; will you be good enough to state upon what considerations that feeling of regret is founded, and in what respect you would wish the requirements of the statute to be altered so as to remove any ground of complaint?—I think that requiring an apprenticeship from any individual who has attained his majority is altogether inexpedient; and I think the making of apprenticeship compulsory has made it less popular, and, in many instances, has thrown great impediments in the way of individuals, eminently qualified to become good practitioners, obtaining the license of the society, and therefore a legal qualification to practise.

407. There are three grounds of objection, that it may postpone to too late an age, that it puts an unnecessary restriction upon the course of education, and that it excludes persons who might be perfectly qualified to perform the duties, but who have not that preliminary qualification?—Yes.

408. What course would you propose in order to remedy that ground of complaint?—I would throw no discredit upon the apprenticeship, but I would not make it compulsory. My opinion is, that when the subject is well understood, freed from the prejudice which exists at the present moment, parents will see that it will be very much to the advantage of their children to be placed when at a younger age than 21 in the relation of an apprentice, or of a pupil to a practitioner; and it is indispensable, in my opinion, that that relation should exist till the medical schools are more efficiently organized than at present, and are brought more into accordance with the colleges of the old universities.

409. The schools to which you have just referred, are those schools which are not at the seat of a university?—None of the medical schools, with very few exceptions, have had any collegiate organization whatever; such a colle-

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giate organization in my opinion should exist for the moral and general control of the students, if an apprenticeship were not required or submitted to.

410. I did not observe that in the list of schools which you acknowledge as furnishing proper instruction, you included the universities of England; is that the case?—Certainly; we receive testimonials from the universities.

411. According to your regulations, what is a recognized medical school; what are the circumstances which lead you to acknowledge in any place a medical school?—We recognize any school that is accredited generally by the public as a well-ordered medical school.

412. Have you any proper criterion for designating any place as containing a school?—I do not know that that has been defined specifically; it is incidentally defined by the terms of the paper which I have before me as to the qualifications of different individuals who are to give testimonials. The Court of Examiners has been most desirous to consider every school as recognized, which is generally admitted by the public as a school.

413. Have the Examiners generally recognized as a school of medical instruction for the purposes of the requirements of their society, any place in which medical instruction is given by lectures, or other means sufficient to impart information?—I will say generally, that where a school is so constituted as to afford that instruction which is required by the Court of Examiners, and by individuals who are in possession of those professional qualifications which justify their giving testimonials, the Court has unanimously recognized that school, and received the testimonials given by the teachers in that school.

414. Do you recognize that as a school in which medical instruction may be only partially given, or given only in one department and not in another?—We have by no means restricted the receiving of testimonials from schools which have not been fully competent to give instruction in every department; we have not received testimonials from any of the provincial schools which have not afforded a course of instruction which accords with our own curriculum; but in London, in addition to the great hospitals in which there are Chairs for instruction in every department required by the Society, other schools of instruction in particular departments are recognized, though not forming a portion of a school which is efficient in all its departments; the desire of the Court of Examiners has been to restrict as little as possible the teachers, so that they individually possess testimonials of those acquirements which justify the Court of Examiners in receiving the testimonials which they sign.

415. Your object has been to see that the curriculum required by your rules and regulations have actually been traversed by the students under good and efficient medical instruction?—Yes, and that with as little restriction as possible.

416. Can you tell the Committee what are the schools in Scotland and in Ireland which you acknowledge?—I cannot; I do not know what are the particular schools which are recognized.

417. Is there a school at Belfast?—I have no doubt there is. In the evidence taken before the Committee of the House in 1834 there is a good deal of information upon this point, which is recorded in it.

418. Did you give evidence before that Committee?—I did.

419. *Mr. Wakley.*] Many schools which were then in existence have disappeared, have not they?—Many have.

420. *Chairman.*] Will you be good enough to inform the Committee what are the existing schools that are actually acknowledged by you as furnishing proper medical instruction in Scotland and in Ireland?—We have generally considered that any school which is recognized in Scotland or in Ireland by the authorities of Scotland and Ireland respectively, should be admitted by the Society of Apothecaries, without any inquiry upon their part. We felt bound to make inquiry with respect to the recognition of schools in England; but we have considered that the medical authorities in Scotland and Ireland are responsible for the recognition of schools in those two kingdoms, and such schools as are recognized by them have in consequence been recognized by us.

421. You say, the medical authorities in Scotland or Ireland; what do you mean by the medical authorities?—The University of Edinburgh, the Colleges of Physicians and Surgeons in Edinburgh, the Faculty of Physicians and Surgeons in Glasgow, the College of Physicians and the College of Surgeons and the Company of Apothecaries in Dublin. We consider that we should not be justified in exercising any jurisdiction in Scotland or Ireland.

422. You

422. You said that your examination before 1815 was very lenient?—  
Yes.

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423. Has it become more strict lately?—It has been progressively increasing in severity since 1815.

424. You mentioned that in 1827 a great step was made in requiring more extensive medical education; did you at the same time then increase the rigour of your examination for a license?—The examination had been increased in strictness a little before; but it was found on reference to the papers given in by the candidates for examination, that the course of study followed by them, when it was optional, was so little calculated to prepare them for an efficient examination, that we considered ourselves bound in justice to the candidates, as well as to the public, to indicate that course of study which was best calculated to afford the instruction which candidates required to enable them to pass their examinations, and to become qualified to fulfil their duties as practitioners; in consequence, we endeavoured to collect as much information as we could obtain, whether in this country or elsewhere, and having adapted the information we acquired to the state of the profession in England, we progressively developed that system which we considered desirable should be in force here.

425. Is the examination still more severe now than it was in 1827?—Yes; the subjects of study are more numerous, and the examination more strict.

426. How many are present at the examination of a party?—There must be a majority of the court, and generally the whole are present.

427. Is the candidate examined in the presence of the court altogether, or have you separate examinations?—The court consisting of twelve members, is divided into four tables, three sitting at each table; one in turn conducts the examination in chief, the others taking a part in the examination as may appear to them expedient; but in no instances is the candidate denied his certificate of qualification, unless the majority of the court have observed the examination, and have come themselves to the conviction that it is necessary to withhold the certificate.

428. The majority of the court, not the majority of the table?—Not the majority of the table, but the majority of the court.

429. After the examination at the table, is there an examination before the whole court?—No; the members come from the other tables to take part in the examination till the majority of the court declare that in their opinion the individual could not with propriety have the certificate of qualification given to him. At the termination of the examination of all the candidates, a report is made by each examiner of the result of the examination of the candidate examined by him, and the other members taking part in the examination express their opinion likewise, and then the court gives its final decision, which is communicated to the candidate. I beg leave to call the attention of the Committee to an appendix to one of our prefaces, which, I think, will bring out the sentiments of the Society with regard to the studies of candidates for their certificate; it is the preface to the regulations issued in 1830. It is in these words:—“The Court of Examiners of the Society of Apothecaries of London having occasion to revise their rules and regulations, embrace the opportunity of offering some remarks, which, although particularly addressed to those whose education it is the peculiar province of the court to control and direct, cannot fail to interest the whole medical profession, as well as the public at large. Fifteen years have now elapsed since the Legislature confided to the Society of Apothecaries the administration of an Act ‘for better regulating the Practice of Apothecaries throughout England and Wales,’ which, among many other salutary provisions, requires this class of medical practitioners to be skilled in the science and practice of medicine. Prior to that period (1815), the situation of the apothecary was greatly to be deplored; no check whatever existed to prevent any man, however ignorant, from practising this branch of medicine; he too frequently presented the strange anomaly of a person without education engaged in a pursuit requiring deep research and severe study, and entrusted with the cure of the many complicated diseases of a still more complicated body, the structure of which he was either entirely ignorant of, or, at the best, but imperfectly acquainted with, whilst few of those who were zealous for the acquirement of knowledge had opportunity to cultivate the science effectively, since the means of instruction were neither generally nor easily to

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be obtained. Fully impressed with the many difficulties that obstructed their course, the Court of Examiners felt themselves bound, for some years, to proceed with great caution in giving effect to the beneficent intentions of the Legislature, urging on slowly and deliberately such improvements in medical education as time or circumstances appeared to warrant. In every successive alteration of their regulations, the same views have invariably continued to guide the court, until they find themselves at length enabled to reach a standard of education which, though far from perfect, presents such a system of study as may not, for some years at least, require any essential change; a system nearly approaching to that which has long been demanded from the parallel grade of practitioners in a neighbouring country. The Court of Examiners, in instituting the following regulations, do not by any means conceive that they are requiring the maximum of knowledge that might be expected from the apothecary, but merely that quantity of information which the general advancement of science demands, and certainly not more than is requisite to afford a just degree of security to those whose lives are entrusted to his care, including the majority of the inhabitants of every large city in the kingdom, and the bulk of the population throughout the country. In addition to the studies mentioned in the following pages, the court beg seriously to impress upon parents and guardians who destine the youth under their care to the study of medicine, that a familiar acquaintance with the Latin language is indispensable, and that a knowledge of Greek is scarcely less so, since most of the terms of art employed in medicine and the collateral sciences are derived from that expressive language, without a knowledge of which, the pupil loses the value of much of the instruction he would otherwise receive from his teacher. Natural history may be said to be essential to the proper study of the *materia medica*; and an acquaintance with the exact sciences will not only enable the student to understand more readily the admirable structure and functions of many parts of the human frame, but also assist him materially in acquiring habits of precise and correct reasoning. He must also take into account the improving spirit of the age in which we live, and must reflect how difficult it will be for him to maintain his proper station in society without the most strenuous exertions on his part. Experience has shown that youth are generally taken from their preparatory studies and apprenticed at an age much too early. It is, therefore, of great importance that the parent who apprentices his son to an apothecary, as well as the master who receives him, should previously ascertain that the youth has been liberally educated, and that his classical attainments, more especially, are such as to enable him to pursue his subsequent studies with credit and advantage. Neither can it be too generally known, nor too often repeated, that the years of apprenticeship required by the Act of Parliament may and ought to be devoted to acquiring most of the preliminary branches of professional knowledge, so that at the termination of his five years of probation, the apprentice should have little else to do but to acquire that enlarged share of practical information which he cannot be supposed to attain during his years of pupillage. The Court of Examiners have too much reason to know and lament that, notwithstanding all their precautions, the attendance upon lectures, and more especially that upon hospital practice, is often grossly eluded or neglected, and they deem it their duty to express a hope that the teachers of the various branches of medical science, with whom the correction of this abuse must principally rest, will turn their attention to the removal of an evil of such magnitude. It would be competent for the teachers to insist upon periodical signatures from their respective classes, proving that the pupils are actually in attendance; and it would be equally in their power entirely to withhold certificates from those who have neglected their attendance, or to qualify the testimonial in such a manner that the court may apply to those who have been negligent, that degree of rigid scrutiny which the justice of the case might appear to demand. Another evil, which also admits of an easy and efficient remedy, is the delivery of courses of lectures on different subjects by the same teacher. It cannot be denied that such lectures are not in themselves so efficiently given, nor is the interest annexed to them in any degree so vivid as when the pupil has an opportunity of availing himself of the varied talents, attainments and practical experience of different individuals. The Court of Examiners cannot too earnestly or too often endeavour to impress upon students the imperative necessity of their pursuing a systematic course of study, which time alone can enable them

them to do ; without it, they will be compelled to rely upon some *vade mecum* or other trivial work formed to assist the idle or the hastily educated man, instead of drinking at the fountain-head of science, and acquiring their knowledge from actual and persevering research."

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430. Sir *R. H. Inglis*.] You have referred to a list of provincial schools, and the testimonials or certificates which are received ; did those schools each and all originate after the passing of the Act of 1815 ?—They did.

431. Are you satisfied with the proficiency of the candidates proceeding from those schools, as compared with the proficiency exhibited by candidates who cross Fleet-street on their way to your examination ?—I have not been a member of the Court of Examiners for the last eight years ; but during the time that I was a member of the Court of Examiners, and took part in the duty of examination, I had to examine many young men who were entirely educated at the provincial schools ; and they acquitted themselves not only to my satisfaction, but to the satisfaction of the other members of the court who took part in the examination.

432. You wish the Committee to understand, that, generally speaking, the indirect effect of the Act of 1815, vesting in your corporation the control of the medical education of those who discharge the functions of apothecaries throughout England, has been to distribute throughout England itself schools which have raised the character of the profession even in London ?—I feel no doubt whatever upon that point ; so soon as we required an additional length of study, and added to the strictness of the examination, and when we found that an apprenticeship was indispensably required under the Act of 1815, we were most anxious to encourage the establishment of schools in the great provincial towns, to afford every facility for the acquisition of professional knowledge, at as easy a rate of expense, and at as early a period, as could be obtained with advantage by the students. We have reason to believe that the establishment of those provincial schools has been productive of considerable advantage, not only to the students, but to the practitioners of medicine living in the neighbourhood of the schools.

433. You have stated that, even before the Act of 1815, there was some, though not considerable, improvement in the system of your examinations : can you state to the Committee that the examination, since the date of 1815, has been steady and progressive, giving to the nation the benefit of an improved education in those to whom the care of its health is placed ?—The examination existing before the Act of 1815 by the Society of Apothecaries, though there was an examination, was a very unimportant one. Since 1815 the examination has been progressively increasing, and I have no doubt has been productive of great advantage to the profession, and, through the profession, to the public.

434. In 1834 it was stated by a distinguished surgeon, that the examination prescribed and carried into effect under the directions of your society, was by far the most comprehensive examination in London ; has any deterioration taken place in that examination since that time in any branch, or do you wish the Committee to understand, that in every branch it has been steadily progressive ?—I think it has been steadily progressive in every department.

435. Keeping pace with the advancement of science generally ?—I feel no doubt of it.

436. You have referred to the system of apprenticeship, and stated that apprenticeship is a qualification ; you have stated, however, that practically it is a qualification frequently dispensed with ; can you state to the Committee in what proportion of cases apprenticeship, in its technical sense, is dispensed with, as compared with those in which the certificate of a legal apprenticeship is produced ?—I think the dispensation is confined principally to those who have been educated in Scotland, in Ireland, or on the continent ; but in England very few exceptions have taken place.

437. In the cases in which it has been dispensed with, the Committee understand from your explanation that the substance of any advantage which apprenticeship might give is at all events secured to the party who cannot produce an actual and legal certificate, and to the nation among whom he is to practise ?—I think so.

438. Is apprenticeship, in fact, any thing, in the cases not excepted, more than a mere name ?—Assuredly ; it is a very useful relation existing between the student and the practitioner.

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439. The Committee understood you to give, as an illustration, that a party, A. B., might be apprenticed to C. D., living in Birmingham, and yet might attend a course of lectures in Edinburgh or in London; in such a case, is the apprenticeship any thing like that which, in ordinary life, is understood by the term?—No; I believe, in consequence of the general understanding of what an apprenticeship is, there has been a great misapprehension upon the subject of what medical apprenticeship is.

440. The object of the Committee in the question now put is, to learn from you whether it can be said, with truth and correctness, that the apprenticeship degrades the practice of medicine into a mere trade?—Unquestionably it cannot; it does not do so; and I think the objection to the apprenticeship would have been removed, if merely the term "pupilage" had been substituted for that of prenticeship."

441. Apprenticeship in respect to the practice of medicine does mean something different from that which it means when applied to the ordinary trades of life?—Essentially different.

442. Even when taken in its more strict and popular sense, does the fact of that apprenticeship convey to your mind some moral advantage to the person bound by it?—Most undoubtedly.

443. It being always supposed in this as in other cases, that it is well conducted, and not carelessly or viciously conducted?—Yes.

444. You have referred to the enormous expense of each action in respect to the infractions of your regulations by unlicensed practitioners; can you state to the Committee what has been, upon a fair average, the amount of costs incurred by the society in such prosecutions; and can you also state what number of actions have been tried in the course of the last 10 years?—It will answer one portion of the question to state, that in six actions for penalties, which were tried in 1844, they were tried at an average expense to the society of 320*l.* each. The Committee will perhaps permit me to state in reference to their inquiries respecting the apprenticeship of medical students, that the average age at which it commences is 16 years and a month, as deduced from the records of the Court of Examiners; that the average age at which the student commences his studies at a medical school is 19 years and eight months, and that at which he presents himself for examination is 23 years and five months.

*Martis, 7<sup>o</sup> die Martii, 1848.*

MEMBERS PRESENT:

Sir R. H. Inglis.  
Mr. Hamilton.  
Mr. Walter.  
Mr. Lascelles.

Colonel Mure.  
Sir Henry Halford.  
Mr. Wakley.

LORD ROBERT GROSVENOR, IN THE CHAIR.

*John Ridout, Esq.*, further Examined.

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445. *Chairman.*] DO you hold in your hand a return which was asked for by the Committee at the last meeting?—I do; it is with reference to the recognition of medical schools; it states the various schools and the various teachers at present recognized by the Court of Examiners of the Society.

[*The same was delivered in (vide Appendix).*]

446. You were asked, upon your last examination, what your opinion was with respect to apprenticeship, and whether you would recommend its continuance in any future arrangements which should be made; will you have the goodness to state any thing further which you may wish to say upon the subject?—I would express a hope that the Committee will not throw any discredit upon a state of pupilage corresponding with an apprenticeship, inasmuch as, in spite of the imperfection of apprenticeship, it has been, in my opinion, productive of great moral advantage to young medical students, and has afforded considerable assistance

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ance to them in their acquisition of professional knowledge, particularly that of a practical nature; it has also, in my opinion, in some degree diminished the expense of medical education. I think it would be expedient to leave entirely to the discretion of parents the placing their sons as apprentices, and to leave it likewise to the body that regulates the course of study and examination to institute such a period of pupilage as may appear to them expedient.

447. Are you speaking of the study and profession of pharmacy only, or do your remarks apply to other branches of the profession?—Pharmacy is not practised exclusively, in the more restricted sense of the term, except by chemists and druggists.

448. Pharmacy is practised by all general practitioners, is not it?—Yes, it is an essential portion of their practice.

449. In regard to this state of apprenticeship and pupilage, your remarks are addressed more to the education of general practitioners than to the education of the pure surgeon or the pure physician?—My evidence has reference especially to general practitioners, but I think several members of the College of Surgeons have expressed a favourable opinion of pupilage, under certain modifications, and I know that the College of Surgeons of Edinburgh has expressed a decided opinion in favour of a well-regulated apprenticeship.

450. There is no Apothecaries Company, nor any body similar to it, out of England, is there?—There is in Ireland.

451. In what does that similarity consist?—In Ireland the apothecaries, after remaining an unincorporated and distinct guild, being a portion of a community or civic company, called "The Worshipful Company of Apothecaries," was incorporated by Royal Charter in 1745. In 1791, the apothecaries of Dublin obtained the Act of the 31st Geo. 3, c. 34, incorporating them. That Act, it appears, ordained two examinations for a candidate, one on his being bound apprentice, and the second on the termination of his apprenticeship, when he applied to be admitted as an apothecary. It is stated, that the examination of the apprentice is in Sallust, the first six books of the *Æneid* of Virgil, the Satires and Epistles of Horace, the Greek Testament, the Dialogues of Lucian, the first four books of Homer's *Iliad*, the first six books of *Telemachus* and the History of Charles the 12th in French, the first two books of Euclid, and Algebra, to Simple Equations. As an apothecary, the candidate is said to be examined in translating and explaining the processes of the British Pharmacopœia and extemporaneous prescriptions; in chemistry and general physics, materia medica, therapeutics, natural history, medical botany, anatomy and physiology, the theory and practice of medicine, midwifery and medical jurisprudence. If this examination be sufficiently carried out, subsequently to a suitable course of study, it corresponds very essentially with the course of study and examination in this country; how far it does so I have no personal knowledge.

452. You cannot state to the Committee whether any previous apprenticeship there is required before examination?—The first portion of the examination is to be passed by the apprentice at the time he is bound; the latter part is the examination when he is admitted as an apothecary.

453. The examination in the first portion of that curriculum is undergone by the candidate previous to his apprenticeship?—That is what I understand.

454. What length of apprenticeship is there required?—I do not know.

455. Is it within your knowledge that that is a licensing body?—I have no further knowledge than that which I have conveyed.

456. Is there any examination corresponding with the classical part of that examination in your society in England?—Yes, there is; the candidate is examined in Celsus de Medicinâ, or in Gregory's *Conspectus Medicinæ Theoreticæ*.

457. Are those the only two books?—They are.

458. Sir R. H. Inglis.] There is no examination in the classics, is there, corresponding to that which you have stated you believe to exist in Dublin?—No; the society not having the power to institute the examination.

459. Chairman.] Is it in the power of the Apothecaries Company to make bye-laws relating to their curriculum?—The Court of Examiners does so annually; it revises its curriculum annually.

460. Therefore if they thought proper to do so, they could require that examination in the classics which you have mentioned as being required by the Apothecaries Company in Dublin?—I consider they cannot do so.

461. Why not?—The Act of 1815 does not allow them.



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462. The Act of Parliament contains some clause restraining the bye-laws to that extent, you imagine?—They are required to seek for testimonials of a sufficient medical education, and to test candidates for their license as to their acquirements in medical knowledge; we have felt justified in instituting an examination in Gregory and in Celsus, as these books are medical classics.

463. *Sir R. H. Inglis.*] They are the nearest approach to a classical education which you, under the provisions of that Act of Parliament, can venture to make?—We have regretted that we could not extend our examination further in the classics.

464. Without asking you to compare the medical proficiency of gentlemen educated in Dublin, and those educated under your examination, will you state to this Committee whether you consider that the extension of your system of education, so as to include the classics, would have a tendency to deprive large bodies of young men, and large bodies of people consequently, of the means, the one of supplying and the other of receiving the services of medical men?—I do not think we could till very recently have instituted an efficient examination, even in the two works which I have mentioned; I think that now the classical and literary examination might be cautiously and carefully extended; but the influence of such an examination must be carefully watched, as regards the number of men who present themselves for examination.

465. And who would be rejected to the great injury of themselves and of the public, who require their medical assistance if you enforced an examination, however desirable attainments in the objects of that examination might be, in classical literature?—Such an examination must not be prematurely or hastily introduced, nor until there is a reasonable expectation that the candidates presenting themselves for examination would be enabled to pass it.

466. Do you think that can ever be the case with respect to a large proportion of those who are brought up for one particular branch of the medical profession?—I entertain the expectation, from the great improvement which has taken place of late years in the organization of grammar and proprietary schools, and also in the increase of their number, that a good preliminary education will be generally obtained by young men entering into the medical profession, and that such education will be enabled to bear the test of an efficient examination.

467. You have stated in answer to certain questions addressed to you on your last examination, that the medical schools in the provinces have materially advanced the course of medical education in England; will you state to this Committee what constitutes a medical school in the provinces; is it necessary, for instance, that a medical school in the provinces should always be in a city or town containing a hospital?—No medical school in the country would be recognized which was not in connexion with a hospital containing 100 beds, and which was not at the same time under the professional charge of two or more physicians, members of the Royal College of Physicians in London, or graduated doctors of medicine of a British university.

468. The number of 100 beds which you require as your minimum is the same number which the Royal College of Surgeons of England requires as its minimum, in respect to the qualifications of its candidates?—I believe it is.

469. When you used the phrase "school" in connexion with hospital, did you wish the Committee to understand that such school must be locally in the same city or town with the hospital, or that certificates of attendance on the hospital in A. will be received in the school of B. as sufficient evidence, not only of attendance, but of qualification?—No school would be recognized which was not in connexion with a hospital, so as to afford to the students in the school an opportunity of studying practical medicine by the bedside; but a student may receive his oral instruction at one school, and study practical medicine subsequently at another school or hospital.

470. *Chairman.*] You have used the words "no school can be recognized;" by whose recognition does a school become an acknowledged school in England?—It would be recognized by the different bodies who receive testimonials from those respective schools; it might be recognized by the College of Physicians; it might be recognized by the College of Surgeons, and also on the part of the Society of Apothecaries, and there is a recognition of numerous schools by the University of London.

471. By recognition, you merely mean that the testimonials of attendance would be received by the Examiners from a candidate upon his appearing for examination?

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examination?—We have considered it very beneficial to the students to ascertain, before we receive testimonials from any school or teacher, that an opportunity is afforded to students of obtaining efficient instruction.

472. Have you turned your attention to any of the methods for medical registration proposed by the different Bills which have been before Parliament?—I have.

473. Does the one proposed by the Bill brought in last year meet your views?—I think it would be open to great objection, and liable to great abuse.

474. Will you explain in what way?—The registration was to be carried on by a registrar, unconnected with the respective bodies which were to give qualifications for practice, and he would be therefore very liable to be deceived by persons applying for registration.

475. In your opinion, should the registration, in the first instance, be conducted solely by the bodies who have the power of licensing?—I think the bodies who license should register in the first instance, and communicate the result to the central registrar. There is something corresponding with that existing at the present time, in the Law Association in Chancery-lane. The examination of solicitors and attorneys takes place before a Court of Examiners at that Association, and annually a copy of the registration at that society is given to the individuals seeking it, who, on producing it, obtain from the Stamp Office their annual license to practise.

476. You imagine there would be no very great difficulty in framing a system of registration, provided other points could be agreed on between the various bodies of the profession?—I see no difficulty at all in carrying out an efficient system of registration, if it were founded upon the registration of qualification to practise given by the authorized medical corporations.

477. You think the register should state by whom the license was granted?—The body in which the individual has been enrolled as a practitioner.

478. *Sir Henry Hallford.*] Are you aware of the plan of registration given in by Dr. Hawkins?—Yes.

479. Do you approve of that?—I think it would answer the purpose very well.

480. Do you think there should be a double registration with regard to those who have testimonials from the College of Surgeons and from any other body, with respect to the practice of medicine, in order to constitute them general practitioners?—I consider that the profession has, for very many years, been divided into three departments; those of physician, surgeon and general practitioner; the general practitioner, for very many years past, being qualified to practise medicine under the Act of 1815, and qualified to practise as a surgeon by the diploma he has obtained from the College of Surgeons. We think it desirable hereafter that every practitioner, being enrolled as a physician or surgeon or general practitioner in his respective college, should register a copy of that enrolment in any central office that might be appointed for the purpose.

481. Are you aware of any fellows of the College of Surgeons practising pharmacy?—I have been told by the President of the College of Surgeons that there are

481.\* *Chairman.*] Are those members of the College of Surgeons practising pharmacy, practising without a license from your society?—There may be some, but if so, they are amenable to the law if it were put in force against them; but a great number of the fellows of the College of Surgeons have received their license to practise medicine from the Society of Apothecaries.

482. Every one of the general practitioners now practising in England has, or ought to have, received a license from the Apothecaries Company?—Certainly.

483. *Sir Henry Hallford.*] It has been stated that no members of the College of Surgeons are eligible to be fellows if they are practitioners of pharmacy; in point of fact, that bye-law does not appear to be observed?—The charter under which the degree of Fellow of the College of Surgeons is granted is of recent origin; in the first instance, a certain number, I believe nearly 400 members of the College of Surgeons, had the higher degree of Fellow given to them; many of these, I am told, still continue to practise pharmacy as a portion of general practice.

484. *Chairman.*] Are you of opinion that it would be beneficial to the public at large, that a charter of incorporation should be granted to the general practitioners

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tioners?—I think highly so, for the advancement of the general and professional education of the general practitioner, and for his elevation to a proper status in society, and to satisfy the natural desire which general practitioners have long entertained, of taking part in the management of the affairs of their branch of the profession.

485. Your charter contemplates the extinction of the examining functions of the present Apothecaries Society?—It would be a necessary result of granting the charter, and the transferring the power of examination to that body, that the functions of the society as a licensing body would be brought to a conclusion.

486. Would not it deprive the Royal College of Surgeons of nearly two-thirds of its members?—It is proposed that the general practitioner shall receive his qualification as a general practitioner from the College of General Practitioners, but that he shall also become a member of the College of Surgeons, after examination by their college in surgery.

487. Do you propose that that shall be necessary for him, in order to obtain his license to practise?—That is part of the scheme which has been laid before the Secretary of State.

488. How is he to do that, without increasing a good deal the expense of his education?—The expense of his education will necessarily be somewhat increased thereby; but it must be borne in recollection, that the general practitioner now receives his qualification to practise medicine and surgery from the Hall and from the College; and it is intended hereafter that he shall receive it from the College of Surgeons as respects surgery, and from the College of General Practitioners as respects medicine.

489. Up to the present period, the general practitioner has considered the College of Surgeons as his home, so to speak, has not he?—He has been much more interested for the honour and reputation of the College of Surgeons than for that of the Hall; he is a member of the College of Surgeons, and he is not necessarily a member of the Society of Apothecaries.

490. Sir Henry Halford.] Would not you think it proper that a fellow of the College of Surgeons practising pharmacy, should be required to register himself as a general practitioner also?—Unquestionably.

491. And that with respect to the future, persons entering the profession and desiring to be members of both, should be subject to a medical as well as a surgical examination?—I think every person who undertakes the duty of practising medicine should have his acquirements in the practice of medicine tested.

492. Chairman.] Supposing the contemplated arrangements were carried into effect, and the examination of a pupil of the Society of Apothecaries should be transferred to a new incorporation of medical practitioners, that would constitute quite a different body, more like a collegiate body a great deal under the new arrangement than at present exists under the Apothecaries Society, and would necessarily lead to a general practitioner looking to the new chartered College as his *alma mater*?—I think one of the great advantages that would result from the granting of a charter of incorporation to the general practitioners, of a collegiate nature, would be, that it would harmonise with the change that has taken place in the College of Surgeons. Up to the beginning of the present century, the Company of Surgeons was as much a civic corporation as the Society of Apothecaries is now; it was a city company; but upon the lapse of the charter from some failure to re-elect their officers upon the proper day, a charter of incorporation was granted of a collegiate character. The advance which has subsequently been made in the science of surgery fully justifies the granting a charter incorporating the surgeons in a college. I think that the time has arrived when the general practitioner is fully entitled, on his part, to have an organization of his department of the profession of a corresponding nature; I think it would tend to give additional respectability to the profession; it would induce persons of a higher grade in society, and with a more liberal education, to enter into the profession, and it would enable the examining body gradually to extend both the general and the professional education, and eventually to test both by suitable examinations.

493. Can you state about what proportion of the members of the Royal College of Surgeons are general practitioners?—I can give an analysis, which was published in one of the periodicals a short time since, of the number and classification

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of practitioners in England; how far it is correct I have not an opportunity of knowing.

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494. When was it published?—In the latter part of 1847; I believe it was deduced from Churchill's Medical Directory, which was published in the beginning of that year; that analysis stated that there were 301 consulting physicians, including in that number 30 physician accoucheurs; that there were 133 physician general practitioners; 176 consulting surgeons, including the leading dentists; 468 practitioners, holding only the diploma of the College of Surgeons; 275 holding only the license of the College of Apothecaries; 990 holding both the diploma of the College of Surgeons and the license of the Society of Apothecaries; 70 were in practice previous to the year 1815, and 360 had no assigned qualification; these were stated to be practitioners in London; there were also 8,286 names of practitioners in the provincial list, making altogether the number of 10,699 practitioners of different grades in the kingdom. In 1844, Mr. Farr, of the Registrar-general's Office, stated to me that the return to that office of medical men qualified to sign certificates to that office was 10,516.

495. Whatever the number of the members of the Royal College of Surgeons may be, unquestionably by far the largest proportion of them are general practitioners, are they not?—By very far the larger proportion. In evidence given before a Committee of this House in 1834, I stated that in 10 years, viz. from 1822 to 1832, both inclusive, the College of Surgeons granted 3,902 diplomas, and the Hall 3,873 certificates of qualification.

496. Are there not large buildings belonging to the Royal College of Surgeons, a museum, theatre, lecture rooms, and a variety of institutions exceedingly useful to the profession in general?—Certainly; very much valued by the members of the College, and very profitably used by them, and by students who are admitted to them.

497. The museum is one worthy of the great city in which it is situated, is it not?—Unquestionably it is the most valuable museum of the description in Europe.

498. That is kept up by means of the number of fellows who contribute to the general fund of the College of Surgeons?—The diploma of the College of Surgeons, though it has not been made indispensably necessary, has been considered a very honourable distinction, and the revenue derived from the granting of the diploma has enabled the College of Surgeons to maintain a liberal expenditure in the advancement of the science connected with their department of the profession, and in extending and enlarging their museum.

499. Have not those buildings and the museum been benefited very much by the private benefactions of various members of the profession?—I cannot answer that question; I do not know to what extent it has been benefited by private benefactions; it has benefited by the revenue received from the diplomas granted to members of the College, and from the zeal and talents of the members of the Council.

500. Do you anticipate that if a College of General Practitioners be formed, it will or will not lead to a diminution of the revenues of the Royal College of Surgeons?—It has been proposed that the general practitioner should present himself for examination before the College of Surgeons for a diploma, as a member, and he would consequently contribute as a member contributes at the present time, and perhaps in a yet larger proportion.

501. Are you at all aware whether that is the only source of revenue of the College of Surgeons?—The College has, I believe, funded property also.

502. Do you imagine that if the general practitioners are chartered, they will have a hall, a museum, a theatre, and an institution of their own?—I hope they will.

503. Do you think that that is compatible with keeping up what is already in existence, which is stated to be so valuable to the public, belonging to the Royal College of Surgeons?—It is not at all incompatible, in my opinion.

504. Must not the two societies have exactly the same objects in view?—Not exactly the same objects; the College of Surgeons considers that it is especially bound to advance the science of surgery, and anatomy, and physiology, as associated subjects of study, but it has not lent the same attention nor felt the same interest in the cultivation of medical science more extensively.

505. Will not anatomy, physiology, and surgery, in fact, be the principal objects of the general practitioner?—No; I think the principal object of the general practitioner is the treatment of disease under the department of the medical

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practitioner; surgery is rather an accident, and surgical practice forms but a small part of the practice of the general practitioner, even if he is in very good practice.

506. Do not you think they would immediately begin to form a museum for themselves, consisting of the same objects as would be in the museum of the Royal College of Surgeons?—I do not think they would aim at that; it would be hopeless; Parliament purchased at a very considerable expense that collection, and transferred it to the Council of the College of Surgeons, and it has been very largely added to since by the zeal and liberality of the College; the College of General Practitioners would have no motive for endeavouring to establish a museum of that description.

507. You do not think there would be any unsatisfactory rivalry between the two bodies in that respect?—None whatever; there might be emulation, but I think there would be no rivalry.

508. You think a charter might be granted to a College of General Practitioners without any danger of injury to the collections for the advancement of science in general at present existing in the Royal College of Surgeons?—I think there would be no danger; that was the subject of anxious consideration very recently, and I have no reason to suppose that the granting such a charter would in the slightest degree impair those important objects.

509. *Mr. Wakley.*] In what respect would the institution of a new College of General Practitioners supersede the functions of the Society of Apothecaries, in regard to medical examinations?—It is proposed that all who practise as general practitioners should be members of the College; that they should elect an Executive, and that they should choose a Court of Examiners; the Court of Examiners would be under the control of what was at one time proposed to be called a Board of Health, or, as is suggested now, a Council of Control, which body would lay down such regulations for the course of study and for examination as they may consider expedient; therefore there would be then no necessity for any corresponding duties remaining in the hands of the Society of Apothecaries.

510. What other functions has the Society of Apothecaries besides their medical examination?—Only maintaining their corporate existence.

511. *Chairman.*] And the Botanical Garden at Chelsea?—Yes; and the various lectures we give at the present time, and the prizes we give to students who distinguish themselves by their acquirements in materia medica, and in botany.

512. *Mr. Wakley.*] All the control that you at present exercise over the general practitioners will then cease?—The society do not exercise any control over the general practitioner after they grant a certificate of qualification; their control is over students preparing to receive a qualification for practice.

513. *Colonel Mure.*] You said you did not think that the establishment of a College of General Practitioners would affect the funds of the College of Surgeons; do you understand that the College of General Practitioners would be entitled to give a diploma, or would persons entering that body be required to produce a diploma from the College of Surgeons?—It is proposed that no person should register as a general practitioner till he had obtained the diploma of the College of Surgeons subsequently to his having obtained his diploma from the College of General Practitioners.

514. Consequently the fee for obtaining the diploma from the College of Surgeons, would not be withdrawn from the College of Surgeons?—Assuredly not.

515. The College of General Practitioners would have no power to grant any diploma in reference to surgical practice?—No.

516. Would they have the power to give any kind of license as a diploma to any other branch of practice, irrespective of the College of Physicians and the Society of Apothecaries?—The Society of Apothecaries, upon the granting of the charter to the general practitioners, would cease altogether as a licensing body, and the College of General Practitioners would give authority to the individual to register as a general practitioner, upon the general practitioner obtaining the license or diploma of the College of Surgeons also; I think the granting of a new College would be beneficial to the College of Surgeons, inasmuch as it would secure all general practitioners appearing before the College of Surgeons to qualify in surgery, and take their diploma, and pay the fees required before entering into practice, which is not uniformly the case now.

517. What is the precise distinction between an apothecary not so much considered

sidered in the light of a general practitioner, in which he often exercises his profession, but as a person keeping an apothecary's shop and dispensing medicine as a chemist and druggist?—There is a very wide distinction; the apothecary has from the reign of Edward the Third been a practitioner in medicine.

518. Are there not a great many persons who are qualified, as belonging to the Society of Apothecaries, to practise in medicine who do not practise, but who keep a warehouse or shop for dispensing drugs?—I do not think there are any.

519. The Committee has heard frequently of an apothecaries' shop in the course of the evidence which has been given before them; the higher order of apothecaries do not keep an apothecaries shop, do they?—I think the public have suffered some injury in consequence of its being considered as an opprobrium to have an open shop; I think the general practitioner should, more frequently than at present is the case, have an open surgery, and that facilities should be afforded to the sick to obtain prompt medical assistance. In the absence of this facility, the sick are but too often almost of necessity compelled to seek for professional aid from chemists and druggists.

520. With respect to the importance of having the persons who officiate in any capacity as medical practitioners properly educated, what is the control which is now exercised over chemists and druggists, who have considerable power and responsibility in their hands as regards their department of the profession?—There is no control exercised over chemists and druggists of any kind that I am aware of; if they practise medicine they are subject to prosecution; they do so in violation of the law; but still it is said that there is a great deal of practice "over the counter," as it is called; I think that would be diminished if the general practitioner, particularly in the early part of his professional career, kept an open surgery, and afforded facilities to the lower ranks of the community in obtaining the professional assistance which they need.

521. *Mr. Wakley.*] Do dentistry, cupping and that sort of minor operations require any certificate from any corporate body?—No, they do not; there are many instances of dentists being members of the College of Surgeons; but there are many other dentists who are not connected with the College of Surgeons, nor have received any qualification for practising in any department of the profession.

522. Nor cupping?—No; medical practitioners now are in the habit of cupping their patients when they stand in need of the operation; therefore the business of the cupper is less distinct than it used to be considered to be; it has merged in the general practice.

523. *Colonel Mure.*] Do you consider that it would tend in any great measure to the improvement of the medical profession to put some check upon the practice of a chemist and druggist as well as upon the higher branches of the medical profession?—I think the chemist and druggist, and every other person who has not given proof before a properly qualified body that he is competent to deal with human life as a medical practitioner, should be prevented practising; and it is said also, that the business of a chemist and druggist might be benefited by some controlling body exercising an influence over those who carry on that business; but to that subject I have not paid much attention myself.

524. Do not you think it would be very desirable that a person, in order to exercise the profession of a chemist and druggist on a large scale, and to dispense medicine, should be required to undergo the general education which a person requires in order to be admitted into the Society of Apothecaries?—His education should be of a different kind; he should be acquainted with pharmacy, chemistry and materia medica, but he would not be required to have an acquaintance with anatomy, physiology, midwifery or forensic medicine.

525. *Chairman.*] Are not you aware that there has existed among chemists and druggists themselves a considerable desire to have some preliminary education required before the right to practise is granted?—It is generally the case throughout society, that persons who are practising honourably in any department of life are very desirous of excluding those who are incompetent to the duties which they assume.

526. Were not there some meetings held, and some steps taken, in order to obtain some preliminary examination in the case of chemists and druggists?—I believe so; there has been a Pharmaceutical Society seeking for a charter of incorporation.

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527. Do you think that that would also be beneficial?—I have not turned my attention to that subject, but I have no doubt that some control over the business of a chemist and druggist would be acceptable to the trade, and would be very beneficial to the public also.

528. You have been asked some questions with respect to the difference between the general practitioner and the apothecary, and you have been asked to define the duties of each; is not the old idea of the division of labour in fact this, that there were two grades of physicians; namely, the physician apothecary—the apothecary being an inferior grade of physician dispensing his own medicine, and the surgeon and general practitioner being a pure surgeon in the first place, and the lower grade, as it was so called, dispensing his own medicine?—I think the apothecary, the surgeon and the physician must have been associated in very early practice; the apothecary has in this country for many centuries practised very generally in the treatment of diseases, but till of late years, his education has been imperfectly conducted, and till 1815 was not tested by examination. About the same time, likewise, the College of Surgeons acquired more reputation, and took a larger part in the regulation of the studies and in the examination of the surgeon, and from that time the general practitioner has been an individual who is qualified both by medical and surgical studies for both departments of practice.

529. Colonel *Mure.*] The sort of education which is required for a chemist and druggist must of course qualify him to be able to understand medical language: is an ordinary tradesman practising as a chemist and druggist always understood to learn that; does he learn it as a branch of his own business merely, or is he not required to attend a little to the higher branches of the business, in order to qualify himself, not to make mistakes in the more difficult prescriptions which may be presented to him?—There has been no examination instituted at all with relation to a chemist and druggist; his education has been obtained by him as well as he could obtain it from the person with whom he served his apprenticeship; mistakes have in consequence very frequently occurred; and physicians now very frequently write the directions for administering their medicines in English, instead of Latin, to prevent the mistakes which have been found to occur from the prescription being taken to a chemist and druggist, and wrong directions given for the use or application of the medicine prescribed.

530. Have the chemists and druggists any incorporation in any way?—No; apothecaries formerly were in the habit of keeping open shops more generally than they now do, and persons were habitually seeking assistance from them; they had the business of chemist and druggist, and of practitioner also; but in proportion as the practitioner has become more scientifically educated, and practised as practitioner exclusively, there has been a wider and wider separation between him and the chemist and druggist, till the chemist and druggist has become one branch of business, perfectly distinct from that of the general practitioner.

531. Are the yeomanry of the Society of Apothecaries all understood to be qualified to practise?—There are a few who are not qualified to practise, inasmuch as, from the municipal laws of the city, it was considered by the Common Serjeant, whose opinion was taken, that the sons of members of the society have a legal claim for admission, though not qualified to practise medicine.

532. You have in your society a certain number of gentlemen who have been so admitted; who, though they have the honorary privilege of belonging to your society, are not qualified, in right of that privilege, to exercise the profession of apothecary?—Yes; but the number is very small: how far the opinion of Mr. Knowles may be correct, I know not, but it was a subject of regret when it was found that his opinion admitted such individuals as members of the society.

533. You consider it an anomaly?—Certainly; those gentlemen exercise no controlling influence of any sort or kind; and when they have sought to become members of the society, we have reason to suppose that it is in the hope of getting some municipal advantage in the city, such as becoming liverymen, and having a right to exercise the privileges attached to the livery.

534. Mr. *Wakley.*] In what way do you consider that granting a charter of incorporation to the general practitioners would be beneficial to that body and to the public?—I think it would remove a great amount of dissatisfaction which at present exists, and which dissatisfaction, by disturbing the minds of practitioners, interferes with the calm fulfilment of their professional duties.

535. In what manner do you believe it would have the effect of removing the dissatisfaction

dissatisfaction which now exists?—It would give them an opportunity of regulating their own department of practice, which they cannot do at the present moment.

536. You are aware that no charter which could be granted by the Crown, without the aid of an Act of Parliament, would have the effect of altering the law with respect to the rights of practice?—I am perfectly aware of that.

537. Do you mean that it would give them the right of electing their own governing body?—Yes.

538. And that right you consider is now withheld from them by the constitution of the College of Surgeons, and the constitution of the Society of Apothecaries?—I will not say that; when the medical agitation existed, a year or two since, the desire of the Hall was to ascertain, as far as we possibly could, what the wishes of that branch of the profession with which we were particularly connected were; we were willing to make any sacrifice, however great it might be, of power or patronage or influence, if we could give general satisfaction to the department of the profession with which we were especially connected, and the correspondence which ensued on an inquiry being made led us to suppose that a desire for such a corporation existed. The Committee must be aware that, in the granting of that charter of incorporation to another body, if to that body should be transferred the power which has heretofore, since 1815, been entrusted to the Hall, the power of the Apothecaries Society would altogether cease; therefore there can be no desire on the part of the society to accede to such a wish, except from a sense that it is a general one, and that yielding to it will be productive of satisfaction to the general practitioners, and of good to the public.

539. Do you contemplate the establishment of a College inferior to the College of Surgeons, or to the College of Physicians?—In practice, there are three departments of the profession, those of physician, surgeon and general practitioner; and if a charter were granted to the general practitioners, each of those bodies would then have a College in which it might meet for the discussion and consideration and protection of its own particular interests.

540. That, you will perceive, is not an answer to the question; do you contemplate the establishment of a College inferior, and with inferior powers, to the Colleges already in existence?—It will be inferior, inasmuch as it is not equally high in professional or in social rank, but each College would have an independent power of its own.

541. Have you, holding the influential position you do in your society, seen the plan which has been before the Secretary of State, containing the heads of a new charter, and also the heads of an Act of Parliament for regulating the operation of that charter?—I was a member of the committee which prepared a paper expressing the principles upon which the committee considered that a measure might be founded, which would be generally useful and satisfactory in England. That paper has been laid before Sir George Grey, but, until I have his permission, I should be reluctant to make any communication respecting the tenor of it. With respect to the establishment of a College of General Practitioners, I may say, that the Hall is perfectly willing to retain the power it has now; it has no desire to give up its functions, but it is ready to make the sacrifice, if it has reasonable assurance that it will do substantial good; if, however, the society have no reason to believe that substantial good will result, they are most willing to continue in the exercise of their present duty, as well as they can perform it.

542. Colonel *Mure*.] You have given the Committee a distinct account of the nature of the Society of Apothecaries, and also the wide distinction between them and chemists and druggists; have you any knowledge as to whether a similar distinction prevails in Scotland?—I have no precise information upon the subject. The members of the College of Surgeons in Scotland are general practitioners. I believe in Scotland there are not above two or three surgeons, who are called pure surgeons, who practise surgery exclusively. The members of the College of Surgeons practise as general practitioners, as they do here.

543. You are not aware whether there is any society of apothecaries in Scotland analogous to the Society of Apothecaries in this country?—None; I believe the duty of the College of Surgeons is very similar; it examines both in surgery and in medicine; the examination, I believe, is a very efficient one, and one which has been progressively improving for years past; but at present that is one examination. In England the general practitioner undergoes two examinations, one at the Hall and one at the College of Surgeons.

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544. *Chairman.*] ARE you a solicitor?—I am.

545. Solicitor to the Apothecaries Society?—I am.

546. Mr. *Wakley.*] How long have you been solicitor to the society?—Since the year 1834.

547. Have you conducted the prosecutions which the society has instituted since that time?—I have.

548. How many have there been?—I am not able to say offhand how many there have been.

549. Have there been many?—There have been, I should think, speaking, however, very much at random, as many as 50; I do not mean that all those prosecutions have reached trial, but as many as 50 actions have been commenced against persons alleged to have been practising without a legal qualification.

550. Have you found much difficulty in carrying the provisions of the Act into effect for the purpose of the prevention of illegal practice?—There is no doubt that the power vested in the society for checking illegal practice is very inefficient under the 55th of George the Third; the Committee are possibly aware that a somewhat new view of the power of that Act has been taken within the last two years; there is a specific penalty pointed out by the Act, namely, a forfeiture of 20*l.*, which is to be recovered in the particular mode directed by the Act, namely, by an action of debt brought in the name of the Apothecaries Society. Till within the last two years the impression of the society and of its legal advisers was, that that was the only remedy open to them, and the only mode by which the penal provisions of the Act would be put in force.

551. How did the other view arise?—It arose in this way: the Legislature having pointed out a particular mode of enforcing the penal provisions of the Act against unqualified practitioners, I did not look beyond that particular mode; but a case occurred in which it was held that a member of my own profession, an attorney, notwithstanding the punishment to which an unqualified person is subjected for practising as an attorney, was still liable to an indictment for a misdemeanor. The principle of that case was this, that when a statute forbids an act being done which was not illegal by the common law, and then by a distinct and substantive clause inflicts a punishment upon any person who shall do that act, you may not only pursue that particular punishment provided by the statute, but you may also indict for a misdemeanor for doing the particular act which the law has forbidden. That principle appeared to be equally applicable to the case of the apothecary, because there is a clause in the Act which says that it shall not be lawful for any person to practise as an apothecary who shall not have passed the examination, and received the certificate of qualification required by the Act, and then by a distinct clause it provides that if any person shall so practise he shall forfeit 20*l.*

552. *Chairman.*] That particular view of the law enables persons other than members of the Apothecaries Company to commence an action, does not it?—To indict for a misdemeanor.

553. Mr. *Wakley.*] How many indictments have been preferred?—Only two have been actually preferred to the present time.

554. Were the parties found guilty?—The first party was found guilty, and sentenced to a month's imprisonment, which he underwent; in the other case, the party who was indicted at the Central Criminal Court pleaded guilty; and being the first case of the kind, the Judge threw out the intimation that it would probably answer the purpose if the party convicted entered into recognizances to come up and receive judgment if he committed the offence again; the society acting only as public prosecutors, of course deferred to that suggestion.

555. Did the learned Judge express any doubt as to the question of law?—On the contrary, Mr. Baron Alderson stated his clear opinion to be, that the view of the law upon which that indictment was framed was a correct one.

556. That the breach of the law was an indictable offence, although there was a particular penalty specified by the Act?—Yes, that is the case under the particular frame of that Act; it would not be so in all cases.

557. In prosecuting a person whom you deem to be unqualified, what have you to prove before the jury; first, that he has not a license?—I believe that that is necessary, though we have not done it. There was a case before Lord Tenterden, in which it was held that it was not necessary to prove that; but the opinion of the present day is, that it is necessary to prove that also; then we have

have to prove that the party was practising as an apothecary without possessing a legal qualification; that evidence consists in the proof of his having attended patients afflicted with diseases requiring medical treatment, and that he has prescribed medicines, and supplied medicines for their cure or relief; that is the nature of the evidence which we have to give.

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558. *Chairman.*] Have you found, practically, that the course of the law has been obstructed, by the difficulty of obtaining sufficient evidence of that nature?—I think it has in two ways; it has rendered it difficult to interfere in cases where it was almost clear that the party had acted as an apothecary without the qualification, and also it has increased the expenses of those proceedings very much.

559. *Mr. Wakley.*] Do you find it necessary to prove that he has practised in medical cases?—Yes; and that raises at once an inquiry of considerable difficulty. We avoid that by taking cases that are clearly medical, there being many cases in which there might be a doubt whether it was a medical or a surgical case; therefore we take only that class of cases which are clearly medical.

560. Cases that belong to a physician or an apothecary, and not to a surgeon?—Yes; there are some cases in which there might be a doubt raised; and on a penal action it would not do, of course, to rely upon those cases, as the benefit of the doubt would very properly be given to the party accused.

561. Have you in any work a record of the cases which have been regarded by the Judges as medical?—I think I could refer to the decisions that have taken place upon that subject.

562. You must prove also that the party has supplied medicines; must that be from his own dispensary or shop?—Yes.

563. Supposing the medicines were supplied from the shop of a chemist and druggist, would the prosecution in that case be successful?—Supposing there to be no collusion between the apothecary and the chemist and druggist, it would not; supposing the apothecary only prescribed, and the medicines were supplied by a different person, that would not be practising as an apothecary; it might be acting as a physician; but we have to show that he has acted as an apothecary.

564. Must you prove that he has charged for the medicines?—No, that is not necessary; we must prove that the attendance and the supply of medicine were with a view to gain; but we need not show that there was an actual charge made. Any circumstances that showed that the party attended as medical men ordinarily do would be sufficient.

565. Your case would not break down from the fact of a bill of charges not being sent in?—No.

566. And it would not be requisite that money should actually have been paid?—No.

567. *Chairman.*] Have you had under your notice many cases which you would have prosecuted had the facilities for conviction been greater?—I should say certainly; the society have been very much urged to institute more frequent prosecutions; and, undoubtedly, they would have done so, if they could have done it with the means at their disposal.

568. Cases of that kind have come within your knowledge?—I have no doubt of it, and the society have had a very difficult trust to discharge in being constituted the public prosecutors without having adequate means to conduct those prosecutions; they have been exposed to great obloquy in consequence.

569. *Sir R. H. Inglis.*] The society has been without any corporate interest of a pecuniary character in the conduct of such prosecutions?—Without the slightest; nothing is ever made of those prosecutions; on the contrary, it is always a great expense.

570. The society considering itself, so far as the Legislature has entrusted the power to it, as the guardian of the public health of the country, and taking care that no improper person to have the charge of the public health should practise?—Certainly.

571. *Mr. Wakley.*] Do not such prosecutions tend to produce applications for licenses?—No doubt they would have that effect. The object is, that men should not practise without passing their examination and proving their fitness, and they cannot do that without paying for a certificate.

572. *Sir R. H. Inglis.*] The question rather implied this: is there any pecuniary penalty which the conviction of A. or B. might carry to the purse of the corporation or any individual member of it?—It would go to the corporation if it were recovered.

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573. What is the gross expense which the prosecutions have cost to the society?—The gross expense of prosecutions for the seven years ending the 31st December 1846, was 1,939*l.* 8*s.* 11*d.*; but I should state that, during two of those years, the years 1844 and 1845, no prosecutions took place; and, therefore, taking the five years from 1840 to 1846, leaving out 1844 and 1845, it would give a total of 1,918*l.* 16*s.* 9*d.*, making an average for each of those years of 318*l.* 15*s.* 4*d.*

574. What sum was recovered by the society in respect to the aggregate of those prosecutions?—I think I may state not a single shilling.

575. Therefore the sum of 1,983*l.* 16*s.* 9*d.* was expended by the society out of the aggregate of the funds payable for licenses by candidates during that period?—It was so.

576. In other words, the society lost 1,983*l.* in that interval, and received nothing?—Just so.

577. Mr. *Wakley.*] What sum did the society receive for licenses during the same period?—I do not know.

578. Will you furnish that information to the Committee?—It shall be furnished by the proper officer.

579. Sir *R. H. Inglis.*] Do you wish the Committee to understand that no penalty was received, though a penalty was incurred, and that such non-receipt was in consequence of the *nulla bona* of the party?—Yes, during those seven years no penalty was received.

580. Colonel *Mure.*] Was no punishment inflicted upon the party?—The usual course has been this, that where the case has proceeded to judgment, and the society were in a position to issue execution against the person of the individual, which they have done in several cases, he has applied to the Insolvent Debtors' Court, and obtained his discharge by that means; and frequently before the time has come round, when by the practice of the court the society were in a condition to issue execution, the individual has applied to the Insolvent Debtors' Court.

581. Mr. *Wakley.*] In the conduct of prosecutions, what has been held to be necessary in reference to the proof of attendance of an apothecary; has it been held to be necessary that the party should have visited the sick person at his own house, or that the sick person should have visited the apothecary at his residence?—I am not aware of any case which has occurred in which a party has been sought to be proved guilty of practising as an apothecary without a legal qualification by receiving a person at his own house; they have been cases where parties have attended a patient at his own house, not that I entertain any doubt of the law upon the subject, but it would be more difficult to prove, and one should feel considerable reluctance in following a party into his own house.

582. Has any chemist or druggist been prosecuted by the society for prescribing and charging for medicine over the counter, in fact, for attending cases in his own shop?—No, I do not know that any chemist and druggist has been prosecuted in such cases exclusively, and I cannot say off-hand whether in any case where a chemist and druggist has been prosecuted, evidence has been given of a patient attending at his shop; those are not the kind of cases one looks for.

583. Was not there a prosecution of a person of the name of Greenough?—Yes.

584. Will you state to the Committee the particulars of that case?—It was the case of an individual practising at the town of St. Helen's, near Liverpool: as far as the evidence which was laid before the society went, in the first instance, it clearly appeared that he was practising like other people, calling himself a surgeon; we did not know at the time that any defence would be set up that he was a chemist and druggist; the evidence was very clear of this man having practised as an apothecary, that is to say, he had attended patients afflicted with diseases requiring medical treatment, and had supplied them with medicines, and sent in bills made out to himself as a surgeon.

585. Had the man a diploma from the Royal College of Surgeons?—No, he had no medical qualification whatever; it appeared upon the trial which took place before Mr. Baron Maule, at Liverpool, that he was a shopman in the employ of his sister, who kept a druggist's shop at St. Helen's. The counsel for the defendant referred to a clause in the Act of 55 Geo. 3, which reserved to chemists and druggists the right that they possessed, previous to the passing of the Act, and contended, in general terms, that they were not liable to prosecution. The defence was not very clearly made out upon the address of the learned counsel; but when the learned Judge came to sum up the case to the jury, he pointed

pointed out the 28th section of the Act of the 55th Geo. 3, which reserved to chemists and druggists the right of doing particular things which are specified in the clause, namely, preparing, compounding, dispensing and vending drugs, wholesale and retail; and to the great surprise of every body, he told the jury that if they should be of opinion that chemists and druggists were in the habit of attending the sick, and administering medicines of their own authority, previous to the 55th Geo. 3, in his opinion they would be entitled to do so afterwards; and the jury were called on to say whether that was the practice of chemists and druggists previous to the Act of 1815: the jury having no evidence before them as to what the practice of chemists and druggists was before 1815, were in great difficulty, and they brought in a written paper, stating, that they had no evidence of what that practice was, and therefore they must find for the defendant, which they did. A motion for a new trial was made before the Court of Queen's Bench, upon the ground of misdirection of the learned Judge; that he ought not to have told the jury, that if chemists practised before the Act of 1815, they were entitled to do so afterwards without examination, and that at all events it was for the defendant, if he had relied upon that defence, to have given evidence of that fact, and to have shown what chemists and druggists had done: a strong opinion was expressed that the ruling of the learned Judge was wrong, and a new trial was granted; the case was carried to trial, and a verdict was obtained by the society upon the same evidence as was given on the former occasion, the defendant not appearing.

586. Do you recollect whether any thing was stated at the time of the motion for a new trial with regard to the place of practising?—I am not aware that there was; I have a report of the motion for a new trial in my hand, which, if it is at all material, I will read. It is stated, that it was an action brought by the Society of Apothecaries to recover penalties for practising as an apothecary, by attending, advising and furnishing medicines without certificate. "On the trial before Mr. Baron Maule, at the Liverpool summer assizes 1839, the attending, advising and furnishing medicines were proved, and it was not shown that the defendant had obtained a certificate or been in practice before August 1, 1815;" but it appeared that there was a chemist's and druggist's shop at the house where he transacted business, and it was represented on his part that the shop was his own, and that in doing the acts complained of, he had only used the trade of a chemist and druggist in the manner referred to by section 28, which provides, "That nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the trade or business of a chemist and druggist in the buying, preparing, compounding, dispensing and vending drugs, medicines and medicinal compounds, wholesale and retail; but all persons using or exercising the said trade or business, or who shall or may hereafter use or exercise the same, shall and may use, exercise and carry on the same trade or business in such manner and as fully and amply to all intents and purposes as the same trade or business was used, exercised or carried on by chemists and druggists before the passing of this Act." There is not a very formal judgment; it is necessary, therefore, to read the way in which the court interposed during the argument of the council on applying for a new trial. The judgment came out in that way; Mr. Watson showed cause: "It was for the jury to say whether the defendant was not acting as chemists and druggists had done before the statute passed"—(Lord Denman. Can you defend that ruling?)—Originally there was no real distinction between apothecaries and chemists. The Act 55 Geo. 3, c. 194, introduces some particular regulations with respect to those who profess to practise as apothecaries, but leaves chemists and druggists in the same situation as before with respect to the "buying, preparing, compounding" and "dispensing" of drugs; and it enacts, "that all persons using the said trade or business, or who shall hereafter use it, shall and may—" Then he quotes the rest of the clause. "These words are very large, and there is nothing to show that they do not comprehend all that was done by apothecaries before the Act. Until the decision of the College of Physicians *v.* Rose, where the judgment in the Queen's Bench was against the apothecary, but was reversed in the House of Lords, it does not appear that apothecaries had any recognized right to do more than they, or chemists and druggists might do in their shops, and the judgment of the House of Lords is given very shortly and without reasons." Mr. Justice Coleridge then says, "If there was no real distinction between apothecaries and chemists down to 1815, what do you say was the object of the statute; why were not the same regulations

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imposed on both? The apothecaries at that time professed to be something more than the chemists, a higher and more educated class.—(Mr. Justice Coleridge. Then the statute regulated the more educated class, and left the others without regulation?)—A chemist, if he called himself no more, might sell and prescribe; if he held himself out as an apothecary, the case was different.—(Mr. Justice Williams. Do you say he might attend the sick?)—The cases in which parties have been considered liable who held themselves out as apothecaries are different from this, nor has any similar case arisen. In *Allison v. Haydon*, cited for the plaintiffs at the trial, the plaintiff having no certificate, sued as an apothecary, and the present question could not have been raised. If there was any miscarriage here, it was that of the jury.—(Mr. Creswell—with whom were Mr. J. L. Adolphus and Mr. F. Robinson *contra* was stopped by the Court—Lord Denman. The jury appear to have found, under the direction of the learned Judge, that chemists and druggists might practise as apothecaries before the statute. At all events a *prima facie* case had been proved against the defendant; and if he relied upon any practice before the Act, as exempting from penalties, it was for him to show that practice.—Mr. Justice Patteson. I cannot see any possibility of doubt in this case, unless it can be said that apothecary and chemist mean the same thing.) The rule must be absolute.” Then it is stated—“The cause was tried again before Mr. Justice Wightman, at the Liverpool summer assizes, 1841, and evidence was given supporting the averments of the declaration above set forth. The cause was undefended. Mr. Justice Wightman, after adverting to the clauses of the statute cited in the above argument, and to section 5, said, that the distinction between apothecaries and chemists appeared to be, that the apothecary might not only prepare, dispense and sell, but apply and administer medicines; that if a chemist not only sold, but also applied and administered medicines, in the ordinary course of attending patients, he practised as an apothecary; and that if the defendant had so practised, he was liable to the penalties claimed. Verdict for the plaintiffs. No motion was afterwards made.”

587. What do you hold to be the present state of the law with regard to the right of a chemist and druggist to prescribe over the counter in any medical cases which may come before him, to supply medicines and charge for them?—The law is perfectly clear; a chemist and druggist has no right to do any thing but to sell medicines which are asked for. That defines probably more than any other test what the province of a chemist and druggist is. It is the same expression as was used by the College of Physicians in the reign of Queen Anne. The physicians contended, that the apothecaries were to sell medicines asked for.

588. That was a case in 1701?—Yes; and Mr. Justice Creswell has used that expression to define what a chemist and druggist's business is.

589. *Chairman.*] You have been asked what you consider to be the state of the law with regard to chemists and druggists and apothecaries; what is the state of the law with regard to pure physicians and pure surgeons, or those who have obtained diplomas from either of those colleges, but have not obtained any license from the Apothecaries Company, supposing they were to dispense their own medicine?—I cannot answer the question categorically; I must answer it under heads; a legally qualified physician may, if he think proper, in addition to giving his advice, give medicines.

590. Mr. Wakley.] Without charging?—I do not know that; we were under the impression that a physician could not charge for his attendance, but it appears, if there be an express contract, he may enter into such contract to receive remuneration; if no contract be made, the law will infer that his attendance was gratuitous, and that it was not intended he should have any legal claim for remuneration; but Lord Denman has held that it is not impossible for a physician to contract with his patient, and if he does so, he may recover in a court of law.

591. May he recover for medicine supplied?—Under an express contract, I think so.

592. Would not he be liable to the penalties of the Apothecaries Society?—No, I think not.

593. What would be the difference between such a physician and an apothecary?—I am putting the case of a physician legally qualified to practise in this country.

594. Does not the 20th section of the 55th Geo. 3, distinctly specify that if any person shall practise as an apothecary without having obtained the license of the Apothecaries Society, unless he were in practice before the 1st of August 1815,

1815, he shall be liable to the penalties of the Act?—I think that would not be the practice of an apothecary; I am not aware, however, of any case in which a physician has sued for his medicines.

595. Have not you prosecuted physicians?—No, not legally qualified physicians.

596. Have not you prosecuted graduates of medicine of the University of Edinburgh?—I am not sure about Edinburgh; we did prosecute a graduate of one of the Scotch Universities.

597. Not more than one?—I think not; that was the case of Dr. Collins.

598. Did you succeed in that prosecution?—Yes.

599. And it was held that his diploma was not a sufficient qualification?—That it conferred no right whatever.

600. *Chairman.*] Was not that upon the ground that he had no right to practise in any department?—He had not.

601. *Mr. Wakley.*] You have never prosecuted an extra licentiate of the College of Physicians of London?—No.

602. Have you prosecuted members of the College of Surgeons in London?—Yes.

603. *Colonel Mure.*] In saying that he was not qualified, do you mean that he was an ignorant person, or that, though qualified at his own college or university, he had not taken out the license which he ought to have done?—I am not at all aware what his personal qualifications may have been.

604. He was prosecuted on the ground of not having taken out a license?—That was the only question raised.

605. *Chairman.*] Will you state what would be the case with a surgeon not having a license from the Apothecaries Company, who should dispense his own medicines?—The law in respect to surgeons is this: it is competent for a surgeon to administer medicine, and to furnish medicine that is ancillary to his treatment of a surgical case; where he has the treatment of a case that is properly within his province as a surgeon, he may supply and charge for the medicines which may be necessary for his treatment of that case.

606. *Mr. Wakley.*] Have you successfully prosecuted members of the College of Surgeons of London who have attended such persons in medical cases, and supplied and charged for their medicines?—Yes.

607. In how many cases have you instituted proceedings of that kind?—I am not prepared to answer that question; we have done so in several cases.

608. *Chairman.*] Since they have been legal members of the society?—I think, in one case, since he had been a legal member of the society.

609. *Mr. Wakley.*] Have you, in any case, prosecuted a chemist and druggist for practising in his own shop?—No, but I should not hesitate to do so if I could obtain evidence; it is obvious that the mischief is the same; it does not matter whether an uneducated person prescribes at the bedside or over the counter.

610. You think he is equally liable to be prosecuted for misdemeanor, as to be prosecuted for a penalty?—I have no doubt of it.

611. *Colonel Mure.*] Is it the custom of your society to take up cases against persons whom you consider to be really qualified, such as persons from the University of Glasgow, or Dublin or Edinburgh, merely on the ground of their not having a license, or do you confine your attention to cases in which the party is really unqualified and an unfit person to practise?—I have no hesitation in saying, that that has been the practice; but the Committee will see that there has been great difficulty in a body like the Society of Apothecaries, who are supposed to be the only parties entitled to enforce the law, laying down any rule upon that subject; the effect of that would be, that it would virtually repeal the Act as regards that clause. If the Society of Apothecaries had said they would not sue gentlemen possessing diplomas from the College of Surgeons, or possessing diplomas from the Scotch or Irish Societies, the Act of Parliament would have been repealed as respects that clause; therefore, the Apothecaries Society could not lay down such a rule; but practically, no doubt, it has been so. Sometimes the society are not able to exercise a competent discretion in those cases. If parties should lay evidence before the society and say, "We call upon you to enforce the law," there might be a great deal of difficulty in an appeal of that kind; but so far as the society could exercise a discretion, they have prosecuted parties the least qualified to practise.

612. *Chairman.*] In the prosecutions undertaken since you have been the legal officer

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officer of the society, have the cases been brought to your notice, and a prosecution insisted on by others not belonging to the society, or have they been discovered by yourselves?—Invariably the attention of the society is drawn to the circumstances; they never put themselves forward.

613. You have no police of any sort?—No.

614. You do not register the shops of chemists and druggists?—No, we have no authority for that; practically the attention of the society is always drawn to those cases by parties whom the Committee would suppose would be likely to do so.

615. Sir R. H. Inglis.] In the event of a death occurring in the case of a party attended by an unlicensed practitioner, a verdict of manslaughter, if not of a higher crime, is often recorded against such practitioner; is it the object of your society, in instituting prosecutions against unlicensed practitioners, to prevent an occurrence which the law could otherwise punish?—I should say the general object of the society would be to prevent the practice of individuals who have not given evidence of their qualification for such practice; that is the general answer I should give.

616. The fact being that the law has assigned a special punishment to the unlicensed practitioner in a case in which death might arise from his not being qualified, the qualification being tested by the license, is it or is it not the object of the Society of Apothecaries, when they do institute prosecutions against unlicensed practitioners, to prevent the occurrence of that which the law would otherwise punish?—The object would be to prevent the mischief that would result from the practice of incompetent persons; the law draws no distinction in the case which has been put between the case of a qualified and an unqualified practitioner; if a party is charged with *mala praxis*, or with having misconducted himself as a medical man, it only becomes a very collateral branch of the inquiry whether the man is an unqualified practitioner or not; it might be some evidence to go to the jury in favour of the legally qualified practitioner that he had satisfied the competent authorities; but the legal liability is the same in both cases; that has been decided in several cases.

617. As a matter of fact, do you wish the Committee to understand that it is indifferent, according to your recollection in the verdicts of juries and the judgments of judges, whether the party by whose unskilful practice the individual may have met death was or was not duly qualified to practise in any division of the medical profession?—My impression is that it would be a matter of indifference.

618. Mr. Wakley.] Are you aware that it was long held in the law that two persons being concerned in the performance of similar acts, one of them being legally qualified to execute the act and the other not, if one had killed in the performance of the act, and the other had also killed, the one who was qualified was deemed to have committed no offence at law, but the other who was unqualified was deemed to have been guilty of the crime of manslaughter?—I can quite conceive that that would be the construction which would be adopted; in the case of constables and others exercising legal process, that would be so.

619. Sir R. H. Inglis.] Does that answer refer to the medical profession?—Certainly not at all; I do not think the principle applies to the medical profession.

620. Mr. Wakley.] Are you aware that, in cases relating to medicine, the prosecutions which have taken place have been chiefly surgical cases, and not medical?—I should say, answering off-hand, it has been so; it is more difficult to prove the one case than the other.

621. Sir R. H. Inglis.] Do not the greater number of the cases which form matters of investigation in courts of law arise in midwifery?—I should have rather thought in surgery the greatest number of cases arose.

622. Mr. Wakley.] There is no case, you say, in which a chemist and druggist has been prosecuted for practising as an apothecary in his own shop?—Not that I am aware of.

623. But you have no doubt that such a prosecution might be successfully instituted?—That is my opinion, in point of law.

624. Both for the penalty and as a misdemeanor?—In either form.

625. Will you state the course of proceeding in an indictment for misdemeanor?—The ordinary course would be to prefer an indictment, setting out the crime in the mode which the practice of the criminal court requires; the indictment would be preferred before the grand jury, and they would find either a true bill or no true

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true bill; if a true bill was found, the party would be put upon his trial, and would be tried, as in the case of any ordinary misdemeanor.

626. The same proof would be required as for the recovery of penalties?—Just the same.

627. What is the cost of proceeding by indictment?—Two cases only have taken place; one at the town of Bolton, where the defendant was tried before the borough sessions, and there the whole expense of the prosecution did not exceed 25*l.*; that was the first case that was tried.

628. Upon whom did that expense fall?—Upon the Society of Apothecaries.

629. Did the society institute the proceedings?—The circumstances were these: it appeared that an individual had, I think, drawn attention to his practice, from deaths having ensued, as it was supposed, from his ignorance; the coroner of Bolton had formed a strong opinion of this man's incompetency to practise as a medical man, from circumstances which had come before him, and through a solicitor of Bolton, who was the public prosecutor, or the attorney employed by parties at Bolton to institute public prosecutions, a communication was made to the society, representing that it was a very fair case for prosecution; if I recollect right, they had proceeded so far as to take this man up before the magistrate, and the magistrate, upon examination, had committed him for trial; this struck me as rather a strong mode of proceeding, and not certainly the course which I should have recommended the society, as a public body, to have adopted, particularly as it was the first case. I hesitated for some time before I would allow the society to take the case up; but having satisfied myself that, though it appeared a harsh proceeding, it was one which the law sanctioned, and as there appeared reason to think that this man was a very incompetent person to practise, and that mischief had resulted from his practice, I thought the appeal to the society could not be resisted, and therefore they promised to be at the expense of the proceeding; the solicitor stating that the expense should not exceed a certain amount. I should have wished rather that the first case under this new view of the law had been a case prosecuted by the society in London, the object of course being, that those cases should be known as widely as possible; but this case came upon us suddenly, and for the reasons I have stated, we thought it desirable that it should go on; therefore the cause was tried and conducted by the solicitor to whom I have referred at Bolton; the case was ably defended by counsel; and the jury, after remaining out for an hour and a quarter, brought in a verdict of "guilty," and the learned Recorder sentenced him to a month's imprisonment; the counsel for the prosecution stating, that there was no wish to press hardly upon the defendant, but rather that the state of the law should be fully understood.

630. Was the man prosecuted for one offence only?—I think there were two or three offences.

631. Do you know on what charge he was prosecuted?—Practising as an apothecary, without legal qualification.

632. For a misdemeanor?—Yes.

633. In such cases can a person charged with misdemeanor be arrested?—No, not ordinarily; but in that particular case I satisfied myself that it was what the law sanctioned.

634. Was the man bailed?—Yes; he was found guilty, and sentenced to a month's imprisonment; and the sentence was put into execution, notwithstanding an application, as I hear, being made to the Secretary of State, who thought proper not to interfere. The second case was the case of a person of the name of Sweetenham; that was an indictment preferred at the Central Criminal Court; the bill of costs there amounted to 150*l.*

635. Upon whom does that expense fall?—Upon the society.

636. In that case the accused pleaded guilty, did not he?—Yes; he had instructed counsel, and we were expecting to have the case fought.

637. If a medical practitioner, legally qualified, were to proceed against an unqualified person, and to indict him for misdemeanor, would the expense of the proceeding fall upon the practitioner so preferring the indictment?—It must do so.

638. There is no public fund out of which the expenses could be obtained?—No; they must fall, I think, upon the prosecutor.

639. *Chairman.*] Is it stated in the last Act of Parliament, or in any Charter of Incorporation of the Apothecaries Society, that the money derived from fees,



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or in any other way sanctioned by Parliament, shall be applied to the prosecution of improper practitioners?—No.

640. You do not consider yourself obliged to spend the money of the Apothecaries Company in that way?—No, except so far as this: that we were the only parties till this new view of the law was obtained who could prosecute; therefore, if we did not, the law remained unenforced.

641. Mr. *Wakley*.] In all questions of law you are consulted by the society?—I am.

642. Have you ever been consulted by that body respecting the 15th clause of the Act, which relates to the apprenticeship?—Yes, questions are frequently arising upon it.

643. Mr. *Ridout*, in answer to question 390, which was as follows: "What length of apprenticeship do you require?" replied, "The Act specifies five years;" but subsequently he stated, that though the Act requires that the party shall be apprenticed for that space of time, "as to the particular way of serving, no inquiry is made;" he then went on to say, "it is inferred that the apprentice is in the relation of a pupil to the apothecary, who is to direct his course of studies;" what legal definition would you give of the term "apprenticeship"?—I believe apprenticeship is a contract on the part of the master to teach his particular business, and on the part of the apprentice to serve.

644. That there is a deed of covenant between them?—That would be the ordinary course; there would be a written contract between the parties obliging the master to teach the apprentice, and the apprentice to serve the master, and obey his reasonable behests, and so on.

645. I will read to you the words of the section, "And be it enacted, that no person shall be admitted to any such examination unless he shall have served an apprenticeship of not less than five years to an apothecary;" do you consider that if the society has given licenses to persons who have not served such apprenticeship, those licenses are legal?—I think they are, because I think it is the society's exclusive province to decide whether the apprenticeship has been served or not; the court would not inquire, I think, whether the apprenticeship has been in fact served.

646. The words of the Act are as distinct and as specific as possible, that no person shall be admitted to an examination unless he shall have served an apprenticeship of not less than five years to an apothecary?—I am not aware of any case in which a person has been admitted without it; my answer must not be taken to admit that any such person has been admitted; I should say that they have not; certainly not knowingly, in any case.

647. If you had admitted persons to an examination without proof of their having served an apprenticeship, would you still consider the license to be a legal document?—I think so.

648. And that such apothecaries could legally recover such charges as they thought it right to make for medicine and attendance?—Yes; I am not supposing a case of collusion between the society and the individual; but, supposing the society, in the honest exercise of the discretion which the statute has entrusted to them, have been satisfied that the apprenticeship has been served, the mere fact of its transpiring afterwards that no such apprenticeship had been served would not render the certificate invalid.

649. You do not consider that the terms here used enable the society to dispense with apprenticeship?—Certainly not.

650. What proof would you consider necessary in order to establish the fact that an apprenticeship of five years had been served?—The society have been in the habit, under advice, of admitting other evidence than the production of a written contract of apprenticeship. The ordinary evidence would, of course, be a written contract, an indenture of apprenticeship, in fact, between the master and the apprentice, obliging the one to teach, and the other to serve, during the period of five years, accompanied by a certificate from the master, that the contract had been carried out. The society has been advised that the production of such an instrument is not necessary in all cases; but if by other evidence the court is satisfied that the relation of master and apprentice has, in fact, subsisted, the court may act upon that evidence, and admit the parties for examination, and they are in the habit of doing so.

651. You consider that it would not be essential that any indenture should be  
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put in, or that a contract should be put in?—That evidence of the relation having subsisted should be given would be necessary. Mr. R. B. Upton.

652. *Chairman.*] Evidence of a state of pupilage?—Yes; as a question of law, it is not perfectly clear that the relation of master and apprentice can be created otherwise than by a written instrument; certainly no such contract could be enforced during its continuance; but if (which is the only question we have to ascertain here) the only question be, whether the relation of master and apprentice has in fact subsisted, I am of opinion that that fact might be established in another way than by the introduction of an indenture of apprenticeship. 7 March 1848.

653. *Mr. Wakley.*] Mr. Ridout was asked, "You do not require apprenticeship absolutely, in the strict sense of the word?" his answer was, "Not to be testified by an indenture." Then he is asked, "What is your substitute for that proper apprenticeship?" his reply is, "A testimonial of the student having acted in the relation of an apprentice to the practitioner for the term of five years; it was considered very early that the indispensable necessity of serving an apprenticeship was an inconvenience, and might be occasionally an injury; it was thought whether there might not be even an error in the copying of the Act of Parliament, by the substitution of the word 'and' for 'or'; but on reference it was found that the apprenticeship was indispensably necessary, and that the testimonial of a sufficient medical education was required to be in addition to the apprenticeship." But still it does not appear that any indenture or contract in proof of such service of apprenticeship has been produced at the Hall in some cases?—I need not say, that in the great majority of cases the evidence is the production of the ordinary indenture of apprenticeship; but cases occasionally occur, I believe not unfrequently, where the parties, who have in fact served an apprenticeship, have not the written contract to produce; in fact, none has been executed. I am called upon to advise the society, when any case of difficulty arises, whether the evidence adduced is such as would or would not justify them in admitting the candidates to examination; and upon that opinion the Court of Examiners either admit the candidate or ask for further evidence; and many painful cases have occurred, where parties have not been able to satisfy the court by such evidence as the court would be justified in admitting.

654. *Chairman.*] Do you believe that the Committee have now the law of the case pretty distinctly before them?—I think so; so far as regards the apothecary.

655. *Colonel Mure.*] Have you any knowledge as to what faculty there is in Scotland, generally, which corresponds to that of the apothecaries here?—There is no institution exactly corresponding with that of the apothecaries here; there is a College of Surgeons in Edinburgh, who examine both in surgery and pharmacy; but we have no one here discharging those functions.

656. What is called in Edinburgh an apothecary, you would consider a chemist and druggist?—Exactly.

657. There are no combination there of the two, are there; no persons keeping chemists' and druggists' shops under the name of apothecaries, who are also practising?—I do not know that there are.

*Martis, 21<sup>o</sup> die Martii, 1848.*

MEMBERS PRESENT:

Mr. William Lascelles.  
Sir Henry Hallford.  
Mr. Wakley.

Mr. George Hamilton.  
Mr. Grogan.  
Colonel Mure.

THE LORD ADVOCATE, IN THE CHAIR.

*John Ridout, Esq., further Examined.*

658. *Chairman.*] THE Committee have understood that there was a general measure for medical reform, which was in the course of negotiation to a certain extent, and which had resulted in the laying down principles upon which an arrangement might be made between the Royal College of Physicians, the Royal

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College of Surgeons, the Society of Apothecaries and the National Institute of Medicine, Surgery and Midwifery in London; and the Committee understood that you had some little difficulty in answering some questions, and going into the line of examination proposed by some of the Members of the Committee, as those communications might be of a private and confidential nature and you did not conceive yourself entirely at liberty to disclose them?—I felt that delicacy at the moment, and I was reluctant to answer questions on that subject, unless it was the express wish of the Committee that I should do so.

659. There has been a communication made by the Secretary of State, Sir George Grey, upon one part, and there is no difficulty whatever in your making such disclosure in answer to questions put to you by the Committee, and the Committee, on their part, are very desirous to have the best information you can conveniently and properly give them with respect to the grounds upon which that negotiation proceeded, and the grounds upon which the arrangement, whether temporary or more permanently, between those bodies, was come to, or by the parties officiating for them?—I came prepared on the last occasion the Committee was summoned, to answer any question that might be submitted to me so far as was in my power, and I am ready to do so now.

660. There have been conferences between those different bodies that I have referred to with regard to the general measure of medical reform?—There have, and during some length of time.

661. Was the negotiation confined to those four bodies?—In the first instance, it was confined to the College of Physicians, the College of Surgeons and the Society of Apothecaries, and at the desire of Sir George Grey it was extended to the National Institute of Medicine, Surgery and Midwifery.

662. You communicated with the committees appointed respectively by each body, I presume?—There were deputies from the College of Physicians, the College of Surgeons, and the Society of Apothecaries, who met at the College of Physicians, and they communicated with Sir George Grey upon the subject of their meeting; and subsequently, at his desire, the representatives of the National Institute joined the other three bodies, and constituted the joint committee, which has carried on the discussions that have ended in the communication that was made to Sir George Grey, in a paper that has been recently before the public.

663. Those joint committees of the different bodies drew up a paper, entitled, "Principles for a general measure of Medical Reform"?—They did so.

664. Have you any objection to produce it?—None whatever; I have the correspondence and the minutes of all the several meetings which took place; I obtained this document yesterday from the College of Physicians, as an authenticated copy of the communication made by the joint committees to Sir George Grey.

665. Does that include the paper which is before the Committee, called, "Principles for a General Measure of Medical Reform"?—Yes, it does—[*the same was handed in*—]but I thought it right to have a copy from the College Registrar, whom I saw yesterday on the subject, for the purpose of making my communication official.

666. *Mr. Grogan.*] Is that the original paper?—It is an examined copy.

667. Is it a certified copy?—Yes, it is.

668. *Chairman.*] Is it an examined copy of the paper that was communicated by the joint committee to Sir George Grey?—Yes; I affixed yesterday the names of the President of the College of Physicians and the College of Surgeons, the Master of the Society of Apothecaries, and the President of the National Institute, which had been accidentally omitted.

669. With a view to redress the various grievances referred to in the preamble, you propose the establishment of a register?—Yes.

670. To be published by the Council?—Yes; it is proposed, that the registration should be conducted under the superintendence of the Council.

671. You propose "That a Council should be established to superintend the registration of all medical and surgical practitioners"?—Yes; "And for the general control of Medical Education and Practice;" that that body should also have the superintendence of the registration.

672. Who are the persons entitled to be registered as matter of right?—The general practitioners.

673. "Who shall be enrolled as members of the Royal College of General Practitioners within one year from its first incorporation, according to the provisions

visions of a Charter which has been prepared for that College." That College is not now in existence, but it is a college which you propose to establish?—Yes.

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674. Besides these, you propose to be entitled to be registered the fellows and members of the Royal College of Surgeons now in London?—Do you allude to those now in practice or to those who in the latter part of the 4th clause are mentioned—"Those who, having attained the age of 22 years, shall have received letters testimonial of their fitness to practise as general practitioners from the examining board of the Royal College of General Practitioners, and who shall also have been examined and admitted as members of the Royal College of Surgeons."

675. You mean there the Royal College of Surgeons of London?—The Royal College of Surgeons of England; that is the legal designation of the college.

676. Then you further propose, that those persons shall be registered as of right who shall have been admitted as fellows or members of the Royal College of Surgeons of England?—Yes.

677. You require, after the passing of the Act, that members of the Royal College of Surgeons, in order to entitle them to registration as surgeons, must also be admitted as members of the Royal College of General Practitioners about to be established?—Yes, unless they are fellows of the College of Surgeons.

678. You say members of the College of Surgeons, as distinct from the fellows; is that so?—"That those persons shall be entitled to be registered as surgeons who shall have been admitted as fellows or members by the Royal College of Surgeons; but that the members of the College of Surgeons who dispense medicines, or supply medicines to their patients, shall be required to enrol themselves in the College of General Practitioners, and to be registered as surgeons and general practitioners; and after the passing of the Act, members of the Royal College of Surgeons shall not be registered as surgeons, unless they be also admitted as members of the Royal College of General Practitioners, and registered both as surgeons and general practitioners."

679. With regard to physicians, you admit parties to be registered as matter of right as physicians who shall have been admitted as members of the Royal College of Physicians, according to the provisions of the new charter prepared for that college?—Yes; the charter which has been proposed, I believe, for the College of Physicians, and also that for the College of General Practitioners, will, in the first instance, embrace a considerable number of practitioners who are not at present members of the College of Physicians, and also practitioners who are not at present legally qualified to practise under the Act of the 55th of George 3.

680. By members of the Royal College of Physicians, do you mean licentiates of the College?—I suppose it means comprehensively those connected with and enrolled in the College of Physicians, whether fellows, members or associates, a designation which it has been proposed to give to the second grade.

681. *Mr. Wakley.*] The law at present does not recognize the term "Licentiate"?—No; I believe not.

682. *Chairman.*] Do you intend "Members of the Royal College of Physicians," to include those who are at present licentiates both extra-mural and intra-mural?—I understand that whoever are authorized to practise as physicians by the authority given to them by the College, either by such power as the College now possesses, or as may be hereafter intrusted to it, will register as a physician as matter of right.

683. In respect of that qualification?—Yes.

684. Therefore you understand all those persons to be included under the general word "Members"?—Yes; it is proposed, in whichever branch of the profession he practises, whether as physician, or as a fellow of the College of Surgeons, or as a member of the College of Surgeons and a general practitioner, that he should be registered in the particular department of the profession in which he practises.

685. Is there any other case besides those you have mentioned, in which a party will be entitled as matter of right to have his name put on the register under one or other of those denominations of practice?—It will depend eventually upon the terms of the charters granted to the College of Physicians and to the College of General Practitioners; for if the Legislature allows a party who is not authorized to practise at this moment, either as physician or as a

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general practitioner, to be enrolled in the College of General Practitioners or of Physicians, that would, it is contemplated, give authority for registration.

686. It is understood, of course, that it may depend upon the provisions of the charter, who shall belong to the College of General Practitioners; but still the question I ask is this: is it in the contemplation of those four bodies, and is it a right construction to put upon the principles which they have agreed upon, that nobody should be entitled to be registered as a medical practitioner under any denomination, unless he belonged to one or other of the bodies mentioned here?—Certainly, that is the intention entertained.

687. And that the possession on the part of any individual of a diploma from any authorized body abroad, and not abroad only, but in Scotland or Ireland, shall give him no title as matter of right to be registered in the registry of practitioners under any denomination, unless he shall have previously obtained admission to one or other of the three bodies mentioned?—That is contemplated.

688. Was not that a subject of discussion before the joint committee?—Yes; and I think every portion of these principles was the subject of discussion, and was very carefully considered.

689. Was that particular subject under discussion before the joint committee, that is, the propriety of allowing persons who could produce diplomas from distinguished seats of medical education, not in England, to be registered as matter of right in the general register?—It was not definitely decided upon; it was discussed, but not decided upon. I may mention that the consideration of this committee was confined exclusively to those authorized to practise in England.

690. They had in view a registration for England alone?—Yes, for England alone, as it is stated here; but that eventually there should be perfect reciprocity, so that parties obtaining a qualification, and the right to practise either in Ireland or Scotland, should obtain authority to practise in England also, upon enrolment in that College with which his department of practice corresponded.

691. Still the admission to the register, or the right to be registered, will depend upon the admission to one or other of the three bodies?—Yes, that was contemplated.

692. Had you all the provisions of the different charters before you which were proposed to be granted to the College of General Practitioners of England, to the Royal College of Physicians, and to the Royal College of Surgeons, when you had those principles under discussion?—The charter of the College of Physicians was not made the subject of consideration; it was not considered that the discussion was sufficiently matured to take the charter of the College of Physicians into consideration; but the proposed charter for the incorporation of the general practitioners was read at the conference at the last meeting. As to a charter for the College of Surgeons, I did not understand that there was any new one in contemplation.

693. According to those principles, no person could be entitled as of right to be registered as a physician, or registered as a surgeon, unless he had become a member of one or other of the bodies, according to its existing constitution, or, in the case of the College of Physicians, according to the constitution contemplated, but which you have not before you?—It was considered that these were principles for an entirely new measure, and that they had no immediate reference to existing institutions until they had undergone such modifications as to make them correspond with the principles here laid down.

694. Then that relief which was to be given in the way of reciprocity to persons educated medically in Scotland or in Ireland was contemplated, not by a direct admission to the register, but indirectly, by the right of being admitted to the different bodies through whom they might become registered?—It was so.

695. Had it formed a subject of discussion with the joint committee, the present constitution of the College of Physicians, or the alterations to be made in that constitution, so as to make this system of regulations work well and equitably for the education of both Scotland and Ireland, or as to future education?—It was first considered desirable to lay these principles before Sir George Grey, and to have them, at his pleasure, communicated to the medical authorities in Scotland and in Ireland, and that, if approved of by Sir George Grey and by the medical authorities of Scotland and Ireland, or modified in the way  
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which might be considered expedient, that then an application of these principles, or an alteration of the existing institutions, should be made.

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696. Still it would be difficult, without knowing the modifications proposed to be made; for instance, in the present constitution of the College of Physicians, to judge how far this proposed system of regulation would facilitate the practitioner in establishing himself in England, having been educated in Ireland or in Scotland in the character of a physician, if he had a matter of right resting upon his degree, as obtained in Edinburgh, or in Glasgow or Dublin, to be enrolled as a member generally, in any class whatever, and then come upon the register, there would be no difficulty; but did you contemplate, in your discussions in the joint committee, that there should be previous examination before the College of Physicians, or previous fines to be paid, or whether any other difficulty existed in being admitted, in those cases, to the College of Physicians, to enable him to get upon the register as a physician?—The consideration has hitherto been confined exclusively to England and Wales, and it is wished that no person eventually should practise either as physician or as surgeon, or as a general practitioner, wherever his qualification may have been obtained, until his enrolment in the one college or the other.

697. In short, these colleges respectively were to be vestibules through which he was to enter the register?—Assuredly.

698. What must he pay in order to pass that vestibule?—The payment was not fixed.

699. What satisfaction was he to give after the evidence of education which he was to produce; if that was not sufficient, what examination was he to undergo?—The point was, that there should be established, in Scotland and in Ireland, education and examination, corresponding to that which would exist in England, and so soon as that was made to correspond, there should be a perfect reciprocity; that the qualification to practise in Scotland or in Ireland, on being produced in England, should admit the party to enrolment, either to one college or the other, according to the particular department in which he had obtained his authority to practise in either country.

700. He would be entitled to registration in virtue of that enrolment?—Yes, in either country; upon the point of payment of fees, that was a matter subsequently to be settled.

701. *Mr. W. Lascelles.*] That was to be on a footing of perfect reciprocity?—Yes; very large powers were proposed to be entrusted to the Council; it was proposed that the Council should superintend and control the whole of the affairs of the different colleges in England, and the bye-laws, statutes and regulations, as regard education and examination; the Council also, it was contemplated, would ascertain whether the course of study and examination pursued in Scotland and in Ireland corresponded with that established in England, and so soon as that was ascertained to be the case there should be perfect reciprocity; thus parties obtaining qualifications to practise in one country, would obtain, on enrolment in either of the other sub-divisions of the empire, registration as a necessary consequence.

702. Do you contemplate the formation of a register for the whole of the United Kingdom, or for England, Scotland and Ireland separately?—It was to be left entirely to the discretion of the Secretary of State, or the Council.

703. I ask the question, because the "Principles" refer only to a registration for England?—We did not take up that subject, but we expected that there would be a registration in each country.

704. A separate registration for each country, or a general registration to embrace the United Kingdom?—I should suppose it would be more convenient to have a separate registration in each country; the subject was not specifically taken up and considered.

705. The object might be different; if a party confined himself to practice only in Scotland, or to practice only in Ireland, there might not be occasion to apply to the College of General Practitioners in England, or the College of Surgeons in England?—Modifications of these principles may hereafter be made to enable this measure to work with the largest measure of good, and with the smallest proportion of inconvenience.

706. You mentioned that you communicated this to the Secretary of State, with the view of ascertaining generally what might be the views of the Government, and also what might be the views with reference to those principles of the

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different bodies in Scotland and Ireland; did you receive any answer with respect to the views of the different bodies in Scotland and Ireland?—We have had no communication from Sir George Grey since the communication was made to him.

707. Which has been made very recently, I believe?—In the latter part of last month.

708. Supposing that the education in Scotland and in Ireland, in the different classes, was adjusted to your mind, do you then propose, if there were to be a register for the United Kingdom, that a Scotch or an Irish practitioner should be admitted upon that register, just like an English practitioner, or that he should still go through the different colleges in England?—Whether there should be one register or three for the United Kingdom, would be left to the Government or to the Council appointed under this proposed measure.

709. You have not considered that matter?—We have not stepped out of the limit to which we have restricted ourselves; it has been the especial desire of the committee to bring about, in every way it could, perfect reciprocity upon the basis of equal education and examination in each class in each kingdom.

710. *Sir H. Halford.*] Are not the terms upon which the parties are admitted as members of the College of Physicians who have graduated in the Universities in Scotland or Ireland, or in foreign Universities, expressed in the draft of the charter for the College of Physicians?—I believe it is the case.

711. Be so good as refer to No. 6, in the draft of the charter, and read it to the Committee?—"That any person, who, after regular examination, shall have taken a degree in medicine at any University in the United Kingdom of Great Britain and Ireland, or from any foreign University, to be from time to time recognized by the said Corporation, and who shall have attained the age of 26 years, and shall not be engaged in the practice of pharmacy, and shall have gone through such course of studies, and who shall have passed such examination before the Censors of the said Corporation, touching his knowledge of medical and general science and literature, and complied with such other regulations as are or shall be required by the bye-laws of the said Corporation, shall be entitled to become an associate of the said Corporation without being subject to any other election." I understood generally, with respect to the proposed charter for the College of Physicians, that it would receive such modifications as would enable it to accord with the "Principles" expressed in the paper placed before the Committee; I believe the members of the College of Physicians who were examined before the Committee of the House in the last session expressed an intention of modifying the terms of the charter placed before the Committee.

712. *Mr. Wakley.*] Had you a draft of the charter laid before you?—Not of the College of Physicians.

713. Consequently you were unacquainted with the provisions which it contained?—The provisions of the new charter would be modified by the terms of the measure now in contemplation; it is a measure not sufficiently matured for the charter of the College to be definitively decided upon.

714. In one of the paragraphs appended to the fourth condition of the "Principles," I find it stated at the end, "That the charter has been submitted to the Government, which charter it is expedient should be granted to the College of Physicians;" did you determine that it was expedient that such a charter should be granted to the College of Physicians without being aware of the provisions it contained?—It was considered expedient that the charter should be granted, but with such modifications in the charter as would make that charter correspond with those particular "Principles."

715. You will observe in the paragraph to which I refer, that the definite article is mentioned, that "the" charter has been submitted to the Government, and it is expedient that the charter should be granted to the College of Physicians; you had not a draft of the charter officially laid before you at your conferences?—We had not; we had not advanced sufficiently for the consideration of the details of the charter.

716. *Chairman.*] The Committee understand that this means nothing except as the determination of the joint committee, that there should be a new charter?—We understood, with respect to the charter that appeared before the Government and this House, that an opinion had been expressed by the fellows of the College that that charter required modification, and that the particular modification

cation that would be required would be such as would make it correspond with the measures resulting from the "Principles."

717. Mr. *Wakley*.] Probably it would not be assuming too much to consider that, in the conferences which you had, you were applying your mind chiefly to that department of the profession to which you considered you belonged?—I applied myself to the consideration of every subject that came before the conference, in accordance with what I felt to be my duty.

718. Did you specially direct your attention to the proposed arrangements with regard to the College of Physicians?—So far, and so far only, as they were the subject of consideration of the committee.

719. Had you before you, in entering upon those considerations, the entire provisions of the law which regulated the College of Physicians, and also a draft of the charter which it was proposed should be granted to the College of Physicians?—The draft of the charter was not fresh in my recollection at that time, nor was the draft of the charter brought under the especial consideration of the committee.

720. Were you made fully aware of the state of the law with regard to extra licentiates of the College of Physicians, as they are at present allowed to exercise their functions?—Yes, I was aware of the existing constitution of the College of Physicians.

721. Was any discussion entered into, as to the propriety of requiring extra licentiates to undergo another examination, before they should be registered, and to produce testimonials of character, and also the stipulation with regard to the payment of 25*l.* for being so registered?—No such subject of consideration was before us.

722. Are you aware that the draft of the charter which was submitted to the Committee in the last Session of Parliament, contains in its fifth provision, the stipulation that I have now mentioned?—I was not fully aware of the details of the charter in question. It was before the House, and I understood that it was to be subject to modification; the terms of that modification I understood were to be made in correspondence with the proposed new measure.

723. Was that the draft to which reference was made in your conferences?—Yes.

724. There was no other?—No; it was as to the proposed charter, but the particular charter did not come under the consideration of the committee.

725. Was not the draft of that charter produced?—It was not.

726. Do you recollect in the conferences, whether any modifications in that charter were specially suggested?—Not specially suggested; we did not consider that the negotiation was sufficiently advanced for that, and, therefore, did not take it into consideration.

727. Do you consider, your mind now being directed to the subject, that such proposals are just; for example, that the extra licentiates who have a right to practise in all England, within seven miles of London, should be required, in order to register, to produce testimonials of character, and that they should undergo another examination; such an examination as the censors may demand, and also pay each 25*l.* as stipulated in the provisions, exclusive of the Stamp Duty?—I have not considered that question with sufficient care to be enabled to answer it.

728. Was it discussed at all, whether it was just in making any new arrangement with regard to the law, that the present standing of gentlemen who are in the exercise of their professional functions should be disturbed?—These negotiations were not considered to be sufficiently advanced to take that subject into deliberate consideration.

729. You are aware that, according to the eighth provision of your "Principles," penalties should be imposed by summary process on all unregistered persons practising medicine and surgery; do you think that a good provision?—I think it a necessary one for the protection of the public.

730. Was that unanimously agreed to by the committee?—Yes.

731. You fully agreed in its justice and in its expediency?—Most assuredly.

732. You have observed by the provisions of the charter, as exhibited in the fifth clause of the draft to which I have referred, that the extra licentiate, the gentleman who is now practising as an extra licentiate of the College of Physicians, is compelled to submit to the requirement contained in that provision, unless he registers; consequently he would be excluded by the law from practising

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tising his profession, and would be subjected to summary penalties, which you intend to provide by the eighth provision of the "Principles?"—The impression on my mind was, that the extra licentiate would be admitted in the College of Physicians, and as such would be admitted to a registration in connexion with the College of Physicians.

733. The words are, "That he may be registered as a fellow or an associate." In the draft of the charter which was submitted to the Committee in the last session of Parliament the word "member" does not occur?—I may say generally, that I understood throughout that the arrangement of the terms of the proposed charter of the College of Physicians would be made subordinate to these particular "Principles," to enable that charter, when granted, to carry those "Principles" out.

734. That was admitted by the gentlemen who represented the College of Physicians?—Yes.

735. Will you state who were present on the occasion on the part of the College of Physicians?—The members of the College of Physicians were Dr. Paris, the president of the College; Dr. Todd and Dr. Clendinning, Censors; Dr. Burrows, Dr. Nairne, and Dr. Francis Hawkins, the registrar; six altogether.

736. Will you state the constitution of the joint committee?—It consisted of the President, two Censors, Dr. Burrows, Dr. Nairne, and Dr. Hawkins, the registrar; Mr. Travers, the president of the College of Surgeons, Mr. Stanley, and Mr. Green, the vice-presidents of the College of Surgeons, were members, on the part of the College of Surgeons.

737. There were only three from the College of Surgeons?—No; and Mr. Bean, the master of the Society of Apothecaries, myself the Deputy Master, and Mr. Bacot, were members on the part of the Society of Apothecaries; and Mr. Pennington, Mr. Bird, and Mr. Ansell were on the committee, as representing the National Institute, Mr. Pennington being its president. When questions were put to the vote, they were not put to the vote *per capite*; each question was put to the College or to the Society, and on consideration the College or Society expressed assent.

738. Mr. Grogan.] What is the National Institute which you put third; is that any distinct or combined body, or what does the term exactly convey?—It is a body that has no chartered or legalized existence at the present moment, but Sir George Grey considering that it represented the interests of a large body of practitioners, required that some individuals, members of that institute, should be upon this committee.

739. Would it deserve the name of "General Practitioners"?—The members of the institute, I believe, are all general practitioners.

740. Mr. Wakley.] When did your conferences commence?—There was a preliminary meeting, for the first time, on the 1st of December last year.

741. Do you recollect with whom?—It was composed of the same individuals whose names I have mentioned, with the exception of the members of the National Institute.

742. How many meetings had you without the presence of the members of the National Institute?—I cannot mention precisely the number; there was a preliminary meeting on the 1st of December, and a succeeding meeting took place on the 8th of December, when a communication was made to Sir George Grey.

743. Did Sir George Grey make any suggestion that it would be well to communicate at the same time with the medical authorities of Scotland and Ireland?—No, he did not.

744. Did the same parties continue to meet throughout?—Yes, with the subsequent addition of the members from the National Institute, at the request of Sir George Grey.

745. When did that accession to your numbers take place?—In a letter dated the 10th December, in answer to the first letter addressed to Sir George Grey, Mr. Phillips says, "I am directed by Secretary Sir George Grey to acknowledge the receipt of the letter of the Presidents of the Royal Colleges of Physicians and Surgeons and the Master of the Society of Apothecaries, dated the 8th inst., and to express Sir George Grey's satisfaction at the course proposed to be adopted by them, which, he trusts, may lead to some satisfactory settlement of the questions affecting the medical profession. I am to state, that with a view to this object, it appears to Sir George Grey of importance that the interests of the

the general practitioners should be considered, and he would suggest whether some representative of that body could not be included in the proposed conference. Sir George Grey requests that you will communicate this letter to the President of the Royal College of Surgeons and the Master of the Society of Apothecaries."

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746. After that time the requirements of the National Institute of Medicine appeared?—Yes.

747. And they were received as parties to the conference?—Yes, and a communication that the conference was so constituted was forwarded to Sir George Grey.

748. Before they appeared, had the question been considered whether it was advisable to grant a charter of incorporation to the general practitioners?—That was not a subject of consideration till the union took place; the committee was not considered as fully constituted until they joined the body.

749. Until they joined the body, had you considered whether it would be expedient to make any modification of the 55th of George 3?—The subject was not taken into consideration until the committee was considered to be fully constituted in the estimation of Sir George Grey, and that did not take place until the representatives of the National Institute joined the committee.

750. Are you aware whether any one of the bodies appearing on that occasion had made an appeal to the department of the profession to which they belonged, with respect to the conditions which it would be advisable to adopt at any such conference?—For some years past, the subject of incorporation of the general practitioners has been matter of very frequent discussion, and the Society of Apothecaries has had, at different times, correspondence with associations of general practitioners in different parts of the kingdom, and the society became aware, in consequence of that correspondence, that there was an earnest desire entertained generally that the general practitioners of the country should obtain an incorporation of a collegiate character.

751. I put the last question in consequence of a sentence, or a portion of a sentence, which appears in the remarks introductory to the "Principles" which are embodied in the paper you have produced; it states, referring to the principles, "That they have met with the unanimous assent of the different classes of the profession, as represented in the committee"?—We considered, in the committee, that all classes of medical practitioners were there represented.

752. Was there a single member, or, at least, a single extra licentiate of the College of Physicians, in that committee?—No.

753. Is it not stated here that the proposal had obtained "the unanimous assent of the different classes of the profession"?—"As represented by the committee;" the physicians, surgeons, and general practitioners were represented.

754. Was it not intended by implication that it should appear that all classes of the profession had been represented in that committee?—No; because there are some who practise as apothecaries who were in practice before 1815, and some who have practised as apothecaries by the license of the Society of Apothecaries subsequently, and some who have, in addition to that license, a diploma from the College of Surgeons; and some who have the diploma of the College of Surgeons, and have not the license of the Society; some who are fellows of the College, and who are not members of the College, are very numerous; but the three grand classes of practitioners, physicians, surgeons, and general practitioners, were considered to be fully represented in this committee, and there was a unanimous expression of assent to these several principles.

755. On the part of those who were there?—Yes, on the part of those several bodies.

756. You came to the conclusion that it would be advantageous to the profession, and useful to the public, provided medical practitioners were registered in three different and distinct classes, namely, physicians, surgeons and general practitioners?—That was the general opinion of the gentlemen present; and it seems, as far as I am able to learn, to be the opinion of parties in the profession generally.

757. You, as one, approved of that classification?—Certainly.

758. Do you consider that it is necessary for the protection of the profession or for the protection of the public, that the classification should be carried further, and that there should be divisions and subdivisions of the respective classes?—Not subdivisions; there should be a division of the physicians, surgeons

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and general practitioners; that is a division which has existed for very many years, and which it is desirable should still be continued, as being in accordance with the public wishes, and apparently with the public convenience.

759. My question did not relate to there being any objection to the formation of those classes, but whether you considered it necessary for the public benefit or the protection of the profession, that there should be a division of those classes?—I think it is desirable that there should be a division of those classes, because the public recognize and understand that there are three distinct classes of medical practitioners, and it is well to ascertain whether the parties practising in those several departments are authorized so to practise.

760. My question does not refer to a division of the profession into physicians, surgeons and apothecaries, but whether it is expedient for the public welfare or the protection of the profession, that there should be divisions of those classes?—It seems to be contemplated in these "Principles" that there should be a further subdivision than the three enumerated.

761. Are there not to be associates and fellows of the College of Physicians; is not that division contemplated?—That is a subordinate division, and depends upon the organization of the particular college, and not as to the registration.

762. Is it not contemplated that there shall be fellows of the College of Surgeons, and members of the College of Surgeons, and that there shall be members of the College of Surgeons, and General Practitioners?—The charter of the College of Surgeons authorizes the distinction, and creates the distinction of members and fellows.

763. Do you consider those distinctions essential?—I think that those distinctions are desirable, inasmuch as they promote a higher education on the part of the individuals desirous of obtaining the higher titular distinction.

764. Might not a higher education be pursued with a view to a man's obtaining honorary distinctions?—These are honorary distinctions; they are coveted, and persons aim at obtaining them, and prepare themselves for the requisite examination.

765. *Chairman.*] As far as the registration goes, it is not intended to introduce more than three denominations: physicians, surgeons, and general practitioners?—No.

766. You do not intend in the register, to subdivide those denominations into different classes?—No.

767. *Mr. W. Lascelles.*] So that any licentiate or extra licentiate may be placed on the register?—Yes; I infer from the scope of the charter of the College of Surgeons, and from what they have already announced, that the fellowship of the College of Surgeons, eventually, will be granted only to individuals who have passed a literary examination prior to their being subjected to a professional examination; the object of the College being to promote a higher general, as well as a professional education in those to whom the fellowship of the College will be granted.

768. *Chairman.*] Still the object of the registration is a registration with reference to the right to practise?—Yes.

769. And considering the right to practise, you divide the whole practitioners into three denominations, and the individual is registered in one or other of those registrations, without further subdivision?—Yes.

770. *Sir Henry Halford.*] Do you consider that the term "Associate," applied to the College of Physicians, establishes a new distinction?—My own opinion is that the term "Associate" is open to some objection, and I have expressed my opinion to the members of the College; but I have not heard yet what decision they have come to upon that subject.

771. Is it not intended rather to supersede the term "Licentiate"?—I suppose it is.

772. It creates no new distinction?—In the evidence given before the Committee in the last Session, with respect to the designation of three ranks in the College of Physicians, viz. fellows, licentiates and extra-licentiates, it was considered desirable to have the designation of "Member" substituted for that of "Licentiate;" and in general parlance the licentiates have been called "Members" of the College; but I believe that some negotiation took place last year, or the year preceding, between the College of Physicians and the medical authorities in Scotland, and that the term "Associate" had been adopted by the College of Physicians

Physicians in England in consequence of that correspondence; but of that fact I am not perfectly acquainted.

773. With regard to extra-licentiates, is it not a part of the plan to do away altogether with the order of extra-licentiates?—That is what I understand.

774. So that there would be a distinction less, rather than a distinction more?—Yes, a distinction less; I thought at one time it was probable that there would be in the three Colleges, fellows and members of the College of Physicians, the College of Surgeons, and General Practitioners, but of course amendments upon those points, which are comparatively subordinate, would be made hereafter, according as the respective colleges might think expedient.

775. With regard to the Society of Apothecaries, if this plan were to be carried into operation, would not that society merge into the new College of General Practitioners?—They would not merge into it; they would cease to exist as a body having influence over medical education and practice; its corporate existence would continue as before 1815, but the powers entrusted to it by the Act of 55 Geo. 3, would of course be consigned to other hands.

776. Colonel *Mure*.] In reference to the question that the Honourable Member has asked you, I observe, in the draft of the charter, in the minutes of last year, "That the licentiates are to be admitted as members of the New College of Physicians under the new charter," but the "extra-licentiates shall be admitted on production to the censors of testimonials of character and professional qualification which shall be satisfactory to the said censors, and on paying a fee of 25*l.*, exclusive of stamp duty;" is that understood to be adopted in the new regulations which you have in contemplation now?—Yes; it was the subject of consideration; I felt assured then, and I now feel sure, that there will be a very large and liberal feeling expressed by the College of Physicians, so as to remove, as far as they possibly can, every existing source of dissatisfaction, as far as it is compatible with the public interests; and I feel assured that the terms of any charter that they would solicit would be such as would substantially carry out in the most liberal, wise and efficient way, the principles which are enunciated in this paper.

777. Mr. *Wakley*.] It is proposed, in Provision 4 of the "Principles," that gentlemen who are members of the College of Surgeons who dispense medicines shall be registered as general practitioners?—Yes, that the practice in the profession should be as distinctly characterized as possible, to enable the public to be well aware of the functions of each particular practitioner; that he should be a physician, and fellow of the College of Surgeons, if he practises surgery exclusively; but if he practises surgery, medicine and pharmacy, that he should be a member of the College of General Practitioners.

778. If you refer to the clause, you will find that that provision is restricted to the person who dispenses medicine, he being a member of the College; do you intend to make a different rule with respect to fellows?—The clause is merely confined to members; I should suppose that fellows, if they dispensed medicines, would certainly be required to register as general practitioners, because they would be acting as general practitioners.

779. *Chairman*.] That distinction is made in words, but you do not suppose that it was intended to be made in substance?—I think it was anticipated that in a short time the fellows of the College of Surgeons would not dispense medicines, and then they would be registered exclusively as fellows.

780. Mr. *Wakley*.] You are aware that many fellows now dispense medicine?—Yes, they do, and if they did so hereafter they would be required to register as general practitioners likewise.

781. Was it considered whether they should be under both designations in the register; for example, a man being a fellow of the College of Surgeons, and being also a member of the new incorporation, the College of General Practitioners, was it understood that he was to appear under the title of surgeon in the one place, and under the title of surgeon and general practitioner in the other?—A surgeon in one and a general practitioner in the other. If he was a fellow, he would be registered as a fellow of the College of Surgeons in the register.

782. He would appear in one place as a fellow, and in another place as a fellow and general practitioner?—Yes; if the plan suggested by Dr. Hawkins be referred to, it will indicate the way in which such a registration would be carried on.

783. Do you prefer that plan of registration to the one proposed in the Bill of

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last year?—Yes, it has been considered by myself and by others to be better calculated to answer the object in view.

784. Do you think that there is a great objection on the part of the majority of the profession to registration in classes?—I am not aware; but so long as there are classes in the profession, persons practising in one class or the other, I can see no reasonable objection to their registering in accordance with that particular department of the profession in which they practise.

785. Do not you know that there is an objection to registration in classes?—I believe that no plan of any kind can be suggested to which there would not be some objections raised by individuals.

786. Colonel *Mure.*] This latter portion of the clause under the head "Surgeons," seems to render it imperative upon every surgeon also to be a general practitioner. It says, "After the passing of the Act, Members of the Royal College of Surgeons shall not be registered as Surgeons, unless they be also admitted as Members of the Royal College of General Practitioners, and registered both as Surgeons and General Practitioners?"—I believe it is contemplated that fellows of the College of Surgeons, who practise surgery exclusively, shall so register; but that hereafter members of the College of Surgeons will necessarily be members of the College of General Practitioners likewise.

787. But if they become fellows, they shall be fellows of the College of Surgeons only?—Yes; I expect that they will cease to be members of the College of General Practitioners, unless they continue to practise as general practitioners, and then they will remain still enrolled in the College of General Practitioners. At present, in the early institution of the fellowship of the College of Surgeons, it does not take that precise form in practice which it may be expected to do hereafter.

788. Mr. *Wakley.*] Are you aware whether the president and vice-president of the College of Surgeons were present at the last meeting of the conference when the draft of the "Principles" was amended and finally adopted?—Yes, they were present, I believe.

789. Do you recollect whether the concluding portion of the second paragraph under No. 4, was discussed at that time, "After the passing of the Act, Members of the Royal College of Surgeons shall not be registered as Surgeons unless they be also admitted as Members of the Royal College of General Practitioners, and registered both as Surgeons and General Practitioners"?—Yes, and it was very much discussed.

790. Did the president and vice-presidents agree to that in its present form, or were they out-voted?—In every instance there was perfect unanimity, as it has been stated.

791. They agreed that the members of their own college should not be registered as surgeons in future, unless they also became members of the College of General Practitioners, whether they dispensed medicines or not?—If they practised as general practitioners.

792. Colonel *Mure.*] Do not you think with respect to those clauses in Section 4, that you might have dispensed with the two colleges for surgeons and general practitioners entirely, according to the terms of those clauses?—I do not consider so; the general practitioner, unless already qualified to practise both in medicine and in surgery, will receive his qualification to practise medicine after examination from the College of General Practitioners; and he will receive his qualification to practise surgery as a member of the College of Surgeons. Practitioners are very desirous of becoming members of the College of Surgeons, and an arrangement is consequently made, that prior to the enrolment in the College of General Practitioners, the student shall pass his examination before the College of Surgeons, and becoming a member of the College of Surgeons, should be admitted and enrolled as a member of the College of General Practitioners, and then be authorized to be registered upon the general register in that department of practice which he is about to engage in.

793. Mr. *Wakley.*] You will observe, on referring to the provision now the subject of remark, that a man who is a member of the College of Surgeons, is not to be entitled to be registered as a surgeon unless he becomes a member also of the College of General Practitioners?—That is subsequently to the passing of the proposed Act; I do not think it has a retrospective influence; I fully understand that hereafter, supposing these "Principles" are acted upon,

no person will be admitted as a member of the College of Surgeons who is not also a member of the College of General Practitioners.

794. The provision is simply with reference to registration, and what is to be the right of a member with regard to registration; you are aware under the existing charter of the College of Surgeons, that there are two classes recognized, fellows and members?—Yes.

795. Supposing the register were now to be adopted, both would register under the titles of fellows and members?—Yes.

796. But under the provisions to which reference has been so repeatedly made, it appears that if a man became a member of the College he would have a right to be registered as a surgeon, whether he dispensed medicines or not, without becoming a member of the College of General Practitioners?—The impression on my mind is, that subsequently to the passing of the proposed Act that would be the case; it appears to me not unreasonable, that if he practises as a surgeon exclusively, he should qualify himself for that higher department of practice by obtaining the higher degree—the fellowship of the College.

797. If he submits himself to examination before the Court of Examiners of the College, in order to obtain a diploma as member, have they not the power of testing his capacity and his capability to practise, without his obtaining any other title than that of member?—The examination by the College of Surgeons of their members is confined to anatomy physiology and surgery, and takes up no other department of medical practice.

798. You are aware that a candidate is under the necessity of producing certificates of attendance upon a great variety of lectures besides?—Yes; but his attainments are not tested by examination; and it has been found that the mere production of testimonials or certificates of having paid certain sums to respective lecturers, is not adequate.

799. You consider that his examination as a member is strictly confined to the subject included within the terms anatomy, physiology and surgery?—The subjects of the examination are restricted to anatomy, physiology and surgery.

800. Why would you not allow him to register as a surgeon?—I should think his education would be very imperfect; I should think even as a surgeon, very imperfect; because local complaints must be treated frequently constitutionally; and I do not think that the examination as to a surgeon's attainments in surgery, anatomy and physiology, is sufficiently comprehensive.

801. Does the fellow undergo any examination in medicine before the College, that you consider of a higher grade, or a higher department?—His examination is intended to be much more comprehensive than heretofore; otherwise it will fail altogether in producing the advantage which is looked for.

802. You are aware that the examination does not go beyond a certain preliminary education, as to classics?—I anticipate that a more enlarged examination will eventually take place.

803. It is not so at present?—No; the subject is not fully in operation at present; the examination upon general literature is not as yet introduced, I believe.

804. Do you see any objection to the College of Surgeons instituting what you would deem an efficient examination with regard to the general practitioners as well as the surgeon?—They have been always unwilling to undertake it; it was proposed in 1812, 1813 and 1814, that they should then undertake the superintendence of the medical as well as surgical education of the surgeon or surgeon-apothecary; but the opinion of the council at that time was, that they wished to confine their attention to surgery exclusively, and they have continued to express a similar opinion down to the present time.

805. By the institution of the College of General Practitioners, do you presume that the functions of the Apothecaries' Society are to cease; at least, those functions which they exercise under the 55th Geo. 3?—Certainly.

806. Will you state what advantages you believe the profession and the public will derive from the institution of such a college?—In an address published by the Society of Apothecaries, in the year 1845, it was stated, "That the General Practitioners had very generally declared in favour of an independent organization of the members of that branch of the profession, by an incorporation of a collegiate character; and the Society represented the wishes of their brethren to the Secretary of State, and invited his favourable consideration of that proposal."

The Society, in advocating the grant of a new charter of incorporation, con-

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templated, of course, a resignation of their existing powers when such charter should be granted." "The Society, however, was induced to give its support to the proposal, as it would secure to the general practitioner the great objects for which he was striving; would secure to him all he enjoyed at present; would give him a representative institution, in which he would be allowed to exercise a real control over the management of his own affairs, protect his interests, and maintain his professional and social status; and, above all, that it would give him the power of securing for the future general practitioners at least as good an education, professional and general, as he had succeeded in obtaining for himself, and the means of extending that education, with the increasing facilities of acquiring professional and general knowledge." In these sentiments I fully concur.

807. You do not state what advantages you anticipate that the profession and the public will derive from the institution of such a college?—I think that the incorporation of the general practitioners into a college will satisfy the very earnest desire which is generally expressed by the general practitioners to have a collegiate incorporation of the practitioners in that department of the profession; they think it will improve the status of that class of medical practitioners, and will give them additional power of improving the general as well as the professional education of those entering into that department of practice.

808. Do not you believe that a slight modification of the law as respects the College of Surgeons would have all this effect, and would still more strongly have the effect of raising the character of the profession in the estimation of the public?—In 1812, 1813 and 1814, the College of Surgeons had the power to make such modifications of the duties of their college as it might think fit, and it has had it in its power subsequently, but it has never entertained any desire to exercise such power; and the members of the Council of the College have expressed repeatedly a desire to restrict their attention exclusively to surgery.

809. Placing much value upon your opinion, and knowing that you have paid great attention to the subject, I was anxious to know what you felt in relation to that point, and whether you considered it would be for the benefit of the profession to connect the great body of the profession more closely upon a representative principle with the College of Surgeons in London?—I think that the three classes of the profession have existed in this country for many centuries, and I think that division conforms with the general wishes and convenience of the public; I think that that distinction has occasioned a spirit of emulation, which has been beneficial to each department of the profession, and unless there was a considerable alteration in the public wishes, and new arrangements with respect to practice, I think the present distinctions should continue.

810. You really consider that it would be advantageous to institute a new incorporation?—I certainly think so under existing circumstances, and I speak of it, both for myself individually, and for the society of which I am a member, most dispassionately; I can derive no advantage, no power, personally, from the establishment of this College of General Practitioners; and the transfer of the power which is at present vested in the Society of Apothecaries would necessarily reduce the society to the mere corporate and municipal position in which it was prior to 1815.

811. Do you apprehend that there would be any practical difficulty in conducting the examination which would be suitable for surgeons in general practice before the College of Surgeons?—If the College of Surgeons thought it expedient to unite with those who practised surgery exclusively, those who practised medicine likewise, they might unquestionably then conduct an examination in medicine, such as is now carried on by the Society of Apothecaries.

812. You are aware that in Scotland, the entire examination as to anatomy, surgery, physiology, materia medica, and midwifery, are all conducted before the single College of Surgeons; before one body?—There are very few surgeons practising surgery exclusively in Scotland; I understand, therefore, that the surgeons of Scotland are substantially general practitioners; in England, the general practitioners, as contemplated, will exercise functions corresponding to those of the members of the College of Surgeons in Scotland; but there will be in this country an examination of a higher order, literary, scientific and professional, prior to an individual obtaining the degree which has been recently created of fellow of the College of Surgeons; the council of the College  
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of Surgeons has been consistent for 50 years past in thinking that that division of the profession is beneficial to the higher departments of surgery.

813. You are aware that Sir Astley Cooper, Mr. John Hunter, Mr. Abernethy, and the most distinguished men connected with the College of Surgeons, were only members of that body?—I know that those most distinguished men were members of the corporation of the company of Surgeons at the time that it was then, as the Society of Apothecaries now is, one of the federal municipal institutions of the city of London.

814. They were only members until they were elected on the council?—If Mr. Hunter had lived, he would have been the master of a city company, but the college has obtained, since the commencement of this century, an organization more compatible with its proper professional position.

815. Had you the proposed charter of the College of General Practitioners laid before you?—It was laid before us, and its provisions were considered generally satisfactory, as enabling it to carry out the designs proposed in this paper.

816. Have you any draft of that charter with you?—Yes, but when it was read, the members of the Society of Apothecaries on the committee, considered that it would be expedient for them to have an opportunity of looking over the charter in detail, before they could give their sanction to it, and an arrangement was made that the charter should be sent to the society, that it might have an opportunity of looking over the clauses of the proposed charter considerately, with the assistance of their clerk and legal adviser, who had been engaged in 1845 in the preparation of the draft of a charter for the general practitioners at that time.

817. How is it proposed to elect the council in that charter?—I may say, that the charter of incorporation is in a very imperfect state at this time; it was sent to the society for its consideration, and the society entertained some grave objections to some clauses, and a correspondence has been carried on between the society and the National Institute in consequence; a communication was made a short time since to the President of the College of Physicians, who has called a meeting of the committee, to take place to-morrow, to take this charter in its details into consideration.

818. *Chairman.*] By whom was the charter prepared?—By the National Institute.

819. Was it submitted to the three bodies?—It was read, but whether the draft that was sent to the society was a precise copy of that which was read to the committee I cannot say; but it was sent to the Society of Apothecaries for their opinion; they have made objections to some clauses which are the subject of consideration; therefore the draft at present is under consideration, and by no means determined upon.

820. Do you recollect what proposal was made in that draft relative to the election of the council or governing body?—The election of the council was to be by the members generally.

821. Members of some years' standing?—No, not in this draft, I think; this is very imperfect at present; it is under consideration, and therefore not at all prepared as a document to be acted upon; it is open for discussion in all its details.

822. You had not the document finally before you?—No; it was read, and the general scope of it was considered to be very applicable, if they carried out those "Principles;" but with respect to the internal organization of the college, which required more careful consideration, the draft was sent to the Society of Apothecaries for the purpose of having its opinion expressed thereupon.

823. *Colonel Mure.*] Is it intended that the College of General Practitioners should supersede the Society of Apothecaries altogether?—Entirely.

824. *Chairman.*] So far as regards medical practice?—Yes, but they will not at all interfere with the charter, which incorporates the society.

825. *Colonel Mure.*] What will be the remaining functions of the Society of Apothecaries; it would appear that they will have no duties to perform, as regards the profession, if those duties are to be transferred to the College of General Practitioners; in the case of their funds there will be hardly any management required; and they will be more like a society of persons possessing certain property in common?—It will be like the other companies of the city of London; they have a certain small property, which property, of course,



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as they had it before 1815, they will retain still ; but all their professional functions will be at an end. The sacrifice will be very great on their part, but they have been disposed to make that sacrifice, believing that by so doing, they will promote very considerably the interests of the general practitioners, and render service to the public. At present, they are maintaining their garden at Chelsea, and a professor of materia medica and chemistry, and another of botany. They distribute prizes, and employ officers, who carry out the duties intrusted to them by the Act of 1815 ; and the means of compensating those several individuals will be lost upon the transfer of the duties of examination to another body ; their funds derived from examination ceasing.

826. Is it proposed that there should be a transfer of that portion of their property, namely, the gardens, which are immediately connected with the educational course of the Society of Apothecaries, to the College of General Practitioners?—There is no consideration of that kind at all ; the Society of Apothecaries has, from the time of Henry the 8th, exercised some professional functions entrusted to them ; they were required to accompany the censors of the College of Physicians in the examination of the shops of medical men in the city of London. In 1617 an independent charter was granted to the Society of Apothecaries ; previously the Society of Apothecaries was associated with the Grocers' Company, as the College of Surgeons was at the same time with the Barbers' Company ; but in 1617 an independent charter was granted, and the sphere of professional usefulness of the society was enlarged ; subsequently, in 1633, the society established herbarising walks, and appointed a botanical professor for the instruction of apprentices and students connected with the society ; in 1673 it obtained a lease of the premises which they now occupy at Chelsea ; and upon the termination of that lease Sir Hans Sloane, who became the purchaser of the property, transferred it to the society upon the payment of 5*l.* annually, upon condition that it was appropriated as a physic garden for the instruction of students in botany ; this garden is still the property of the society, and is maintained at very considerable cost.

827. As it appears that all this property was acquired for the purpose of following out the educational course of your society, and as that is now to be taken out of your hands, I presume that this property, as regards education, will be no longer of the same value as it was, and will not be practically useful further than for your own society, and so far as you may have occasion for its use?—I think it is probable that the possession of the garden will be a source of embarrassment. The expense is partly defrayed from its own independent revenues, and partly it has been defrayed latterly from the revenue it has received from the granting of licenses for practice.

828. As I understand you, from the details you have given, the College of General Practitioners would be under the necessity of setting up for themselves all those additional institutions, which you have described as essential to carrying on that department of medical education which has been hitherto in your hands?—If they afford instruction to medical students in botany, we know that they must, as a matter of course, incur considerable expense in the formation of a botanical garden, and in conducting it as efficiently as we have ours.

829. Has anything been said in the negotiations which have taken place relative to the heavy expenditure which would necessarily fall upon the new College of General Practitioners?—No ; the Society of Apothecaries have had no negotiation of any sort of that nature.

830. I refer to the negotiation which led to the adoption of those "Principles?"—I am prepared to expect the College of General Practitioners, if it obtains adequate funds, will be disposed to apply those funds for the purpose of improving medical education.

831. As regards the College of General Practitioners, they will enter into your duties without any of your existing means of augmenting the amount of instruction, and, therefore, they will have a heavier responsibility as to expense than the College of Surgeons or Physicians had before?—They will be subject to very heavy responsibility and incur very great expense ; it is for them to take such measures as are requisite to enable them to meet it whether by private subscription or contribution, as they may determine on ; it is the wish of the profession to obtain that independent collegiate incorporation, and if that is granted to them they must incur the expense and responsibility which is attached to it.

832. *Chairman.*] Is it intended to have any separate registration for accoucheurs,

cheurs, or under what class are they to be brought?—That was the subject of discussion at the committee, and it was considered that no person should practise in that department of the profession without having given reasonable assurance to the public of his fitness to undertake it.

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833. Under which denomination would he come?—Under either of the departments of the profession.

834. Either physician, surgeon or general practitioner?—Yes, but I expect it will be physician or general practitioner.

835. But that he should not be allowed to practise without having separate qualification for that branch of practice?—It is contemplated in the examination by the general practitioners, that midwifery should form an integral and important part, and it is on that account that we consider that the examination of surgeons by the Board of General Practitioners will be to the advantage of the public.

836. In the fifth clause of the "Principles," speaking of the proposed registration, reciprocally, in the three kingdoms, it is stated, "Provided the education and examinations of each class respectively be assimilated and regulated by a certain standard common to each class;" that is to say, a standard common to the same class in the three countries?—Yes.

837. How is it proposed to provide that standard?—That is left to the Council of General Education; the Council will have very enlarged powers of control over each College, and over the practice of the profession generally.

838. It is proposed to be left to the Council of General Education to prescribe a curriculum, if they please, for each place of education, or to say that the curricula established in different places, though not precisely the same, may give an equivalent education?—I understand that each College will submit its regulations, both with regard to bye-laws, the general regulation of the college, all requirements as to the course of study, and the nature of the examination, to the council for its sanction and approval; and the council will then have an opportunity, by comparison, of ascertaining whether the requirements by the different bodies or of the different countries correspond, and of making such alterations as may appear to them expedient.

839. And necessary to make the education of equivalent value?—Yes.

840. If it is intended to make the education equivalent as to efficiency, if a party is admitted to the Royal College of Surgeons in Dublin or to the Royal College of Surgeons in Edinburgh, would you therefore consider him entitled to immediate admission without doing more than producing his diploma to the Royal College of Surgeons in England?—If the course of study, education and examination correspond, I see no reason whatever why there should not be a perfect reciprocity.

841. That is to say, without any additional examination or payment of fees?—I should think so.

842. And the same with respect to the College of General Practitioners and the College of Physicians?—Yes.

843. Suppose the General Council of Education prescribed a curriculum for Scotland and Ireland, or amended the curricula which already existed in the different seats of medical education there, or say that the curricula which they found there were, in their opinion, such as to give education of equal value and efficiency, then you are of opinion that the diplomas granted, or the degrees granted by the Universities or Colleges of those places of education, should immediately entitle the parties holding them to be admitted, *ad idem*, in the Colleges of London?—I perceive that you have not mentioned anything respecting the corresponding strictness of examination.

844. Take that as added to the question?—Then I assuredly should be of that opinion.

845. Mr. G. Hamilton.] Is not the reciprocity of practice one of the principles on which you propose the Bill to be founded?—One of the essential principles we are most anxious to establish, and one of the most important considerations that we have had in view, has been to remove the jealousies at present existing between the three kingdoms, so as to bring about perfect reciprocity of practice, upon the basis of an equality in the course of study and the strictness of examination.

846. Chairman.] I presume you would allow the powers of the Council to extend

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extend to the examination as well as to the curriculum of the education?—Yes, complete controlling power.

847. It might be, that one examination at one place would be as good as two examinations at another; you leave that for the Council to judge of?—Yes; but I do not think that the practitioners here, or the teachers at the several schools of medicine, would consider that one examination would be, either in Scotland or Ireland, equivalent in value to two examinations here.

848. Is not all that to be left, according to these "Principles," to the Council of Medical Education?—Yes, but they are to be guided by certain principles; there is a very large and influential body of teachers in this country, who are exceedingly sensitive upon this point; they consider that if there is not equality in the course of study and examination, the students will be seeking out for that authority which will give them license to practise with the least expenditure of time, money and thought.

849. Mr. Grogan.] Do I understand you that the reciprocity of the practice between the gentlemen educated at any medical establishment either in England, Ireland or Scotland, is to be regulated by an equality of education and examination which the council are to decide upon?—Assuredly so.

850. But the respective colleges here, or the College of Medical Practitioners shall, when a gentleman applies to be admitted *aliunde* on the production of a certificate from any school in Scotland or in Ireland, at once admit him?—Yes, to be enrolled in a corresponding college in this country, and be registered in consequence of his enrolment, but be admitted in whichever country he may reside, upon a testimonial of the examining body of each of the other countries, on the basis of a similarity in the course of study and strictness of examination.

851. Of which similarity in the course of study and strictness of examination the Council of Medical Education are to be the sole judges?—Yes.

852. Mr. G. Hamilton.] To carry out this principle of reciprocity of practice, does it not follow that the question must be dealt with in reference to the three countries in legislation at the same time?—I am very anxious to hear what opinion is entertained in Scotland and Ireland with regard to these suggestions; in this country we feel convinced that these principles, if carried out, will be productive of very considerable good to the profession and to the public in England.

853. Chairman.] Are you going to meet again, if you get information from Scotland and Ireland, to reconsider these "Principles?"—We have been waiting anxiously to hear from Sir George Grey upon the subject, and to know what measures he has adopted since the paper was placed in his hands.

854. You consider that this is a scheme proposed for the satisfaction generally of the medical body in Scotland and Ireland, as well as in England?—Yes; we have expressed our desire to make any modification that might be acceptable to either Scotland or Ireland, so that the principles mentioned should be faithfully fulfilled.

855. Supposing that the council fix upon a curriculum, and fix also upon a course of examination which, whether exactly the same or not, shall be so fixed as to give an equivalent or evidence of an equivalent education in the other countries, why should there be a necessity for entering into the several colleges before you admit to the general register?—We have considered that in each branch the person practising should be associated with his fellow practitioners in the country he resides in; that he should be enrolled and subject to control, and likewise participate in whatever advantages may be obtained in consequence of that connexion with the college at the head of his particular department.

856. It is only to associate him that you ask him to pass through that vestibule to go to the register?—We think, if a practitioner, wherever he may have been educated, either in Scotland or in Ireland, is practising in England, that he would find beneficial, professional and social advantages arising from a connexion with a college, and that he should contribute to its honour and maintenance.

857. On contributing to its support?—So far as they may respectively determine upon as necessary.

858. Do you intend that an Irish surgeon should contribute by annual payment, or by a payment upon admission, to support the College of Surgeons in England?—Each college will be constituted upon a representative principle, and will

will have the management of its own concerns; it may decide upon having an annual payment or not, according to its pleasure.

859. Do you mean to leave that under the control of the general council?—It would be left, I suppose, in the first instance to the respective colleges, but it would require the sanction of the council before it could obtain validity.

860. Assuming that those "Principles" are perfectly sincere, which is not doubted, and that the committee are most naturally anxious that those "Principles" should be carried into effect, in order to produce a fair reciprocity of practice, it is difficult to ascertain the value of those "Principles," or how they are to be carried out till the terms and conditions are known, upon which the admission is to be obtained into those three bodies, which must be entered before a party can get upon the register?—I feel assured, that if there is any point upon which Sir George Grey or this Committee would wish for any explanation, that the committee would be most happy to afford it. They have considered this as the first step, and it requires a great deal further labour before their duties are ended.

861. It is plain, when you refer in these "Principles" to the conditions upon which parties are to be admitted into the different colleges, that before the Committee can see the value of this arrangement they must have the conditions before them. You refer to a charter that is to be given to the body of general practitioners in England. That may contain clauses so stringent as to exclude the body of general practitioners of Scotland and Ireland if they present themselves for admission without undergoing examinations or paying fees to which they may have great objections. You refer to the charter of the College of Physicians in London, or one to be granted, and unless the Committee see the conditions of that charter, they cannot clearly understand the whole value of what is offered. You will not understand me as implying the slightest doubt in my own mind, or in the minds of the Committee, of the entire sincerity with which this negotiation has been entered into by these bodies, and the "Principles" propounded by the joint committee; but I only say, that I do not see how the proposal can assume a definite shape, till the Committee understand what is the constitution of the three bodies in England; for, according to the statement in these "Principles," they must each be entered into before a party can be put upon the register?—I cannot, nor is the committee in a state to make such a communication to this Committee at present; this is only a preliminary step taken, and the first communication which has been made to the Government upon the subject. There is a great deal more to be done before it could satisfy an anxious inquiry, such as the Committee have made upon the subject, but I feel assured that it is the earnest desire of every individual member of the committee to carry this out in detail, in the spirit which is expressed in this paper, but the negotiation is not so far advanced as to admit of the committee stating more than they have now stated.

862. It is stopping at the moment it has just come to a difficult pass; the regulation of these three bodies or the four bodies as regards themselves or their practising in England, is comparatively easy; but when you come to consider how a person educated in another country is to pass *ad idem* into your body, that is a difficulty; and that is to be left to the regulations of the Council of Medical Education, but also subject to the conditions which the Crown may be pleased either by the assistance of counsel, or of its own mere motion, to insert in the particular charter?—I believe that the committee is anxiously waiting to ascertain what the opinions of the medical authorities in Scotland and Ireland, and also of Sir George Grey, upon this subject, are.

863. Mr. G. Hamilton.] Without going out of England, how do you propose to deal with the graduates for the English Universities; as I understand, the vestibules for admission to registration according to the principles laid down, are the College of Surgeons and the proposed College of General Practitioners; do you mean to exclude graduates in medicine in the two English Universities from having access through those same vestibules?—I think that that is not decided upon at present; it has not yet been taken into consideration.

864. A difficulty similar to that which the honourable Chairman has suggested, in reference to Ireland and to Scotland, might possibly arise in reference to the graduates in medicine, connected with the two Universities in England?—The subject requires much further negotiation, much further investigation; I am afraid that the Committee has considered that this paper is more mature in its details than it really contemplates to be.

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865. Colonel *Mure*.] Would there be anything to exclude such an arrangement as this, that the reciprocity of practice to which you have alluded should go to this extent, that a young man who had obtained his status and paid his fees in Edinburgh, Glasgow, or Dublin, should acquire the same status in regard to the profession in England, and that a young man having paid his fees and obtained his status in an English college should be entitled to acquire a similar position in Scotland or in Ireland?—Yes, I think so.

866. Mr. *Wakley*.] Just refer to the fourth provision of your "Principles," in which it is stated, "That those persons should be entitled to be registered as general practitioners who shall be enrolled as members of the Royal College of General Practitioners within one year from its first incorporation, according to the provisions of a charter which has been prepared for that college; and that those persons should afterwards be entitled to be so registered who, having attained the age of 22 years, shall have received letters testimonial of their fitness to practise as general practitioners." What are the qualifications necessary for that enrolment?—Those qualifications were specified in the draft of the charter, and it is very important that they should be known.

867. Have you the specification with you?—Yes; the specification is in the draft of the charter which is under consideration at the present moment.

868. Do you intend that a person being simply registered as belonging to the College of General Practitioners shall have no right to practise unless he is also a member of the College of Surgeons?—Hereafter a party will be required to be a member of the College of Surgeons by examination, as well as a member of the College of General Practitioners, before he would be authorized to be registered as a general practitioner.

869. Then the College of General Practitioners is to confer no right whatever to practise?—It is as soon as the individual becomes a member of the College of Surgeons likewise.

870. Is it not the fact that the present Society of Apothecaries can grant a right to practise?—Certainly; to practise as apothecaries.

871. That is under the 55th of Geo. 3, but it is not intended that the College of General Practitioners shall be able to confer any such right?—Not to confer the right to practise as a general practitioner without the individual obtains the diploma of the College of Surgeons likewise.

872. Your licentiates can practise as general practitioners at present, without obtaining licenses from the College of Surgeons?—Yes; but it is a greater security to the public that the general practitioners should be required to pass a double examination.

873. Colonel *Mure*.] Was the present position of chemists and druggists, in reference to the medical profession, taken into consideration at all in connexion with the drawing up of those "Principles"?—Not at all; it had been confined exclusively to the three classes of practitioners in this country, the physician, the surgeon and the general practitioner. We considered that the subject was sufficiently comprehensive and important to occupy our exclusive attention, and having embodied our opinions in this paper, it was communicated to Sir George Grey, for him to make such use of it as he thought fit, either to make further inquiries of the committee if he wished to do so, or to communicate the paper to the authorities in Scotland or in Ireland.

874. Does it not occur to you that the position of chemists and druggists, with reference more especially to pharmacy and the Apothecaries' Company, would require that their case should be also taken into consideration in forming any ulterior measure upon those "Principles"?—I do not think that that has any relation to the society of apothecaries; I think it has to the public health, and the chemists and druggists have been desirous for some years past, to have some examination instituted when a man is about to enter into that branch of business; a similar arrangement of that kind has existed in Prussia, it is said, with very great advantage to the public and to those who act as chemists and druggists.

875. Mr. *Grogan*.] You have given the Committee a great deal of information upon this matter, and you evidently have considered it very attentively, in order to have one measure of general legislation, which this Committee are inquiring into; would it not be very desirable that the opinion of the medical authorities in the schools of Ireland and Scotland should be known, and their assent obtained to either your "Principles" or your Bill, before you legislate upon the subject at all?—

all?—It is indispensably necessary; we consider that this is merely the first step to elicit the opinion of the medical authorities in Scotland and in Ireland; we are desirous of declaring what our anxious wishes are upon the subject, and wish that the Government should take such measures as the Committee think fit.

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876. *Mr. Wakley.*] As to examinations before the College of General Practitioners, was it resolved by the joint committee that the nature of the examinations before the College of General Practitioners should be specified in the charter, or should be left to the decision of the Council?—It was considered that they should have free opportunity of examination in medicine, surgery, midwifery and its associated sciences.

877. Specified in the charter?—Yes, to be specified in the charter.

878. *Chairman.*] Were the conditions and mode of examination to be specified in the charter or be left generally to the Council?—The subjects were to be specified in the charter; the mode of carrying on the examination would be an after consideration, and subject to the control of the council.

879. *Mr. G. Hamilton.*] Is it possible that a sound opinion can be formed by those different parties connected with different countries without an outline at least of what the charter is to be, being furnished to them?—I think this paper is quite sufficient to afford material for the consideration of the subject both in Scotland and Ireland.

880. Without a draft of the charter?—Yes; and very speedily the details of the charter will be determined upon, so as to submit the charter for the opinion of the medical authorities in Scotland and Ireland before it will have validity. It is the anxious desire of the committee to make it as open and as unreserved as possible, and to have a free and full consideration of every point before it obtains legal force. With respect to the charter of the general practitioners, I have no doubt that that will very speedily be arranged. The subject will be taken into consideration to-morrow, and I have no doubt likewise very speedily the College of Physicians will take into consideration any modifications in their charter, which will be required to make it correspond with these "Principles."

*Veneris, 24<sup>a</sup> die Martii, 1848.*

MEMBERS PRESENT.

Mr. Wakley.  
Mr. Hamilton.  
Colonel Mure.  
Mr. Grogan.

Sir Thomas Birch.  
Sir R. H. Inglis.  
Mr. Lascelles.  
Mr. Walter.

THE LORD ADVOCATE IN THE CHAIR.

*James Bird, Esq. Examined.*

881. *Chairman.*] YOU are a member of the National Institute of Medicine, Surgery and Midwifery in London?—I am.

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882. When was that instituted?—The National Institute was established between two and three years ago; I have not the exact date.

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883. What is the governing body of that institute?—A president, three vice-presidents and a council.

884. What is its object?—The object is to promote a high standard of education for the general practitioners in medicine, surgery and midwifery.

885. The general practitioners you call them?—General practitioners.

886. As contradistinguished from physicians and surgeons?—As contradistinguished from physicians and surgeons purely considered.

887. Is there a medical school for that purpose belonging to the National Institute?—There is not.

888. What office do you hold in the National Institute?—I am a member of the council.

889. How does the National Institute propose to effect its object of raising the standard of education?—By advocating and promoting the necessity of an

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efficient medical knowledge on the part of the general practitioners, and an efficient amount of surgical knowledge, and also a knowledge of the practice of midwifery.

890. Does it anticipate effecting those objects only by advocacy?—It possesses no power beyond that of a voluntary association at the present moment; it has no power to compel candidates for its offices to undergo any examination at present.

891. Does it issue any certificate of proficiency to those who come before it?—Not at all.

892. Is there any examination?—There is no examination at present.

893. It is a mere association for the purpose of disseminating its principles?—For the purpose of disseminating its principles.

894. Calling the public attention to the necessity of a higher standard of education for general practitioners?—Yes, and likewise for obtaining a charter of incorporation for those gentlemen who practise generally in medicine, surgery and midwifery.

895. What powers do you propose to take in that charter?—The power of licensing all future general practitioners in medicine, surgery and midwifery.

896. Upon what conditions and under what preliminary precautions do you propose in this charter to grant those licenses?—After a certain period of study has been gone through by the candidates, and a test by examination.

897. Do you propose that the body shall have power to prescribe the course of study for candidates?—Unquestionably.

898. And also to prescribe the course of examination?—Exactly so.

899. So far as you resort to examination, to test the proficiency of the parties?—In all departments of medical and surgical knowledge.

900. Have you made much advance, in your consideration, of the terms upon which the charter should be granted?—We sent in, in connexion with the Society of Apothecaries upon a former occasion, the heads of a charter, such as would be acceptable to the general practitioners of this country.

901. You say such as would be acceptable to the general practitioners of this country; have you taken any means to ascertain whether it would be acceptable to them or not?—We have.

902. Have you had correspondence with the practitioners in different places throughout England?—Very considerable correspondence.

903. And the charter, the heads of which you have proposed in connexion with the Society of Apothecaries is such as, from the information and correspondence you have had, you think would be generally acceptable?—I think it would.

904. Have you extended your correspondence upon this subject beyond England, to Scotland and Ireland?—We have not; in the first instance an Association of General Practitioners was formed; it had its origin in 1844, that Association numbered between 4,000 and 5,000 persons by a voluntary enrollment, at the end of 12 or 18 months or perhaps two years, when Sir James Graham withdrew his Medical Bills one after the other; when the last was withdrawn, it was considered desirable to keep up the organization of the general practitioners in medicine, surgery and midwifery, and consequently the Association deputed its powers to a National Institute, reserving to the council of the National Institute the power of calling upon the larger body of the National Association upon any emergencies that might arise, when their opinions were required.

905. Does the National Association still exist?—It does.

906. Has it any meetings?—Yes; a special meeting of the committee of the National Association and of the honorary secretaries was called about a month or six weeks ago.

907. Not a meeting of the Association itself?—No.

908. How many members are there in the National Institute, as distinguished from the National Association?—Between 1,500 and 1,600 have returned their schedules.

909. How many were there in the former body?—Between 4,000 and 5,000.

910. *Mr. Walter.*] In what way are the council appointed?—They are appointed by the votes of the members of the Institute.

911. *Chairman.*] Are they elected annually?—The council is elected for three years, one-third going out of office annually.

912. Who

912. Who elects the president?—The president was elected at the public meeting; it is provided under the bye-laws that the president shall be elected by a the Council.

913. Have you any means of taking the opinions of the Association?—We have; we send papers of the transactions to every member of the Institute, and we have occasionally published addresses to them upon any matters of importance, and have asked their opinions.

914. Have you received answers to those communications from the body to whom they have been addressed?—We have in many instances in very considerable numbers.

915. So that you think you have the means of speaking conclusively as to the opinions of the body?—I believe so.

916. Has that charter, in the form in which you have digested it into heads in connexion with the Apothecaries' Society, been submitted to the individual members of the body?—That charter has.

917. To the National Institute?—Yes.

918. And to the National Association?—And to the National Association also.

919. Are all the members of the National Institute members of the National Association?—I believe they are; but several members have joined the National Institute who did not join the Association in the first instance.

920. The heads of the charter have been submitted to upwards of 5,000 general practitioners in England?—I should say so. Those heads of the charter have been published repeatedly in various periodicals, and they have been before the profession for a considerable length of time, and I should conceive that the principles upon which the charter of incorporation should be granted to the general practitioners, are pretty well understood at the present moment by the profession.

921. Have the heads of the charter been specially communicated to the members of the National Institute and the National Association?—I cannot say that a copy was sent to every individual member, though I really believe it was.

922. Was it intended to be so?—It was, unquestionably.

923. Are the members of the National Institute and the members of the Association so widely disseminated over England as to represent very fully the opinions of the general practitioners in all parts of the country?—I should say so, assuredly.

924. And in respect of the communications you have received, and from all those which you have not received as implying acquiescence, you say that you consider the heads of that charter as generally acceptable to the general practitioners of England?—I should say so, certainly; there may be some matters of detail upon which some little differences of opinion may arise, but I should say the principles of the charter of incorporation are understood and agreed on.

925. Have you in your possession a copy of the heads of the charter?—A copy of suggestions we have; but the charter at the present moment can scarcely be said to be in existence; at least it is not a complete document; the heads of the charter are in existence.

926. Have you them with you?—I have.

927. Have you any objection to communicate them to the Committee?—Not the slightest.

928. Sir R. H. Inglis.] The Committee understood you to say that 4,000 or 5,000 professional men had returned their schedules?—Not so many have returned their schedules.

929. Will you explain to the Committee what you mean by the phrase "returned their schedules"?—From 2,000 to 3,000 returned schedules which had reference to the charter. There was a public meeting called by public advertisement, which advertisement was as follows: "A public meeting of the Association of General Practitioners in Medicine, Surgery and Midwifery will be held at the Hanover-square Rooms, on Friday next, to which every general practitioner is specially invited, for the purpose of receiving the report of the provisional committee, and adopting such resolutions thereon as may be deemed expedient. Mr. Pennington to be requested to take the chair."

930. Chairman.] How long before the meeting was that advertisement issued?—It is dated the 7th of March 1845.

931. The meeting was to be held when?—The meeting was to be held on the 14th of March.



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932. That would only bring the general practitioners of London together, would it?—In these days of railroad communication it did more; about 1,000 gentlemen assembled; that for the medical profession is an immense meeting.

933. What was laid before that meeting?—The report of the provisional committee.

934. Upon what subject?—The subject was, first, showing the organization of the Association; it showed all the various bodies that had been in existence before, and which were merged into this one large association. The British Medical Association and many others joined it; but perhaps the most important event at this period, was the resolution adopted by the Associated Apothecaries and Surgeon Apothecaries of 1812; they passed a resolution, that they should co-operate with us to secure by uniting our efforts, common objects. Perhaps I should state, that the origin of all this was a meeting on the 7th of December 1844; it was convened on the requisition of 62 gentlemen practising generally in the city of Westminster and in the borough of Mary-le-bone. There was a string of resolutions proposed at the meeting in December 1844; the first was, "That this meeting is decidedly of opinion, that prior to the passing of any Bill for the regulation of the practice of medicine and surgery, it is of the utmost importance to the interests of the public, that the general practitioners of medicine, surgery and midwifery, should be legally recognized, and placed in an independent position, and that the executive government be respectfully and earnestly requested to suspend the further consideration of the Bill laid before Parliament at the close of last Session, till this object has been attained." The second resolution related to the formation of an association for that purpose. The third was, "That this association use its best efforts to obtain a complete organization of the general practitioners, for the purpose of petitioning for a charter of incorporation, to be sanctioned by an Act of Parliament; and for taking such other steps as circumstances may from time to time render necessary for the protection of their interests." The fourth resolution was, "That the Society of Apothecaries be solicited to co-operate with this Association in furtherance of the objects of the former resolutions." I may state, that the object in view in soliciting the Society of Apothecaries to co-operate with the Association in petitioning for a charter of incorporation for general practitioners, arose from the fact that the Apothecaries' Society possessed an Act of Parliament which was to be subverted, or the powers of that Act to be very considerably interfered with, by Sir James Graham's original Bill; and it was deemed essential that the co-operation of the Society of Apothecaries should be obtained on behalf of the general practitioners, because it implied a surrender of those powers to a new incorporation; at that meeting a provisional committee of 31 members, with power to add to its numbers, was formed; in a very short time, within the period of the 7th day of December 1844 and the 14th of March 1845, a period of between two and three months, upwards of 1,000 gentlemen had not only enrolled themselves members, but actually assembled at the Hanover-square Rooms, in consequence of the advertisement to which I have adverted. We had at that time various district associations; there was an association in the borough of Finsbury; there was an association of general practitioners in medicine, surgery and midwifery in the Tower Hamlets division of the metropolis, and there was another at Kensington and Chelsea; all those associations, having a common object with the larger meeting held on the 14th of March, merged into it, and added to the committee their own presidents and vice-presidents and officials, making one large committee, composed of the officers of the different local associations; to that meeting there was submitted the plan for a College of General Practitioners in Medicine, Surgery and Midwifery, and it proposed certain members to be incorporated in the first instance. Perhaps I may explain why it was that they sought for a charter of incorporation, and a separate and independent college; it arose from the fact that there are a number of persons practising in this country as general practitioners, under various qualifications; we understand a legally qualified general practitioner to be a person who possesses a diploma of the College of Surgeons, and likewise a license of the Society of Apothecaries; but it has so happened, that Scotch graduates and Irish graduates, and members of the College of Surgeons who are not also licentiates of the Society of Apothecaries, and licentiates of the Apothecaries' Society who are not members of the College of Surgeons, are all practising indiscriminately, as general practitioners in this country,

country, in medicine, surgery and midwifery; whereas the law, as it at present stands, provides that any one who practises as an apothecary in England or Wales, ought to possess a license of the Society of Apothecaries; the object was, after a great deal of consideration, to collect into one fold, as it were, all those gentlemen who were practising under these different professional qualifications; to collect them into one college, in the first instance; to incorporate them, and, as they were far too numerous to prosecute or to compel to conform to the law, to confer, by enrolling them in this new institution in the first instance, an indemnity for the past on the condition that, under this charter, and sanctioned by an Act of Parliament, we should have the power to provide security for the future.

935. By security, you mean a proper security for the good education and adequate instruction of the persons thereafter to practise as general practitioners, and for the suppression of any person as a practitioner who had not obtained a certificate, and had not received the proper instruction?—Yes; the result was, that a series of resolutions were proposed and seconded, and carried, I may almost say unanimously, at that meeting; among them is this, "That the voluntary enrolment of nearly 4,000 general practitioners from all parts of the kingdom as members of this Association, within the short period of three months, exceeds in numerical strength any medical association that has been formed in this country, and demonstrates an unanimity of purpose hitherto deemed unattainable by the medical profession; it is accordingly resolved, that this Association do henceforth adopt the title of 'The National Association of General Practitioners in Medicine, Surgery and Midwifery.'" That gives the name; then it states, and I wish particularly to draw the attention of the Committee to this important fact, that, connected with the objects which both the National Association and the National Institute have had in view was this; that from the very commencement among the earliest resolutions passed, it advocated the necessity of a separate and independent charter of incorporation for the General Practitioners; the following resolution was passed at this meeting, Mr. Bottomly seconded it; that "the meeting desires further to express its thanks to the Apothecaries Society for the disinterested conduct they have evinced in disclaiming any corporate or particular interest while advocating the claims of the general practitioner to a separate and independent incorporation; the meeting trusts that the society, at the present important crisis, will be ready to intimate to the Government its desire to be relieved, as a corporation, from any further control over medical affairs, and that it will use its best endeavours to forward the wishes of the great body of general practitioners in securing their proper position in the present medical arrangements of the Government;" that was on the 14th of March; those regulations were advertised in the "Times" newspaper, on the 18th of March; they were advertised in several other newspapers; we have copies of the advertisements, which verify the fact of all this having been completely made known to the profession in every possible way; the meeting of the 14th of March, among other resolutions, passed one empowering the Committee "to continue their exertions as a Committee, with full power to adopt all such measures as they may deem expedient for the purpose of obtaining a charter of incorporation for the general practitioners, with a proper modification of the Bill, and of bringing all the objects of the association to a satisfactory termination."

936. Did the committee take measures in consequence of that resolution?—The committee did take measures in consequence of that resolution.

937. When were the heads of the charter prepared?—The heads of the charter were submitted at that meeting in the report that was read in the first instance; I will read the general heads of charter that were submitted to the meeting, and upon which those resolutions were founded; it proposed a College of General Practitioners in Medicine, Surgery and midwifery, with a common seal, &c.; it proposed, in the first instance, to incorporate "every gentleman who was in actual practice previous to the 1st August in the year 1815, and every licentiate of the Apothecaries Society, also every member of the Royal Colleges of Surgeons in England, Ireland or Scotland, every doctor or bachelor in medicine of any university of the United Kingdom; and every fellow or licentiate of any College of Physicians in the United Kingdom, who shall have been respectively in actual practice as a general practitioner in England or Wales at the period of the granting of the charter, and who shall

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be enrolled a member within twelve months from the date of the charter; subsequently, such persons only as shall have been duly examined and certified, and shall have brought themselves within the scope of the charter and the bye-laws;" I ought to take the opportunity of stating that those suggestions have received some modifications in proportion as time has gone on.

938. Those were the general heads which were submitted to that meeting, in reference to which the provisional council received instructions to take steps to prepare a charter?—Precisely.

939. What steps did the provisional council take in consequence of that?—The committee memorialized Government, praying for a charter of incorporation upon those principles.

940. Did they in their memorial to Government submit any draft of a charter?—Not at first, but ultimately they did.

941. When did they transmit the draft of a charter?—The draft of a charter was submitted to Sir James Graham, after it had been submitted to the Society of Apothecaries for their approval.

942. When was that submitted to Sir James Graham?—After a deputation had waited upon him, on which occasion Sir James Graham requested that the heads of a charter should be furnished to him.

943. What was the date?—It was in the month of April 1845.

944. Was your proposal of a charter entertained or rejected, or did it remain over for consideration?—Sir James Graham stated, that before he could advise the Crown to adopt it, he desired to be assured of certain points, namely, that we, the party applying for it, really represented the body of general practitioners, not only of the metropolis, but of the provinces, and that the Society of Apothecaries were willing to relinquish their corporate privileges; and Sir James Graham wished to know that all chance of reconciliation with the College of Surgeons was at an end.

945. You say "corporate privileges;" in speaking of the Apothecaries Society, you mean their power of licensing practitioners?—It was merely their power of licensing practitioners; Sir James Graham was satisfied upon all those points, that the charter of incorporation was really desired by the majority of general practitioners, and that the Society of Apothecaries were ready to relinquish that power.

946. Were any steps taken to satisfy the Secretary of State upon those points?—There was a misapprehension existing as to our being reconciled to the College of Surgeons; if all the general practitioners were members of the College of Surgeons, and if the National Association consisted entirely of members of the College of Surgeons, there can be no doubt the energies and efforts of the association would be directed to ascertain the point whether it was practicable so to liberalize the council of the College of Surgeons as to satisfy the demands of its members; but the National Association contained amongst others many gentlemen who were not members of the College of Surgeons, and it was not to be supposed that the College of Surgeons could by possibility admit the whole of those parties, or that it was practicable to make it the kind of institution which was required by those who were engaged in general practice.

947. Were any steps taken to satisfy the Secretary of State upon that point?—Every possible step was taken; he was made acquainted with the letters, in the first instance, requesting to be enrolled as members, and he was perfectly satisfied as to the course which had been adopted by the committee of the National Association to ascertain the opinion of the general practitioners.

948. When did you transmit the proposed heads of charter to the members of the association?—In the interval that elapsed between the first meeting and others held subsequently.

949. Did you ever transmit to the profession the charter, as it was laid before the Secretary of State?—We transmitted the heads.

950. Was that before it was laid before the Secretary of State, or subsequently?—It was on both occasions, I believe.

951. Did you lay before the Secretary of State the draft charter?—Yes; consequent upon the meeting I have spoken of, negotiations were opened with the Society of Apothecaries, and likewise with the Secretary of State; and when the Secretary of State was satisfied that we did represent the opinions of the mass of the general practitioners of this country, he requested that we would form a joint deputation with the Society of Apothecaries, as the parties who were to surrender certain privileges, and as the parties who were to accept certain privileges;

vileges; and that that joint deputation should be a body authorized upon the one hand to surrender, and upon the other to accept any charter of incorporation which Her Majesty, by the advice of Her Privy Council, might be disposed to grant. That deputation were permitted to have several interviews with the law officers of the Crown, for the purpose of framing a charter, and a charter was framed in accordance with the principles agreed upon at the general meeting held on the 14th of March, and likewise in accordance with those principles which were agreed upon by the Society of Apothecaries at the meeting of their own Court of Assistants.

952. Have you the charter?—We have not.

953. Have you any copy of it?—We have only a copy of suggestions.

954. Did you keep no copy of the charter?—We have a rough draft; it can hardly be considered as a charter, but it is in accordance with the principles we have been laying down. We were given to understand, at the commencement, that the application for a charter of incorporation was to be considered as part of a general measure; that it was not a private charter to be granted to us, or a charter of that kind, but that it would be framed at the Home Office, and form part of a general measure which Sir James Graham then contemplated bringing in.

955. You cannot furnish to the Committee a copy of the draft you sent to the Home Office?—I cannot.

956. But you did furnish a copy of the draft to the Home Office, which contained all the provisions that the Apothecaries Society intended to be contained in the charter?—Yes.

957. That charter was not granted?—It was not; it was proposed to be granted; Sir James Graham introduced a bill upon the 7th of May, in which he signified his intention of incorporating the general practitioners, as a part of that measure.

958. The charter, as sent to the Home Office, was never communicated to the practitioners generally?—No; we were informed that it was not usual to do so.

959. The principal provisions, or at least the heads of those provisions, had been submitted previously to the general practitioners, and received their sanction, as you understood?—Clearly.

960. Has there been any proposition to take a charter subsequently to this?—The Council, both of the National Association and the National Institute, believed that, as a preliminary measure to the settlement of the medical question, a charter of incorporation should be granted to the general practitioners, and an application was made to Sir James Graham, to know whether he would, when he had withdrawn all his bills, be prepared, on the petition of the members of the joint deputation, acting as well on behalf of the Society of Apothecaries as of the National Association, to advise the incorporation of the general practitioners in a Royal College of Medicine, Surgery, and Midwifery, invested with adequate powers to examine candidates for their diploma. The reply to that was, that he was not prepared, under present circumstances, to advise the Crown to grant a charter of that nature.

961. Was that application to Sir James Graham made both by the National Association and the National Institute?—It was made by the Society of Apothecaries and the National Association, through a joint deputation, on the 13th of February 1846.

962. Had the National Institute then been in existence?—It was not then in existence.

963. When did it come into existence?—In May 1846 it was called into existence.

964. Since it has been in existence, has any renewed application been made for a charter?—There has; Sir George Grey was memorialized to grant a charter of incorporation to the general practitioners, as a preliminary step.

965. When was that memorial laid before the Home Office?—At the end of December 1846, the National Institute having been formed in May 1846.

966. It was a memorial by the president, the vice-president, and the Council of the National Institute?—It was.

967. Was that memorial concurred in or supported by the Society of Apothecaries?—They were not directly parties to it; their combined functions ceased when the joint deputation published the last of their reports.

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968. Was that memorial accompanied by any heads of a charter?—It was not.

969. Were any heads of a charter afterwards prepared at all?—None till recently.

970. When were they prepared?—Within the last month; it was the result of a conference between the Council of the National Institute, or certain persons sent by the National Institute, and the Colleges of Physicians and Surgeons, and the Society of Apothecaries; we memorialized for a charter, in general terms, without having prepared the charter, beyond the principles which we had already promulgated, till we had ascertained from the Secretary of State whether he was disposed to grant the charter.

971. Did the Secretary of State give you encouragement or not?—The Secretary of State acknowledged the receipt of that memorial, and gave us so much encouragement as to say that the Council of the National Institute should be concurrent parties to any measure of medical reform that was hereafter adopted by Government.

972. You met with a deputation from the College of Physicians in London, from the College of Surgeons in London, and from the Society of Apothecaries Hall?—Yes.

973. And you agreed upon certain principles?—Precisely.

974. Which have been laid before the Committee by another witness; in conformity with these principles you mentioned, have the heads of a charter been again prepared?—They have.

975. Have they been submitted to the Society of Apothecaries?—They have.

976. And also to the other bodies?—And also to the other bodies, at the conference.

977. Were they prepared at the conference?—They were not prepared at the conference; they were prepared, and were founded upon the same principles as had been formerly agreed on, by our solicitor.

978. Have you the heads of that charter?—I have not a copy here; it is incomplete, and that is the reason why I am indisposed to produce it.

979. It is not complete; it is only in course of preparation?—It is still under consideration.

980. In the contemplated charter, though in course of preparation only, is it intended that it should accomplish the same objects as the previous charter which you had submitted?—It is.

981. You did not use the former charter in drawing the clauses of the new one, did you?—I believe the solicitor made use of certain portions of it, I think the whole of it, as nearly as could be collected.

982. Would there be any difficulty in the Committee procuring a draft of that former charter?—I do not know that it ever came out of the Home Office; without making application, I am not in a condition to reply to the question.

983. So far as you know, no copy of it has been kept by your institution?—Certainly not; no copy for any general purpose; I really do not know if there is a copy in existence of the old charter as it stood before.

984. Have you any objection to produce to the Committee, from the minutes of proceedings of the association, or otherwise, the heads of the charter which was proposed in the first instance?—Certainly not.

985. The draft, which was actually drawn out in a more technical form, really embodied what was contained in those heads?—Assuredly.

986. Not more?—No.

987. It was intended to carry into effect what you had generally expressed?—Precisely.

988. The new charter, which is in course of preparation, has never been submitted to any of the medical practitioners generally through the country?—No, except the heads, as the heads of a charter, in accordance with those that were formerly submitted.

989. Have you separate heads of the charter lately submitted?—We have no separate heads of any charter which has been submitted, except the first.

990. Colonel *Mure*.] With regard to the institute which you represent, you mentioned that there was no examination of already qualified members; what is the qualification to be a member of the National Institute of Medicine, Surgery and Midwifery?—The possession of any diploma or qualification whereby the person applying is entitled to practise, and under which he practises.

991. Does

991. Does that extend in any degree to Scotland or Ireland?—Assuredly.

992. Does it extend to all degrees or qualifications or diplomas, irrespective of their having been recognized by the College of Surgeons, the College of Physicians, or the Society of Apothecaries in England?—It does; it comprehends the whole of the three kingdoms.

993. Does it extend to all degrees, or only to the higher class of diplomas?—All medical degrees.

994. If a gentleman has practised under a degree or diploma from Aberdeen or St. Andrew's, or any other college of medicine or surgery, he is entitled to be a member of the institute?—Precisely so.

995. What practice constitutes such a person a general practitioner?—That he practises in all departments of the profession.

996. Must he have a certificate that he has practised, or how do you judge of it?—It is judged of, in a great degree, by the character of his qualification, in the first instance, and inquiries are made of some parties who know him in his neighbourhood, as to what the nature of his practice is.

997. The Committee are to understand that this National Institute is not like the College of Surgeons or Physicians, but that it is a body which represents the views and feelings of the three parts of the empire, England, Scotland and Ireland?—It may be, if those gentlemen think proper to express their opinions.

998. *Chairman.*] Did not you say before, that the members of the institute were confined to England and Wales; are there any simply Scotch practitioners, practising in Scotland, members of the National Institute?—There are some.

999. How many?—I do not know that there are many.

1000. In Ireland are there any?—Yes, and there are some in the Isle of Man.

1001. Many in Ireland?—Not many.

1002. In the National Association were there any practitioners who were practising in Scotland or in Ireland?—There were.

1003. Were those practitioners practising in those countries members of the association, although their right to practise depended solely upon Scotch or Irish diplomas respectively?—Undoubtedly.

1004. Can you say that the National Institute or the National Association does contain anything like the clear expression of the opinions of the general practitioners in Scotland and in Ireland; you mentioned that it contained an expression of the general opinion of the practitioners in England, because it consists, the one of 1,500 and the other of 4,000 or 5,000; but does it contain anything like the general expression of opinion of the practitioners in Scotland and Ireland?—The parties who constitute the institute are persons who were actually in practice prior to the 1st of August 1815, licentiates of the Society of Apothecaries, members of the Royal College of Surgeons in England, Ireland or Scotland, masters of surgery and doctors or bachelors of any university of the United Kingdom, and fellows or licentiates of any college of physicians who shall have been in actual practice as general practitioners in medicine, surgery and midwifery, or who shall satisfy the council of their qualifications to practise in medicine, surgery and midwifery; consequently any qualified person may belong to the National Institute.

1005. That is to say, the National Institute is open to all those parties who ask admission; but are practitioners in Scotland and Ireland, in point of fact, members of the National Institute to such an extent as to enable you to say that the National Institute does represent all the opinions of the Scotch and Irish practitioners?—I should say we are applying for a charter referring to England and Wales, consequently the temptation to Scotch and Irish practitioners to join the institute is probably not sufficiently great to have induced them to do it in sufficient numbers as to give us any right to say that we represent the opinions of the Scotch and Irish practitioners upon this subject.

1006. Accordingly, in the memorial which you gave in to Sir George Grey, for the purpose of obtaining the charter, you stated that you represented the opinions of above 4,000 general practitioners of England and Wales?—It is so.

1007. In the charter which you propose to obtain from the Crown for this purpose, in favour of the general practitioners, what powers do you propose to take in prescribing the extent of medical education which is to be possessed?—We have proposed to take the same power that the Society of Apothecaries possess

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in framing their curriculum of study ; we propose also to take power to examine in all branches of medical and surgical knowledge.

1008. Have you any proposal in the charter with respect to the admission of parties who produced certificates of education in Scotland and Ireland or in foreign schools?—It is contemplated to admit all graduates of the Scotch and Irish Universities who can show that they have undergone a similar curriculum of study to what has been undergone by candidates for admission into the colleges in this country.

1009. To what extent did you propose to arrive at the sufficiency of the examinations which may have been made in the different schools of Scotland or Ireland before granting diplomas to the students of those schools?—We proposed that every candidate should be called on to produce testimonials of having been engaged for at least five years in the acquisition of medical knowledge, not less than three of which had been spent at the schools connected with hospitals.

1010. Did you propose to re-examine them?—We did not propose to re-examine Scotch or Irish graduates, or any practitioners from the sister kingdoms, provided they gave sufficient proof of their having been engaged for five years in the acquisition of medical knowledge, and likewise that they had passed an examination equivalent to the examination which would have been undergone by a candidate in this country ; that, in fact, they had been examined in medicine, surgery and midwifery.

1011. Did you propose to take the power of judging of the examination, or did you propose to rest contented with what, in Edinburgh or Dublin or Glasgow, should have been considered a sufficient examination by the bodies there?—In the arrangements contemplated, under which we should have a charter of incorporation, it is presumed that a council would be formed, which would have the power of directing the curriculum of study to be pursued in both England, Ireland and Scotland.

1012. By those "principles" which you agreed to, before a person can be allowed to practise in England he must be a member of the College of the General Body of Practitioners proposed to be established under their new charter?—Precisely so.

1013. But a person receiving his education in Scotland, and holding a diploma from the Royal College of Surgeons in Edinburgh, is not entitled to become a member of that college unless the council should be pleased to admit the education and the diploma of that Royal College of Surgeons to be sufficient?—We should admit it ; I apprehend there would be no difficulty.

1014. That is, if the council pleased, it would be admitted?—Yes.

1015. But it is proposed that the council should have power to consider it insufficient?—We propose that the power should be vested in a council, to be appointed by the Crown.

1016. Not under the charter?—No.

1017. Then the Corporation of General Practitioners would be subordinate to the power which was vested in this general council, of prescribing the course of medical instruction?—In common with the councils of the other corporations.

1018. Mr. *Grogan*.] Has there been any copy of those suggestions for a charter sent to Ireland, for the consideration of the profession there?—I believe, in the early stage, some copies were sent, but the subject has not much engaged the attention of the Irish practitioners at the present moment, and consequently I have had no communication with them, nor am I able to say.

1019. Why do you say it has not engaged their attention?—Inasmuch as we have had no communications from them.

1020. Have you any printed copies of those heads, or suggestions, which could be forwarded to Ireland?—I do not think that there are any heads of the charter prepared for distribution at the present moment ; we have not any copies at all.

1021. You are aware that there is a printed paper called "Suggestions for the general Reform of the Medical Profession;" is there anything connected with your charter of a similar character, which would give the Irish practitioners an idea of what the National Institute are looking for?—I have no doubt, among their voluminous papers, the National Institute have some paper that could be found which would give the heads of a charter similar to what we have been praying for, but the subject has been so constantly before the medical profession in this country, and published in all the medical journals week after week, that

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I do not know of any abstract paper containing those suggestions; I think the best paper that could be furnished would be the reports of the joint deputation, which are published in a small pamphlet which I shall be happy to furnish to the Committee.

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1022. Mr. *Wakley*.] Were you a member of the conference?—I was.

1023. Were you a party to the preparation of the paper, intituled, "Principles of the Measure of Medical Reform?"—I presume so, from sitting at the board.

1024. Have you the paper before you?—I have.

1025. I beg your attention to clause 4 of that paper. You observe the first portion of it contains this expression, "That those persons should be entitled to be registered as general practitioners who shall be enrolled as members of the Royal College of General Practitioners within one year from its first incorporation, according to the provisions of a charter which has been prepared for that college." It is distinctly stated there that a charter has been prepared for the college?—It states that it is "according to the provisions of a charter which has been prepared for that college," but it was not finally agreed on.

1026. Is that the fact, or not; has such a charter been prepared for that college?—Yes.

1027. Where is that document?—That document is now in possession of the conference; it is not in the possession of any individual member of that conference, but it is in possession of the conference, inasmuch as that and the other charters are still under consideration.

1028. You observe that the words are, "according to the provisions of the charter which has been prepared for that college"?—I believe the wording is so far incorrect, that the charter is not completed, and though it is alluded to as a charter, I think the wording should have been "which is intended to be prepared," or which is "being prepared," for that college.

1029. You have a document before the conference, which is called the draft of a charter?—Certainly.

1030. Is there any difficulty in the way of procuring that draft for the purpose of laying it before this Committee?—I could not give an answer to that question, without applying to the other members of the conference.

1031. Are you yourself one?—Yes.

1032. Of equal power with the others?—Yes; but I have no authority individually to lay that charter before this Committee unless commanded so to do; those are merely suggestions for a general measure.

1033. *Chairman*.] There is a great deal more here than suggestions; you actually propose the principles upon which a certain arrangement is to be made, under which the body is to receive a charter, the provisions of which have been already prepared. The "principles" are not intelligible unless the Committee know the provisions of that charter?—I dare say there will be no difficulty in obtaining a copy of that charter from the conference, when it is completed.

1034. Mr. *Lascelles*.] It was sufficiently prepared to obtain the acquiescence of the other bodies?—Yes, it was, in its main provisions.

1035. *Chairman*.] The Committee wish to see the charter in that state in which it received the assent of those four bodies who gave their assent to these "principles"?—I dare say it can be produced to the Committee.

1036. Will you communicate to the other gentlemen the wish of the Committee to have the charter in that state?—I will.

1037. Mr. *Lascelles*.] To the charter which was proposed to the Secretary of State, the College of Surgeons and the College of Physicians were not assenting parties?—They were not.

1038. They were opposed to it, then?—Yes.

1039. Are the provisions of the charter now proposed different from the provisions of that charter, so as to meet the objections of those bodies?—The provisions of the charter as at present prepared, and submitted to the College of Surgeons and the College of Physicians, are in no way different from the provisions that were submitted to the general body of our members, and received their sanction.

1040. Mr. *Wakley*.] Was the draft of the charter which it was proposed to send to the College of Physicians laid before the conference?—It will be—it was not. That is one of the reasons why the draft of neither charter has been submitted



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mitted to this Committee, I believe ; it was so far submitted that it is published in Dr. Francis Hawkins' evidence.

1041. Was that laid before the Committee, and its provisions discussed?—Its provisions were not discussed.

1042. Nor considered?—They were considered generally, but not clause by clause.

1043. Under what circumstances was the National Association first formed ; what gave rise to its formation in the first instance?—The introduction of a Bill by Sir James Graham, in the year 1844, for the purpose of amending the laws affecting the medical profession.

1044. That was the first Bill?—Yes.

1045. The provisions of that Bill were deemed to be objectionable, and consequently the National Association was formed?—Exactly.

1046. The members, you say, in the first instance, amounted to between 4,000 and 5,000?—They did.

1047. Do you consider the principles of the National Association and the National Institute to be identical?—Perfectly so.

1048. How do you account for the number having diminished from between 4,000 and 5,000 to 1,400 or 1,500?—The National Association was a voluntary association, without any subscription affixed to becoming a member ; there was nothing but a mere enrolment requisite for a person to become a member of that association ; when the National Institute was formed, it was formed upon an inquiry, which I have called a Schedule. It states, "Are you willing to co-operate in the formation of a National Institute of Medicine, Surgery and Midwifery, upon the plan detailed in the accompanying letter, by becoming a member, and contributing towards its support?" Now the profession is not a rich profession, and when that circular was sent to upwards of 4,000 persons, between 1,500 and 1,600 returned that they were willing.

1049. What is the amount of contribution?—They were asked the question, "That the committee may be enabled to estimate the sum at which the annual contribution for the support of the institute should be fixed, what is your opinion as to the amount of such payment by the metropolitan and provincial members respectively?" In the Schedule before me it was answered, "One guinea for metropolitan members, and one guinea for provincial members," and as I was then more intimately connected with the National Association, and filled a different position in it to what I do in the National Institute, I can state that many letters in addition were received, stating that they agreed in the objects, but that they were unable to contribute towards the support of the National Institute ; but the majority were in favour of a guinea for each as an annual subscription ; I believe that will account in some degree for the difference.

1050. How many members have you, at this time, who paid their contribution last year?—That I do not know ; I am not secretary to the Institute.

1051. Do you believe there are 1,000?—I think that there are, as nearly as possible, between 900 and 1,000.

1052. At the present time?—At the present time.

1053. Can you state what are the general qualifications of those members?—I really cannot, but a very large proportion of them possess the double qualification.

1054. In answer to a question put to you by the chairman, you stated that many of the members of the Institute are not members of the College of Surgeons?—Of the 1,500 or 1,600, a portion are not.

1055. Can you state whether the majority of the persons contributing are members of the College of Surgeons?—I believe the majority of them are members of the College of Surgeons ; but I can obtain the details from the clerk, and forward them to the Committee.

1056. You have yourself taken an active part in both the National Association and the National Institute throughout?—I have.

1057. Are you able to state, from your own experience, and any information you have derived from the members of both bodies, whether they would prefer a reconstruction of the constitution of the College of Surgeons, or the establishment of a separate institution called the College of General Practitioners?—I believe, if it were practicable, that the majority of the members of the College of Surgeons would prefer the reconstruction of the College of Surgeons.

1058. What

1058. What is your own individual opinion upon the subject?—My own individual opinion upon the subject is this, that even if it were possible to reconstruct the College of Surgeons, and make it the *alma mater* of the general practitioners, by giving the whole of the members the fellowship, or if the fellowship even were abolished, the question of medical reform, as respects a very large number of general practitioners in this country, would be left in the same anomalous state that it is in at present.

1059. You mean by a great number of persons not having a legitimate claim to belong to the College of Surgeons under such circumstances?—Precisely.

1060. Might not a law be framed very easily to admit them?—I do not know any thing easy to accomplish as respects the College of Surgeons; it has been found to be very difficult to accomplish anything hitherto.

1061. What number of general practitioners do you suppose there are in England and Wales?—So many different opinions have been given upon the subject, that I can scarcely tell; if you ask the College of Surgeons or the Society of Apothecaries, there is a great difference of opinion between the two; my own impression is, that there are between 14,000 and 15,000 members of both bodies.

1062. How many of those do you consider are members of the College of Surgeons?—It would be but a guess if I gave my opinion.

1063. You have made no calculation?—I have not made a calculation.

1064. How many are licentiates of the Society of Apothecaries?—I think the calculation was that more than half of the 14,000 possessed the double qualification.

1065. By double qualification you mean a diploma of the College of Surgeons and the license of the Society of Apothecaries?—Yes.

1066. In your heads of charter you have proposed that a member, after 10 or 15 years' standing, shall have the right of being elected upon the Council?—Yes.

1067. How soon after his enrolment as member of the college will he have the right to vote for a member of the Council?—We canvassed the profession upon that very point, and I can give the Committee a schedule stating the opinions which we received: the members in favour of an unrestricted franchise were, 252; in favour of a 2 years' franchise, 9; in favour of a 5 years' franchise, 1,476; in favour of a 7 years' franchise, 11; in favour of a 10 years' franchise, 535.

1068. Which did you adopt?—Five years.

1069. How many members do you believe you will have entitled to vote within the first year after the institution of your college, with a five years' franchise?—More than a couple of thousand; but I cannot tell how many would enrol in six months.

1070. In what way did you propose to collect their votes?—The votes were to be delivered either personally or by voting-papers.

1071. Voting-papers transmitted by the post to each person?—Yes, according to his address; I believe it is still in abeyance whether it should be left to each individual member to apply for a voting paper.

1072. Do you consider there would be any difficulty in obtaining the votes so proposed, though the number of persons is so large?—We do not contemplate that there would be any considerable difficulty, because a very large number of persons would not take the trouble to vote; many men would desire the qualification, and possessing it, seldom use it.

1073. If such a system would work easily in a College of General Practitioners, might not the same system be carried into operation in the College of Surgeons?—I can see no reason why it should not.

1074. In considering, before the conference, the qualifications of the persons who were to be entitled to be enrolled in the College of General Practitioners, did you in any respect differ in your arrangement from the one which is already contained in the draft of the heads of the charter which was first submitted to Sir James Graham?—No exception was taken as to the parties to be enrolled in the first instance.

1075. In a paragraph of the "principles" which follows the one to which I have already called your attention, you will find it stated, "Those persons shall be entitled to be registered as surgeons who shall have been admitted as fellows or members by the Royal College of Surgeons;" was that agreed on?—Yes.

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1076. It then goes on to say, "That the members of the College of Surgeons who dispense medicines or supply medicines to their patients shall be required to enrol themselves in the College of General Practitioners, and to be registered as surgeons and general practitioners." What is to be done with the fellows who dispense medicines; you will observe that in that paragraph there is no provision whatever with respect to their registration otherwise than as surgeons?—When fellowship was instituted I believe it was contemplated by the College of Surgeons that they should be persons practising purely as surgeons, and not as apothecaries in any way; I believe that the operation of an arrangement of this kind would be to make the fellows conform to that principle of not dispensing their medicines, but practise as consulting practitioners in surgery; it would have the compulsory effect of making them do either the one or the other; whether it would make it compulsory upon them to enrol in the College of General Practitioners I do not know; the lawyers will best determine that, but we fully contemplate that there will be many fellows of the College of Surgeons who would also enrol as members of the College of General Practitioners; in fact, we have several fellows at the present moment seeking with us the establishment of this new incorporation; I could enumerate among the members of the council Mr. Paget, of Leicester, senior surgeon to the Leicester Infirmary; he is a member of the council and a fellow of the College of Surgeons; Mr. Martin, of Reigate, is a fellow of the College of Surgeons; Mr. Hurst, of Bedford, is a fellow of the College of Surgeons and others; Mr. Lowe, senior surgeon to the Bristol Infirmary, is likewise one of our council.

1077. Do you believe that it would be popular with the fellows that they should be compelled to register in the College of General Practitioners?—Provided they dispense their medicines and practice as Apothecaries, it may not be popular with the fellows generally; but I think all those gentlemen to whom I have alluded, would do so voluntarily.

1078. Will you refer to the concluding portion of the paragraph, "And after the passing of the Act, members of the Royal College of Surgeons shall not be registered as surgeons unless they be also admitted as members of the Royal College of General Practitioners, and registered both as surgeons and general practitioners;" will you be kind enough to describe what is the exact meaning of that passage?—The meaning of that passage is as follows: that it ensures the passing of a double examination prior to their becoming practitioners at all; the effort was made, or, at least, it was suggested that members of the College of Surgeons might not register as general practitioners; that they need not belong to the College of General Practitioners at all; but it was contended, on the part of those who advocated the necessity of a certain amount of medical knowledge for general practitioners, as well as a certain amount of surgical knowledge, that no member of the College of Surgeons should be permitted to practice, inasmuch as he had never been tested as to his knowledge of medicine or of midwifery; and, therefore, that every future member of the College of Surgeons should also, before he was entitled to register as a general practitioner, enrol himself and belong to the two colleges.

1079. Did you intend to refer to the persons who should obtain their diplomas and licenses after the passing of the Act, in using the words "after the passing of the Act"?—That was clearly intended.

1080. Your object was not to make the operation of the Act retrospective?—Certainly not.

1081. Do you believe that the surgeons themselves who may become members of the College of Surgeons of England in future, will be satisfied with those arrangements?—I rather believe they will.

1082. You are aware of the effect this restriction must have?—I am.

1083. A person who registers simply as a surgeon, is to be a fellow of the college?—Certainly.

1084. But if a gentleman were to desire to be a member of the college, and to practise as a member of the college, without being connected with the College of General Practitioners, he would not be able to register at all?—He would not be able to register at all.

1085. Neither as a surgeon nor a general practitioner?—Certainly not.

1086. In that case would not the number of persons registered simply as surgeons be very few?—The consulting branches of the profession must necessarily

necessarily be few, while the majority of the profession must possess a double qualification, their practice embracing medicine, surgery and midwifery.

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1087. Mr. *Hamilton*.] Will not the effect of the latter clause, to which Mr. Wakley has referred, be this, that every surgeon, unless he be registered as a fellow, must be qualified by law to dispense or supply medicines?—He must be qualified to practice medicine; we do not consider that general practice consists in dispensing or supplying physic; it is the practice of medicine, in its most comprehensive sense.

1088. The power of dispensing and supplying medicines follows from his being registered as a general practitioner; and he must be registered as a general practitioner in order to be qualified to act as a general practitioner?—No person can hereafter become a member of the College of Surgeons, with the privilege of practising, unless he is also a member of the College of General Practitioners.

1089. Mr. *Wakley*.] In other words, possessing simply the diploma of the College of Surgeons, he would not be able to practise at all?—No.

1090. Neither as a surgeon nor a general practitioner?—No.

1091. Did the president and vice-presidents of the College agree to that arrangement?—It is stated here.

1092. Did they appear to understand that that would be the effect of the principles which they had adopted?—It was discussed most amply.

1093. And after the discussion, and a statement of what the effect of such arrangements would be, it was agreed to by them?—It was agreed to by all parties.

1094. The plan of registration which was adopted at the conference was in conformity with the one suggested last year by the president of the College of Physicians?—Yes.

1095. That consists of a registration of the profession in three classes?—I think there would be four.

1096. What would be the fourth class?—The general register.

1097. Will you describe what you consider to be the classes?—The first class is physicians, the second surgeons, the third general practitioners, and the fourth is a recapitulation, an alphabetical list; there would be three classes, but the general practitioner would register in two of them.

1098. Would he be in the second class?—In the second class as well as the third.

1099. Was that agreed to?—It was.

1100. *Chairman*.] Which would take the lead?—His name would appear in two columns; he would appear as a general practitioner, and he would likewise appear as a surgeon.

1101. Mr. *Wakley*.] You observe it is stated in the passage to which I have already referred, "Those persons shall be entitled to be registered as surgeons who shall have been admitted as fellows or members by the Royal College of Surgeons"?—Precisely; I beg to state, that the provincial surgeons and the general practitioners were particularly anxious to retain the title of surgeon; no power could divest them of a title legally obtained and paid for; and the consequence was, that a great effort was made on behalf of the general practitioners to get for all future general practitioners the title of surgeons; the title of surgeon properly belongs to the members of the College of Surgeons, and in any arrangement which was intended to be made for the future, it was thought necessary that every future general practitioner, in whatever department of the profession he might be, even if he practises as an apothecary and did not undertake surgical operations, should be competent to do so; that the line of practice he might adopt should be left to the individual; but it was considered essential that the general practitioner should be educated to meet all the emergencies of practice.

1102. Colonel *Mure*.] A person might take out a diploma from the College of Surgeons; but if he were to be registered under that diploma, he would require to become a member of the College of General Practitioners?—The College of Surgeons does not institute any examination in medicine; it professes to be a college devoted entirely to the cultivation of anatomy and surgery as a science.

1103. Even under this diploma he could not practise surgery unless he became a member of the College of General Practitioners?—No.

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1104. Therefore a gentleman might take out a diploma of surgeon from the College of Surgeons, without being entitled either to register or to practise as a surgeon?—Certainly; the object sought to be attained is the complete efficiency of the class of practitioners to whom the majority of the public must necessarily apply when suffering from accident or disease; to secure this, a special diploma in surgery is not considered to be sufficient, nor is it intended that the diploma of the College of General Practitioners, without a special diploma from the College of Surgeons, should be considered sufficient to entitle the holder to be placed on the register; both diplomas will be required.

*Martis, 28<sup>o</sup> die Martii, 1848.*

## MEMBERS PRESENT:

Mr. Wakley.  
Mr. Hamilton.  
Mr. Walter.

Mr. Grogan.  
Colonel Mure.

SIR HENRY HALFORD IN THE CHAIR.

*James Bird, Esq., further Examined.*

*James Bird, Esq.*

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1105. *Chairman.*] DO you wish to make any correction in your former evidence?—I do. I was asked in question 929 to explain what I meant by the phrase “returned their schedules;” the answer I then gave was, “That from 1,500 to 1,600 returned their schedules;” I wish to correct that by saying, from 2,000 to 3,000 returned schedules which had reference to the charter. There were two schedules; the first was the schedule referring to the franchise and constitution, under the heads of charter and laws; the second schedule was sent out, asking whether they were disposed to co-operate in the formation of a national institute; from 1,500 to 1,600 schedules were returned, stating their desire for the formation of a national institute, but that is a different schedule; and the answer that was given, that from 1,500 to 1,600 have returned their schedules, does not apply to the first schedule at all.

1106. *Mr. Wakley.*] That answer applies to the second schedule, whereas you applied it to the first?—Exactly.

1107. Have you the first schedule?—This is the schedule.

1108. Is the circular also there?—The circular is there.

1109. The circular and schedule both?—Yes.

1110. Both, I believe, were included in one communication?—In one communication.

1111. Will you have the goodness to read it?—The letter was addressed to every individual member of “The National Association of General Practitioners in Medicine, Surgery and Midwifery,” on the 30th of April 1845, to this effect:—“Sir;—That the Committee may be in possession of the most accurate information possible during the pending negotiations, the members of the association are called upon, individually, to declare their opinions upon the subjects of the franchise and of the qualification for membership of the council;” this was the council under the proposed charter; “You will accordingly oblige by placing your signature in the accompanying schedule against those propositions which you wish to affirm, and returning the schedule, under cover, to the committee by the earliest post.” Then it states, “A special general meeting of the association will take place on Tuesday next, May 6th, at the Hanover-square Rooms, to receive a report from the committee, and to confirm their proceedings; also to receive a return of the opinions from the members of the National Association on the subject of the franchise, and of the qualifications for the membership of council, and to declare the result. *R. R. Pennington, esq., President.*—The chair will be taken at six o’clock precisely.”

1112. And then the heads in the schedule?—Yes; this is the schedule.

1113. That is the form of the schedule?—Yes; “Gentlemen, I, being a member of

of the National Association of General Practitioners in Medicine, Surgery and Midwifery, hereby beg to record my opinion as follows:—

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	Signature.
1. That all members of council, after the nomination of the first council, should be elected by the members of the college whose diploma or license bears date previous to the day of election.	Five years, as suggested by the Committee of the National Association.
	Ten years, as suggested by the Apothecaries' Society, and the Manchester Committee.
	Unrestricted, or for what term of years?"
2. That, after the nomination of the first council, every member of the college should be eligible to be a member of the council whose diploma or license bears date previous to the day of election.	Twenty years, as suggested by the Manchester Committee.
	Fifteen years, as suggested by the Apothecaries' Society, and the Committee of the National Association.
	Ten years.
	Unrestricted, or for what term of years?"

I am, Gentlemen, your obedient Servant."

Then there is a blank left for the signature, which the party applied to was to sign. It is addressed, "To the Committee of the National Association, 294, Regent-street, London." "*Nota bene*.—It is important that this schedule be returned to the committee by the earliest post." Of those schedules, from 2,000 to 3,000 were returned. The details are given in the reply to question 1067.

1114. *Chairman*.] What was the number of those to whom the circular was sent?—Between 4,000 and 5,000; the circular went round to every member of the association at the time being.

1115. And of those, from 2,000 to 3,000 returned answers?—Yes.

1116. *Mr. Wakley*.] Is there any thing in that circular or schedule which denoted to the party to whom it was addressed, that it had reference to the establishment of a college of general practitioners?—There was, and on the 20th of March a paper of transactions, proposing a college of general practitioners, was circulated to every member of the association.

1117. That was one month previously to issuing the circular and schedule?—I believe it was one month previous, but it was a large number to get out; the meeting took place on the 14th; the getting the transactions into print, and forwarding them to between 4,000 and 5,000 persons, took up a considerable length of time.

1118. Did not you find subsequently, from explanations which were given by some of your correspondents, that they had returned answers, under the impression that it was with reference to the re-constitution or re-constituting the council of the existing College of Surgeons, and not the establishing of a new council in the College of General Practitioners?—There were some, but very few. The answer was given before, that several members of the National Association were not members of the College of Surgeons; and as this was an association comprising persons under various qualifications, its efforts could not be directed to the special object of opening the door of the College of Surgeons to all the members of the association.

1119. Did the members of the College of Surgeons, in their communications with the secretaries of the National Association, express an opinion, and a strong opinion, that they had been injured by the provisions of the new charter, which had been granted to the College of Surgeons?—They did in many instances.

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1120. Did they express themselves strongly as aggrieved persons?—Very much so, many of them.

1121. In what way do you consider that those gentlemen would be relieved from the grievance which pressed upon them by the establishment of that charter, and by the institution of the College of General Practitioners, admitting them as members of that College?—I do not consider that the establishment of a new college in the slightest degree interferes with the position of the members of the College of Surgeons as respects the College of Surgeons. It leaves the question of grievance, as respects the members of the College of Surgeons, an open question, to be adjusted between themselves and the College of Surgeons. It was considered that the National Association, as an association, could do no more than remonstrate with the College of Surgeons, on behalf of those persons who were members of the College of Surgeons, and who were also members of the Association, but that in its collective capacity it had no right to make a demand upon the College of Surgeons on behalf of the whole.

1122. Is it your design that the Committee should understand, that by the institution of a College of General Practitioners you lay the ground for embracing, in the first instance, all persons who are qualified to practise in any department of medicine in this country?—Precisely, from the commencement.

1123. And that with a view to subsequent registration?—And that with a view to subsequent registration.

1124. Supposing that an arrangement could be made with the College of Surgeons, would there be any difficulty in carrying the same object into effect in that institution?—The Council of the National Institute and the Committee of the National Association have never had any other object in view than to promote a satisfactory settlement of this complicated question. The petition for a charter of incorporation for the general practitioners arises from a conviction that it is not practicable, in their opinion, to make the College of Surgeons the kind of institution that the requirements of the general practitioners demand at the present time. I wish also to state that I have an analysis of the members of the National Institute. The total number of provincial members of the Institute are 865; out of that number there are 530 members of the Royal College of Surgeons of England. The total number of metropolitan members, are 485; of members of the College of Surgeons of England, 336; total metropolitan and provincial, 1,350; total members of the College of Surgeons, 866.

1125. Have those gentlemen all paid up their subscriptions?—The greater part of them.

1126. Can you state how many?—Between 800 and 900.

1127. Colonel *Mure*.] Are you aware whether, of the provincial members, there are any of them belonging to the institutions of Scotland or Ireland?—There are a great many from the College of Surgeons in Edinburgh; there are likewise a number of graduates of the University of Edinburgh.

1128. You have not the exact data?—I have not; I understood the point upon which I was to be examined, was the number of the members of the College of Surgeons, particularly.

1129. That was in reference to a question asked by me, or by the honourable Member for the University of Dublin, as to what Scotch or Irish medical gentlemen were connected with the Institute, being unconnected with the English schools or Universities?—I could get even that; I apprehend that there are very few of the Scotch and Irish graduates, or of the members of the Scotch College of Surgeons of Edinburgh, who have got also a diploma of the Royal College of Surgeons of England, consequently taking 866 from 1,350, would leave 484; that 484 would form licentiates of the Society of Apothecaries and Scotch and Irish graduates; there would be 484 to be divided amongst other parties.

1130. Mr. *Grogan*.] Have you any idea of the proportion in which they are divided?—No; there are a great number of Scotch and Irish practitioners, out of those 484, who are practising in England; I cannot exactly say the number, but they are connected, of course, with the Institute. When I stated that not many Scotch or Irish graduates were connected with the Institute, I meant of those who were practising in Ireland or practising in Scotland; we have not many who are practising in that part of the country, but of those practising in England and Wales there is a very fair proportion.

1131. Colonel *Mure*.] That is to say, that the number of Scotch or Irish gentlemen connected with the Institute, would hardly be considered as representing any

any opinion or feeling in either Scotland or Ireland, with regard to matters connected with the National Institute?—Certainly not.

1132. Mr. *Wakley*.] There are now between 900 and 1,000 who pay their annual contributions to the institute?—Certainly.

1133. You say there are 485 who are not members of the College of Surgeons?—Yes, there are; I do not mean out of the 1,000, but out of the 1,350.

1134. You assume that of the total number you have mentioned of 1,350, about one-third would be gentlemen holding the license of the Apothecaries Society and Scotch and Irish qualifications, they not being members of the College of Surgeons of England?—Exactly.

1135. Do you know the total number of members of the College of Surgeons of England?—I really do not know, but there are a great many.

1136. Twelve thousand or thirteen thousand?—There are a number of opinions upon the subject; they differ some thousands in the calculation by some persons.

1137. Have you seen a number registered to the amount of 12,000 or 13,000?—Yes.

1138. It is supposed that some of them are dead, is it not?—It is.

1139. *Chairman*.] I think you said that there were some complaints made in answer to communications made by you respecting the College of Surgeons?—Yes.

1140. What was the nature of those complaints?—They felt themselves aggrieved by the institution of the fellowship; they stated their grievances in a number of communications to the public journals, but to ourselves they stated that they felt themselves degraded by the institution of the fellowship.

1141. Those were members of the College of Surgeons?—Yes, not fellows.

1142. On that account did they decline to co-operate with you in your object?—A large number of the members of the College of Surgeons declined to co-operate with us in the application for a new charter of incorporation of general practitioners.

1143. Their object being to be admitted as fellows of the College of Surgeons?—Their object being to be admitted fellows, I apprehend, or at least to get the Council of the College of Surgeons further liberalized.

1144. Did they consider that to be an object that ought to be promoted by your body?—They did; they considered that that was an object that ought to have been pursued by the National Association; it was explained that the general practitioners of this country were not all members of the College of Surgeons, and that our object was to provide a remedy for illegal practice by qualified men; that is a definition of the position of many practitioners in this country at the present moment; they are practising contrary to the Act of Parliament, though they are not practising without a professional qualification, and the National Association felt the difficulty that there was no possibility of dealing with that large body of persons practising on professional qualifications, but still practising contrary to the Act of 1815.

1145. As not being sanctioned by the Society of Apothecaries?—Precisely.

1146. Practising really as apothecaries, being members of the College of Surgeons, but having no sanction from the Society of Apothecaries?—Precisely.

1147. What was the reason why you declined to pursue that object as desired by those parties, with respect to the College of Surgeons?—Because we were a mixed body, and we felt that it would still leave a large body of the practitioners in an anomalous position; that, in point of fact, whether the differences were settled between the Council of the College of Surgeons and its members, or not, the position of those practitioners who were not members of the College of Surgeons would be precisely the same.

1148. You do not consider that the diploma of the College of Surgeons in itself comprehended a sufficient qualification for a general practitioner?—We do not, neither in law nor in fact.

1149. So that you consider it to be necessary that there should be a separate institution of general practitioners?—I think so; the general practitioners of this country believe that the high amount of professional qualification which they have attained up to the present time, has arisen from the fact that they have had an uncontrolled power over their own curriculum of study, and that it has not been interfered with by the College of Physicians or the College of Surgeons; that it has been quite in their own power to raise the standard of qualification as high as the progress of science permitted; under the Apothecaries Act, this has been



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done, and it has consequently raised the position of the general practitioner up to its present standard. The original Bill of Sir James Graham contemplated the abrogation of those functions, and placed the power of licensing and of framing the curriculum of study, and of testing, by examination, all future persons engaged in general practice, under the control of the College of Physicians and Surgeons; they felt that the position of the general practitioners would be a very dependent one, if it was left to the College of Physicians and the College of Surgeons to frame a curriculum for them, and to give them no more qualification than they thought proper.

1150. They felt that the danger would be, that there would be a disposition to keep them in an inferior position?—Precisely.

1151. Did your plan contemplate a council similar to that which the Principles laid down?—Sir James Graham's plan comprehended a council; but at the original formation of it the council was not to contain any representatives of the general practitioners.

1152. Then the examinations were to be under the control and regulation of the other colleges?—The other colleges and the universities. Another reason actuated the National Institute in advocating the necessity of a new incorporation for the General Practitioners, which is this,—that every attempt at medical legislation, no matter by whom attempted, either by individual members or by the Government, has hitherto failed, and, as we believe most conscientiously, from the fact, that there is no ostensible body to represent the interests of the mass of the profession. They derive their qualifications from two sources; they derive their legal title to practise from the Society of Apothecaries, and they derive the title by which they hold surgical appointments in different parts of the country from the College of Surgeons. It is necessary that they should have obtained the diploma of the College of Surgeons to enable them to hold certain public offices, which it is essential for medical men to hold. Now neither the College of Surgeons nor the College of Physicians has any sympathy with the general practitioners; the interests of that body have at all times been placed in abeyance, and for want of a recognized position they have hitherto been disregarded in all communications with the Government; the Council of the College of Surgeons were a perfectly irresponsible Council, and the members of the profession felt that they did not participate to the extent that was either desirable on public grounds, or on private grounds, in the affairs of the College. Discontent arrived at its climax when the fellowship was granted, and it then became very great indeed. The Society of Apothecaries has no other connexion with the general practitioners than that it grants them a license to practise; they are not thereby made members of the Society of Apothecaries, as a corporation, and they are not eligible for any official situations or appointments under the Society of Apothecaries; when once they have received their license, the Society has done with them. Now, whenever any medical question, or any question affecting the public health, is brought before the Legislature, there is no body, no head, to represent the interests of nine-tenths of the profession, and the consequence is, that individual opinions are constantly sent in. They are obliged to depend upon individual opinions, or to get up associations similar to the National Association, for the purpose of making themselves heard; upon these grounds the Council have all along imagined that there would be great advantage in the establishment of a new institution, that shall comprise within its own fold, as it were, all those gentlemen who are engaged in general practice throughout the country, offering those who are possessed of any qualification, whether a Scotch qualification, or an Irish qualification, or an English qualification, an indemnity for the past, on the condition that the College shall have the unfettered right and privilege of framing its own curriculum, and testing by examination all future candidates for general practice, not in medicine alone, not in surgery alone, not in midwifery alone, or pharmacy alone, but in all those branches that are essential to constitute an efficient general practitioner as an equivalent for the indemnity that is offered to those who are now practising, without possessing the full legal qualification.

1153. You think it is desirable that they should be at liberty to raise the credit and character of the branch of the profession to which they belong as high as it is capable of being raised?—Precisely. Then the necessity for going to the College of Surgeons for a surgical diploma is this,—that the title of surgeon is essential as a special title for all general practitioners, and as no government will consent to the formation of a second college of surgeons that should grant a special title in surgery,

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surgery, it is essentially necessary that the membership of the College of Surgeons should be obtained, as well as the membership of the College of General Practitioners. There are other advantages in the double qualification, which are these—that by being a member of the College of Surgeons that splendid museum and most valuable library would be still open to all the members engaged in general practice.

1154. Do you see no difficulty in the double qualification as a surgeon and as a general practitioner?—Not in the least.

1155. Colonel *Mure*.] Referring to clause 4 of those Principles, by which it is made requisite for every person who obtains a diploma as a surgeon also to become a member of the College of General Practitioners, and that every qualified member of the College of General Practitioners must also be a qualified member of the College of Surgeons, do you see any necessity, under those circumstances, for maintaining two separate institutions, the members of both institutions being required to be qualified in the same manner?—They could not be all qualified in the same manner except by a complete and thorough alteration in the charter of the College of Surgeons. The College of Surgeons, under its present charter, has no power to examine in medicine, which constitutes a very large portion of the practice of the surgeons in this country.

1156. I am speaking as to the proposed reform of the general system, which, I understand, is contemplated by the Principles. Why would it be necessary, in making any such improvement of the general system, to keep up two institutions, the members of those two institutions being required by clause 4 to be qualified in a perfectly similar manner?—Without the double institutions, I cannot conceive how the arrangement could be carried out, unless it was rendered unnecessary that the general practitioner should go to the College of Surgeons. I do not know whether I understand the question perfectly.

1157. If the members for each institution be required to be qualified precisely in the same manner, they must go through the same course of education; and, therefore, that course of education might be provided by one institution, embodying the two elements of education as effectually, or more effectually, than by maintaining all the privileges and all the various formalities of two institutions, the object of each being ultimately to effect the very same thing?—I have no hesitation whatever in saying that if the College of Surgeons could be made a College of General Practitioners, then it would be perfectly satisfactory to the body that I have been acting with. We have never contemplated the formation of a new institution except under the impression that it was impossible to make the College of Surgeons the kind of institution that the general practitioners required.

1158. Mr. *Wakley*.] Have the Council of the College of Surgeons shown any decided repugnance to come to any arrangement of that kind?—Every act of the Council of the College of Surgeons has tended to make it a college of a special character.

1159. *Chairman*.] Do not you think it desirable, upon general grounds, to maintain a distinction between the two branches of practice, surgery and medicine?—I do.

1160. For the interests of science?—For the interests of science.

1161. Colonel *Mure*.] Are you of opinion that the distinction as recommended with reference to the College of General Practitioners and the College of Surgeons, by clause 4 of these Principles, has reference to the practice which the *Chairman* alludes to?—I apprehend that the College of Surgeons is instituted for the purpose of maintaining a high standard of knowledge, both scientific and practical, in surgery; and they do not propose to go out of that.

1162. Not at present; but I refer to what clause 4 proposes; it places every man under the obligation, before he can practise, of becoming a member of the College of Practitioners; he cannot practise with the simple diploma of a surgeon, even as a surgeon?—A fellow may practise, but not a member.

1163. *Chairman*.] Is there any other correction that you wish to make in your former evidence?—With reference to the last question of all, 1104, I was asked “Therefore a gentlemen might take out a diploma of surgeon from the College of Surgeons, without being entitled, either to register or to practise as a surgeon?” I should like to give the answer, as follows: “Certainly; the object sought to be attained, is the complete efficiency of the class of practitioners to whom the majority of the public must necessarily apply, when suffering from accident or disease; to secure this, a special diploma in surgery is not considered to be

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sufficient, nor is it intended that the diploma of the College of General Practitioners, without a special diploma from the College of Surgeons, should be considered sufficient to entitle the holder to be placed on the register; both diplomas will be required."

1164. Mr. *Wakley*.] At the conference what was the arrangement with respect to the examination which should be instituted before the College of General Practitioners?—It was most clearly explained at the conference, that the examination before the College of General Practitioners would be in medicine, surgery and midwifery, or any other department of medical science that the council should think fit to order.

1165. Subject to the supervision of the general Council?—Subject to the supervision of the general Council.

1166. Was it agreed by the president and the vice-presidents of the College of Surgeons, that the examination in surgery should be as high and as unrestricted as the one which is instituted for a fellowship of the College of Surgeons?—It was stated that we shall take the unfettered right to examine in medicine and in surgery, and answers to any objections would have been given, but in fact no objections were made by the College of Surgeons, inasmuch as the diploma granted by the College of General Practitioners would be a *general* diploma of competency, and not a *special* diploma in any particular branch.

1167. Until the late conferences were held, did not the Council of the College of Surgeons object to the College of General Practitioners instituting examinations in surgery?—I believe they did; they formally objected; there was a document sent in to the Secretary of State, with a formal objection of that kind.

1168. But at the conferences that objection was completely cancelled?—That objection was completely cancelled.

1169. Can you now put in the draft of the charter which was before the conference, and under consideration, as the one which was to be granted to the College of General Practitioners, and the one recommended to be granted?—I can; this draft of a charter has been prepared by the Council of the National Institute, and it is the draft of a charter such as we would recommend for the general practitioners. There were some slight points of difference taken on the part of the Society of Apothecaries, which I could readily explain. They are differences by no means insurmountable. This charter, when it has been discussed a little further at the conference, will be agreed upon as the charter to be recommended to be granted to the general practitioners.

1170. Will you refer to those points of difference?—I will.

1171. *Chairman*.] Does that charter exist in print?—It does not; we felt that we had no right to print it.

1172. It is quite in an inchoate state, in fact?—It is; I put this charter in as part of my evidence, on behalf of the Council of the National Institute; I cannot put it in as a member of the conference, because the conference has not yet entirely decided upon it, but as a charter which has been submitted by the Council of the National Institute to the conference for its consideration.

1173. Mr. *Wakley*.] It was then clearly before the conference, and discussed?—Yes, and discussed most decidedly.

1174. Will you read the chief heads?—The preamble, as I conceive it, is exceedingly desirable to put in, inasmuch as it shows who the general practitioners are, and connects them with the surgeon apothecaries of the present day, those who possess the surgical diploma, and those who possess the license of the apothecaries.

1175. Will you have the kindness to read it?—I will.

[*The Witness read the same. (Vide Appendix).*]

1176. Where the word "fees" should be introduced, I observe there are blanks?—There are.

1177. What was agreed to with regard to the payment of the fee for the diploma?—It was considered that the fee for the diploma should be left to be determined after the principles of the charter had been agreed upon. There was a remark made by the law officer of the Crown at the time the charter was under consideration at the Home Office, that if it was intended or considered desirable that the general practitioners should be incorporated, there could be no desire to so limit the fee that the college should not have the power of maintaining itself properly;

properly; therefore, the question of the fee was really left to be considered hereafter.

1178. Was any sum named?—A sum was named amongst our committee.

1179. At the conference, I mean?—It was not named at the conference; I do not mean to say that individual members might not have said, when the question of fees was put, such a fee would be required; but it was not mentioned at the conference.

1180. Do you propose to admit, as members, persons belonging to other colleges, from Scotland and Ireland, for instance, without the payment of any fees?—On the payment of a similar fee.

1181. And not without?—And not without.

1182. *Chairman.*] It is proposed that the fees should be under the control of the general council?—It is.

1183. *Mr. Wakley.*] Do you mean that if a member of an Irish or Scotch college comes into England with a view to practice, he having undergone the education which would be required by the supreme council, you would demand of him on his enrolment here the same fee as if you had examined him in the first instance?—I do not know what will be determined; I will not say that he would or that he would not have to pay a fee; I do not know what will be the decision; that will be determined hereafter.

1184. Was not that an important point to be considered?—I do not mean to say that it has not been considered, but that it has not been settled.

1185. Supposing an individual had undergone the curriculum of education here, and he had submitted to an examination before the College of General Practitioners, and had obtained a diploma from that college, what right would that diploma confer upon him?—It would confer upon him no right to practise, because it is understood that the right to practise would be conferred by the registration.

1186. Could he be registered simply on holding the diploma of your college?—No.

1187. What right would that diploma confer upon him?—It would confer upon him no other right than that of membership and of going to the College of Surgeons, and obtaining the membership of the College of Surgeons, and, upon that double qualification, becoming a general practitioner.

1188. Having in the first instance obtained your diploma, he would then be entitled to an examination at the College of Surgeons?—He may go to the College of Surgeons first; it does not follow that he is to be entitled to the diploma.

1189. But that would entitle him, without any other testimonial than your diploma, to an examination at the College of Surgeons?—Provided, I presume, that he had conformed to the curriculum of study also.

1190. Then your diploma would not be a passport to that examination?—Not unless he should have conformed to their curriculum also, and *vice versa*; we should take no diploma from the College of Surgeons as entitling a party to our examination, unless the curriculum he had followed, previously to his obtaining his diploma at the College of Surgeons, corresponded with our own requirements.

1191. That was also agreed to at the conference?—Yes.

1192. Both colleges acting independently of each other, and yet the diploma of neither college giving the individual a right of qualification?—Certainly.

1193. Supposing a member or fellow of one of the Irish or Scotch Colleges came to England, with a view to practise as a general practitioner, what course would he have to pursue to obtain that right?—I presume he would have to enrol himself in a college corresponding with the one of which he was a member in the sister country, in the first instance; being a member of that college, probably of both, he would enrol; I apprehend that a member of the College of Surgeons of Edinburgh, for instance, who could show that he was a surgeon, and had passed through the curriculum of study necessary to qualify him there for a surgeon, if the examination tested his qualification as a surgeon, would be enabled, upon the faith of that diploma, to register as a member of the College of Surgeons in this country. I presume that, upon the faith of the same diploma, as it at present stands, he would be enabled to register at the College of General Practitioners in this country, and being an enrolled member of the College of Surgeons,

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Surgeons, and an enrolled member of the College of General Practitioners, he could appear on the register both as a surgeon and as a general practitioner.

1194. Was such an arrangement as you now describe considered at the conference?—It was; I believe there is a statement in the Principles with respect to Scotland and Ireland. It states here—“The committee is aware that some variations from the plan which is here drawn out for England, may be rendered advisable or necessary by local circumstances, and the rights of existing institutions, in Scotland and Ireland; and the committee is contented that such variations should be made, provided the principle be not contravened, that equality of education and qualifications in each class respectively of the profession in the three kingdoms should be first obtained, in order that the right of reciprocal practice may be justly allowed.”

1195. Do you understand that a member of the College of Surgeons would be enabled to register as a surgeon?—I do, certainly.

1196. And also as a general practitioner?—And also as a general practitioner.

1197. Would he be compelled by that arrangement to register as a general practitioner, if he were only a member of the College of Surgeons?—Every future member would.

1198. If the fellows of the College of Surgeons wished to dispense medicine, how would they register?—I apprehend that many of them would register as general practitioners also; it is not made compulsory upon the fellows, because a fellow undergoes a more extended amount of education; he cannot obtain his fellowship until the age of 25, whilst the member is enabled to come into practice at 22.

1199. Colonel *Mure*.] That can only apply, of course, to the existing race of fellows; but as their places were filled up by members of the College, they would also require to be members of the College of General Practitioners; so in the case of fellows of the College of Surgeons, they would also be required to be registered as general practitioners?—I apprehend that some persons will pursue a protracted period of study up to the age of 25, without belonging to the College of Surgeons; that is, without taking the membership at the age of 22, or being a member of the College of General Practitioners at 22; because, if I understand the object correctly, in instituting the fellowship, and in requiring that the period of study should be extended on to the age of 25, it is that the intermediate period, from 22 to 25, should not be passed as a practitioner; I conceive that they should remain in a state of pupilage, if I may use the term, up to the age of 25.

1200. *Chairman*.] In order to qualify themselves as fellows?—In order to qualify themselves as fellows.

1201. Do you think that there is an advantage in the institution of the fellowship in that respect?—It was, I believe, instituted, after consideration, by the Council of the College of Surgeons; but I have no opinion to offer upon that subject.

1202. Colonel *Mure*.] Do you mean to say that, even supposing those principles were carried into effect, it would still be competent, under the new system, for gentlemen to be elected fellows of the College of Surgeons who had never been registered, either as practising surgeons, or as practising general practitioners?—Undoubtedly; if there is to be a distinction at all, it is desirable that the distinction should be defined. There are a large body of practitioners in this country who are compelled to come into practice at an early period of life, namely, at the age of 22, which is fixed as the minimum—it was 21; the College of Surgeons reduced the age from 22 to 21. I think that in the present state of surgical knowledge, it is also particularly desirable that there should be a class of persons devoting a longer period of time to the science, if I may use the term, of their profession; and it is also presumed that they would commence their professional study at a later period, in consequence of their going through a more protracted course of preliminary education, taking out University degrees, for instance.

1203. *Chairman*.] Then it appears that this institution of fellows of the College of Surgeons has excited somewhat of a discontented feeling among the members generally of the College of Surgeons; is that the case?—It has, certainly; it has excited a discontented feeling, upon the ground that it contemplated another operation, namely, lowering the standard for the membership. The elevation of the standard for the fellowship implied a reduction in the standard for the membership.

1204. *Mr. Grogan*.]

1204. *Mr. Grogan.*] That was the unavoidable effect of it?—Yes; there was no reduction absolutely made in the standard; it was merely comparative.

1205. *Chairman.*] I presume it was considered that a gentleman who was to come into practice at the age of 22, or was to be admitted as a member of the College of Surgeons at 22, could hardly have had time to furnish himself with the qualifications that were necessary for a fellowship?—That was stated as the reason.

1206. *Colonel Mure.*] You mentioned that a person could become a fellow of the College of Surgeons without ever having practised as a surgeon?—Exactly.

1207. Do not you think that fellows of the College of Surgeons ought, as a general rule, to be individuals in all respects most eminently qualified as professional men in order to obtain that honour?—As a general rule, it undoubtedly should be so.

1208. Do you think that a person can be eminently qualified for the exercise of his profession without ever having practised as a general practitioner?—I believe that the best school for eminence is practice; bed-side practice; there could be no one eminent without practice.

1209. *Chairman.*] Does not the qualification for a fellowship include a certain amount of practice, although not for profit, but practice in the hospital?—Of course it does.

1210. *Colonel Mure.*] What is called educational practice?—Exactly.

1211. You do not think that any great amount of practice is necessary to test the merits of a person aiming to be a fellow of the college?—I am not competent to give an opinion upon that point. I think a protracted period of study, particularly if it is faithfully carried out, will necessarily indicate superior qualification.

1212. *Mr. Wakley.*] At the conference which was held between the representatives of the different bodies, namely, the College of Surgeons, the Society of Apothecaries, and the National Institute, was it agreed and distinctly understood in terms that there was to be a perfect reciprocity of rights of practice between all the medical and surgical Colleges of the United Kingdom?—Perfectly so, on the conditions laid down in these Principles, that equal attainments should entitle all parties to reciprocity of practice.

1213. And that that equality of attainments was to be left to be tested by examination, subject to the supervision of the supreme council?—Subject to the supervision of the supreme council.

1214. And at the conclusion of your conferences you did not understand that any objection to such an arrangement existed?—I did not.

1215. *Mr. Walter.*] So far as the question of registration is concerned, might not the same advantages be secured to the public by the existing institutions, by establishing a register which should be filled up by persons who had received certificates from the Apothecaries Society and the College of Surgeons?—I think there is a considerable difficulty; and there always will be a difficulty, so long as the Society of Apothecaries remains as a licensing body. Ever since the year of 1815, there has been a bone of contention between the Scotch and Irish graduates and the Society of Apothecaries; the Scotch and Irish graduates have always considered that it would be a loss of dignity to be obliged to conform to an examination before the Society of Apothecaries of this country.

1216. You consider the difficulty to lie rather with the Apothecaries Society than with the College of Surgeons?—I think that constituted one difficulty; as respecting the Scotch and Irish graduates receiving the license from Apothecaries Hall, they felt that it was in some respects derogatory to them; and, in fact, they did not like to submit to an examination before the Society of Apothecaries, who had no power whatever of admitting them without examination under their Act of Parliament.

1217. *Colonel Mure.*] I understand from your previous evidence, that, in fact, the College of General Practitioners comes entirely into the place of the Society of Apothecaries upon an improved system?—It comes in the place of the Society of Apothecaries, by assuming to itself the functions that are now exercised by them.

1218. But with improvements?—Of course, with the improvements which the general practitioners contemplate.

1219. I observe that in the title of the National Institute, the word midwifery is introduced, and I also observed, from what you read from the proposed form of the charter, that special allusion was made to the practice of midwifery; I under-

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stand that that is a branch of the profession which is considered to have been rather neglected in the public institutions?—Precisely so.

1220. *Chairman.*] In fact there has been no opportunity of proving the qualification in midwifery?—No; the Society of Apothecaries have instituted examinations in midwifery, but they have not been particularly searching examinations.

1221. *Colonel Mure.*] I believe that there is no course of lectures delivered upon clinical surgery in the College of Surgeons?—There is no clinical practice; there are lectures upon various subjects delivered at different times during the year at the College of Surgeons; but there is no hospital attached to that society, and therefore there cannot be any clinical practice.

1222. Therefore there is no course of lectures on clinical surgery, as the subject of a separate course, as there is in the Universities of Edinburgh and Dublin?—No.

1223. Is it proposed in the Society of General Practitioners to supply that deficiency?—We hope to do so in time.

1224. By a course of lectures belonging specially to the College of General Practitioners?—It is intended, in the event of our getting a charter of incorporation, to take all those subjects into consideration, and to afford every possible facility for improving the qualifications of medical men in that respect.

1225. If the College of General Practitioners were to establish a course of clinical lectures, or any other courses of surgical lectures in which the College of Surgeons may now be deficient, that would in some sort, in fact, be superseding or usurping what ought to be the proper attribute of the College of Surgeons?—We should not be prevented from instituting any educational course that we might think necessary.

1226. *Mr. Walter.*] I think you stated, that after a certain time, all members of the College of Surgeons would be required to enrol themselves in the College of General Practitioners?—It is contemplated that immediately after the passing of the Act of Parliament, every future member of the College of Surgeons must do so.

1227. Would there not be great objections on the part of those gentlemen who intended to devote themselves to the practice of what is called pure surgery, to enrol themselves in such a college?—We apprehend that there would be no member of the College of Surgeons wishing to practise pure surgery. It is difficult to define what pure surgery is. The fellows of the College of Surgeons, if they thought proper to practise as pure surgeons, might call themselves pure surgeons if they pleased; but I think very few of them practise it. We repudiate the idea that general practice depends upon the dispensing of medicines. General practice consists in practising in medical cases as well as in surgical cases, and in practising midwifery.

1228. What advantage do you think there would be in compelling persons who did not intend to dispense medicine, but intended to confine themselves entirely to the surgical branch of the profession, to enrol themselves in a society which embraced a very different profession?—There would be this advantage, that it would be only in virtue of the qualification derived from being a member of the College of General Practitioners, that he could practise in medical cases; and as the surgical practice in this country is, nine-tenths of it, in medical cases, it would be necessary that he should belong to that college that gives him the qualification to practise in medical cases.

1229. *Chairman.*] Is not pure surgery, according to the strict meaning of the word, confined merely to a manual art?—Not entirely; it has become a science, and it is cultivated as a science, as new discoveries are made, and in proportion as new modes of operating are discovered, the efforts of the pure surgeon should be directed more towards the cure of diseases than the mere performance of an operation.

1230. So that it would not be safe to allow the practice of pure surgery, independently of medical qualification?—Undoubtedly, that is exactly the feeling that the parties who advocate the establishment of this college entertained, that inasmuch as they had no power to make the College of Surgeons institute such an examination in all departments of the profession, as would render a person competent to undertake general practice; so did they deem it necessary to form a new institution that might remedy those defects in the constitution of the College of Surgeons.

1231. But at the same time it is desirable that there should be every means of encouragement given to the perfect learning of the science of surgery?—Undoubtedly.

1232. Mr. *Grojan.*] Is there any objection to having the charter, which you have read to us to-day, printed on the shorthand writer's notes of the proceedings?—Not the slightest; it must be taken as a proposed charter that has not been entirely assented to by the conference; there are one or two points that are still in abeyance, but the general principles have been all agreed upon.

1233. We are to take it as the embodied views of the National Institute?—Exactly so.

1234. Will you allow me to call your attention to some part of your examination; one of the members of the Committee inquired what would be the course that an Irish or Scotch graduate would have to take to be admitted to practise here, supposing the charter passed, and an Act of Parliament passed, also constituting what you proposed; you explained that he would have to be admitted a member of either of those two colleges, and then to be admitted a member of the second, before he would be entitled to register, and to practise in this country, and also that he was to pay certain fees, which have not yet been ascertained?—Precisely.

1235. The Principles which have been agreed to by the four branches of the profession, as I may call them, in this country, only apply to England in the first instance?—Yes.

1236. It is also provided, in those Principles, that the questions of Irish and Scotch colleges and graduates shall be open for further consideration, and that those Principles shall be modified accordingly?—Certainly.

1237. Supposing that the members of the colleges of Ireland shall object to pay any fee whatever to you, considering that the fees they have already paid for their own degrees are not only equal in amount to what you charge for your degree here, but that their qualifications, in a professional point of view, are fully equal to the qualifications that either of the colleges here require; do you conceive that if they shall stand on that ground, it is possible so to modify your principles as that there can be a general amalgamation and reciprocity of practice between the two countries?—I conceive there may. I do not think the question of fees would ever operate as a barrier to a general amalgamation; every possible facility, I think, is contemplated on the part of the conference, for the admission of Scotch and Irish graduates to equal privileges, on their adducing proof that they have got equal qualifications. I believe that it is most desirable that there should be an enrolment in the college of the country in which the practitioner intends to practise; there would be many advantages in that; he would be amenable to the bye-laws; he would conform to the regulations of that college; he would have access to the libraries and museums, and the lectures that may be given by that college; and he would be, in point of fact, a member of the same fraternity as those with whom he is practising.

1238. You are quite aware that the question I have just put to you is one that has been weighed with great care and attention by the collegiates of both Scotland and Ireland?—I am.

1239. If I understand your statement correctly, it is this; that the Principles agreed to by the four heads of the profession in this country, and the proposed charter which you have read, and the Act of Parliament, which it is also proposed to have passed for enforcing and embodying those Principles, have, in the consideration they have received at the conference up to the present time, been relative solely to an arrangement as regards this country?—Relative solely to an arrangement as regards this country.

1240. Then the door is quite open to whatever modifications or changes may be found necessary as it regards the medical gentlemen of both Scotland and Ireland, in order to have a perfect reciprocity of practice?—Certainly.

1241. Colonel *Mure.*] I understood you to say that it was necessary, in order to practise and be registered, that a man should become a member of the College of General Practitioners, though he might remain a member of the College of Surgeons not practising, and receive his diploma as a fellow, without ever having practised at all; is not that the case?—There would be no object in his applying for a diploma as a member, if he contemplated going up for a fellowship at the age of 25.



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1242. If it was necessary for him to register and practise as a member of the College of Surgeons, he would then, of course, become a member of the College of General Practitioners; but if he does neither, because he wishes to follow out rather his educational course of practice and study, he may become a fellow of the college without ever having become a member of the College of General Practitioners at all?—Yes, or even a member of the College of Surgeons at all.

1243. *Mr. Walter.*] Can he be a fellow of the College of Surgeons without being a member?—Yes, certainly.

1244. *Colonel Mure.*] Then, in order to be a member of the College of Surgeons, he must be also a member of the College of General Practitioners?—Certainly.

1245. *Mr. Grogan.*] At the conference was the question entertained, whether, supposing the medical gentlemen of Scotland and Ireland should also propose to get a charter incorporating the general practitioners of those countries, and that a medical man from England wished to reside and practise in either Scotland or Ireland, he would have to submit to the same routine, to the same admission as is embraced in the principles adopted here, in the country where he wished to practise?—Certainly.

1246. That was in contemplation?—Certainly.

1247. *Mr. Wakley.*] Do you prefer the title of general practitioner to that of surgeon apothecary?—Individually, I think the title of surgeon apothecary is more explanatory, more definite.

1248. Do not you think there are many objections to the adoption of a charter under the title of General Practitioners?—The public do not, at the present moment, know so well as it is to be hoped they will hereafter know, the title of "General Practitioner;" I understand that it has been already introduced into an Act of Parliament as applied to medical men, namely, the Passengers' Act; it states there, that every ship shall be required to carry either a physician, a surgeon or a general practitioner. Now, the title General Practitioner is certainly very objectionable, but it is to be hoped that it will become quite as much an accepted term in reference to a particular class of the medical profession, as the term "Solicitor" has become in reference to a certain branch of legal practitioners.

1249. But why abandon the well-known, expressive and correct term of "Surgeon Apothecary"?—The feeling throughout the country was strongly opposed to the title of apothecary; that was the principal reason.

1250. Was there an objection to the term "Surgeon Apothecary"?—There was to the term "Surgeon Apothecary"; numerous discussions took place in our very large committee upon the subject, and the term "General Practitioner" was the one most accepted; I believe it was put to the vote on one or two occasions, but we certainly felt, I must confess, a vast deal of difficulty in reference to the title.

1251. *Chairman.*] Was the term "Apothecary" considered to denote an inferior grade in the profession?—It was intended to denote an inferior grade; but the term "Apothecary" alone would never do as applying it to the general practitioners of this country, because they are not apothecaries alone; they are surgeons as well as apothecaries.

1252. *Mr. Walter.*] Is the term "Surgeon" understood to include midwifery?—It is not understood to include midwifery.

1253. *Mr. Wakley.*] But you understand that midwifery belongs to the surgical profession?—I do.

1254. *Chairman.*] You were understood to say that there were some points in that charter which you read, that did not meet exactly with the full approbation of the apothecaries?—There were some points, as it now stands at present.

1255. Perhaps you will advert to those points; are they of importance?—It was the point to which an honourable Member directed my attention when I was reading it, that we have abandoned the five years; that has arisen from the circumstances of the National Association merging into the Institute, and from the bye-laws of the Institute, and the constitution of the Institute; the bye-laws were framed upon the same principles as the bye-laws under the charter would have been framed, as nearly as possible; we endeavoured to make the Institute a preparatory step to obtaining the charter, and we made the bye-laws conform, as nearly as we could, to what we thought the bye-laws ought to be under the

the charter of incorporation ; it being a voluntary institution, it was found that we had no right to limit the franchise of any body in the election of members of the Council ; that every member of the Institute, in virtue of his being a member, should have a voice in the election of the Council. It was a voluntary association, and therefore we could not affix a period at which they should acquire the franchise ; but when we canvassed the profession upon a former occasion, an opinion was most unequivocally expressed in favour of a five years' franchise ; and it is upon that point that the Apothecaries Society, as appearing at the conference, think that we are wrong in proposing to give the franchise to every member of the college in the first instance.

1256. Mr. Wakley.] Now you have extended that as liberally as it can go?—As liberally as it can go.

1257. The qualification for councillors is a membership of 15 years' standing?—The qualification for councillors is a membership of 15 years' standing.

1258. Was that point discussed?—Yes, it was discussed, and our own schedules returned a very large majority in favour of 15 years.

1259. Is not the making preferment depend so much upon age rather calculated to retard the progress of science than to advance it?—There may be two opinions on that point. I confess, that in the medical profession, in my opinion, one of the wisest and best things that could possibly be adopted would be not to make the junior members of the profession politicians, or to take them away from the proper performance of their professional duties.

1260. But could anything be more advantageous than to make them scientific men?—Certainly not.

1261. And to induce them to distinguish themselves by scientific labours and researches?—Certainly.

1262. Would you not be in a great measure shackling their labours, and retarding them in their scientific progress, by making preferment dependent upon age?—If the period at which they would arrive at that preferment was a very late period in life, I should say it would have the effect you describe, but when it is considered that they come into practice at the age of 22, and that in 15 years, that is at 37, they are eligible to a seat upon the Council ; I confess I do not think it is too late a period.

1263. Then another restriction you have, is with respect to your examiners ; it appears that they are not eligible to be elected on the court until they have been members for a period of 10 years?—Yes.

1264. Was that discussed at the conference?—It was, and it was thought that, as this was a College of General Practitioners, where many points, beyond the mere knowledge of the schools, would be desirable in the examiners, they should be persons of a certain standing, to be appointed upon that Court of Examiners.

1265. Do not you consider that young men who had just left the universities and schools would conduct the elementary part of the examinations much more efficiently than those who had left such institutions for a period of 10 years?—It is possible.

1266. Have you proposed in your arrangements to register the surgeons of the army and navy?—There is no provision for that ; but it is hoped, on the part of the conference, that the army and navy may be induced to come to a resolution to take none but registered practitioners. It is to be hoped so, and when the College of General Practitioners gets into efficient working, and when its capabilities are fully and fairly developed, I entertain little or no doubt that the army and navy will conform to that suggestion.

1267. During your conferences did you hold any communication with the heads of the medical department of the army and navy?—We did not.

1268. Nor with the senate of the University of London?—We did not ; there were members of the senate of the University of London sitting upon that conference.

1269. But not there in that capacity?—Not there in that capacity.

1270. Is that the plan of registration which was laid before the conference—[*showing a Paper to the Witness*] ?—That is the plan of registration which was laid before the conference.

1271. Were the distinctions in the third column approved ; for example, as to the public appointments which persons hold?—Particular attention was not drawn to that point, but it was thought desirable that it should stand as it is.

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1272. Are you not aware that many public appointments are obtained by improper means, and that inserting appointments in that way, under the provisions of an Act of Parliament, might give a person an advantage which ought not to be bestowed upon him, because he had not obtained it by merit?—That is a consideration for the council to determine upon; my own impression is, that it is rather gratifying to the ambition of men to have their public appointments notified in a register; and I think it holds out a great temptation to men to obtain public appointments if they can.

1273. But where are you to stop; if you are to put down the title which a man has acquired, because he is holding an office in some institution called public, why should you withhold from him the title which he has acquired from being an author?—I do not know; it never struck me that there would be any disadvantage in having the public appointments named; the great object of the register is, to give as much information as possible as to the position of the various members of the profession.

1274. Would you not feel that the insertion of any such distinctions in a register, printed under the authority of an Act of Parliament, would be creating an unpleasant feeling in the minds of practitioners, more especially when it is known that many appointments are not well obtained?—I should think it more desirable and advantageous in that case, because if any appointment was not properly obtained, it would be holding it up to the public gaze more completely, and it would tend very much to correct the abuses you speak of.

1275. Do not you think it would be better if the address of the individual were inserted along with such distinctions?—The address is in the second alphabetical list.

1276. But to insert it in the first, so that the address might be seen at once without referring to the second register?—The address might be given in the same column; I do not see any disadvantage in that arrangement.

1277. Do you consider that the situations that individuals acquire in the exercise of their professional duties, ought to be noticed simply in a system of registration?—The object of registration, according to my idea, should be to show, as well as it can be shown, the position of the individual registered; the position that he holds in his profession, and likewise his rank in his profession.

1278. Do you consider that it is necessary to go beyond showing what are really his legal qualifications for practising his profession?—It may not be necessary to go further than what you state, but I think it is very desirable that parties in the country, who applied to this register, and who had no other opportunity of knowing who was an hospital-surgeon, should find that information there; a person coming to London, and upon whom it was necessary to operate, in the present system of practice, would probably seek a hospital surgeon, and a register that did not furnish that information would, in my opinion, be incomplete. I dare say there may be some objections to the public appointments being entered, and there may be some heart-burnings, but I think that the advantages counterbalance the disadvantages.

1279. I may again repeat the question, where would you stop; you know how many offices are held by medical men, and to how low a point in many respects they descend?—I think the term “public” defines that in a very great degree.

1280. Do you include clubs?—I do not consider that to be in the true sense of the word a public appointment.

1281. Gaols?—Certainly.

1282. Workhouses?—Doubtless, and the police.

1283. *Chairman.*] It might be possible to define such public appointments as were fit to be admitted upon the register?—I think so.

1284. *Mr. Grogan.*] You are aware, I presume, that there is a school conferring degrees in midwifery in Dublin; namely, the Lying-in Hospital?—Yes.

1285. And that there is a certain course of attendance required for a man to get a degree or diploma there; was that matter under consideration at your conferences, with regard to admitting them to your diplomas here as general practitioners?—No special diploma in midwifery, without the possession of another diploma as well, certifying their competency in medicine and surgery, would be sufficient; that could not be accepted alone.

1286. It is only an additional point of study, for the purpose of their general surgical degree?—Exactly.

1287. There

1287. There being a school in Ireland wherein degrees or diplomas in midwifery are granted, that being, I believe, the only school in the United Kingdom of the same character, what advantage will a gentleman possessing that Irish diploma have, when he comes to be admitted as a general practitioner of your college, over the gentlemen of the other colleges, the Scotch or the English colleges, who have not had that additional branch of study imposed upon them?—He will possess no additional advantages.

1288. Not even an exemption from examination?—We propose to admit them without examination, if they shall have passed an examination previously in the sister countries. It is not contemplated at all to institute examinations here, provided the party applying for the registration is enrolled in either of the colleges, and he has passed an examination in the sister country equivalent to the one which would be instituted here.

1289. You strictly intend to admit them, as it is called in the Universities, *ad eundem*?—*Ad eundem*.

James Bird, Esq.

28 March 1848.

Veneris, 31<sup>o</sup> die Martii, 1848.

MEMBERS PRESENT:

Mr. Wakley.  
Sir Henry Halford.  
Sir R. H. Inglis.

Mr. Grogan.  
Sir Thomas Birch.

THE LORD ADVOCATE IN THE CHAIR.

Francis Hawkins, Esq., M. D., Examined.

1290. *Chairman.*] ARE you still Registrar of the College of Physicians?—I am.

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1291. You gave evidence before the Select Committee on Medical Registration last Session?—I did.

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1292. You received a requisition to attend here to-day?—I received it this morning.

1293. And requesting, I think, that you should bring a copy of the charter?—“A copy of the charter as approved by the conference between the College of Physicians, the College of Surgeons and the Society of Apothecaries, or the Institute of Medicine”; that requisition requires explanation.

1294. Have you brought that charter with you?—I have brought the only existing copy of the proposed charter; I mean to say a copy of the proposed charter in the only state in which it actually exists.

[*The Witness delivered in the same. (Vide Appendix.)*]

1295. There is no charter, then, that was adjusted at that conference?—That conference has not yet proceeded to the consideration of the charters for the different medical corporations; it intends to do so.

1296. The conference you refer to is the conference which was held between a committee composed of the College of Physicians, the College of Surgeons, the Society of Apothecaries and the National Institute?—Exactly so.

1297. They agreed upon certain “Principles,” I think?—They agreed upon certain “Principles” as the foundation for a general measure, for the regulation of the profession, to be submitted to the Government, but not as a perfect document; in fact, when this report, in which those “Principles” were embodied, was sent in to the Secretary of State, it was accompanied by a letter, which I have here with me, stating that the presidents of the different bodies represented in that conference committee would be happy to wait upon Sir George Grey to explain any part of that report which might appear to require explanation; so far was the conference committee from thinking it a perfect document.

1298. Was there a report separate from the “Principles;” because you were understood to state that the “Principles” were sent in with the report?—I mean that certain explanatory remarks were affixed to the “Principles.”

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1299. You say that the "Principles," constituting the report of the conference were transmitted to the Secretary of State, with a letter of explanation signed by the presidents of the different bodies?—Not signed by them; I wrote the letter in their name.

1300. Stating that they would be happy to wait upon the Secretary of State, and give such explanation as might be required with reference to the paper entitled "Principles"?—Exactly so.

1301. And, therefore, you state that those "Principles" were not considered by any means as the concluded basis of the arrangement, but as a proposed arrangement to admit of still further adjustment?—Entirely so; that the Secretary of State might consider them to see whether, in his views, they would afford a foundation for a general measure, the details of which might be afterwards submitted to the public, in order to obtain their opinions upon them; and, I should wish to add further, that when the different parties who met in conference had agreed upon certain "Principles," they were drawn up with all possible expedition, in order that they might be considered before the Session was far advanced; the "Principles" were not in that shape intended for the public eye, but, as I before said, for the consideration only of the Secretary of State; and, therefore, I mean that every expression in them ought not to be too critically scanned; I say this with reference to the way in which the charter of the College of Physicians is spoken of in that document; in short, it is only intended to be spoken of as a charter, the outline of which had been drawn up and submitted to the Government, and was also before the public, but the details remaining yet in an unfinished state.

1302. You did not intend, by transmitting the paper called the "Principles," to bind yourself or the College of Physicians or the body forming the conference to the particular terms of a charter, the draft of which had been previously prepared?—Certainly not.

1303. Is the draft charter, to which you refer, the one which was proposed in your examination before the Committee of last Session on the 11th of June?—It is the one; in the copy which I have now brought, I have caused also to be marked the alterations which the College has expressed its desire, in a memorial addressed to Sir George Grey, and printed with the evidence taken before that Committee, to have made in that charter.

1304. Does your copy show those alterations?—It does.

1305. Are they so made as to appear on first inspection?—They are; the clauses reserved for further consideration, and the alterations which the College actually expressed a desire to have made, are marked in red ink, so that they may be seen at once.

1306. Was that draft charter before the late conference?—It has never been actually before the conference at all, it has only been alluded to as having been made public as far as it had gone.

1307. Are the Committee to understand you, that the conference had not under consideration any draft charter at all?—The conference did not stop to consider it; it was supposed that that was a business for a future stage of the discussions.

1308. Still are the Committee to understand that there was no particular draft charter actually under consideration at the conference?—Certainly not.

1309. Then the conference were merely to consider that a charter, the terms of which were to be afterwards adjusted, was to be obtained by the College of Physicians?—A charter, the outline of which had been settled, but the details of which had not been filled up.

1310. The outline of which, you say, had been settled; where was that outline settled, and where is the outline to be found as settled?—In the draft of the charter which was printed with my evidence before the Committee of last Session, taken in conjunction with a memorial addressed to Sir George Grey, stating certain alterations which the college wished to have made.

1311. Those two instruments together contain the outlines of the charter which it is proposed should be obtained by the College of Physicians, and which was referred to in the conference?—They do.

1312. Had the conference before them any draft charter for the College of Surgeons?—No.

1313. Or any particular draft charter for the Society of Apothecaries, or for the

the general practitioners?—A proposed charter for the intended new incorporation of general practitioners was read.

1314. In saying it was read, do you mean that it was considered in its principles or in its details by the conference?—In its general principles only.

1315. And approved of?—Approved of in its general principles.

1316. But subject, I suppose, to very considerable adjustment in its details?—Certainly; it was expressly understood that it should be submitted to the Society of Apothecaries, in the first instance, for their consideration.

1317. Then the actual working of any measure that may be proposed to be formed upon the basis of those principles, will come to depend upon the charters as they are adjusted for those bodies, the College of Physicians, the College of Surgeons and the General Practitioners?—If any general measure should be founded upon those "Principles," it will be necessary to make the charters of the different corporations harmonise with that general measure.

1318. And until the Committee are in possession of the details of those charters, are they in a situation to judge of the nature and extent of the general measure proposed or referred to in the "Principles"?—The charters must, in many points, depend upon the general state of the profession. The charters may be completed, so far as the internal regulation and government of the corporate bodies go; but with reference to other points, particularly, with relation to the College of Physicians, as to those who should be admitted as members, and as to the granting of licenses, it was considered that those points could not be settled, except with reference to the general state of the profession, and to the circumstances under which the charter was to be granted.

1319. Would the right of the parties to be registered depend upon admission to one or other of those bodies?—Certainly; that is a future arrangement intended, but not yet carried into effect.

1320. According to the "Principles," does not the right to be registered depend upon admission to one or other of those bodies; with respect to physicians, for instance, does not it depend upon the right to be registered as a member of the College of Physicians?—Exactly so; I will, with the permission of the Committee, put in a letter which I have lately written, which expresses, I think, the views which the College entertains upon this subject more briefly than I could state them to the Committee; the College of Physicians was so far from considering that the clauses of this charter which relate to those who should be admitted members were completed, that about six weeks ago they expressed a wish to a deputation from the council of the Provincial Medical and Surgical Association that they would invite the opinions of the provincial physicians upon the principal points contained in those clauses, in which they were especially concerned; the Provincial, Medical and Surgical Association, in consequence of that wish, has invited the opinions of the physicians about the country upon this subject; but they, by misapprehension, stated the clauses as being already agreed upon, which led me to address this letter to the editor of the Provincial, Medical and Surgical Journal:—"Sir, As the terms on which the College of Physicians has offered to receive under a new charter the physicians of this country have been incorrectly stated and imperfectly understood, particularly as regards the date previous to which those proposed to be received should have taken their degrees, it is very desirable that this mistake should be corrected as speedily as possible, and that the manner in which the mistake has arisen should also be explained; in the clause of the proposed charter relating to this subject which has been lately circulated, the date assigned as a limit for graduation is 1 January 1842; but this date was introduced under the supposition that the charter would be granted in 1843 or 1844, and it would of course be altered (if any limit as to date be retained in the clause) in proportion to the time which has since elapsed; the clause as circulated is taken from a copy of the proposed charter which was given last summer to the Committee of the House of Commons, and which was printed with the evidence taken before that Committee; now this was a copy of the charter in the state, professedly unfinished, beyond which it has never in fact advanced, in which it was left at the termination of the discussions which the College had upon the subject with Sir James Graham; this copy is not only imperfect, but must be altogether deceptive, unless it be read in conjunction with a memorial addressed to Sir George Grey, and printed also with the evidence taken before the Committee of the House of Commons, in which memorial

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the College expressed its desire to alter in many respects the draft of the charter which had been before agreed upon. Originally, in 1842; the College offered, as the commencement of a better system of classifying and registering the order of physicians, and all orders of the profession, to receive, without examination, all *bonâ fide* British physicians of the age of 26 years; but this offer called forth many remonstrances, as if it would be productive of some degree of hardship and injustice to those who had undergone examinations and paid the full fees for their licenses; thence it happened that the restrictions were introduced which appear in clause 5, of the proposed charter as to the manner in which degrees must have been obtained, and as to the age of physicians to be received without examination; and the College being informed that, with the view of being thus received, many were hastening to obtain degrees whose education had hardly been equal to that prescribed by the College, for this reason the restriction was added as to graduation previous to a certain date. For similar reasons the restrictions were introduced, which appear in clause 4, relating to the extra-licentiates. The views of the College as to the terms on which, under a new charter, it could, with justice and propriety, receive British graduates without examination, have naturally and properly varied at different times, according as there has or has not been a prospect of a general legislative measure for the regulation of the profession, also according to the variations which took place from time to time in the terms and enactments of the different general measures which were successively proposed. In the later Bills proposed by Sir James Graham there was a provision for a Supplemental Register, in which it was supposed that physicians might find a place, if there were any who had not been received by and enrolled in the College. But if, according to the principles which have recently been proposed for a General Medical Bill, it should be rendered absolutely necessary for registration that all practitioners should be enrolled in the college belonging to their department in the country in which they practise, in this case it would certainly be right and necessary that physicians should be received at first into the College upon broader and easier terms than might be just and proper, if no such general enactment should be passed by the Legislature. Thus there are several important points in the new charter for the College of Physicians, which, as they must be in some degree dependent upon the circumstances under which the charter is to be obtained, have not been and could not be definitively settled; and the College would, I am persuaded, be truly glad to learn what are the opinions upon these points entertained by physicians throughout the country. Accordingly I rejoice to see, in furtherance of this wish which was expressed by a committee of the College to a deputation from the council of the Provincial Medical and Surgical Association, the editors of the 'Provincial Medical and Surgical Journal' have been good enough to invite physicians to communicate to the council their opinion; and as it is clearly necessary that the points on which they are asked to form and express their opinions should be correctly stated, therefore I am induced to trouble you with this letter respecting some of those points which appear to be the most important." That letter was too late for admission into the last number of the "Provincial Medical and Surgical Journal," but I believe it will appear in the next; and the editor, after thanking me for it, adds, "It will, I am sure, give great satisfaction in reference to the subjects on which it treats, and meet several of the objections which have been received by the council of the Provincial Medical and Surgical Association, as to the operation of clauses 4 and 5 of the new charter."

1321. Still the effect of any arrangement which was to be adjusted in the terms of these "Principles" would depend more or less upon the manner in which the charter was adjusted for the Royal College of Physicians, and for the other bodies as referred to in these "Principles"?—They must be made to harmonise together.

1322. But if the registration depends upon the admission of persons to those bodies by this clause of the "Principles," of course the operation of the arrangement upon the practitioners in Great Britain, and particularly with respect to Scotland and Ireland, must depend upon the ultimate terms in which those charters are adjusted?—Certainly; and the conference committee thought they ought to proceed *pari passu*.

1323. So far as the "Principles" go, the Committee understand that the conference was unanimous?—The conference was unanimous.

1324. Mr. *Wakley*.] These alterations were in the draft of last year, were they not?—I think, if I remember rightly, as the draft appears printed in that book of the evidence, the alterations are not embodied in it; they are to be picked out of the memorial addressed to Sir George Grey.

1325. *Chairman*.] The only alterations in the draft charter which do not appear in the charter produced on the 11th of June 1847, are those marked in red ink?—Yes; and they are to be found in the memorial which appears in a different part of that book addressed to Sir George Grey.

1326. Mr. *Wakley*.] The difficulty which is felt in consequence of what has been published in the "Principles" issued by the conference is this—the paper which bears that title would lead the Committee to believe, that all the documents referred to therein were specially noticed by the conference, and that they were, in fact, fully before the conference; now, I would beg to refer you to the second paragraph, under No. 4, and particularly to the concluding part of that paragraph beginning after the words "general practitioners:" "And after the passing of the Act, members of the Royal College of Surgeons shall not be registered as surgeons unless they be also admitted as members of the Royal College of General Practitioners, and registered both as surgeons and general practitioners;" and also to the next paragraph particularly, "That those persons should be entitled to be registered as physicians who shall have been admitted as members of the Royal College of Physicians according to the provisions of a new charter which has been prepared for the College of Physicians, and has also been submitted to the Government; which charter, it is expedient, should be granted to the College of Physicians;" would not the expressions there used lead the Committee to believe, or any one, in fact, to believe, that the charter had been completed; that it had been approved by the College of Physicians, and that it had been agreed to by the conference before those recommendations were issued?—This paper was never published for the consideration of this Committee, or that of any body else but the Home Secretary; and it was accompanied by an offer on the part of those who were parties to drawing it up to wait upon him to explain any part of it; therefore, I said that the wording of it ought not to be too critically scanned; that conference committee met in consequence of the failure of every attempt which had been made for the last 15 years to regulate the medical profession, and in consequence of the language which the members of the present Government had held ever since they came into office to those members of the medical profession who applied to them on the subject, that if the different branches of the medical profession could be agreed amongst themselves, something might be done, but nothing otherwise; an attempt had been made to come to some understanding and agreement in the early part of the last year, and the Provincial Medical and Surgical Association receiving an answer to that effect from the Home Office, attempted to form a general meeting, but failed in their attempt to do so; but the attempt in the latter part of last year, was attended with more success; and the parties who met in what has been called the conference committee agreeing upon certain "Principles;" these were, as I think I said before, with the utmost possible expedition, embodied in what is called the Report for the consideration of the Home Secretary, which was sent in with an intimation that those who were parties to drawing it up would be happy to furnish him with any explanation of any part of it; I do think, therefore, that it is of very little consequence to ask as to the particular construction of certain sentences, of which the meaning cannot be taken as critically expressed; all that was intended was, that a charter should be granted, of which a sketch had been made, and presented to the Government, but the details were not filled up; it is perfectly true that the sentence is not correctly worded.

1327. Was that sketch produced before the conference?—As it had been published in different ways, we were anxious to send in our report as soon as possible, and did not stop to consider it, for, as I have said, it was thought that the consideration of the charter would follow after some foundation for a general measure should have been laid.

1328. Were you present at all the conferences held?—I was present at all but one or two of the earlier meetings.

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1329. But towards the conclusion of the arrangement?—Towards the conclusion of the arrangement I was present.

1330. Is it the fact that the conference did recommend that a charter should be granted to the College of Physicians, the provisions of which charter the conference had not before it?—The conference meant no more than that the charter, of which as I say a sketch had been drawn, should be given to the College of Physicians, but the conference committee did not mean to bind themselves to the details of certain clauses by any means.

1331. I wish to repeat the words to you again from this paper because they are very strong, very pointed, and very conclusive; it states, "that those persons should be entitled to be registered as physicians who shall have been admitted as members of the Royal College of Physicians according to the provisions of a new charter which has been prepared for the College of Physicians, and has also been submitted to the Government, which charter it is expedient should be granted to the College of Physicians;" the Committee is now to distinctly understand that although that recommendation was made by the conference, the conference neither saw the charter itself, the draft of the charter, nor the sketch which you have described?—It was said in the conference that we need not stop to consider that charter, because it had been made public; I assure the Committee that the conference committee meant no more than I have endeavoured to explain.

1332. Sir *R. H. Inglis.*] Is the Committee to understand you to state distinctly that the conference committee is not to be held bound to every expression in the draft of the charter, which, in point of fact, though published in 1847, and reported in your evidence on the 11th of June, was not strictly before them; but that you wish the Committee to understand, that though not bound to the letter of it, it contains the general spirit upon which the charter to be granted was to be framed?—That is exactly what I would wish to express.

1333. *Chairman.*] Will you be kind enough to state to the Committee what it was that you consider to have been definitively settled by those "Principles" in the communication which was made by the conference to the Secretary of State?—First, that there should be a new incorporation of general practitioners; Secondly, that there should be a council established; Thirdly, we thought we had settled the manner in which a register should be made and published; Fourthly, that we had established something like an agreement between the general practitioners and the College of Surgeons; Fifthly, that we had laid down, although they had been pretty clearly laid down before, the principles upon which reciprocity of practice could be established between the three kingdoms; Sixthly, that we had settled several points relating to the government of the medical profession, giving, what had never been established before, the different corporations the means of preserving order and discipline in the profession, under the superintendence of a council.

1334. Mr. *Wakley.*] Will you be so kind as to refer to the various alterations which you consider have been made in the charter which you now produce relative to the provisions in the draft of a charter which you submitted to the Committee of last year?—Not a single alteration has yet been made which was not before the Committee of last year; the subject has never been entered into; but as I have said in the letter which the Committee allowed me to read to them, the College does recommend that considerable alterations, particularly in the clauses Nos. 4 and 5, should be made, if those "Principles" should be made the foundation of a general measure.

1335. Will you be kind enough to describe what alteration the College considers should be made in article 4?—I cannot speak for the College, because, as I have said, the College has not decided, but I may venture to say to the Committee that I am sure the College will, under those circumstances, feel themselves bound to modify the terms that appear in clause 4, as to the manner in which extra-licentiates should be received into the College.

1336. Have you discovered that the extra-licentiates are very hostile to the conditions which that article contains?—I know that the extra-licentiates have misunderstood the views of the College upon the subject, and still do so, and, till the matter is well explained, they will continue to do so; they supposed that the College intended to interfere with the privileges they already possessed; the College of Physicians never supposed it possible or right that the  
privileges

privileges already possessed by any person should be interfered with; they never contemplated any retrospective operation; but according to the principle which Sir James Graham, as I understand, always laid down, meant that though they would take nothing from any one that he already possessed, yet that if persons would not agree, as he said, to the plan which he proposed, or if they did not come up to those qualifications which it appeared to be desirable to enforce, it might be a subject of consideration, whether any thing more should be given to them; but if the extra-licentiates supposed that they would be interfered with as to any thing which they at present possessed, they were under a misapprehension; the College of Physicians never entertained such an intention.

1337. Under the "Principles" which you have recognized, and under your own system of registration, if a charter were to be granted on the terms which have been proposed, and if an Act of Parliament were to be passed recognizing those conditions, how could the extra-licentiates register?—They might be provided for under a clause which appears in those "Principles" for the registry of special cases.

1338. Would you have them registered as physicians?—Certainly as physicians in the country, though not in London; I am speaking hypothetically; I should say that they must be registered; they are physicians in the country, and I cannot conceive that any law would ever be passed by the Legislature that should take from them that which they had once legally obtained.

1339. Do you propose that they should not become fellows or associates until, with those testimonials of character and professional qualification, they submitted to such an examination as the censors shall require, and to the payment of the fee of 25 *l.*, exclusive of stamp duty?—I have said, that if enrolment in the College of Physicians be made a necessary qualification for registration, the terms of the clause in question must, in my opinion, be considerably altered.

1340. With regard to the licentiates, what date do you propose to retain in article 5?—I should think that if these "general Principles" were carried into effect, every properly qualified physician who comes up to the age which the College requires of 26 years, ought to be admitted and enrolled as a member of the College of Physicians previous to his registration.

1341. In article 5 it is proposed to admit as fellows and associates physicians who have been practising in England, and who have taken degrees in British universities since a certain date, without requiring them to undergo any examination before your College; what is your opinion as to the justice of the preceding proposition; namely, requiring the extra-licentiates to undergo such an examination who have been already examined before your College, while, in the second case, in article 5, you are admitting persons to be fellows and associates who have never undergone any examination at all in your institution?—But it is supposed that they have undergone an examination before the universities, which some extra-licentiates have not. They may have been examined both by the university and the college of the country in which they have graduated.

1342. But having already examined the extra-licentiates at your own College, and having admitted, by passing them and granting them a license, that they are qualified to practise, why do you demand that they should undergo another examination, in order to become fellows or associates, and to receive the usual privileges of that class?—Before the Committee of last year, I endeavoured to explain the whole subject relating to the extra-licentiates; I suppose it is not necessary to trouble the Committee with that again; but I may say so much as this, that the College certainly does not approve of the manner in which, some years ago, some extra-licentiates obtained their licenses. The examination mentioned in that clause was by no means intended to be required of all; but only if it appeared from the testimonials of character, and of professional qualification, that they were not such as would satisfy the College requirements, that then it should be in the power of the censors' Board to superadd an additional examination if they thought proper. It is clear that that never could be intended to be applied to *all* extra-licentiates, because many of them are graduates of universities, and would come under clause 5.

1343. Have you held any communications with the extra-licentiates on the subject?—I have received many private letters, and where I have had an opportunity I have endeavoured to explain the misapprehensions that have existed

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on the subject; but, as I said, these clauses are not yet settled. I have also ventured to express my own private opinion that these restrictions must be very much modified, to bring them into accordance with the "Principles" which have been proposed.

1344. Has the governing body of the College at this moment finally settled what they desire to be the provisions of their own charter?—It has not.

1345. Do you approve of the constitution of the council which you have suggested in the "Principles"?—I do.

1346. Do you think that it would receive the confidence of the profession?—It is my opinion that it would do so.

1347. Has any doubt been expressed that it would possess the confidence of the College of Physicians?—None has reached my ears.

1348. If that be the case, do you believe that, provided the Act passed, the governing body of the College would object to leave the settlement of the details relative to the government of your College to such a council?—I hardly know what points are intended to be included in that question, as being such as the College would like to leave to the council. The first settlement of the charter the College would not, I suppose, wish to be left to the council, but that the council, when established, should see that the profession was regulated according to the provisions of the different charters.

1349. The question is put specially with reference to the internal distinctions in your College, and also with reference to your curriculum of education, as well as with reference to the testimonials which are to be demanded from candidates for examination?—I think that after these have all been settled upon a scale in accordance with the views of the College of Physicians, the College of Physicians would then have no objection that any fresh bye-law should require the sanction of the council; but the College would not be prepared at the present moment to submit to any other body a question that might involve by possibility any lowering of the standard which it has required for the qualification of physicians.

1350. When do you suppose the College will have settled its own views?—I cannot assign the time; we wait for answers explanatory of the feelings of the physicians about the country upon the subject.

1351. Are you prepared at the College to modify your plans according to the feelings expressed by the physicians generally?—Certainly with regard to the admission of physicians in the first instance, but not as to the standard of education; perhaps the Committee will allow me to say a few words on that subject, inasmuch as I think it connected with that which the College of Physicians believes to be its most important office; more than 300 years ago, the College of Physicians was founded for the regulation of the whole profession; many parts of that duty have passed out of its jurisdiction,—whether properly or not may admit of a question; but it is clear that they cannot be recalled, and I believe ought not to be recalled; nevertheless, the College of Physicians does think that it is its duty to keep up a high standard of education for the Order of Physicians; and I am the more desirous of saying a few words upon this point, because in the course of the examination which took place last year, I saw that certain arguments were adduced against the requirements of the College in some respects, particularly as to its requiring the age of 26 years; whereas in Scotland physicians are or were made at the age of 21; an argument against it, I perceive, was used of this kind, that as in other professions, particularly the legal profession, university education, high attainments in literature and other knowledge, are found to be of advantage, and persons seek for them, why will not they do so if they are of advantage in the medical profession, it was asked, without any strict requirement to that effect? Now, as I believe this argument to be founded on an entire misapprehension of the nature of the medical profession, I was anxious to be allowed to say a few words upon it; I believe that in the medical profession the connexion between merit and success is not quite so plain as it is in the legal profession and some other professions; and as I have never met with that point so well explained by any body as by Lord Bacon, perhaps I may be allowed to quote his words,—from his work on the Advancement of Learning, he says, "The lawyer is judged by the virtue of his pleading, and not by the issue of the cause; the master of the ship is judged by the directing his course aright, and not by the fortune of the voyage; but the physician hath no particular acts demonstrative of his ability, but is judged most by the event, which is ever but as it is taken; for who can tell, if a patient die or recover, whether it be art or accident? and therefore

therefore many times the impostor is prized, and the man of virtue taxed; nay, we see the weakness and credulity of men is such, as they will often prefer a mountebank or witch before a learned physician;" therefore I say, that the connexion between merit and success is not so plain in the medical profession as in some others, and that we require more than any other profession to have the strictest regulations as to the education of the members of the profession, in order that they may not seek success by any unworthy means.

1352. Do you consider that Lord Bacon's description applies to surgeons?—I consider that it applies to the medical profession generally, and that you ought to have all the branches of the profession educated as highly as you can; but as you cannot have all educated so highly as you may have some, that it is for the good of the profession that certain Orders should be educated more highly than others.

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1353. *Chairman.*] YOU are the President of the Royal College of Surgeons of England?—I am.

1354. Were you a member of the conference that was held between the Committee of the Royal College of Surgeons of England and the Royal College of Physicians and other bodies, with reference to the adjustment of some scheme for the general regulation of the profession?—I was.

1355. You had several conferences, I believe?—Yes; I should think a dozen or more.

1356. Were you present at most of them?—At all of them.

1357. They agreed upon certain principles as given upon a paper which is called "Principles," and which was communicated by their direction to the Secretary of State for the Home Department?—Exactly.

1358. We have had those "Principles" produced before us; they refer to a certain charter prepared for the College of Physicians, for example, and to another charter proposed for a new Corporation of General Practitioners, and also to a charter for the Royal College of Surgeons; were those charters, or the drafts of those charters, or some of them, specially under the consideration of the conference, with respect to their terms and conditions?—The draft of the College of Physicians had been seen, I imagine, by every member of the conference, but it was not specially examined by the conference; it was considered to be only in a state of preparation. The draft of the College of Surgeons is a public document, that is to say, the existing charter. The draft of the charter to be granted to the Society of Apothecaries to be embodied under the name of the College of General Practitioners, was read; but it was read in the abstract, and considered as an unfinished performance; and at the last meeting of the conference it was decided that the charters of each of the three bodies respectively should undergo examination at the next meeting, which is to be held in the course of next week, I think, on Thursday.

1359. Then you have not yet met for the purpose of considering what ought to be the terms and conditions of any of those charters?—No; but I should observe that a good deal of conversation and discussion has taken place upon some points of those charters, and that it is in consequence of some differences of opinion that were expressed with reference to certain points, that it was determined that they should be examined severally and attentively before further proceedings.

1360. You mean the draft of the charter proposed to be taken by the College of Physicians; the draft of the charter proposed to be taken for the General Practitioners, and the actual charter which exists in the Royal College of Surgeons?—Exactly.

1361. Now, as these "Principles" refer particularly, so far as they touch upon registration, to those charters, as they shall afterwards be adjusted, the Committee feel a difficulty in ascertaining what in that respect can be considered as settled by the "Principles" at all; because in referring to the charters to be adjusted, the explanation of them depends upon the terms and conditions of those charters as they shall be adjusted, and upon what is proposed to be conceded in those "Principles"?—I understand your observation, and, in point of fact, perhaps there may have been a little prematureness, and it was therefore felt to be of much importance that those charters should undergo examination; that the "Principles," as they have been propounded there generally, may be

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taken presumptively as conforming to the understood basis of the several charters.

1362. The Committee understand, of course, that they indicate a strong wish on the part of the bodies who have had that meeting and conference to arrange a charter so as to meet the views of the parties who contemplate a general system of medical regulation?—Certainly.

1363. Would you be good enough to tell the Committee what you consider to be in reality settled by those "Principles"?—In point of fact, nothing can be considered as settled; they are propounded for the consideration and the approval or otherwise of the three several bodies, the council of the College of Physicians, the council of the College of Surgeons, and the council of this third body must each and all approve of the propositions, which are numerous, and are stated here to be the "Principles."

1364. The Committee wish to ask what you consider the conference as having agreed upon and as having settled or recommended by those "Principles"?—I think, so far as they go, all the points may be considered to have met with the entire approbation of the conference.

1365. That a charter of incorporation should be granted to the general practitioners?—Exactly.

1366. "That a council should be established to superintend the registration of all medical and surgical practitioners, and for the general control of medical education and practice?"—Yes.

1367. That a register should be made and furnished of all medical practitioners?—Yes.

1368. Then they propose certain points with respect to reciprocity of practice?—Yes.

1369. And certain points to be placed under the council to be made effectual by bye-laws?—Yes.

1370. And a mode of remedying and preventing abuse by penalties and prosecution more effectually?—Yes.

1371. But with respect to the terms in which the charters are to be taken with relation to the general body, all is matter for adjustment?—I do not think it is quite fair to put it as all; I think there are some two or three unsettled or moot points which have to be discussed and considered as regards the charters.

1372. You mention that there are points remaining for discussion in the conference touching the terms and conditions of the different charters; will you be good enough to state to the Committee whether those points do or do not, to any great extent, refer to matters that touch the qualification of parties to be registered either as physicians, as surgeons, or as surgeons and general practitioners?—So far as my recollection serves me, they do not touch those points, or certainly not materially.

1373. The Committee have got before them the "Principles," the charter proposed to be taken by the college of Physicians, and the charter of the College of Surgeons, and very perfect notes of the Charter which is proposed to be taken by the body of general practitioners; will you be kind enough to explain to the Committee, with reference to those papers, where they are to look for the matters which may touch the qualification of medical practitioners to be registered as belonging to one or other of the classes mentioned there?—I think there is nothing more than what this paper contains, which is, of course, in general terms as to the qualifications for registration, and the class in which persons should be registered, whether, for example, as surgeons or surgeons and apothecaries.

1374. This paper provides that parties should be registered as General Practitioners who are enrolled as members of the Royal College of General Practitioners; is the right of enrolment as a member of the Royal College of General Practitioners to depend upon the terms of the charter to be granted?—Yes.

1375. Then, the Committee cannot understand what is proposed to be the qualification for being registered as a General Practitioner until they know the terms and conditions of the charter to be granted to the body of general practitioners?—No, I think it is fundamental, and I think it was felt to be so by the conference generally; the truth is that a promise was given that a charter should be put in, as it was proposed to be drawn by this new body at the next meeting, which is to take place next week; it was felt important, as it

was

was fundamental, that those points should be well cleared and understood; we understand, of course, that a member of the New College would be equivalent to a member of the Apothecaries Society, and it is upon that basis that we have hitherto legislated.

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1376. Do you think it likely that before Easter you will have made such progress with the conference as to have adjusted, to some definite extent, the terms and conditions of those charters?—I think it might be done as far as relates to the conference.

1377. Mr. *Grogan.*] Have you had any communication with the medical gentlemen of Ireland on this subject?—I have had a communication with a gentleman in Scotland.

1378. But not in Ireland?—Not in Ireland.

1379. Mr. *Wakley.*] Did you approve of the establishment of another College?—That is really more a matter of taste for the General Practitioners, as they are now to be termed; we have less to do with that; whether they will remain as they are, the Society of Apothecaries, or whether they will form a College of their own, is more a matter for their consideration; we should have been content, I mean to say, to work on with the Society of Apothecaries; but those gentlemen seemed to prefer a distinct enrolment of their class in a College, and gave what appear to be substantially good reasons for their desire so to be enrolled.

1380. Were they apothecaries chiefly who made the proposition to you, or were there any eminent members of your College among them?—They were the members of the conference; the only parties with whom we have had communication were two gentlemen deputed—both I believe general practitioners—by the institute, or whatever name it bears, the Association of General Practitioners, to meet us, and who, I believe, have been one or both before this Committee.

1381. Are you aware that the great body of the profession are members of your College?—Yes.

1382. Do you know what number of members you possess?—Not exactly; many thousands.

1383. Eleven thousand or twelve thousand?—I should think as many as that.

1384. How many fellows have you altogether?—Six hundred, I think, was the number of nominated fellows.

1385. The fellows constitute your electoral body?—Exactly.

1386. Would you object, or do you believe that the council would object, to enlarge the electoral body and bring the members generally more closely in connexion with the government of the College?—I do not know how the members of the council might feel individually, but I think the general feeling of the council would be against the enlargement of the electoral body and the extension of the franchise beyond that which it is now; namely, about 700, including those who have been elected since the nominations.

1387. Are you aware that if a College of General Practitioners were instituted, in conformity with the principles of which you have expressed an approval, the electoral body would be much more than 10,000?—Yes; and it was with reference to that point especially that a difference existed in the conference, and which I think mainly led to a desire to examine the several charters.

1388. Then you believe that the council would be hostile to the enlargement of the electoral body?—I think they would to an open election; or an election by a larger number than what may be computed to be the aggregate number, allowing for elections yet to come, because all fellows will of course be electors.

1389. Are you aware that it is the exclusion of the great body of members from the right to participate in the election of the governing body which has led to so much discontent in the profession for many years?—I believe that has been a principal ground of complaint.

1390. Sir *R. H. Inglis.*] In reference to the last answer, will you be pleased to state to the Committee what gentlemen have contributed to the expenses of the Royal College of Surgeons of England, either by fees under examination, or by annual or other contributions; and whether, in point of fact, the offices of the College have not been reserved for those who have contributed to the expenses of the College; I refer to pecuniary contributions; we understood,

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last year, that the offices of the College were held by those who were members of the College, and that none but members of the College, who had contributed to your library, and to the magnificent collection called the Hunterian Collection, were eligible to receive office under the College; is that the case?—It is not the case that pecuniary contribution gives any advantage, or any superiority—none whatever; we are all upon the same footing in that respect.

1391. Are the Committee to understand that a member of the Royal College of Surgeons of England and a Fellow of the Royal College of Surgeons, and a member, a surgeon in Cornwall or in Cumberland, are equally eligible to the honour of the profession, as represented by the Royal College?—The members are equally eligible to the honours, such as they are, of fellowship, if they choose to conform to the regulations for becoming candidates, and undergo a successful examination; they are then eligible on stated terms to the highest honour the president's chair can furnish, and in that respect we are all upon the same footing.

1392. Under the old charter, was that the case?—No, it was then a selection; I do not know whether by any thing else but usage, but the selection fell often and naturally upon gentlemen who were not only established in London, and confining themselves to the practice of surgery, but connected with some of the larger hospitals and leading medical establishments.

1393. But at present there is perfect access from every part of the kingdom to the Royal College of Surgeons, and perfect eligibility?—There is perfect eligibility to the fellowship, but not perfect eligibility to the council: a man, for example, must have nothing to do with the practice of pharmacy to take a seat in the council.

1394. Mr. Wakley.] Have not the funds of the college, with the exception of the fractional part which is contributed by the fellows, as fellows, been derived from the members of the College?—Certainly.

1395. Supposing the proposed new College to be instituted, and the system of registration adopted, which has been proposed in the "Principles," is it your intention that individuals who in future may obtain the diploma of your College, are to derive no other right from the possession of those diplomas than merely that of going for an examination before the College of General Practitioners, with a view to acquire a license to practise as general practitioners?—We do not contemplate any thing further, as regards the general body of our members; but we think that the general good which should always be, and is no doubt here the paramount object of consideration, would be kept in view, and would be promoted by a member of our College being examined by the College of General Practitioners, and *vice versa*; and that he would be then more securely and certainly fitted to perform the duties of a general practitioner.

1396. How is he to be registered?—He is to be registered as a general practitioner.

1397. He is not to be registered as a surgeon?—Yes, a surgeon and general practitioner.

1398. Is he to be registered as a surgeon?—Yes, as a surgeon and general practitioner.

1399. That is distinctly understood?—I believe so; I perfectly understand that he is to be a surgeon and general practitioner, having passed both Colleges.

1400. Chairman.] And not to be registered at either till he passes both?—Exactly.

1401. Mr. Wakley.] And not to be registered at all until then?—No.

1402. Therefore he would acquire no right to practise either as a surgeon or apothecary until he had undergone both examinations?—No, certainly not.

1403. Do you consider that you would thereby lower the professional rank of a Fellow of the College of Surgeons?—No; so far as the rank depends upon the degree, we mean certainly to confer an honour by the fellowship.

1404. Do you carry your examination for a fellow to a higher point than you deem sufficient for the protection of the public, in the discharge of his professional duties?—Perhaps we do higher than may be considered, in a practical sense, necessary.

1405. In what branches of the profession do you carry that examination higher than the point to which I have referred?—We examine the fellows more minutely in anatomy, in physiology, in surgery, and in pathology, than we do the members.

1406. Do you consider that you demand from a fellow more than he really ought to know as a practical surgeon?—I think we demand more than it would be absolutely necessary for him to know as a practical surgeon, but not more than he ought to know as an accomplished surgeon.

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1407. *Chairman.*] You demand from a member what you think he should certainly possess?—Exactly.

1408. What you require from the fellow is something above that, not adjusted exactly by necessity, but by that of which you think he ought to be master?—Certainly.

1409. *Mr. Wakley.*] Do you think that your examinations of members are carried sufficiently far to prove their competency to the discharge of the duties of their profession?—I should say, yes.

1410. Do you think it is for the advantage of the profession generally that you should confer a greater distinction upon mere accomplishment, as you term it?—I think it must be for the advantage and respectability of any profession that there should be an object for the ambition of such men, as have the time, the talent and the inclination, to take a high walk in their profession.

1411. But in conferring an honour upon a few, are you not rather casting a slur upon the great body of your members?—Not, I think, provided the fellowship or the honour be the result of examination; but your question refers to such as are not so tested; I am willing to admit that was a difficulty with which we had to contend.

1412. Until the charter of 1843 was granted, were there such distinctions in the College as you have described?—No.

1413. Did not the most exalted men the profession has known rise to the highest eminence without such inducements as that charter has held forth?—Yes; but it is possible that a larger number of such men would have been met with if that inducement had existed before; I should find it very difficult to express the high opinion I entertain of the institution of the degree of fellow in its future working.

1414. You believe that it is a degree advantageous?—Infinitely so.

1415. Do you expect to have a great increase in the number of fellows under the proposed arrangement?—I think it will be gradual; until after the year 1850 the experiment will hardly be fairly tried.

1416. Suppose a College of General Practitioners should be established, do you think that it would induce a greater number to become fellows?—I think it is most probable.

1417. Will you state whether that is the opinion generally entertained by the council?—That I do not know; I do not feel competent to say.

1418. Would you object to the new College having the title of "College of Surgeon-Apothecaries?"—No; I think it would be better, and have more meaning.

1419. Is it understood that the examinations before the authorities of the proposed College are to be anatomical and surgical?—No.

1420. Are they not to conduct examinations in surgery?—No, certainly not; decidedly not; it will be a *sine quâ non* with us that they do not examine in surgery; it has been so admitted in our conference; that is one of the points of detail which has to be finally adjusted; but in so far as our conference has proceeded, it has been admitted, to my understanding at least, I speak for myself, that the examinations in anatomy and surgery are with us, and the examinations in the institutes or practice of medicine, materia medica and pharmaceutics are with them.

1421. That is an explanation of the remark you made a short time since, that the new society would probably remain apothecaries; you would consider that they would remain a body of apothecaries, or in other words, that they would not discharge, as a corporate body, the functions of surgeons?—They must be members of the College of Surgeons, and therefore they will become surgeon-apothecaries.

1422. But you, speaking as the President of the College of Surgeons, distinctly understood at the conference that they were not to conduct examinations in anatomy and surgery?—Decidedly so.

1423. Will you go so far as anatomy?—No; I take the liberty of qualifying that, to a certain extent; a man must examine in anatomy who examines in medicine;—the same observation will, with a certain reservation, apply to some parts of surgery; there are cases that lie in the debateable land between us;



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I need not cite such cases as the medical man on the one hand, and the surgeon on the other, will rightfully retain; and therefore there must be some matters which we should consider have a surgical bearing that will come under the consideration of the College of General Practitioners.

1424. At the conferences was the question mooted at all relative to any alteration in your own charter, or was it understood that the charter is to remain as it is at present constructed?—It was agreed that all the charters should be submitted for consideration; no more than that.

1425. Was the agreement amongst you unanimous with reference to the council which you have recommended should be adopted in the "Principles?"—Yes, I think on all the points we are unanimous.

1426. Are you disposed to give that council great powers?—This, of course, would give them great power; they would have to regulate the co-operation of the professional bodies; they would have the registration; they would have the superintendence of the bye-laws of the different bodies, and therefore have a great deal in their hands; but of that council two-thirds, you will observe, are members of the profession.

1427. Would you object to leave to such a council the government of the internal arrangement of your colleges; with regard to your internal distinctions, for example?—I think we should not like to be treated as cyphers; we should like to have our fair weight in the decision. It must be presumed that we are more competent to judge, provided our self-love is checked sufficiently by a due weight in the opposite scale.

1428. If you approve of the constitution of the council, would not you readily believe that it would be guided in its decisions, in a great measure, by the recommendations which would come from such eminent men?—I have not the least doubt of it.

1429. The question is asked more with reference to future legislation, because there appear to exist insurmountable difficulties to the settlement of the mere matters of detail?—I am quite aware of that.

1430. Has any draft Bill been prepared by the conference with a view to submitting that Bill to the Legislature?—Nothing further than those principles, which were originally only intended for private circulation, and for the consideration of the Secretary of State.

1431. The Committee is to understand, from the answers which you have just given, that your own charter, as well as the drafts which have been proposed, is to be brought under the consideration of the conference at its next meeting?—Certainly.

1432. *Sir H. Halford.*] Is the Committee to understand you to say that you think there would be an objection on the part of the College of Surgeons to the general practitioners exercising an unfettered right of examination in surgery?—Undoubtedly; I am quite sure, a decided objection.

1433. Upon what would that objection be founded?—That it would be rendering neutral, or at least superseding our vocation.

1434. Their examination would be subject, I presume, to the superintendence of the general council?—Undoubtedly, each would, I imagine.

1435. But even subject to that superintendence, you think that it would be objectionable?—Oh, certainly, inasmuch as it would be going out of their province, and would be decidedly invading ours.

1436. A former witness considered it to have been agreed by the President and Vice-Presidents of the College of Surgeons, that the examination in general should be as large and as unrestricted as the one instituted for the Fellowship of the College of Surgeons?—That I am perfectly at a loss to account for.

1437. The answer was, "It was stated that we shall take the unfettered right to examine in medicine and surgery, and the answers to any objections would have been given, but in fact no objections were made by the College of Surgeons, inasmuch as the diploma granted by the College of General Practitioners would be a general diploma of competency, and not a special diploma in any particular "branch"?"—That is assuming altogether a different position; we should not concede to them the right of examination as to general competency; it is quite so understood by us, and I cannot imagine how that could have been stated; we should certainly insist upon our exclusive right of examination in surgery proper.

## A P P E N D I X.

DRAFT CHARTER of the ROYAL COLLEGE of GENERAL PRACTITIONERS of  
*England and Wales.*

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland,  
Queen, Defender of the Faith;

To all to whom these presents shall come, Greeting:

WHEREAS there are many persons practising the Medical Profession in England and Wales, not being of the degree of Physicians, who combine the practice of Medicine, Surgery, Midwifery and Pharmacy: AND WHEREAS all persons, other than Physicians, who are desirous of becoming duly authorized by law to practise Medicine, Surgery and Pharmacy in England or Wales are required to present themselves before the Royal College of Surgeons of England, for examination as to their fitness and capability "to exercise the art and science of Surgery;" and such persons (if they were not actually practising as an Apothecary on the 1st day of August 1815, or have not acquired the right of practising as an Apothecary by virtue of an Act passed in the sixth year of the reign of King George the Fourth, intituled, "An Act to amend and explain an Act of the 55th year of his late Majesty, for better regulating the Practice of Apothecaries throughout England and Wales"), are also required to present themselves before the Court of Examiners of the Master, Wardens and Society of Apothecaries of the City of London for examination as to their "skill and abilities in the science and practice of Medicine," and their fitness and qualification to practise as an Apothecary, "and such persons, upon obtaining the diploma of the said Royal College of Surgeons, are authorized to practise the art and science of Surgery," and upon obtaining a certificate of qualification to practise as an Apothecary from the Court of Examiners of the said Master, Wardens and Society of Apothecaries, are entitled to practise as an Apothecary: AND WHEREAS very many persons who have obtained such diploma and certificate of qualification, practise the art or science of Midwifery; but no adequate provision has hitherto been made by law for ascertaining the skill and abilities of those who practise the said art or science: AND WHEREAS persons not being of the degree of Physicians, who have obtained such diploma as aforesaid, and have also obtained such certificate of qualification as aforesaid, or are otherwise authorized by law to practise as an Apothecary, are known to the law as Surgeons and Apothecaries, and have also been heretofore commonly known and designated as "Surgeon-Apothecaries," and have been of late years better known and distinguished by the name and title of "General Practitioners:" AND WHEREAS the necessities of a large portion of the population of England and Wales imperatively require the existence of a well-educated and numerous class of persons competent to practise all branches of the Medical Profession, and to minister to the sick in all emergencies: AND WHEREAS, in order the more effectually to promote and encourage the study of Medicine, Surgery and Midwifery, and to provide an adequate supply of such well-educated and well-qualified Medical and Surgical attendants for all classes of the population in England and Wales, it appears to us expedient that the Surgeon-Apothecaries, or General Practitioners, should be united into one body politic and corporate, with power to appoint a Court of Examiners to examine all persons who shall hereafter desire to practise as "Surgeon-Apothecaries," or "General Practitioners" in Medicine, Surgery and Midwifery, and in the sciences connected therewith, and to grant or withhold letters testimonial of the fitness and qualification of such persons to practise as General Practitioners in Medicine, Surgery and Midwifery: AND WHEREAS it has been represented to us that there are now practising in England and Wales as Surgeon-Apothecaries, or General Practitioners, divers persons who have obtained the diploma of the College of Surgeons of England, but who have not obtained a certificate of qualification to practise as an Apothecary from the Court of Examiners of the Master, Wardens and Society of Apothecaries, and are not otherwise authorized by law to practise as an Apothecary in England or Wales, and divers other persons who have obtained such certificate of qualification as aforesaid, or are otherwise authorized by law to practise as an Apothecary in England or Wales, but who have not obtained the diploma of the College of Surgeons of England, and are not otherwise authorized by law to practise the art of Surgery in England or Wales, and divers other persons who are not authorized by law to practise either as Surgeons or Apothecaries in England or Wales, but who are legally authorized to practise either as Physicians, Surgeons or Apothecaries in some other part of the United Kingdom, and it appears to us expedient that such several persons should, under certain restrictions hereinafter expressed, be admitted into the said body corporate: AND WHEREAS our trusty and well-beloved  
of  
now lawfully practising as Surgeon-Apothecaries, or  
General Practitioners, have by their Petition humbly besought us to grant to them and to  
such

such other persons as are hereinafter in that behalf mentioned, our Royal Charter of Incorporation for the carrying into effect the purposes aforesaid: Now KNOW YE that WE of Our especial grace, certain knowledge and mere motion have willed, ordained, constituted and granted, and by these presents, for us, our heirs and successors, Do will, ordain, constitute and grant unto the said \_\_\_\_\_ and \_\_\_\_\_

in manner following; (that is to say)

1. The said \_\_\_\_\_ and \_\_\_\_\_ and the other Members of the Council hereinafter named, and the President hereinafter named, and also every person qualified as hereinafter provided, who, within the times respectively for that purpose hereinafter limited, shall cause his name to be enrolled as a Member of the College hereby constituted, or who shall at any time hereafter be chosen as hereinafter mentioned, shall be incorporated into one body corporate and politic, by the name of "The Royal College of General Practitioners of England," and by that name shall have perpetual succession in all time coming, and shall and may sue and be sued, plead and be impleaded, in all Courts and before all Justices and others.

2. The said body corporate or College shall and may have and use a Common Seal for their affairs, with full power from time to time, at their will and pleasure, to break, alter or make anew the same.

3. The said College shall provide and have a Common Hall in London or Westminster, or elsewhere, in the County of Middlesex, and shall at all times hereafter be capable in law to buy, take, hold and enjoy for their own use, any hereditaments, so that the yearly value of the whole thereof do not exceed 5,000*l.* sterling, at the time or several times of acquiring the same, and from time to time to sell, exchange, demise and mortgage such hereditaments at their will and pleasure.

4. The said College shall consist of an unlimited number of Members, and shall be governed by a President, three Vice-Presidents and a Council, and the several persons hereinafter named as the first President and the first Council shall be the first members of the said College.

5. Every person who was actually practising as an Apóthecary on the 1st day of August 1815, or who, before the grant of these our Letters Patent, shall have acquired the right of practising as an Apothecary, by virtue of the Act of the sixth year of the reign of King George the Fourth hereinbefore mentioned, and also every person who, before the grant of these our Letters Patent, shall have obtained a certificate of qualification to practise as an Apothecary from the Court of Examiners of the Society of Apothecaries of the City of London, and also every person at the date of these Our Letters Patent actually practising as a Surgeon or Apothecary, or Practitioner in Medicine, Surgery or Midwifery in England or Wales, being a Fellow or Licentiate or extra-Licentiate of any one of the Royal Colleges of Physicians of England, Scotland or Ireland, or a Fellow, Member or Licentiate of any one of the Royal Colleges of Surgeons of England, Scotland or Ireland, or a Member of the Faculty of Physicians and Surgeons of Glasgow, or a Doctor or Bachelor in the Faculty of Medicine of any University of the United Kingdom of Great Britain or Ireland, shall be entitled at any time within 12 calendar months next after the grant of these Our Letters Patent, if at the date thereof he shall be resident in the United Kingdom, but if not resident therein at such date, and not of the class hereinbefore required to be actually practising in England or Wales at such date, then at any time within two years after the grant hereof, to cause his name to be enrolled as a Member of the said College on payment to the said College of the fee of \_\_\_\_\_ for the use of the said College, and on being so enrolled, he shall become a Member of the said College and body corporate.

6. The names of all the persons entitled to enrol themselves as Members by virtue of any of the foregoing qualifications, who within the first calendar month next after the grant of these Our Letters Patent shall severally signify in writing under their hands, addressed to the Registrar of the said College, at the Common Hall thereof, for the time being, their desire of becoming Members of the said College, shall, within the calendar month next ensuing the end of such first month, be set forth in a schedule to one general diploma under the seal of the said College, which diploma and schedule shall be enrolled in our High Court of Chancery within two calendar months after the seal of the said College shall have been affixed thereto, and the order of the names contained in the said schedule shall be according to the priority of the dates of the several qualifications by virtue of which each person shall have been admitted a Member of the said College, without discrimination of the several kinds of qualification hereinbefore enumerated, and in all cases in which the order of precedence of any names shall appear to the Council of the College to be doubtful according to the foregoing rule, the doubtful matter shall be settled by the Council either by lot or in such other manner as to the Council shall seem expedient.

The names of all the persons entitled to enrol themselves as Members by virtue of any of the foregoing qualifications, who, in the course of the second and every following calendar month until the end of the 12th calendar month after the grant of these Our Letters Patent, shall signify their desire of becoming Members as aforesaid, shall within one calendar month from the end of each such month, be set forth in like manner in schedules to successive general diplomas of the like kind, each containing the names of all the applicants of that month, and each of which shall be enrolled in like manner in our High Court of Chancery within two calendar months after the seal of the College shall have been affixed thereto, and the order of the names contained in each schedule shall be settled in like

like manner as is provided respecting the names in the schedule to the first general diploma.

7. Every person entitled to enrol himself as a Member by virtue of any of the foregoing qualifications, who shall apply to be enrolled after the expiration of the said 12 calendar months, under favour of the extension of time hereinbefore granted to certain persons not resident in the United Kingdom at the time of the grant of these Our Letters Patent, shall be admitted by a special diploma, which shall recite the date of the qualification by virtue of which such person shall be admitted a Member, and the cause of the postponement of the grant of such diploma.

8. The admittance of every other Member shall be by separate diploma, under the seal of the said College, in such form as the Council of the College shall from time to time think fit and direct, which several diplomas shall bear date respectively at the several times when the same shall be granted.

9. Except as hereinbefore and hereinafter mentioned, no person shall become or be admitted a Member of the said College until after he shall have attained the age of 22 years, and shall also have complied with such rules and regulations as the Council of the said College shall from time to time consider expedient, and by a bye-law or bye-laws direct, nor unless he shall have passed such special examination or examinations as the said Council shall from time to time, by a bye-law or bye-laws, direct to be undergone by candidates for admission into the said College; but every fit and proper person having attained such age, and having complied with such rules and regulations, and passed such special examination or examinations, shall be entitled to be admitted a Member of the said College.

10. The fee to be paid on the admittance of every such new Member as last aforesaid, shall be any such sum, not exceeding the sum of \_\_\_\_\_ as the Council of the said College shall from time to time fix by a bye-law.

11. The Council shall have full power, from time to time, to admit into the said College as Members thereof, without examination, but on payment of the same fee as shall be payable by those admitted after examination, any of the persons following; (that is to say) Doctors or Bachelors of Medicine who shall have obtained such degree from any University in the United Kingdom entitled to grant degrees; Graduates or Licentiates in Medicine of the several Universities of Oxford and Cambridge, and Members of the Royal College of Physicians in London; provided nevertheless that in all these cases the candidate for admission shall have attained his age of 22 years, and shall be able to adduce evidence satisfactory to the Council that he has been engaged for at least five years in a course of professional study, embracing all the subjects in which an ordinary candidate for admission into the College would be examined, and also that the examination which he underwent for his degree or licentiatehip was of a standard at least as high as that of the examination imposed by the College of General Practitioners on ordinary candidates.

12. Where several diplomas shall be granted, bearing date on the same day, or as regards special diplomas reciting qualifications of the same date, such diplomas shall be numbered under such regulations as the Council may think fit, in order to show the order and priority of such diplomas among themselves.

13. The Council of the said College shall cause the name of every Member for the time being of the said College, and such other particulars concerning such Members as the Council shall think it desirable to register to be entered according to their respective seniorities (to be determined as hereinafter mentioned) in a book or register to be kept for that purpose at the Common Hall of the said College, or such other place for the time being as the said Council shall direct; and such book or register of Members shall at such times and subject to such reasonable regulations as the Council for the time being shall direct, be open to the inspection of any Member of the said College, at the said Common Hall or such other place as aforesaid.

14. The President hereinafter named shall be entered first in such book or register; the three Vice-Presidents to be named by the Council as hereinafter mentioned, shall be entered next after him in the order in which they shall be so named; then the Members of Council hereinafter named, except the three Vice-Presidents, in the order in which they are hereinafter named; then such of the Members of the College as shall be admitted by general diplomas, each of such Members to have priority according to the date of his general diploma, and according to the order of his name in the schedule to such general diploma; then such of the Members of the College as shall be admitted by special diplomas, each of such Members to have priority among themselves according to the date of his qualification recited in his special diploma, or the number of such special diploma, as the case may be; and lastly, such of the Members as shall be admitted by ordinary diplomas, each of them to have priority among themselves, according to the date or number of his diploma; and the precedence and standing of every Member of the said College shall be regulated by the order of his entry on the said book or register.

15. The Council of the said College shall consist of 48 of the Members of the said College, of whom 24 shall reside within 10 miles by highway or road from the General Post-office, in the City of London, and such 24 shall be called "Resident Members of the Council."

16. A. B. shall be the first President of the said College, and shall continue as such President until the second Wednesday in the month of August, in the year 1851, and thenceforth until his successor shall be elected as hereinafter provided, and he shall then go out of office, but shall be forthwith re-eligible.

17. C. D. &c. shall be the first resident Members of the said Council, and E. F., &c. shall be the first other Members of the said Council, and the said resident and other Members shall all continue of the Council until the several days and times hereinafter mentioned, and until the successors of those who shall then be the Members to go out of office shall be elected; and on the second Wednesday in the month of August in each of the years 1851, 1852 and 1853, one-third of the resident Members, and one-third of the other Members of the said Council hereinbefore named, shall go out of office in the order in which the Council shall in each of such years appoint among themselves, and shall not be re-eligible on the Council until the year following that in which they shall so go out of office.

18. The President and Council shall be hereafter elected by a majority of the votes of the Members of the College for the time being, and the Members shall be entitled to give their votes, either personally or by proxy, in writing, according to such regulations as the Council shall establish by any bye-law.

19. On the second Wednesday in the month of August in the year 1851, and on the second Wednesday in the month of August in every third succeeding year, the Members of the College shall meet in the Common Hall for the time being of the said College, or in such other place as the said Council shall from time to time direct, and shall elect a President from those Members who are qualified to be elected President as hereinafter provided; and every President so elected shall continue to be President for three years, and until his successor shall be appointed, and shall then go out of office, but shall be forthwith re-eligible.

20. The Council for the time being shall nominate from time to time, in such order as they shall think fit, three Vice-Presidents from the Members of the Council, two of whom at least shall be nominated from the resident Members, and the Vice-Presidents shall continue to hold their office during the presidency of the President, in whose presidency they shall have been appointed, if they shall so long continue Members of the Council, and if not, their place shall be filled up by the Council; and in every case of the vacancy of the office of President in any manner other than by regular rotation, the first-named or senior Vice-President for the time being shall have all the powers of President, until another President shall be appointed.

21. On the second Wednesday in the month of August in the year 1851, and on the second Wednesday in the month of August in every following year, the Members of the College shall meet in the Common Hall for the time being of the said College, or in such other place as aforesaid, and shall elect from those Members who shall be qualified to be elected as hereinafter provided, eight persons to be resident Members, and eight other persons to be Members of the said Council; and every such Member so elected shall continue of the Council for three years, and until his successor shall be elected: Provided always, that each person who shall be elected as a resident Member of the Council, shall reside within 10 miles by highway or road from the General Post-office, in the City of London, during the whole of the said three years, or in default of his so doing he shall cease, *ipso facto*, to be a Member of the Council, but without invalidating any acts in which he may have concurred, after ceasing to be such Member.

22. No one shall be qualified to be elected President or a Member of the Council of the said College, unless at the time of such election he shall either have been for 15 years a Member of the said College, or unless he shall have possessed the diploma or license, by virtue of which he shall be a Member of the said College, for at least 15 years before the day of election.

23. Whenever any vacancy shall happen, either in the Presidency or among the Members of the Council, in any way other than by regular rotation as aforesaid, such vacancy shall be filled by the election (upon some early and convenient day, to be fixed by the Council for that purpose, of which notice shall be given to the Members in such manner as shall be regulated by the Council) of a substitute, instead of the person by whom the vacancy shall have been made, and every such substitute shall continue President or a Member of the Council, until the time when the person in whose stead he shall be chosen, would have gone out of office in regular rotation; and whenever such vacancy shall have been made in the Council by a resident Member, the substitute shall be a person qualified to be a resident Member of Council: Provided always, that any such substituted Member of Council who shall have been elected less than 12 calendar months before the time when the Member in whose stead he shall have been elected, would have gone out of office in regular rotation, shall be eligible for immediate re-election on the Council.

24. The Council shall meet on such days and times as they shall from time to time appoint, and also whenever they shall be summoned by the President. The Council shall not be competent to transact any business, or to pass any resolution, except for adjourning their meeting, unless 12 Members of Council at least be present; and at all meetings, the President, or, in his absence, the senior or only Vice-President present, or, in their absence, one of the Council, to be chosen by the majority of those present, shall preside, and shall put all questions to the Council; and the President, or any Vice-President or Member of Council

Council presiding, shall be entitled on every question, when the votes of the Members of Council present shall be equal, to give a second or casting vote.

25. Subject to the control of such general meetings of the Members of the said College as are hereinafter provided, the Council shall have the sole and entire management of the College, and of the funds and property thereof, and shall have power to make bye-laws, rules and orders for the regulation and government of the College, and of the Members and affairs thereof, and for the conduct of the candidates for admission into the College, and for directing the course of study to be followed, and the particulars of examination to be undergone by candidates for admission into the College, and for imposing reasonable penalties, fines and amerciements for non-performance of or for disobedience to the same bye-laws, rules and orders, and such bye-laws, rules and orders, penalties, fines and amerciements, or any of them, from time to time, to alter, change or annul, so that all and singular such bye-laws, rules, orders, penalties, fines and amerciements be not repugnant or contrary to the laws or statutes of this Our Realm, or to the provisions of these Our Letters Patent: Provided always, that until a change shall be made by the said Council, the course of study, and particulars of examination, shall be such as are now required of Members of the Royal College of Surgeons of England, and also of Licentiates of the Society of Apothecaries of the City of London; and that no change in such course of study, or particulars of examination, shall be made by the said Council, unless notice shall have been given at a previous meeting of the Council, holden not less than 14 days before the meeting at which the motion for such change shall be made, that at such meeting the course of study, or particulars of examination, as the case may be, will be taken into consideration, and the Registrar or Secretary shall forthwith send a copy of such notice to the President and to every Member of the Council.

26. The Council shall from time to time appoint, and at their pleasure may remove, a Treasurer, and a Registrar or Secretary, of the said College; and shall also appoint, and at their pleasure may remove, such other officers, clerks and servants as may from time to time be necessary for the service of the College, and shall prescribe their respective duties.

27. The Council shall annually appoint Examiners from among those who shall have been Members of the College for at least 10 years, or who shall have possessed for at least 10 years the qualification by virtue of which they were enrolled as Members of the College, but no President or Member of Council shall be eligible to be appointed an Examiner.

28. At all examinations, either the President, or one of the Vice-Presidents, or, in their absence, some Member of the Council, to be from time to time appointed by the Council for that purpose, shall be present, and shall preside, but he shall not interfere in the examination, or have any voice in the admission or rejection of candidates.

29. If it shall happen that any election of a President, or of any Member of the Council, shall not be made on the day hereinbefore appointed for that purpose, the said College shall not thereby be deemed to be dissolved, or the said Members disabled from proceeding to such election, but in every such case the person then filling the said office shall continue to fill the same until another person shall be appointed thereto; and the President or any Vice-President of the said College shall, in the manner to be prescribed by the said Council, call a meeting of the Members of the said College, who shall thereupon elect a person or persons to fill the said office or offices so vacant, in like manner as if such election had taken place on the day hereinbefore fixed for that purpose.

30. If it shall at any time hereafter appear that any Member of the said College shall have obtained his diploma by any fraud, false statement or imposition, or that either before or after obtaining such diploma he shall have been convicted of felony, or of having wilfully and knowingly given a false certificate in any case in which the certificate of a medical practitioner is required by law, or shall have wilfully violated any bye-law, rule or regulation of the said College, then and in every such case, and after such previous notice to, and such hearing of such Member, as under the circumstances of the case the Council shall think proper, it shall be lawful for the Council, with the concurrence of not less than three-fourths in number of the Members of Council present, at a meeting lawfully summoned for that purpose, to pass such censure or sentence of suspension against the person so offending as to the Council shall seem meet, or wholly to expel such Member from the College; and upon any such sentence of suspension or expulsion, such Member shall cease to be a Member of the College, either absolutely or for such time as shall be specified in the sentence of suspension; and all the privileges granted to such Member shall cease and be determined upon such expulsion, or during such suspension.

31. And Our will and pleasure is, that a general meeting of the Members of the said College shall be held within the space of six calendar months after the date of these Our Letters Patent, at such time and place as the Council shall appoint, for the purpose of considering and reviewing such bye-laws, rules and orders as shall be made before that time by the said Council, and of confirming, altering or annulling the same as to the said meeting shall seem expedient; and that afterwards an annual meeting of the said Members shall be held for the like purposes in the month of \_\_\_\_\_ in every year, at such time and place as the said Council shall direct, and that other general meetings may be held from time to time as occasion may require and the Council shall direct.

32. And We will, that at all general meetings the President of the said College, if present, and if not, the senior or only Vice-President present, or if they shall all be absent, some

Member of the Council to be chosen by the Members of the College present, or if all the Members of the Council shall be absent, some other Member of the College, to be chosen by the Members present, shall preside as Chairman.

33. Provided always, and it is Our further will and pleasure, that no bye-law, rule or order hereafter to be made by the Council, and approved by any general meeting of the said College, shall be of any force until Our approval thereof shall have been signified to the said College under the hand of one of Our principal Secretaries of State, or until the same shall have been otherwise approved in such manner as shall be directed by Us, with the advice and consent of the Lords Spiritual and Temporal, and Commons of Our Realm, in Parliament assembled.

IN WITNESS whereof, We have caused these Our Letters to be made Patent. Witness  
Ourselves at Westminster the \_\_\_\_\_ day of \_\_\_\_\_ in the  
year of our Reign \_\_\_\_\_

## ROYAL COLLEGE OF PHYSICIANS.

### DRAFT OF CHARTER.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith;

To all to whom these presents shall come, Greeting:

WHEREAS the Commonalty or Fellowship of the Royal College of Physicians in London have, by their Petition, humbly represented unto Us, that the said College was incorporated by Letters Patent, bearing date the 23d day of September, in the tenth year of the reign of King Henry the Eighth; which Letters Patent were confirmed by an Act passed in the Session of Parliament holden in the 14th and 15th years of the reign of King Henry the Eighth, intituled, "The Privileges and Authority of Physicians in London," and that by such Act of Parliament, certain other powers and privileges were granted to the said Commonalty: AND WHEREAS the said College has also represented unto Us, that since the making of the said Letters Patent, divers other Charters have been granted to the said College: AND WHEREAS the said College has also represented unto Us, that by an Act of Parliament made and passed in the present year of our reign, intituled, "An Act making provision for the granting a New Charter to the College of Physicians," after reciting as or to the effect hereinbefore stated, and it was expedient that certain changes should be made in the constitution of the said College, and particularly that new Regulations should be made for the election of the Officers of the said College, and that the present number of the Fellows of the said College should be increased; It was Enacted, that it should be lawful for the said Corporation to surrender all the Charters which had theretofore been granted to them other than and except the said Charter of King Henry the Eighth: AND ALSO, so much and such part of the last-mentioned Charter, as should be in any wise inconsistent with or repugnant to any new Charter to be granted to them by Us; and that it should be lawful for Us to grant, and for the said Corporation to accept from Us a new Charter; which Charter might make such alterations as should be deemed by us expedient in the constitution of the said Corporation, and might, if we should so think proper, change the name of the same Corporation. AND FURTHER, that when and so soon as the said Corporation, under their then present Common Seal, should have accepted any new Charter, so to be granted as aforesaid, the acceptance thereof should operate as a surrender of all the other Charters of the said Corporation, except the said Charter of King Henry the Eighth, and should also operate as a surrender of the said Charter of King Henry the Eighth, and as a repeal of the first-mentioned Act of Parliament, so far as the same should be inconsistent with or repugnant to such new Charter. AND FURTHER, that from and after such acceptance of such new Charter, the said Charter of Henry the Eighth should stand, and be ratified and confirmed, except so far as the same should be so surrendered as aforesaid: Provided always, that nothing therein contained should extend to authorize Us to create any new restriction in the Practice of Physic, or to grant to the said Corporation any new powers or privileges contrary to the common law of the land; and that no such new Charter, whether the name of the Corporation should be changed or not, should in anywise prejudice, affect or annul any of the existing Statutes or Bye-laws of the said Corporation, further than should be necessary for giving full and complete effect to the alterations which should be intended to be effected by such new Charter in the constitution of the said Corporation. NOW KNOW YE, that WE, taking the premises into our Royal consideration, of our especial grace, certain knowledge and mere motion, HAVE granted, declared, ordained and appointed, and by these presents, for Us, our heirs and successors, Do grant, declare, ordain and appoint, in manner following, to wit:

*Reserved.*

1. That the said Corporation shall henceforth be styled "The Royal College of Physicians in England."
2. That the said Corporation shall consist of Fellows and Associates, including a President and Council, four Vice-Presidents, four Censors, a Treasurer and a Registrar.
3. That all the present Licentiates of the said Corporation shall be Associates of the said Corporation.

4. That

4. That each of the present Extra-Licentiates of the said Corporation shall be admitted an Associate of the said Corporation on the production to the said Censors of the said Corporation, of testimonials of character and professional qualification, which shall be satisfactory to the said Censors, and on passing such examination before the said Censors as shall be required by, and shall be satisfactory to the said Censors; and on his paying to the said Corporation a fee of 25 *l.*, exclusive of the stamp-duty.

5. That every person now practising as a Physician in England or Wales, and who shall have taken the degree of Doctor in Medicine at any University in the United Kingdom of Great Britain and Ireland, after regular examination (previously to the 1st day of January 1842), and who shall have attained the age of 30 years, and who shall not be engaged in the practice of Pharmacy, shall, at any time within 12 calendar months from the acceptance of these our Letters Patent by the said Corporation, in the manner mentioned in the Act of Parliament hereinbefore stated to have been passed in the present year of our reign, be admitted an Associate of the said Corporation, without any examination, on the production to the Censors of the said Corporation of his diploma, and of such testimonials of character and professional qualifications as shall be satisfactory to such Censors; and on his proving himself to be of the said age, and on his assuring such Censors that he is not engaged in Pharmacy, and on his paying to the said Corporation a fee of 25 *l.*, exclusive of the stamp-duty.

6. That any person who after regular examination shall have taken a degree in medicine at any University in the United Kingdom of Great Britain and Ireland, or from any foreign University, to be from time to time recognized by the said Corporation, and who shall have attained the age of 26 years, and shall not be engaged in the practice of Pharmacy, and shall have gone through such course of studies, and who shall have passed through such examination before the Censors of the said Corporation touching his knowledge of medical and general science and literature, and complied with such other regulations as are or shall be

required by the bye-laws of the said Corporation shall be entitled to become an Associate *Fellows for admission as an Associate*

of the said Corporation, without being subject to any other election.

7. That there shall be 200 Fellows of the said Corporation, and that such number shall be hereafter regulated in such manner as hereinafter mentioned.

8. That the present Fellows of the said Corporation shall continue to be Fellows of the said Corporation, and that previously to the 25th day of June 1845, a meeting or several meetings of the Fellows and Associates of the said Corporation shall be holden, at which so many Fellows as will make up the number of Fellows to 200 shall be elected, and that such Fellows shall be elected out of the list of Associates who are hereby admitted or shall hereafter be admitted Associates of the said Corporation, all of whom shall be eligible to be Fellows; and that, on the 25th day of June 1847, and on the same day in every subsequent year (except when the same shall fall on a Sunday, and then on the 26th day of June), a meeting shall be holden of the Fellows and Associates of the said Corporation, for filling up vacancies which shall have occurred in the Fellowship since the last election of Fellows, so as to make up the number of Fellows to 200; and that if, on the day of holding any such meeting as last aforesaid, the number of Fellows and Associates of the said Corporation shall exceed the number of Fellows and Associates on the 5th day of June 1846, then and in every such case so many additional Fellows shall be elected at such meeting as will make up the entire number of Fellows to a number bearing the same proportion to the number of Fellows and Associates for the time being as the said number of 200 Fellows shall have borne to the existing number of Fellows and Associates on the 25th day of June 1846, or as near thereto as circumstances will permit, the new Fellows being always elected out of the list of Associates for the time being of the said Corporation, but no new Fellow shall be elected so long as the entire number of Fellows shall bear a larger proportion to the number of Fellows and Associates for the time than the said number of 200 Fellows shall have borne to the existing number of Fellows and Associates on the 25th day of June 1846.

9. That the Fellows and Associates shall have an equal right of voting in the election of Fellows; and the Fellows to be elected shall be elected by ballot, either by lists or otherwise, as the said Corporation shall from time to time determine by their bye-laws.

10. That if it shall at any time hereafter appear that any present or future Fellow or Associate of the said Corporation shall have obtained admission to the said Corporation by any fraud, false statement or imposition, or that he shall have violated any bye-law, rule or regulation of the said Corporation, then and in every such case, and after such previous notice to and such hearing of such Associate or Fellow as under the circumstances the President and Censors of the said Corporation shall think proper, it shall be lawful for a majority of the Fellows, present at a meeting of the Fellows, to declare such Fellow or Associate to be expelled from the said Corporation, and thereupon every such Associate or Fellow shall cease to be an Associate, or an Associate and Fellow of the said Corporation, as the case may be accordingly, and all the privileges granted to such Associate or Associate and Fellow, as the case may be, shall cease and be extinguished.

11. That the present President of the Corporation shall continue to be President of the said Corporation until a new President shall be actually appointed in his place, and that upon the day next after Palm Sunday in the year 1844, and on the same day in every subsequent year, a new President of the said Corporation shall be elected, at a meeting of the Fellows of the said Corporation; but the retiring President shall always be capable of being re-elected; and every President shall remain in office until the actual election of the new President.

*Reserved.*

*It is proposed that there should be a special examination for admission to the Fellowship, to which any Associate should be admissible after the expiration of one year from the time of passing his examination for the license; and that having passed such special examination, he should, when he had reached the age of 30 years, be proposed to the Fellows for admission to the Fellowship. The existing mode of election to the Fellowship also to be retained for five years. Such alteration would, of course, imply that the number of Fellows should not be limited. Besides this ordinary mode of admission to the Fellowship after the expiration of the five years above mentioned, the College would reserve to itself the power of annually electing to the Fellowship two Associates, of not less than four years' standing, who had distinguished themselves by scientific pursuits.*

*President.*



12. That at the meeting of the Fellows held for the election of the new President, the Council of the said Corporation shall, out of the first 50 Fellows in the list of Fellows of the said Corporation, nominate some one of such 50 Fellows, to be proposed to the Fellows of the said Corporation, to be by them elected President; but if the Fellow so nominated shall not be elected President by a majority of the Fellows present at such meeting, another Fellow shall, in like manner, be nominated by the Council, out of the first 50 Fellows in the list of Fellows, to be proposed as aforesaid, and so on, until a President shall have been elected. The election of President shall be taken by ballot, and in case of any difference in the Council concerning their selection of a President, the President nominated by the majority shall be proposed to the Fellows, and in case of an equality of votes in the Council, the Senior Fellow so nominated shall be so proposed.

13. That in case of the death or resignation of the President for the time being, a new President shall with all convenient speed be elected in his place, such election to be made in all respects in the same manner as is provided by the last preceding regulation.

Vice-Presidents.

14. That at any time before or at the meeting of the Fellows of the said Corporation, after the meeting of the Fellows at which the President of the said Corporation shall have been elected, the President so elected shall appoint four Fellows out of the first 50 on the list of Fellows, which four Fellows shall be called Vice-Presidents, any one of whom may act as President in the temporary absence of the President, upon such President expressing his desire to such effect to any such Vice-President in writing, or to the Registrar; and in case of the death of the President, the first Vice-President, for the time being, in the list of Vice-Presidents, shall act as President until a President shall have been appointed, and the present President of the said Corporation shall at the meeting of the Fellows of the said Corporation, next after the granting of these our Letters Patent, appoint four Vice-Presidents for the purposes aforesaid.

15. That the Vice-Presidents shall cease to be Vice-Presidents when a new President shall have been appointed in the place of the President by whom they were nominated.

Council.

16. That there shall be 16 Fellows on the Council of the said Corporation.

17. That the present Council of the said Corporation shall continue to be the Council of the said Corporation, until a new Council shall have been actually elected in their place; and that on the 22d day of December next, four Fellows shall be elected to make up the number of the Council to 16; and that on the 22d day of December 1844, and on the same day in every year (except when the same shall fall on a Sunday, and then on the 23d day of December), four of the Council shall go out of office, and four Fellows shall be elected of the Council; but the Fellows going out of office shall not be re-eligible until they have been one year out of office; and the Fellows to be elected as aforesaid shall remain in office until others shall have been actually elected in their place, and that on the same day other Fellows shall be elected to the Council to fill up vacancies occasioned by death or resignation since the last election.

18. That the Council shall be elected by the Fellows out of their own body by ballot, either by list or otherwise, as the said Corporation shall from time to time determine by the by-laws.

19. That in addition to the 16 Fellows so elected, the President, Censors, and Treasurer of the said Corporation shall, *ex officio*, be of the Council of the said Corporation.

20. That the present Censors of the Corporation shall continue to be the Censors thereof until new Censors shall have been actually elected in their place; and that on the day after Palm Sunday in the year 1844, and on the same day in every subsequent year, four new Censors shall be elected; and Censors going out of office shall be re-eligible; and the Censors to be elected as aforesaid shall remain in office until other Censors shall actually have been elected in their place.

21. That on the day for electing Censors, the Council shall nominate four of the Fellows of the said Corporation to be proposed to the Fellows, to be by them elected Censors; but if any Fellow or Fellows so nominated shall not be elected a Censor or Censors by a majority of the Fellows present at the meeting, another Fellow or Fellows shall be nominated at such meeting by the Council to be proposed to the Fellows; and so on until four Censors shall have been elected. The election of Censors shall be taken by ballot. In case of a difference in the Council concerning the nomination of Censors, the Censors nominated by the majority shall be proposed to the Fellows; and in case of an equality of votes in the Council, the President shall have a casting vote.

22. That in case of the death or resignation of either of the Censors for the time being, a new Censor shall, with all convenient speed, be elected in his place, such election to be made in the same manner as is provided by the last regulation.

Treasurer.

23. That the present Treasurer of the Corporation shall continue to be Treasurer of the said Corporation until a new Treasurer shall be actually elected in his place; and that on the day after Palm Sunday in the year 1844, and on the same day in every subsequent year, the President shall nominate one of the Fellows, to be elected by the Fellows as Treasurer, in the same manner in all respects as is before appointed for the election of Censors by the Fellows: and the Treasurer shall be re-eligible. And every Treasurer shall remain in office until a new Treasurer shall be actually elected in his place.

24. That in case of the death or resignation of the Treasurer for the time being, a new Treasurer shall, with all convenient speed, be elected in his place, such election to be made in all respects in the same manner as is provided by the last preceding regulation.

Registrar.

25. That the present Registrar of the said Corporation shall continue to be the Registrar of the said Corporation, until a new Registrar shall be actually elected in his place; and that on the



# R E P O R T S

FROM THE

SELECT COMMITTEE

ON

MEDICAL REGISTRATION

AND

MEDICAL LAW AMENDMENT;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND

APPENDIX.

Ordered, by The House of Commons, to be Printed,  
28 & 31 March 1848.

[Price 1s. 6d.]

210.

Under 24 oz.

In Witness whereof, We have signed these Our Letters to be sealed with the Great Seal of Great Britain, at Westminster, this 27th day of March, 1848.