

## **[President's addresses at the opening of the General Medical Council].**

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PRESIDENT'S ADDRESS  
AT THE  
OPENING OF THE EIGHTY-NINTH SESSION  
OF THE  
GENERAL MEDICAL COUNCIL.

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GENTLEMEN,

*May 25, 1909.*

Since the date of our Jubilee session in November last the COUNCIL has lost the services of three members, each of whom in his own way made contributions of value to our common work. Dr LINDSAY STEVEN, cut off in his prime, was esteemed throughout the West of Scotland as an accomplished physician, an able teacher, and a philanthropist who freely gave of his best for the good of others. His character gave weight to the opinions he had formed on the subject of medical education; the evident thoughtfulness and sobriety of his advocacy caused them to be received with respect. As representing the COUNCIL I attended his funeral in Glasgow, and witnessed the striking tribute to his memory which was offered by the concourse of colleagues and friends who followed it as mourners.

Regrettable failures of health have led to the retirement of Dr PYE-SMITH and of Professor YOUNG, who have been influential in our counsels during the last ten years. Dr PYE-SMITH brought to our aid a penetrating and highly-cultivated intelligence, a profound knowledge of medicine and its ancillary sciences, and a concise and incisive manner of address. These rendered his advice helpful and his criticism effective. He never took part in discussion without illuminating some



aspect of the subject in hand and pointing the way to a right decision. In administration as well as in debate he bore his part to our advantage, for during six years, when our finances gave occasion for some anxiety, he acted as one of our Treasurers, and assisted in restoring our affairs to a more prosperous condition. Professor YOUNG, first as representative of the federal Victoria University, and afterwards of the Victoria University of Manchester, was one of the numerous body of anatomists who have done and are doing good service to the COUNCIL. His strong common-sense, his alert understanding, and his reticent temper, were characteristic of the northern schools in which he was trained, and on which he reflected honour by his scientific achievements. In the work of our Committees, and of our judicial sessions, we shall often miss his quiet but efficient co-operation. To both of these colleagues, who are now called upon to cease from active exertion, the COUNCIL will wish increase of strength and comfort in the enjoyment of their well-earned rest.

Though it is now twelve years since Mr WHEELHOUSE withdrew from office as a representative, he continued to be connected with the ENGLISH BRANCH COUNCIL as one of its Trustees. His death at a good old age, in happy and honoured retirement, recalls to those who were privileged to be associated with him his ten years' tenure as one of the first directly-elected members of the COUNCIL. By his kindly nature, his great experience, and his practical wisdom, he commended the principles for which he stood to his colleagues of the older *régime*, with the result that the changes involved in the *Medical Act* of 1886 came into operation with little difficulty and no friction.

The University of London has sent us a distinguished member of its Senate in the place of Dr PYE-SMITH, and the Faculty of Glasgow its Visitor in the place of Dr LINDSAY STEVEN. To Dr FREDERICK TAYLOR and Dr DAVID KNOX we offer the welcome which is due to their personal merits and services, no less than to their professional eminence. We may count with confidence on receiving from both the benefit of their special knowledge and experience.

In accordance with my duty as PRESIDENT, it has fallen to me to make representations to the Government, through the



LORD PRESIDENT of the PRIVY COUNCIL, on various matters regarding which *Resolutions* were passed in November. The COUNCIL requested that steps should be taken for the appointment of a Royal Commission to inquire into the evil effects produced by the unrestricted practice of medicine and surgery by unqualified persons. The LORD PRESIDENT has decided to make preliminary inquiries on the subject, through the Local Government Board. A circular has accordingly been issued to Medical Officers of Health, asking for information concerning the extent of the practice complained of, and its effects on the general health, within their several districts. When the replies are received, the LORD PRESIDENT will be in a position to determine what further steps are desirable in the interests of the public.

From the Colonial Office the EXECUTIVE COMMITTEE has received a copy of an Act of the General Assembly of New Zealand, entitled the *Quackery Prevention Act, 1908*. This Act is directed against obnoxious forms of irregular practice, and imposes heavy penalties for these offences. The EXECUTIVE COMMITTEE have replied that they would welcome similar legislation applicable to other parts of the British Empire.

In the *Tuberculosis (Ireland) Bill*, as originally presented to Parliament, the duty of advising the Irish Local Government Board with reference to the application of the proposed law was assigned to the IRISH BRANCH COUNCIL; but no provision was made for meeting the expenses the BRANCH COUNCIL must thereby incur. On discussing the question with the authorities, it appeared that no grant from public funds was likely to be made for the purpose. The situation was dealt with by transferring the duty in question to the Presidents of the Royal Colleges of Physicians and Surgeons in Ireland, and with this change the *Bill* has passed into law.

By the *Bill for the Registration of Nurses*, concerning which a communication was received from the PRIVY COUNCIL on November 13, it was proposed to establish a General Nursing Council for the United Kingdom, of which one member out of sixteen was to be appointed by the GENERAL MEDICAL COUNCIL. The Nursing Council was to frame rules *inter alia* "regulating, supervising, and restricting within due limits the practice of



registered nurses." It was represented by you to be expedient that the MEDICAL COUNCIL should stand in the same relation to the body concerned with Nurses as it does to the Central Midwives Board. At the PRIVY COUNCIL OFFICE note was taken of your views ; and I have ground for believing that, should the Bill be proceeded with during the present session, it will be proposed to amend it in the sense you indicated, the EXECUTIVE COMMITTEE being entrusted with the function which under the English *Midwives Act* is committed to the ENGLISH BRANCH COUNCIL. Should this arrangement be sanctioned by law, the expense falling on the COUNCIL would be trifling, as the matters passing under the review of the EXECUTIVE COMMITTEE could be dealt with at its ordinary meetings. I was unable to obtain any assurance that a subsidy from public moneys would be granted to the COUNCIL in respect of this public service. As, however, other proposals dealing with the Registration of Nurses are under consideration, and as opinion appears still to be divided on the general question, it is probable that legislation on the subject will be deferred.

By your direction I communicated the COUNCIL'S *Resolution* of November 28 respecting the *General Anæsthetics Bill*, 1908, to the Government Departments concerned. The *Resolution* supported the proposal to restrict to qualified medical practitioners the administration of drugs with the object of producing unconsciousness during medical, surgical, or obstetrical operations. In the present session of Parliament another *Bill* having a similar purpose has been introduced. Both *Bills* propose that dentists registered after a certain date shall not be entitled to administer general anæsthetics unless they possess a medical qualification. On this particular proposal the COUNCIL did not pronounce an explicit opinion, though its *Resolution* on the general principle involved might be held to indicate its views with sufficient clearness. Now, however, we are asked in various quarters to express an opinion on the point, and in particular to give an answer to a question bearing upon it, which is submitted on behalf of the LORD PRESIDENT. The COUNCIL will therefore be called on to consider whether, apart from the saving to existing dentists of their customary practice, it is expedient in the public interest to confer in future on dentists



who have no medical qualification, express legal authority to administer general anæsthetics to persons requiring dental operations. When it is kept in mind, first, that unless skilled attention is given to the state of the patient's bodily health no general anæsthetic is invariably "safe," and, secondly, that in dental practice the anæsthetist is often the operator also, it will be seen that the proposal contained in the *Bills* referred to is not without some justification in the interest of the public protection.

The REGISTRAR has received replies from the Licensing Bodies to his inquiry as to the degree in which effect has been given to the COUNCIL'S *Recommendation*—that candidates for medical qualifications should be required to produce evidence of having received practical instruction in the administration of anæsthetics. Nearly all the Licensing Bodies have answered that this requirement is already or will in future be enforced. The COUNCIL is thus justified in its contention, that fresh legislation to this end, which to be effective must be penal in character, is neither expedient nor necessary at the present time.

With the assistance of the Legal Advisers, I have drawn up a memorandum on the penal procedure of the COUNCIL, showing the nature of the actions which have been held by it to constitute infamous conduct in a professional respect. This memorandum has been forwarded, at his Lordship's own request, to the Secretary of State for the Colonies, and communicated by him to the Boards of Inquiry constituted by the medical enactments of the several Crown Colonies. It is to be hoped that the information conveyed will be useful in promoting uniformity of judicial action in professional matters within the Colonies concerned.

The penal cases to be considered during this Session are not numerous, though some of them are grave. They include one in which it will be necessary to inquire into a charge of "covering" an unqualified assistant. That such charges have now become rare testifies to the efficiency of the action taken by the COUNCIL some years ago, and to the praiseworthy ambition of the profession to dissociate itself entirely from a practice which experience had shown to be liable to grave abuse. A few charges against dentists have come before the DENTAL COMMITTEE, who will report to the COUNCIL on



the facts of each case. The energies of the British Dental Association are actively engaged both in challenging what it deems to be reprehensible conduct on the part of registered practitioners of dentistry, and in applying with marked success a recent interpretation of the *Dentists' Act* to the suppression of unwarranted pretensions to professional skill put forward by unqualified persons. A judgment delivered in the Court of Appeal last week appears to limit the application of that interpretation. I have asked our Legal Advisers to state for the information of the COUNCIL the precise nature of the limitation.

I am informed that, at the instance of the Association, an injunction for the restraint of Dental practice by a company of unqualified persons has been granted by the High Court in England. This decision confirms the similar judgments of the High Courts in Ireland. But it is further held to impose on companies of unregistered practitioners the same disabilities as are now imposed on individual persons. Should this opinion be well-founded, the *Act* will prove even more effective than it has hitherto appeared to be for the prevention of irregular practice under cover of the *Companies' Acts*.

The active exercise of its judicial functions is obligatory on the COUNCIL, and the effects are, without doubt, salutary from the professional as well as from the public point of view. But these functions involve a heavy drain upon the COUNCIL'S funds, and it is not easy to see how, under the present law, the drain can be obviated or moderated. Two recent cases, which were unusually prolonged, cost us in legal and other necessary expenses nearly £2,000. The result is that the financial year closed with an aggregate deficit of over £650 in the accounts of three BRANCH COUNCILS. Though the cases under the *Dentists' Act* were also both numerous and important, the simpler methods of investigation which the *Act* permits made the proceedings much less costly, with the result that the Dental Fund closed with a sufficient surplus to meet unforeseen emergencies.

It is fortunate that for each of the three preceding years the receipts of the BRANCH COUNCILS exceeded their expenditure. Except perhaps in the case of the IRISH BRANCH, the accumulated surpluses will enable them to meet the exceptional deficits of the present year. It is to be hoped that the business to be



dealt with during the Session that begins to-day will entail no great expenditure of time or money. One practical consideration will indeed make it expedient that we should complete our sittings within this week. Monday, the 31st instant, is a Bank Holiday, and the printing establishment, on which we depend for our daily programme and other necessary papers, will be closed.

Dr LANGLEY BROWNE has given notice of a motion that the proper steps be taken for adding to the COUNCIL a thirty-fifth member, to be elected by the practitioners of England and Wales. It will be for the COUNCIL, and afterwards for the PRIVY COUNCIL and for PARLIAMENT, to consider whether it is in fact expedient that the addition should now be made. In the near future we shall have an additional member from Ireland, as provided by the recent *Universities Act*; and we may also expect two additional members from the Universities of Wales and of Bristol. In coming to a decision on this question it will be desirable to have regard on the one hand to the inelasticity of our finances, and of our Council-chamber, and on the other hand to the unity and efficiency of the COUNCIL as at present constituted. By the terms of the *Medical Act*, the question to be decided resolves itself simply into a question of "expediency." In other words, it is a question to be answered in the light of such practical considerations as I have ventured to recall to your attention, without seeking to prejudice your decision.

The EDUCATION COMMITTEE have had a further opportunity of reviewing the admirable digest of facts relating to the medical curriculum which was included in their *Report* of last November. They will probably be prepared to offer to the COUNCIL certain definite conclusions, on which action may be taken if action is required.

The Board of the APOTHECARIES' HALL of DUBLIN have informed the REGISTRAR that they have determined to postpone until July 1 the resumption of their "Preliminary Examination in Education," concerning which the COUNCIL, on the recommendation of the EDUCATION COMMITTEE, expressed a strongly adverse opinion at its last meeting. The EXECUTIVE COMMITTEE will report on the reply to this intimation which they deemed it their duty to forward to the Board. At a time when two newly-



constituted teaching Universities, each with its own Preliminary Examinations, are in process of organisation in Ireland, it is difficult to perceive that any advantage to medical culture can arise from the proposed incursion of the APOTHECARIES' HALL into the sphere of general secondary education and examination.

The period for which the COUNCIL, on the application of the APOTHECARIES' HALL, appointed Sir LAMBERT ORMSBY to act as an assistant examiner under the provisions of the *Medical Act* 1886, will shortly expire. An application for a fresh appointment will be submitted to you on behalf of the Board. The COUNCIL will, I feel sure, recognise that Sir LAMBERT has discharged with efficiency the duties imposed upon him by the *Act*.

The EXECUTIVE COMMITTEE, in pursuance of the COUNCIL'S instructions, have, with the assistance of our Legal Advisers, drafted a *Standing Order* applicable to cases of medical and dental practitioners who voluntarily apply for the removal of their names from the *Medical* or the *Dentists' Register*. Should this *Standing Order* be approved, it will provide for a *casus omissus* in the procedure of the COUNCIL, and remove a difficulty that has occasionally arisen.

A vacancy having occurred in February by the retirement of Dr PYE-SMITH, the COMMITTEE unanimously co-opted Dr NORMAN MOORE, the Chairman of the BUSINESS COMMITTEE, to be one of its members until the annual election during the current session.

On Saturday last, we received from the LORD PRESIDENT a copy of the Draft Charter prayed for by the British Medical Association, with a request for any observations the COUNCIL may have to make thereon. The Draft Charter proposes that certain powers, which are of a comprehensive character, shall be conferred on the Association. Some of the powers appear at first sight to trench on the statutory functions of the COUNCIL, and these will require your careful consideration. It will probably be convenient that, in the first instance, the EXECUTIVE COMMITTEE, in consultation with the Legal Advisers, should examine the Draft Charter, and report to you on the provisions that specially concern the COUNCIL.















