

**A collection of Acts of Parliament, charters, trials at law and judges opinions concerning those grants to the Colledge of Physicians London, taken from the originals, law-books, and annals ... / [Christopher Merret].**

### **Contributors**

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Royal College of Physicians of London.

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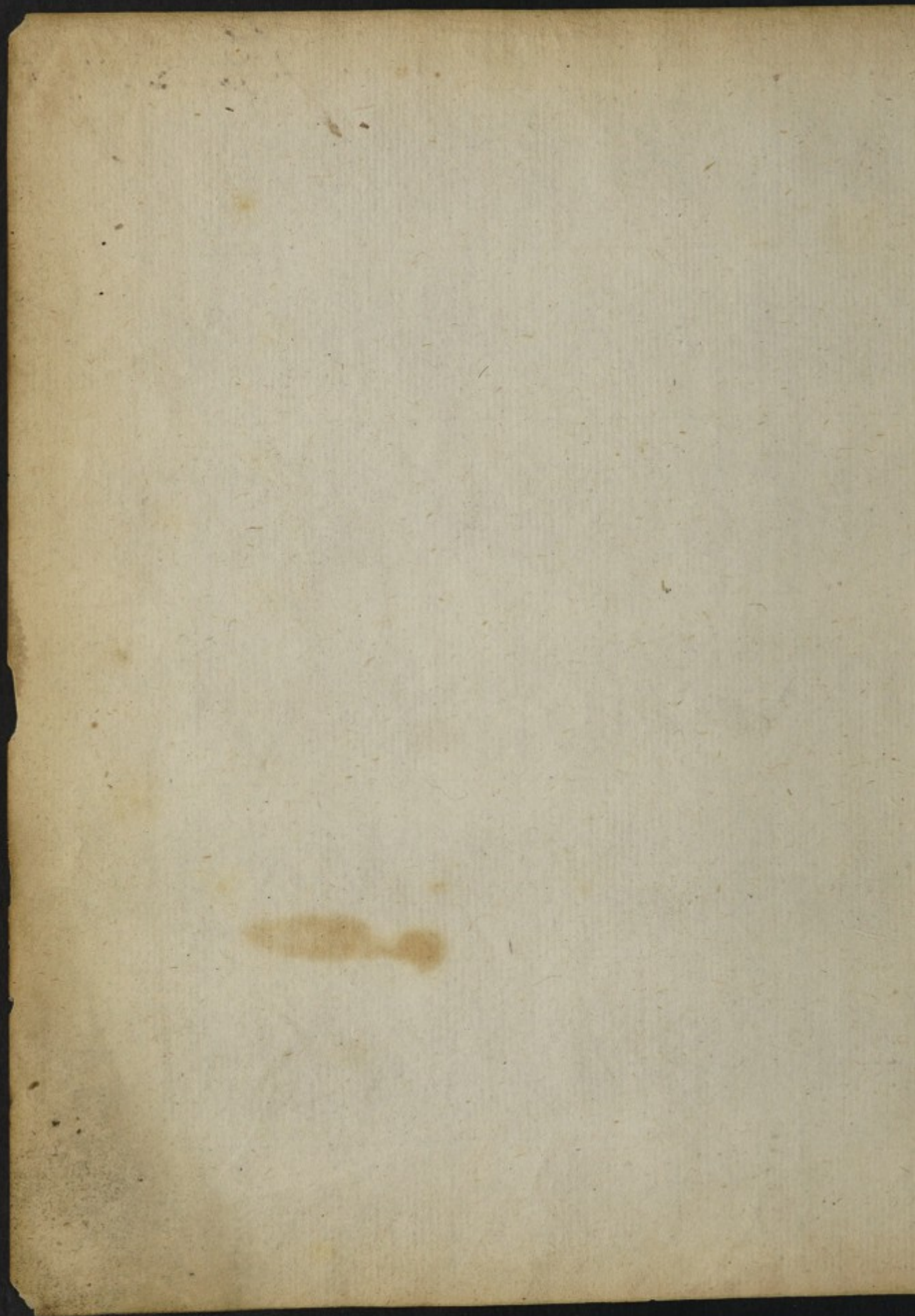
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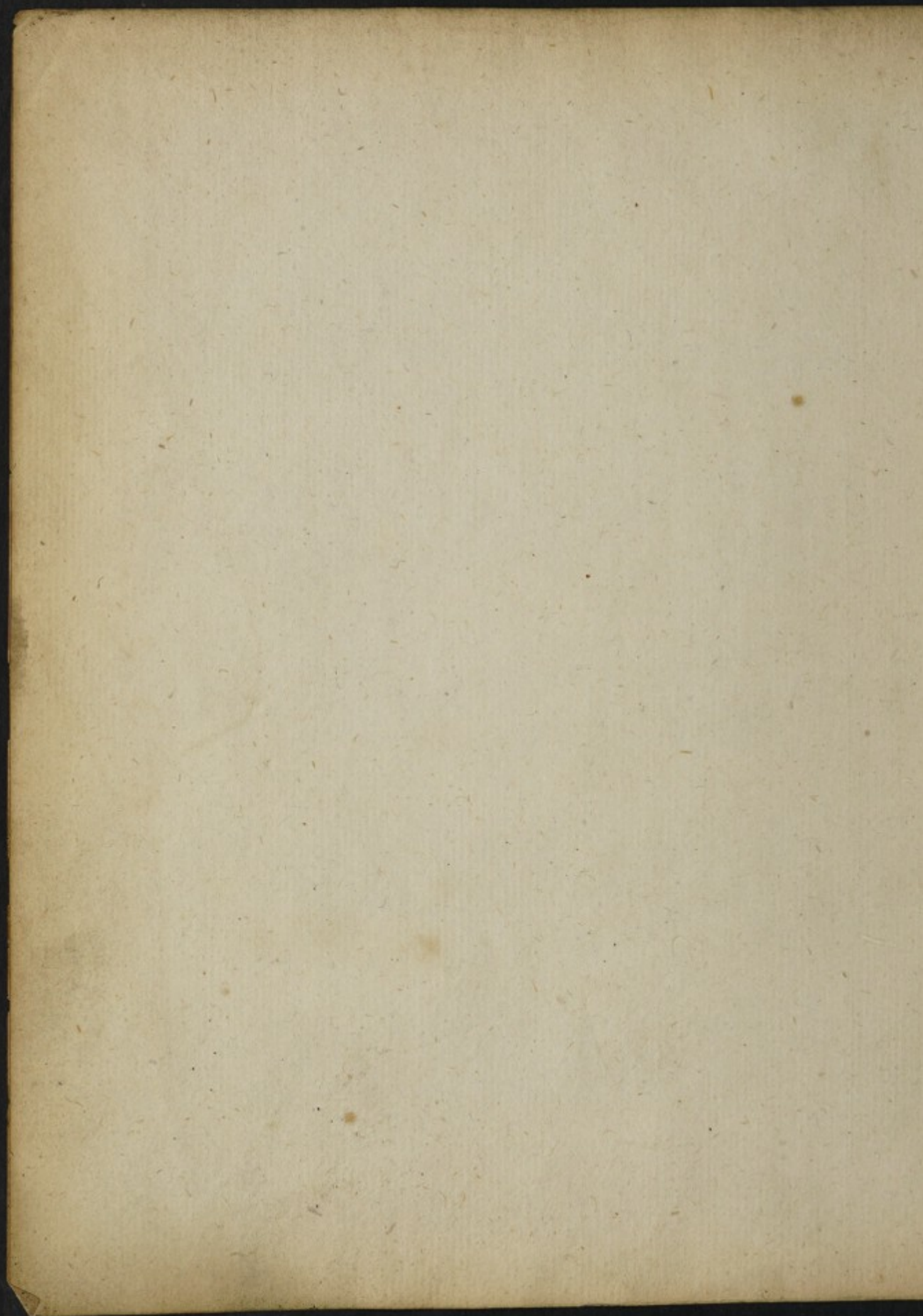
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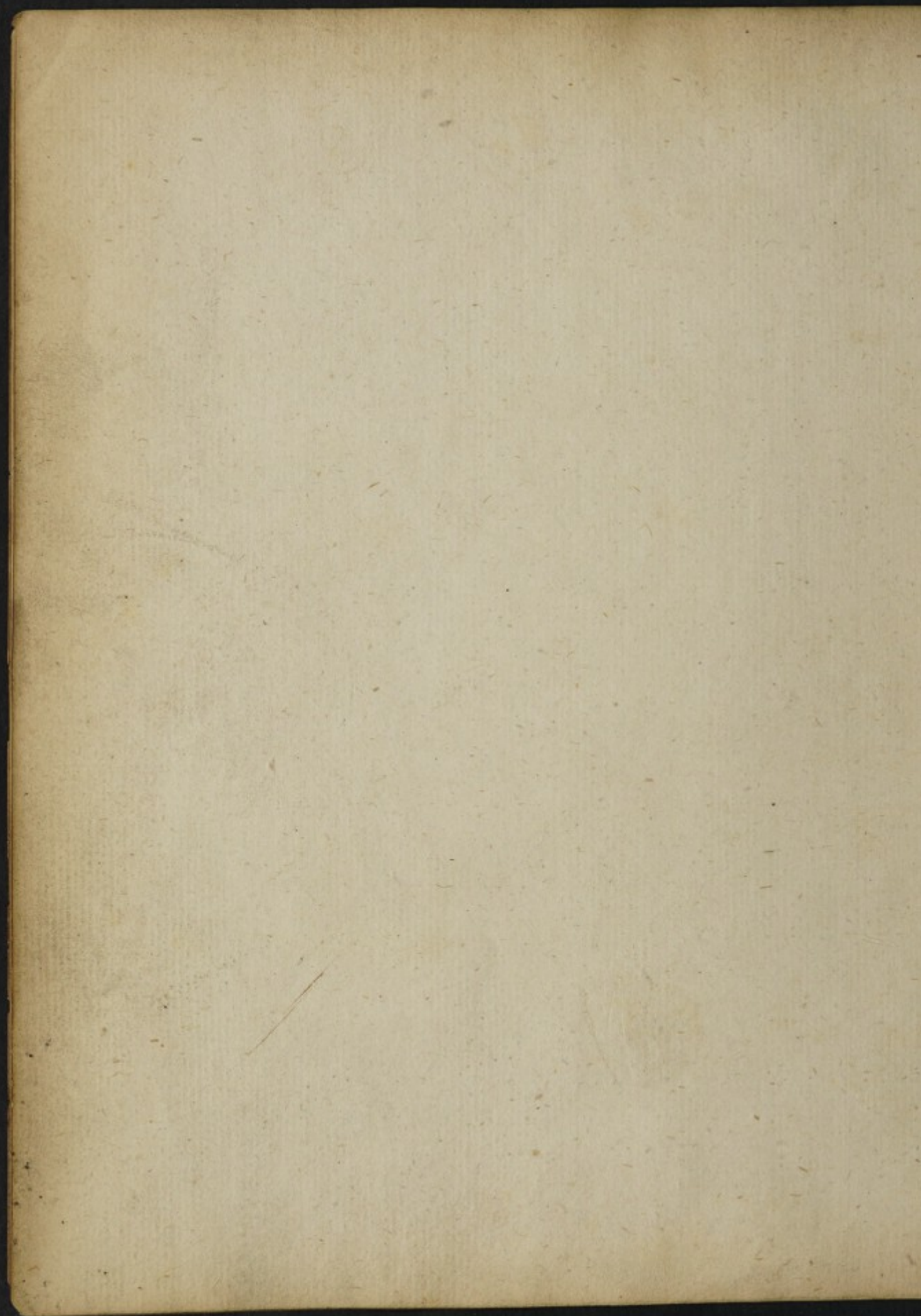
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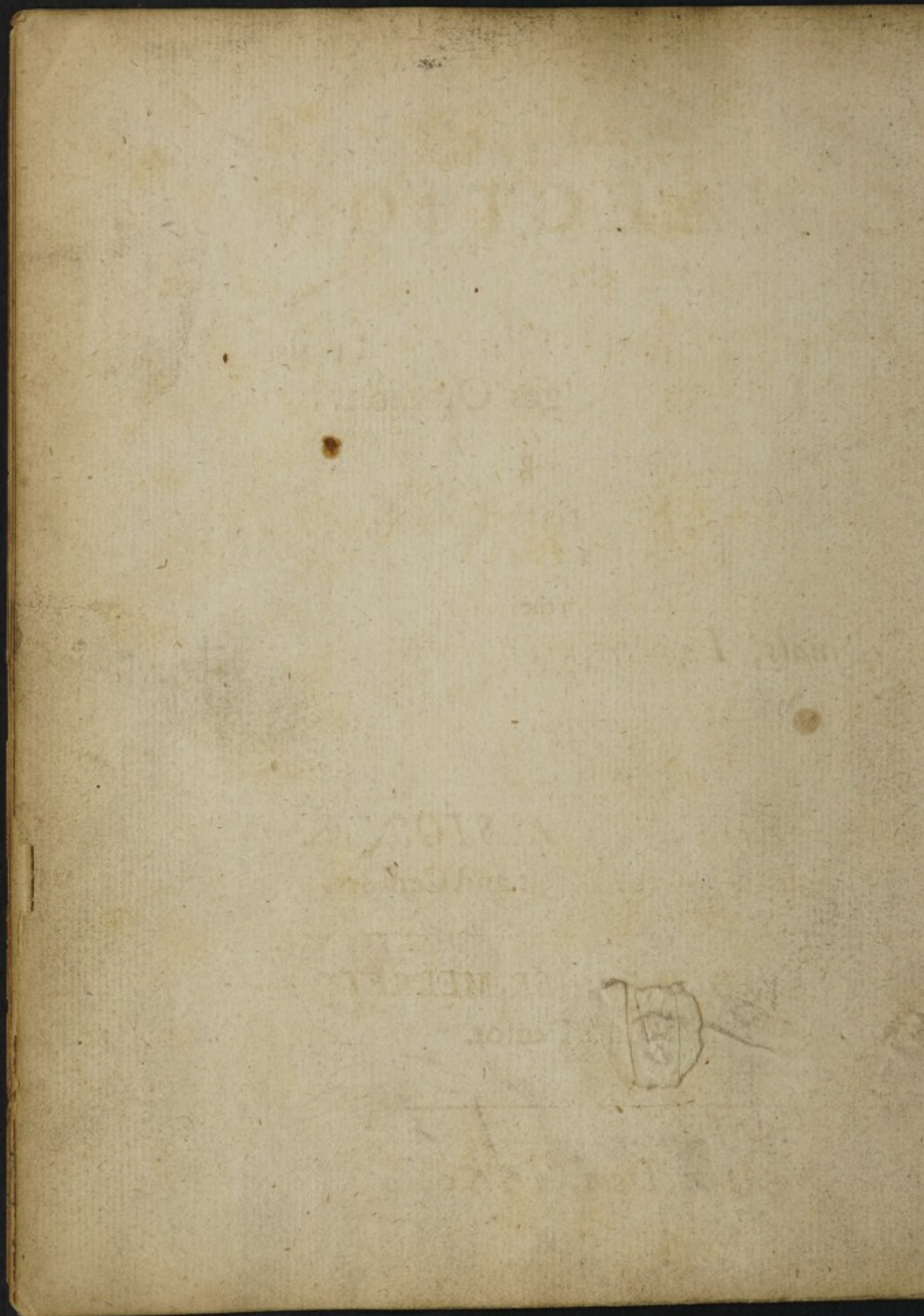












A  
COLLECTION  
OF

Acts of Parliament, Charters, Trials  
at Law, and Judges Opinions

Concerning

Those GRANTS to the Colledge of  
Physicians *London*,

taken from the

*Originals, Law-Books, and Annals.*

---

Commanded

By Sir *EDWARD ALSTON* K<sup>t</sup>.  
President, and the Elects and Censors.

---

Made by *CHRISTOPHER MERRETT*,  
Fellow and Censor.

---

*Anno Dom. 1660.*

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OF

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and other documents  
of the  
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and other documents  
of the  
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of the  
College of Physicians

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The



ANNO TERTIO

HENRICI Octavi.

C A P. XI.

*By whom every Physician and Chirurgeon shall  
be allowed.*

**T**O the King our Sovereign Lord, and  
to all the Lords Spiritual and Tem-  
poral, and Commons in this present  
Parliament assembled. For as much  
as the science and cunning of Physick  
and Chirurgery (to the perfect knowledge where-  
of, be requisite both great learning and ripe  
experience) is daily within this Realm exercised  
by a great multitude of ignorant persons: of  
whom the greater part have no manner of in-  
sight in the same, nor in any other kind of lear-  
ning: some also can no letters on the book, so  
far forth that common Artificers, as Smiths,  
Weavers, and women boldly, and customably  
take upon them great cures, and things of great

A

diffi-

Inconvenien-  
ces ensuing  
by ignorant  
persons pra-  
ctising Phy-  
sick or Chi-  
rurgery.

difficulty: in the which they partly use forcery and witchcraft, partly apply such medicines unto the disease, as be very noxious, and nothing meet therefore, to the high displeasure of God, great infamy to the Faculty, and the grievous hurt, damage, and destruction of many of the Kings liege people: most especially of them that cannot discern the uncunning from the cunning. Be it therefore (to the surety and comfort of all manner people) by authority of this present Parliament Enacted, That no person within the City of *London*, nor within seven miles of the same, take upon him to exercise, and occupy as a Physician or Chirurgeon, except he be first examined, approved, and admitted by the Bishop of *London* or by the Dean of *Pauls*, for the time being, calling to him or them, four Doctors of Physick, and for Chirurgery, other expert persons in that Faculty, and for the first examination such as they shall think convenient, and afterward alway four of them that have been so approved, upon the pain of forfeiture, for every moneth that they do occupy as Physicians or Chirurgeons not admitted nor examined after the tenour of this Act, of v. li. to be imployed, the one half thereof to the use of our Sovereign Lord the King, and the other half thereof to any person that will sue for it by action of debt, in which no wager of Law, nor protection shall be allowed.

By whom  
they which  
practise Phy-  
sick or Chi-  
rurgery in  
*London*, &c.  
shall be al-  
lowed.

St. 14 H. 8.  
5. 34. H. 8.  
8.

A Physician  
or Chirurgeon  
allowed by  
the Bishop  
of the Dio-  
cese.

And over this, that no person out of the said City and precinct of vii. miles of the same, except he have been (as is aforesaid) approved in  
the

the same, take upon him to exercise and occupy as a Physician or Chirurgeon, in any Diocese within this Realm, but if he be first examined and approved by the the Bishop of the same Diocese, or he being out of the Diocese, by his Vicar general: either of them calling to them such expert persons in the said faculties, as their discretion shall think convenient, and giving their Letters testimonials under their Seals to him that they shall so approve, upon like pain to them that occupy contrary to this Act (as is above said) to be levied and imployed after the form before expressed.

Provided alway that this Act nor any thing therein contained, be prejudicial to the Universities of Oxford and Cambridge, or either of them, or to any priviledges granted to them. *Rast. pla. fol. 426.*

The priviledges of Oxford and Cambridge. --

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Anno xiiii & xv. Henrici octavi.

C A P. V.

*The priviledges and authority of Physicians in London*

**I**N their most humble wise shew unto your Highness, your true and faithful subjects, and liege men, *John Chambre, Thomas Linacre, Fernandus de Victoria*, your Physicians, and *Nicholas Halsewell, John Fraunces*, and *Robert Taxley*, and all other

A 2

men

A body corporate of the faculty of Physick within London and vii. miles compass. Anno 10. H. 8.

men of the same faculty within the City of London and seven miles about, that where your Highness (by your most gracious Letters Pattents, bearing date at *Westminster* the 23. day of *September*, the tenth year of your most noble raig) for the Common-wealth of this your Realm, in due exercising and practising of the faculty of Physick, and the good ministration of medicines to be had, have incorporate and made of us, and of our Company aforesaid, one body and perpetual Comminalty or Fellowship of the faculty of Physick, and to have perpetual succession and common seal, and to chuse yearly a President of the same Fellowship and Comminalty, to oversee, rule and govern the said Fellowship and Comminalty, and all men of the same faculty, with divers other liberties and priviledges, by your Highness to us granted, for the Common-wealth of this your Realm, as in your said most gracious Letters Pattents more at large is specified and contained, the tenour whereof followeth in these words.

**H**ENRICUS Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ, Omnibus ad quos præsentēs literæ pervenerint, Salutem. Cum Regii officii nostri munus arbitremur ditionis nostræ hominum felicitati omni ratione consulere: Id autem vel in primis fore, si improborum conatibus tempestive occurramus, apprime necessarium duximus, improborum quoque hominum, qui medicinam magis avaritiæ suæ causa

causa quam ullius bonæ conscientie fiducia profitebuntur, unde rudi & credula plebi plurima incommoda oriantur, audaciam compescere. Itaque partim bene institutarum civitatum in Italia, & aliis multis nationibus exemplum imitati, partim gravium virorum Doctorum Joannis Chambre, Thomæ Linacre, Fernandi de Victoria medicorum nostrorum, Nicholai Halsewel, Joannis Francisci, & Rob. Yaxley, medicorum, ac precipue reverendissimi in Christo patris, ac domini, dom. Thomæ Tituli sanctæ Cecilie, trans Tiberim sacrosanctæ Romanæ Ecclesiæ Presbyteri Cardinalis, Eboracensis Archiepiscopi, & Regni Nostri Angliæ Cancellarii charissimi, precibus inclinati, Collegium perpetuum doctorum & gravium virorum, qui medicinam in urbe nostra Londino & suburbibus intraque septem millia passuum, ab ea urbe quaquaversus publice exerceant, institui volumus atque imperamus. Quibus tum sui honoris tum publicæ utilitatis nomine, curæ ut speramus erit, malitiosorum, quorum meminimus, inscientiam temeritatēque, tam exemplo gravitatēque sua deterrere quam per leges nostras nuper editas, ac per constitutiones per idem collegium condendas punire. Quæ quo facilius rite peragi possint memoratis Doctoribus Johanni Chambre, Thomæ Linacre, Fernando de Victoria medicis nostris, Nicholao Halsewell, Joanni, Francisco, & Roberto Yaxley, medicis concessimus, quod ipsi omnesque homines ejusdem facultatis de & in civitate prædicta, sint in re & nomine unum corpus & communitas perpetua, siue Collegium perpetuum. Et quod eadem communitas siue collegium singulis annis in perpetuum eligere possint & facere de communitate illa aliquem providum virum & in

A perpetual  
Colledge of  
Physicians e-  
rected and  
granted in  
London and  
the Suburbs.

A president  
of the Col-  
ledge, and  
his office and  
duty.

The Colledge  
shall have  
perpetual  
succession and  
a common  
seal.

They shall  
be of ability  
to purchase  
land.

They must  
sue and be  
sued.

They must  
make lawful  
assemblies,  
and ordina-  
ces for go-  
vernment.

facultate medicinae expertum in praesidentem ejusdem Collegii sive communitatis, ad supervidend. recognoscendum, & gubernand. pro illo anno Collegium, sive communitatem praed. & omnes homines ejusdem facultatis & negotia eorundem. Et quod idem praesidens & collegium sive communitas habeant successionem perpetuam, & commune sigillum negotiis dictae communitatis & praesidentis in perpetuum serviturum. Et quod ipsi & successores sui in perpetuum sint personae habiles & capaces ad perquirendum, & possidendum in feodo & perpetuitate terras & tenementa, redditus & alias possessiones quasunque.

Concessimus etiam eis & successoribus suis pro nobis & heredibus nostris, quod ipsi & successores sui possint perquirere sibi & successoribus suis, tam in dicta urbe quam extra, terras & tenementa quaecunque, annum valorem duodecim librarum non excedendum. Statuto de alienatione ad manum mortuam non obstante. Et quod ipsi per nomina praesidentis Collegii, seu communitatis facultatis medicinae Lond. pl'itari & impl'itari possint coram quibuscunque Judicibus in curiis & actionibus quibuscunque. Et quod praedict. praesidens & Collegiam sive communitas, & eorum successores congregationes licitas & honestas de seipsis ac Statuta & Ordinationes pro salubri gubernatione supervisu & correctione Collegii, seu communitatis praedictae, & omnium hominum eandem facultatem in dicta civitate seu per septem miliaria in circuitu ejusdem civitatis exercent. secundum necessitatis exigentiam (quoties & quando opus fuerit) facere valeant licite & impune, sine impedimento nostri, heredum vel successorum nostrorum. justiciariorum, escaetorum, vicecomitum,

tum, & aliorum ballivorum, vel ministrorum nostrorum heredum vel successorum nostrorum quorumcunque. Concessimus etiam eisdem præsidenti & Collegio, seu communitati & successoribus suis, quod nemo in dicta civitate, aut per septem milliaria in circuitu ejusdem, exerceat dictam facultatem, nisi ad hoc per dictum præsidentem & communitatem, seu successores eorum, qui pro tempore fuerint, admissus sit per ejusdem præsidentis & Collegii literas sigillo suo communi sigillatas, sub pœna centum solidorum pro quolibet mense, quo non admissus eandem facultatem exercuit, dimidium inde nobis & hæredibus nostris, & dimidium dicto præsidenti & Collegio applicandum.

No man shall practise Physick in London or vii. miles thereof, unless he be allowed.

Præterea volumus & concedimus pro nobis & successoribus nostris (quantum in nobis est) quod per præsidentem & Collegium prædictæ communitatis pro tempore existen. & eorum successores in perpetuum quatuor singulis annis per ipsos eligantur, qui habeant supervisum & scrutinium, correctionem & gubernationem, omnium & singulorum dictæ civitatis medicorum utentium facultate medicinæ in eadem civitate, ac aliorum medicorum forinsecorum quorumcunque facultatem illam medicinæ aliquo modo frequentantium & utentium infra eandem civitatem & suburbia ejusdem, sive intra septem milliaria in circuitu ejusdem civitatis, ac punitionem eorundem pro delictis suis in non bene exequendo faciendo & utendo illa. Necnon supervisum & scrutinium omni modo medicinarum & earum reception. per dictos medicos, seu aliquem eorum hujusmodi ligeis nostris pro eorum infirmitatibus curandis, & sanandis, dandis, imponendis, & utendis quoties & quando opus fuerit pro commodo & utilitate eorundem.

Four Physicians of London shall be yearly chosen to have the oversight of the others.

eorundem ligeorum nostrorum. Ita quod punitio huiusmodi medicorum utentium dicta facultate medicinae, sic in præmissis delinquentium per fines, amercia-  
menta, & imprisonamenta corporum suorum & per alias vias rationalibiles, & congruas exequatur.

Physicians  
shall not be  
summoned in  
juries in  
London.  
St. 32. H. 8.  
40.

Volumus etiam & concedimus pro nobis heredibus & successoribus nostris (quantum in nobis est) quod nec præsidens, nec aliquis de Collegio prædicto medicorum, nec successores sui, nec eorum aliquis exercens facultatem illam, quoquo modo in futur. infra civitatem nostram prædictam, & suburbia ejusdem seu alibi summoneantur, aut ponantur neque eorum aliquis summoneatur, aut ponatur in aliquibus assisis, juratis, inquestis, inquisitionibus, attinctis, & aliis recognitionibus infra dictam civitatem, & suburbia ejusdem imposterum coram Majore ac Vicecom. seu coronatoribus dictæ civitatis nostræ pro tempore existen. capiendum, aut per aliquem officarium, seu ministrum suum, vel officarios sive ministros suos summonend. licet iidem jurati, inquisitiones, seu recognitiones summon. fuerint super brevi, vel brevibus nostris, vel heredum nostrorum de recto, sed quod dicti magistri, sive gubernatores, ac communitas facultatis antedictæ, & successores sui & eorum quilibet dictam facultatem exercentes, versus nos, heredes & successores nostros, ac versus majorem & vicecomites civitatis nostræ prædictæ (pro tempore existente) & quoscunque officarios & ministros suos sint inde quieti, & penitus exonerati in perpetuum per præsentes.

Proviso quod literæ nostræ, seu aliquid in eis content. non cedent in prejudicium civitatis nostræ Lond.

seu

*seu libert. ejusdem. Et hoc absque fine seu feodo pro  
premissis, seu sigillat. presentium nobis facienda, sol-  
venda, vel aliquo modo reddenda, aliquo Statuto, or-  
dinatione, vel actu in contrarium, ante hæc tempora  
facto, edito, ordinato seu proviso in aliquo non obstante.  
In cujus rei testimonium has literas nostras fieri fe-  
cimus patentes. Teste meipso apud Westmonasterium,  
xxiii. die Sept. An. reg. nostri x. Per ipsum regem &  
de data prædicta autoritate Parl.*

Tunstall.

**A**Nd for so much that the making of the said  
Corporation is meritorious, and very good  
for the Common-wealth of this your Realm, it  
is therefore expedient and necessary to provide,  
that no person of the said politique body and  
Comminality aforesaid, be suffered to exercise  
and practise Physick, but only those persons that  
be profound, sad, and discreet, groundly learned,  
and deeply studied in Physick.

Character of  
Physicians.

In consideration whereof, and for the further  
authorising of the same Letters Patents, and also  
enlarging of further Articles for the said Com-  
mon-wealth to be had and made: Pleaseth it  
your Highness, with the assent of your Lords  
Spiritual and Temporal, and the Commons in  
this present Parliament assembled, to enact, or-  
dain, and stablish, that the said Corporation of  
the said Comminality and Fellowship of the fa-  
culty of Physick aforesaid, and all and every  
Grant, Article and other thing contained and

The Kings  
Letters Pa-  
tents and  
every Article  
therein con-  
firmed.

B

Specified

specified in the said Letters Patents, be approved, granted, ratified and confirmed in this present Parliament, and clearly authorised and admitted by the same good, lawful, and available to your said body Corporate, and their Successors for ever, in as ample and large manner as may be taken, thought, and construed by the same. And that it please your Highness, with the assent of your said Lords Spiritual and Temporal, and the Commons in this your present Parliament assembled, further to enact, ordain, and establish, That the six persons before said, in your said most gracious Letters Patents named as principals, and first named of the said Comminalty and Fellowship, chusing to them two moe of the said Comminalty from hence forward, be called and cleaped Elects. And that the same Elects yearly chuse one of them to be President of the said Comminalty, and as oft as any of the rooms and places of the same Elects shall fortune to be void, by death or otherwise, then the Supervivors of the same elects (within thirty or forty dayes next after the death of them or any of them) shall chuse, name, and admit one or moe, as need shall require, of the most cunning and expert men, of and in the said faculty in *London*, to supply the said room and number of eight persons. So that he or they that shall be so chosen, be first by the said Supervivors straightly examined, after a form devised by the said Elects, and also by the same Supervivors approved.

There shall  
be eight E-  
lects of the  
Physicians of  
*London*.

And

And where that in Dioces of *England* out of *London* it is not light to find alway men able sufficiently to examine (after the Statute) such as shall be admitted to exercise Physick in them, that it may be enacted in this present Parliament, That no person from henceforth be suffered to exercise or practise in Physick through *England*, untill such time that he be examined at *London* by the said President, and three of the said Elects: and to have from the said President or Elects Letters testimonials of their approving and examination, except he be a Graduat of *Oxford* or *Cambridge*, which hath accomplished all things for his form, without any grace. *St. 32. H. 8. 40. 1. M. 9. Coke li. 8. fo. 14.*

Physicians in other places must be examined by the President and three of the Elects.  
3, H. 8. 11.

At the head of the Parl. Roll.

**P**arliamentum inchoatum & tentum in Civitate Londoniar. quinto decimo die Aprilis Anno Regni metuendissimi ac potentissimi Regis, Henrici octavi fidei defensoris quarto decimo & deinde prorogatum usque Westm. & ibidem tentum die Veneris ultimo die Julii Anno ejusdem Regis quinto decimo.

Prorogation of the Parl.

At the foot of the same Roll.

Die Mercurii vicesimo nono die mensis Julii Cmo xvmo die Parliamenti peste in dies magis & magis in urbe Londino ac praesertim circa palatium Dni Regis de Bridewell invalescente Reverendissimus Dns

B 2

Legatus

Adjournment  
of the Parl.

Legatus Cancellarius exhibuit, ostendit certis Dnis spiri-  
tualibz & temporalibz quandam Commissionem Dni  
Regis magno sigillo suo sigillatam cujus tenor sequitur in  
hec verba Henricus octavus dei gra. Angl. & Franc.  
Rex. fidei defensor & Dns hibern, reverendissimo in Xpo  
patri intimoq; ac dilcissimo Consiliario suo Dno  
Thome miseratione divina tituli sce. Cecilie sacorste  
Romane Ecclie presbytero Cardinali Ebor Archiepo  
Angl. primati aplice sedis etiam de latere legato  
Cancellar. suo saltm, Sciatis qd propter infeccioem  
aeris pestiferi ubiq; per Civitatem nram London.  
invalescentem de advisamento & assensu consilii  
nri assignavimus vos ac vobis tenore presencium  
committimus potestatem & auctoritatem spiralem ad  
presens Parliamentum nrm usq; Westm. ad diem Ve-  
neris prox. futur. prorogand. & continuand. ibi-  
demq; tenend. dantes ulterius univrsis & singulis tam  
Archepis Epis Ablibz Prioribz Ducibz Comitibz  
Vicecomitibz Baronibz Militibz Ciribz Burgensibz  
qm omnibus aliis quor. interest ad dictum Parliamen-  
tum nrm prædict. conveniunt. tenore presenciu firmiter in  
mandatis qd vob. in premissis faciend. & exequend.  
pareant obediant & intendant prout decet. In cuius rei  
Testimon. has lras nras fieri fecimus Patentes, Teste  
meipo apud Westm. xxix. die Julii Anno Regni nri  
Quinto decimo. Qua quidem Commissionem publice per  
Clicum Parliamenti lca dcus Reverendissimus Dns  
Legatus Cancellarius virtute ejusdem Commissionis  
prorogavit continuavit & adjornavit presens Par-  
liamentum usq; Westm. ad diem veneris tunc. prox.  
futur. ibidemq; tenend. hora consueta Mandavit in-  
super dcus Reverendissimus Dns Legatus Cancellarius  
Attorn. & Solicitatori Dni Regis qd assumpta  
secum

secum dca Commissionem die sequenti accederent in domum Coem intimaturi eis de domo coi dcam prorogacoem continuacoem & adjornacoem lcuriq; coram eis dcam. Commissionem ad intencoem quod ipsi Coes diem prefixum apud Westm. observent prout decet.

Die Jovis tertio decimo die mensis Augusti Cxxx. die Parliamenti ad horam ferme sextam post meridiem Dno Rege in solio maiis. sedente in Camera vulgariter dca Camera Parliamentor. infra palatium suum Westm. assidentibz dnis tam spiritualibz hatibz sive robis Parliamentaribz decoratus presente etiam de domo coi sive inferiori toto populo & plebe Thomas Moore miles eor. Prolocutor. silentio prius indict. gravit. eloquent. & magno cum honoris & humilitatis ac modest. honestament. regiam affatus est Matem. eand. summis & merit. quidem extollens laudibz dotes graves nature & fortune eidem sue Mati. a Deo maximo concessas copiosissime prosequebatur magnam in prudentia excellenciam promptam fortitudinis agilitatem mirum temperancie moderamen divinum justitie ardorem Innatam clemencie erga subditos benignitatem subditor. erga eandem suam majestatem amorem obedientiam ac debitam observantiam multa per exempla declarabat In cujus rei comprobacionem quoddam scriptum Indentatum concessionem cujusdam maximi Subsidi in se continen. Regia Mati. optulit Argumentum certe evidentissimum summe devocois honor. Regem subditor. Cui tam excellenti oracoi finem tam imposito dictus Reverendissimas Dns Legatus Cancellarius Dno Rege prius consult. singula egregie recitando respondebat, Quo fact. idem Reverendissimus Dns Legatus Cancellarius Acta omnia

Confirmation  
of this Act,  
&c.

*Anno xxxii. Henrici octavi.*

*in presenti Parlamento pro bono publico edita & facta ex mandato Dni Regis recitari & publicari jussit Quibus ex ordine per incia recitatis & lectis & singulis per Cicum Parliamenti responcoe secundum annotationes Regie voluntatis declarativas a dorso scriptas facta dictus Reverendissimus Dns legatus Cancellarius exhortando & admonendo nomine Regis omnes Dnos & Coes supradictos ut diligent. ordinata & Statuta pro bono publico in hoc Parlamento observarent & ab aliis observari procurarent post grat. ex parte Dni Regis accoem dict. Dnis & Coibz pro eor. diligentis & laboriosa perseverancia circa expedicoem premisso. Parliamentum predictum nomine Regis duxit finiendo. & dissolvendo. & illud realit. finivit perit & dissolvit concedens omnibz liberam ad propria recedendi facultatem Anno Regni sup. dicti metuendissimi ac potentissimi Dni nri Regis Quinto decimo.*

*Anno xxxii. Henrici octavi.*

## C A P. XL.

*Priviledges granted to Physicians in London.*

**I**N most humble wise shewen unto your Majesty your true and faithful subjects, and liege men, the President of the corporation of the comminalty and fellowship of the science and faculty of Physick in your City of London,  
and

and the Commons of the fellowes of the same, that whereas divers of them many times having in cure, as well some of the Lords of your most honourable Councel, and divers times many of the Nobility of this Realm, as many other your faithful and liege people, cannot give their due attendance to them and other their patients with such diligence, as their duty were and is to do, by reason they be many times compelled as well within the City of *London*, and Suburbs of the same, as in other Towns and Villages, to keep watch and ward, and be chosen to the office of Constable, and other offices within the said City, and Suburbs of the same, as in other places within this your Realm, to their great fatigation and unquieting, and to the peril of their Patients, by reason they cannot be conveniently attended. It may therefore please your most excellent Majesty, with the assent of your Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by authority of the same to enact, ordain, and establish, that the President of the said Comminalty and fellowship for the time being, and the commons and fellowes of the same, and every fellow thereof that now be, or that any time hereafter shall be their successors, and the successors of every of them, at all time and times after the making of this present Act, shall be discharged to keep any watch and ward, in your said City of *London*, or the Suburbs of the same, or any part thereof: And that they or any of them shall be chosen Constable,

The Physicians in *London* shall be discharged to bear certain offices there.

or

or any other officer in the said City or Suburbs. And that if any time hereafter the said President for the time being, or any of the said commons, or fellows for the time being, by any waies or means be appointed or elected to any watch or ward, office of Constable, or any other office within the said City or Suburbs, the same appointment, or election to be utterly void and of none effect, any order, custome or law to the contrary before this time used in the said City notwithstanding.

Four Physicians shall be chosen yearly to search Apothecary wares in London.

And that it may please your most royal Majesty, by the authority aforesaid, that it may be further enacted, ordained and established, for the Common-wealth and surety of your loving subjects of this your Realm, in, and for the administration of medicines to such your said subjects as shall have need of the same, That from henceforth the said President for the time being, commons, and fellowes, and their successors, may yearly at such time as they shall think most meet and convenient for the same, elect and choose four persons of the said commons, and fellows of the best learned, wisest, and most discreet, such as they shall think convenient, and have experience in the said faculty of Physick: and that the said four persons so elected and chosen after a corporal Oath to them ministred by the said President, or his Deputy, shall and may by vertue of this present Act, have full authority and power, as often as they shall think meet and convenient, to enter into the house or houses of all, and every

every Apothecary, now or any time hereafter using the mystery or craft of Apothecary within the said City, only to search, view, and see such Pothechary Wares, Drugs, and stufes as the said Apothecaries, or any of them have, or at any time hereafter shall have in their house or houses: And all such Wares, Drugs, and stufes as the said four persons shall then find defective, corrupted, and not meet, nor convenient to be ministred in any medicines for the health of mans body, the same four persons calling to them the Wardens of the said mystery of Apothecaries within the said City for that time being, or one of them, shall caule to be brent, or otherwise destroy the same, as they shall think meet by their discretion. And if the said Apothecaries, or any of them, at any time hereafter do obstinately, or willingly refuse, or deny the said four persons yearly elected and chosen, as is before said, to enter into their said house or houses for the causes, intent and purpose before rehearsed, That then they and every of them so offending contrary to this Act, for every time that he or they do offend, do forfeit C.s. the one half to your Majesty, and the other half to him that will sue for the same by action of debt, bill, plaint, or information in any of the Kings Courts wherein no wager of law, essoine, or protection shall be allowed. And if the said four persons or any of them so elected and chosen as before is said, do refuse to be sworn, or after his said oath to him or them administred, do obstinately refuse

C

to

The forfei-  
ture of an  
Apothecary  
that refuseth  
to have his  
house sear-  
ched. *St. 1.  
M. 9.*

The forfei-  
ture of such  
as being elect,  
refuse to be  
sworn or to  
make search.

to make the said search, and view once in the year at such time as they shall think most convenient by their discretions, having no lawful impediment by sickness or otherwise to the contrary: that then for every such wilful and obstinate default, every of the said four persons making default, to forfeit forty shillings.

Any of the  
Physicians of  
London may  
practise Chi-  
surgery.

And forasmuch as the Science of Physick doth comprehend, include and contain the knowledge of Chirurgery, as a special member and part of the same, therefore be it enacted, that any of the said Company or fellowship of Physicians, being able, chosen, and admitted by the said President and fellowship of Physicians, may from time to time as well within the City of London, as elsewhere within this Realm, practise and exercise the said Science of Physick in all and every his members and parts, any Act, Statute or provision made to the contrary notwithstanding.

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C A P. XLII.

*The authority and liberties of Barbers and Chirurgeons in London, being made of one Company.*

**T**He King our Sovereign Lord by the advice of his Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the authority of the same, by

by all their common assents, duly pondering among other things necessary for the Commonwealth of this Realm, that it is very expedient and needful to provide for men expert in the Science of Physick and Chirurgery for the health of mans body, when infirmities and sickness shall happen, for the due exercise and maintenance whereof, good and necessary acts be already made and provided. Yet nevertheless, forasmuch as within the City of *London*, where men of great experience as well in speculation, as in practise of the Science and faculty of Chirurgery, be abiding and inhabiting, and have more commonly the daily exercise and experience of the same Science of Chirurgery then is had or used within any parts of this Realm: And by occasion thereof many expert persons be brought up under them, as their servants, apprentices and others, who by the exercise and diligent information of their said masters, as well now, as hereafter shall exercise the said Science within divers other parts of this Realm, to the great relief comfort, and succour of much people, and to the sure safeguard of their bodily health, their limbs and lives. And for as much as within the said City of *London*, there be now two several and distinct Companies of Chirurgeons, occupying and exercising the said Science and Faculty of Chirurgery, the one Company being commonly called the Barbers of *London*, and the other Company called the Chirurgeons of *London*, which Company of Barbers be incorporated

By whom and  
at what time  
the Barbers  
of *London*  
were incorporated.

The benefit  
like to ensue  
by joyning  
the Barbers  
and Chirur-  
geons in one  
Company.

ted to sue, and be sued by the name of Masters or Governors of the Mystery and Commualty of the Barbers of *London*, by vertue and authority of the Letters Patents under the great Seal of the late King of famous memory King *Edward* the fourth, dated at *Westminster* the four and twentieth day of *February* in the first year of his reign, which afterward, as well by our most dread Sovereign Lord, as by the right noble and vertuous Prince King *Henry* the seventh, Father unto the Kings most excellent Highness now being, were and be confirmed, as by sundry Letters Patents thereof made, amongst other things in the same contained more at large may appear. And the other Company called the Chirurgeons, be not incorporate, nor have any manner of Corporation: which two severall and distinct Companies of Chirurgeons were necessary to be united and made one body incorporate, to the intent that by their union and often assembly together, the good and due order, exercise, and knowledge in the said Science or Faculty of Chirurgery, should be as well in speculation, as in practise, both to themselves and all other their said servants and apprentices, now and hereafter to be brought up under them, and by their learning, and diligent, and ripe informations, more perfect, speedy, and effectual remedy should be then it hath been, or should be, if the said two Companies of Barbers and Chirurgeons should continue severed asunder, and not joyned together, as they before this time have been, and used themselves, not medling

medling together. Wherefore in consideration of the Premises, be it enacted by the King our Soveriagn Lord, and by the Lords Spiritual and Temporal, and by the Commons in this present Parliament assembled, and by the authority of the same, That the said two severall and distinct Companies of Chirurgeons, that is to say, both the Barbers and the Chirurgeons, and every person of them being a freeman of either of the said Companies after the custome of the said City of *London*, and their successors from henceforth immediately be united, and made one entire and whole body corporate, and one Comminalty perpetual, which at all times hereafter shall be called by the name of Masters, or Governours of the mystery & Comminalty of Barbers and Chirurgeons of *London* for evermore, and by none other name: And by the same name to implead, and be impleaded before all manner of Justices, in all Courts, in all manner of Actions and Suits. And also to purchase, enjoy, and take to them and to their successors all manner of lands, tenements, rents, and other possessions whatsoever they be, and also shall have a common Seal, to serve for the businels of the said Company and Corporation for ever. And by the same name peaceably, quietly, and indifferently have, possess and enjoy to them and to their successors for ever, all such lands and tenements, and other hereditaments whatsoever, which the said Company, or Comminalty of Barbers have and enjoy, to the use of the said Mystery and Comminalty of Bar-

The Barbers and Chirurgeons of *London* made one Company and incorporated.

bers of *London*. And also shall peaceably, and quietly have, and enjoy all and singular benefits, grants, liberties, priviledges, franchises, and free customes, and also all manner of other things, at any time given or granted unto the said Companies of Barbers or Chirurgeons, by whatsoever name or names they or any of them were called, and which they, or any of them now have, or any of their predecessors have had, by acts of Parliament, Letters Pattents of the Kings Highness, or other his most noble progenitors, or otherwise by any lawful means had at any time afore this present Act, in as large and ample manner and form, as they, or any of them have, had, might, or should enjoy the same, this union, or conjunction of the said companies together notwithstanding. And as largely to have and enjoy the premises, as if the same were, and had been specially, and particularly expressed, and declared with the best and most clearest words, and terms in the law, to all intents and purposes. And that all persons of the said Company now incorporate by this present Act, and their successors, that shall be lawfully admitted, and approved to occupy Chirurgery after the form of the Statute in that case ordained and provided, shall be exempt from bearing of armour, or to be put in any watches or inquests: And that they, and their successors shall have the search, oversight, punishment, and correction as well of Freemen, as of foreins, for such offences as they, or any of them shall commit, or do against the good order of Barbery,

The Barbers  
and Chirur-  
geons in *Lon-  
don* shall be  
exempt from  
bearing of  
armes, or to  
be in watches  
or inquests.  
5. H. 8. 6.

Barbery, or Chirurgery, as afore this time among the said mystery and Company of Barbers of *London*, hath been used and accustomed, according to the good and politick rules and ordinances by them made, and approved by the Lords Chancellor, Treasurer, and two chief Justices of either Bench or any three of them after the form of the Statute in that case ordained and provided. 19. H. 7. 7d.

And further be it enacted by the authority aforesaid, that the said Masters or Governors of the Mystery and Comminalty of Barbers and Chirurgeons of *London*, and their successors yearly for ever after their said discretions at their free liberty and pleasure, shall and may have and take without contradiction four persons condemned, adjudged, and put to death for felony, by the due order of the Kings Lawes of this Realm, for Anatomies, without any further suit or labour to be made to the Kings Highness, his Heirs or Successors for the same. And to make incision of the same dead bodies, or otherwise to order the same, after their said discretions at their pleasures, for their further and better knowledge, instruction, insight, learning, and experience in the said Science or Faculty of Chirurgery. Saving unto all persons, their heirs and successors, all such right, title, interest, and demand, which they, or any of them might lawfully claim to have, in, or to any of the lands and tenements with the appurtenances belonging unto the said Companie of Barbers and Chirurgeons, or any of them, at any time.

The Chirurgeons may take yearly four condemned persons for Anatomies.

time afore the making of this Act, in as ample manner and form as they or any of them had or ought to have had heretofore: Any thing in this present Act comprised, to the contrary hereof in any wise notwithstanding.

And forasmuch as such persons being of the Mystery or Faculty of Chirurgery, oftentimes meddle, and take into their cure, and houses, such sick and diseased persons, as been infected with the pestilence, great Pocks, and such other contagious infirmities, do use, or exercise Barbery, as washing, or shaving, and other feats thereunto belonging, which is very perillous for infecting the Kings liege people, resorting to their shops, and houses there being washed or shaven. Wherefore it is now enacted, ordained, and provided by the authority aforesaid, that no manner person within the City of *London*, Suburbs of the same, and one mile compass of the said City of *London*, after the Feast of the Nativity of our Lord God next coming, using any Barbery or shaving, or that hereafter shall use any Barbery or shaving within the said City of *London*, Suburbs, or one mile circuit of the same City of *London*, he nor they, nor none other for them, to his, or their use shall occupy any Chirurgery, letting of blood, or any other thing belonging to Chirurgery, (drawing of teeth only except.) And furthermore in like manner whosoever that useth the mystery or craft of Chirurgery, within the circuit aforesaid, as long as he shall fortune to use the said mystery or craft of Chirurgery, shall in

No Barber in  
London shall  
use Chirur-  
gery.

No Chirurge-  
on in London  
shall use the  
art of shaving.

in no wise occupy nor exercise the feat or craft of Barbery or shaving, neither by himself, nor by none other for him to his or their use: And moreover, that all manner of persons using Chirurgery for the time being, as well freemen, as foreigners, aliens, and strangers within the said City of *London*, the Suburbs thereof, and one mile compass of the same City of *London*, before the Feast of Saint *Michael* the Archangel next coming, shall have an open sign on the street side where they shall fortune to dwell, that all the Kings liege people there passing by may know at all times whether to resort for their remedies in time of necessity.

Every Chirurgeon in *London* shall have a Sign at his door

And further be it enacted by the authority aforesaid, That no manner of person after the said Feast of Saint *Michael* the Archangel next coming, presume to keep any shop of Barbery or shaving within the City of *London*, except he be a Freeman of the same Corporation and Company.

None shall be a Barber in *London* but a Freeman of that Company.

And furthermore, at such times as have been heretofore accustomed, there shall be chosen by the same Company, four Masters or Governors of the same Corporation or Company, of the which four, two of them shall be expert in Chirurgery, and the other two in Barbery, which four Masters, and every of them shall have full power and authority from time to time, during their said office, to have the oversight, search, punishment, and correction of all such defaults and inconveniences, as shall be found among the

Four Wardens shall be chosen, and their authority.

The forfei-  
tures of the  
offenders.

said Company using Barbery, or Chirurgery, as well of freemen, as foreins, aliens, and strangers, within the City of *London* and the circuit aforesaid, after their said discretions. And if any person or persons using any Barbery, or Chirurgery, at any time hereafter, offend in any of these Articles aforesaid: then for every moneth the said persons so offending shall lose, forfeit and pay five pounds, the one moiety thereof to the King our Sovereign Lord, and the other moiety to any person that will or shall sue therefore by action of debt, bill, plaint, or information in any the Kings Courts, wherein no wager of law, essoine, or protection shall be admitted or allowed in the same.

Provided that the said Barbers and Chirurgeons, and every of them shall bear and pay lot and scot, and such other charges, as they and their predecessors have been accustomed to pay within the said City of *London*, this act nor any thing therein contained to the contrary hereof in any wise notwithstanding.

Any person  
may keep a  
Barber or  
Chirurgeon  
as his servant,

Provided alway, and be it enacted by authority aforesaid, that it shall be lawful to any of the Kings Subjects, not being Barber or Chirurgeon, to retain, have, and keep in his house, as his servant, any person being a Barber or Chirurgeon, which shall and may use, and exercise those arts and faculties of Barbery and Chirurgery, or either of them, in his masters house, or elsewhere by his Masters license or commandement, any thing in this Act above written to the contrary notwithstanding.

Anno

Anno xxxiiii. & xxxv. Henrici octavi.

C A P. VIII.

*Any person being no common Chirurgeon, may  
minister outward medicines.*

WHere in the Parliament holden at *West-*  
*minster*, in the third year of the Kings  
most Gracious reign, amongst other things for  
the avoiding of forceries, witchcrafts, and other  
inconveniencies, it was enacted, That no person  
within the City of *London*, nor within seven miles  
of the same, should take upon them to exercise  
and occupy as Physician, or Chirurgeon, except  
he be first examined, approved, and admitted by  
the Bishop of *London* and other, under and upon  
certain pains and penalties in the same Act men-  
tioned. Sithence the making of which said Act,  
the company and fellowship of Chirurgeons of  
*London*, minding only their own lucre, and no-  
thing the profit or ease of the diseased or pati-  
ent, have sued, troubled and vexed divers honest  
persons, as well men as women, whom God  
hath endued with the knowledge of the nature,  
kind and operation of certain herbs, roots and  
waters, and the using and ministering of them, to  
such as been pained with customable diseases:  
as womens breasts being sore, a pin and the  
web in the eye, uncomes of hands, scaldings,  
burnings,

By what  
means the  
Chirurgeons  
of *London*  
have abused  
the Statute of  
3. H. 8. 11.  
for their own  
gain.

burnings, sore mouthes, the stone, strangury, saucelime, and morfew, and such other like diseases. and yet the said persons have not taken any thing for their pains or cunning, but have ministered the same to poor people only for neighbourhood and Gods sake, and of pity and charity. And it is now well known, that the Chirurgeons admitted will do no cure to any person, but where they shall know to be rewarded with a greater sum or reward then the cure extendeth unto, for in case they would minister their cunning unto fore people unrewarded, there should not so many rot and perish to death for lack of help of Chirurgery as daily do: but the great part of Chirurgeons admitted, been much more to be blamed, then those persons that they trouble.

For although the most part of the persons of the said craft of Chirurgeons have small cunning, yet they will take great sums of money, and do little therefore, and by reason thereof they do oftentimes impair and hurt their patients, rather than do them good.

In consideration whereof, and for the ease, comfort, succour, help, relief and health of the Kings poor Subjects, inhabitants of this his Realm, now pained, or diseased, or that hereafter shall be pained or diseased.

Be it ordained, established and enacted by the authority of this present Parliament, that *at* all time from henceforth it shall be lawful to every person being the Kings Subject, having know-

knowledge and experience of the nature of herbes, roots and waters, or of the operation of the same by speculation or practise within any part of the Realm of *England*, or within any other the Kings Dominions, to practise, use and minister in and to any outward sore, uncome, wound, apostemations, outward swelling, or discale, any herb or herbs, oyntments, bathes, pultes, and emplasters, according to their cunning, experience and knowledge in any of the diseases, sores, and maladies before said, and all other like to the same, or drinks for the stone, and strangury, or agues, without suit, vexation, trouble, penalty or losse of their goods, the foresaid Statute in the foresaid third year of the Kings most Gracious reign, or any other Act, Ordinance or Statute to the contrary hereof, heretofore made, in any wise notwithstanding.

It shall be lawful for any person to cure outward sores not withstanding the Statute of 3. H. 8. 11.

*Anno primo M A R I Æ,  
Sessio secunda.*

C A P. IX.

*The Incorporation of Physicians in London.*

**W**Hereas in the Parliament holden at *London* the fifteenth day of *April*, in the fourteenth year of the reign of our late Sovereign Lord King *Henry* the eighth, and from thence adjourned to *Westminster* the last day of *July*, in the fifteenth year of the reign of the same King, and there holden: It was enacted, that a certain Grant by Letters Pattents, of incorporation made and granted by our said late King, to the Physicians of *London*, and all clauses and Articles contained in the same Grant, should be approved, granted, ratified, and confirmed by the same Parliament.

A confirma-  
tion of the  
St. of 14. H.  
8. 5. touching  
the Corpora-  
tion of Phy-  
sicians of *Lon-  
don*.

For the consideration thereof, be it enacted by authority of this present Parliament, that the said Statute or act of Parliament, with every article and clause therein contained, shall from henceforth stand and continue still in full strength, force, and effect. Any Act, Statute, Law, Custome, or any other thing made, had, or used to the contrary in any wise notwithstanding.

And for the better reformation of divers enormities,

mities, happening to the Common-wealth, by the evil using and undue administration of Physick, and for the enlarging of further Articles for the better execution of the things, contained in the said Grant enacted.

Be it therefore now enacted, That whensoever the President of the Colledge, or Communalty of the faculty of Physick of *London*, for the time being, or such as the said President and Colledge shall yearly, according to the tenor and meaning of the said Act, authorised to search, examine, correct, and punish all offenders, and transgressors, in the said faculty, within the same City and precinct, in the said Act expressed, shall send or <sup>a</sup> commit any such offender or offenders, for his or their offences or disobedience, contrary to any article or clause, contained in the said Grant or Act, to any Ward, Goal, or Prison, within the same City and Precinct (the Tower of *London* except.) That then from time to time, the Warden, Goaler or Keeper, Wardens, Goalers, or Keepers of the Wards, Goals and Prisons, within the City or Precinct aforesaid (except before excepted) shall receive into his or their Prisons, all and every such person and persons so offending, as shall be so sent or committed to him or them, as is aforesaid, and there shall safely keep the person or persons, so committed, in any of their prisons, at the proper costs and charges of the said person or persons, so committed, without bail or mainprise, until such time as such offender or offenders, or disobedient, be discharged.

Whosoever shall be committed to prison by the President of the Colledge of Physicians in *London*, shall be received and kept thereby.

<sup>a</sup> Co. li. 8. fo. 114.

The offenders  
forfeiture,  
and who shall  
have it, and  
by what  
means.

charged of the said imprisonment, by the said President, and such persons as by the said Colledge, shall be thereunto authorised, upon pain that all and every such Warden, Goaler, or Keeper, doing the contrary, shall lose and forfeit the double of such fine and amerciamment, as such offender and offenders, or disobedients, shall be assessed to pay, by such as the said President and Colledge shall authorise, as aforesaid, so that the same fine and amerciamment, be not at any one time above the sum of xx.li. the moiety thereof to be employed to the use of our Sovereign Lady the Queen, her Heirs and Successors, the other moiety unto the said President and Colledge. All which forfeitures to be recovered by action of debt, bill, plaint, or information in any of the Queens, her Heirs, and Successors Courts of Record, against any such Warden, Goaler, or Keeper, so offending: in which suit no essoine, wager of Law, nor protection shall be allowed, ne admitted for the defendant.

Searching in  
London for  
Apothecary  
wares.  
32. H. 8. 40.

And further be it enacted by the authority aforesaid, for the better execution of the search and view of Poticary wares, Drugs and Compositions, according to the tenour of a Statute, made in the two and thirtieth year of the reign of the said late King *Henry* the eighth, that it shall be lawful for the Wardens of the Grocers, or one of them, to go with the said Physicians in their view and search, that if the said Warden or Wardens, do refuse or delay his or their coming thereunto, forthwith and immediately when the said

saïd President, or four of his Colledge Elect, as  
aforesaid, do call upon him or them, that then  
the saïd Physicians may and shall execute that  
search and view, and the due punishment of the  
Apothecaries: for any their evil and faulty stuffe,  
according to the Statute last before mentioned,  
without the assistance of any of the saïd Wardens:  
any clause in the aforenamed statute to the con-  
trary hereof notwithstanding. And every such  
person or persons, as will or shall resist such  
search, shall forfeit for every such resistance x. li.  
the same penalty to be recovered in form afore-  
said, without any of the delaies aforesaid to be  
had in suit thereof.

The penalty  
for resisting  
search of A-  
pothecary  
wares.

And further be it enacted, that all Justices,  
Maiors, Sheriffs, Bailiffs, Constables, and other  
Ministers, and Officers, within the City and Pre-  
cincts above written, upon request to them made,  
shall help, aid and assist the President of the saïd  
Colledge, and all persons by them (from time  
to time) authorized for the due execution of the  
saïd Acts or Statutes, upon pain for not giving  
of such aid, help and assistance, to run in con-  
tempt of the Queens Majesty, her Heirs and Suc-  
cessors.

Other Magi-  
strates shall  
assist the Phy-  
sicians in  
their search:

Queen ELIZABETH S  
 Charter for Anatomies.

**E**Lizabetha Dei gratia Anglie Francie & Hi-  
 bernie regina fidei defensor &c. Omnibus ad  
 quos presentes litteræ pervenerint salutem. Cum pre-  
 clarissime memorie Pater noster Henricus octavus nu-  
 per Rex Anglie inter nonnullas alias in commodum &  
 utilitatem regni sui Anglie preclare admodum statu-  
 tas & stabilitas ordinationes saluti subditorum suorum  
 summopere invigilans per literas suas patentes Colle-  
 gium perpetuum quorundam gravium virorum medi-  
 corum qui medicinam in urbe sua Londino & sub-  
 urbiis ejusdem, intraque septem miliaria ab ea urbe  
 quaqua versus publice exercerent, instituerit & incor-  
 poraverit eos in corpus corporatum & politicum per no-  
 men Presidentis Collegii seu communitatis facultatis  
 medicine Londini & concesserit eidem presidenti Col-  
 legii siue communitatis predictæ & successoribus suis  
 diversas libertates & privilegia. Quas lras patentes  
 & omnia in iis contenta idem Pater noster non solum per  
 senatus consultum seu Parliamentum suum tenth  
 Annis quarto decimo & quinto decimo regni sui con-  
 firmavit, sed etiam per idem statutum in multis ad-  
 auxit & amplificavit. Quod Quidem pium insti-  
 tutum dei Patris nri quandoquidem in reipublice  
 commoditatem cessit manifestam & in majorem indies  
 cessurum verisimile sit, si nos quod rem medicam pro-  
 fitentibus maxime necessarium est, concesserimus pre-  
 dictis

dictis presidenti Collegii sive communitatis predictæ & successoribus suis inperpetuum quotannis quædam humana corpora ad anatomizandum ut informamur. Sciatis qd nos non modo preclaram institucōem dicti Patris nostri merito recolentes, verumetiam regiæ officii nri munus arbitantes regiminis nostri subditorum incolumitati, saluti & securitati quantum in nobis est, providere de gra nra spiali ac ex nra scientia ac mero motu nostris concessimus ac per presentes pro nobis heredibus & successoribus nostris concedimus prefato Presidenti Collegii sive communitatis medicine Londini predictæ. & successoribus suis sive eorum assignatis qd habeant & accipiant annuatim Temporibus futuris inperpetuum una vice vel diversis anni vicibus ad discrecoem voluntatem & libertatem predictæ. presidis pro tempore existm. & successorum suorum unum duo tria vel quatuor corpora humana ad discindend. & anatomizand. quod jure publico hujus regni furti homicidii vel cujuscunque felonie condemnatum & mortuum fuerit, vel que jure publico hujus regni furti homicidii vel cujuscunque felonie condemnat. & mort. fuerint intra Comitatum Midd. vel infra Civitatem London predictam, vel alibi ubicunque infra sedecim miliaria predictæ. Civitatis prox. in quocunque Comitatu sine impedimento nostri heredum vel successorum nostrorum, aut vicecomitum Ballivorum, servient. ad clavam, seu aliorum officiariorum aut subditorum nostrorum quorumcunque, sive eorum alicujus. Et Quod licebit eidem presidenti Collegii & communitati predictæ. & successoribus suis & aliis, quibuscunq; eorum assignatis medicine professoribus seu expertis eadem corpora secare, dividere & aliter pro voluntate & judicio suo cum ea reverentia qua

humane carni debetur tractare ad incrementum cognitionis medicine experimentum ejusdem & ad salutem ligeorum nostrorum sine contradictione alicujus. Et hoc absq; ulla pecuniarum summa, vel ullis pecuniarum summis pro eisdem reddend. seu cuicunq; solvend. Proviso semper quod cum hujusmodi anatomia de tempore in tempus transacta & perfecta fuerit predicta corpora sumptibus ipsorum presidentis & successorum suorum debitis exequiis & sepulture committatur. **Eo Quod** expressa mentio de vero valore Annuo aut de aliquo alio valore vel certitudine premissorum sive eorum alicujus aut de aliis donis sive concessionibus per nos vel per aliquem Progenitorum nostrorum prefatis presidenti Collegii sive communitati facultatis medicine Londini ante hac tempora factis in presentibus minime fact. existit. Aut aliquo statuto Actu ordinatione proclamacoe provisione sive restricoe inde in contrarium habit. fact. edit. ordinat. sive provis. Aut aliqua alia re caussa vel materia quacunque in aliquo non obstante. In cujus rei testimonium has litteras nostras fieri fecimus Patentes. **Teste** meipa apud Westmonasterium vicesimo quarto die Februarii Anno regni nostri septimo.

Per breve de privato sigillo &c. Naylour.

*Letters Pattents granted by King  
J A M E S to the Colledge of  
Physicians in London. dat. 8. O-  
ctobr. 15<sup>o</sup> regni sui.*

**J**AMES by the grace of God, King of *England*,  
*Scotland, France, and Ireland*, Defender of the  
Faith, &c. To all to whom these presents shall  
come greeting: Whereas our most noble and  
renowned Predecessors, King *Henry* the eight  
late King of this our Realm of *England*, in his  
Princely wisdom deeply considering and by the  
example of forein well governed States and  
Kingdomes, truly understanding how profitable,  
beneficial and acceptable it would be unto the  
whole body of this Kingdome of *England*, to  
restrain and suppress the excessive number of  
such as daily professed themselves learned, and  
profound practisers in the Faculty of Physick,  
whereas in truth they were men illiterate and  
unexperienced, rather propounding unto them-  
selves their private gain, with the detriment of  
this Kingdome, then to give relief in time of  
need, And likewise duly considering that by  
the rejecting of those illiterate and unskilful  
practisers, those that were learned grave and pro-  
found practisers in that Faculty, should receive

Preamble.

Recital of the  
Patent of in-  
corporation.

more bountiful reward; and also the industrious Students of that profession would be the better encouraged in their studies and endeavours. For these and many other weighty motives, causes and considerations, our royal and Princely Predecessor King *Henry* the eight, by his Letters Patents bearing date at *Westminster* the three and twentieth day of *September* in the Tenth year of his reign, of his especial grace and Princely favour, did erect found and establish a Colledge, Comminalty or Incorporation of Physitians in the City and Suburbs of *London* and for seven miles every way in distance from the same, to be, remain, and have existence for ever: and by the same Letters Patents, our aforesaid noble Predecessor did further give and grant unto *John Chambre*, *Thomas Linacre*, *Ferdinando de Victoria*, *Nicholas Halsewell*, *John Francis*, and *Robert Raxley*, then learned, discreet, and profound practisers in the said Faculty of Physick in the foresaid City of *London*. That they and all of the said Faculty of Physick of and in the foresaid City of *London*, should for ever, from thenceforth be in name and deed one Body Comminalty and Colledge; And further by the said Letters Patents did give and grant unto the said Colledge and Comminalty, full power, ability and authority for ever, annually to elect and make one of the said Colledge or Comminalty to be President of the said Colledge, Corporation and Comminalty; And that the said President so elected and made, and the said Colledge and

and Comminalty, should have perpetual succession and a common Seal for the behoof and benefit of the said President, Colledge and Comminalty, and their Successors for ever. And also by the said Letters Pattents did further give and grant unto the said President, Colledge and Comminalty, and their Successors, divers and sundry other liberties, priviledges, immunities, power, ability and authority, not only to and for the benefit, advantage and commodity of the foresaid President, Colledge and Comminalty and their Successors, but also for the more certain and easier discovery, speedy restraint, and certain repressing of the before mentioned unskilful and illiterate practisers in the said faculty of Physick as aforesaid. As by the foresaid Letters Patents remaining of record amongst other things therein contained, more plainly and fully it doth and may appear. Which said Letters Patents, and all and every Crant, Article, and other thing contained and specified in the same, were by Act of Parliament made in the xiiii. year of the reign of our said noble predecessor King *Henry* the eight, approved, granted, ratified and confirmed, and clearly authoris'd and admitted by the same, good lawfull and available to the said body corporate and their successors for ever, and that the best construction that might be invented should be made thereof, and of every part and parcel thereof for the best benefit, behoof, power and authority of the foresaid President, Colledge and Corporation of Physicians as aforesaid.

And

Confirmed  
by Parlia-  
ment, 14. H.  
8.

## K. James his Letters Patents.

By other  
Acts.

New Abuses.

K. James's  
Grants.

And further, by other several Acts of Parliament, divers and sundry other Priviledges, liberties, ability, power and authority are and were established, ordained, given and granted unto the said President, Colledge and Corporation of Physicians and their successors, as by the said several Acts of Parliament thereof made more fully and at large it doth and may appear. Sithence the making of which said Letters patents and several Acts of Parliament, we do nevertheless daily find that divers enormities and abuses, not as yet sufficiently provided for and reformed, do abound and increase to the apparent damage of us and our loving Subjects of this our Realm of *England*, by and through the unskilfulness, fraud and deceit of Physicians, Apothecaries, Druggists, and such like, and are likely much more to abound, unless timely and fectine remedy be by us provided and applied for the curing of so publique a disease. *Know* ye therefore, that we graciously affecting so pious and charitable a work, and intending hereby a more full and perfect reformation of the said abuses, grievances and enormities, which these later times have abundantly brought forth in this our Realm, out of our Princely disposition and care for the repressing thereof; and of our special grace, certain knowledge and meer motion at the humble Petition aswell of our trusty and well beloved *Henry Atkins* Doctor in physick, now President of the said Colledge, and one of our Physicians, *Theodorus de Maierne* Doctor

## K. James his Letters Patents.

41

For in Physick, one other of our Physicians, *Thomas Mounford* and *Edward Lister* Doctors in Physick, Fellowes and Elects of the said Colledge, as of other the Doctors of the said Colledge, have given, granted, ratified, approved, allowed and confirmed, and by these presents, do for us our Heirs and Successors, give, grant, ratifie, approve, allow and confirm unto the aforesaid President and Colledge or Comminalty and their Successors, the said Letters patents of our said noble predecessor King *Henry the Eight*, herein before mentioned, and every article, clause, gift and grant therein contained, and not herein altered, for the honour, peace and quiet of the said Colledge; and that the said President and Colledge or Comminalty and their Successors shall and may for ever hereafter have, receive, take, retain, keep, use, exercise and enjoy all and singular such rights, titles, liberties, priviledges, immunities, freedoms, executions, ability, power, authority and other things, as by the said Letters patents, or by any Acts of Parliament, are or were given, granted or confirmed, or were thereby mentioned or intended to be given, granted or confirmed, notwithstanding the not using, misusing or abusing of the same; and that the same Letters Patents, and every article and clause therein contained, shall be adjudged, taken, and construed most benignly and favourably, to and for the best benefit, avail and advantage of the foresaid President, and Colledge, or Comminalty, or their Successors, any Ordinance, Custome, or usage to the contrary in any

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wise

A Confirmation  
tion of all former  
mer Patents  
and Acts of  
Parliament.

Against not  
admitted.

Power to sue  
for the Pe-  
nalties,

*wife notwithstanding.* And whereas our said noble Predecessor, by the aforesaid Letters patents, (amongst other things) therein contained, hath given and granted unto the foresaid President, and Colledge or Comminalty and their Successors; and thereby expressly appointed and provided, that no person whatsoever should exercise the said Faculty of Physick within the aforesaid City of London, or within seven miles in circuit thereof; unless the said person should first be admitted to do the same, by the foresaid President, and Colledge or Comminalty, or their Successors, by Letters testimonial of the said President and Colledge or Comminalty sealed with their common Seal, upon pain of forfeiting five pounds for every moneth wherein the said persons should exercise the said faculty being not admitted thereunto, the one half thereof to be forfeited and given to our said Predecessor, his heirs and successors, and the other half thereof to be forfeited and given to the said President, and Colledge or Comminalty and their Successors, as by the said Letters patents may appear.

*Now know ye,* That we in our Princely wisdom, deeply considering how needful it is and will be, that all and singular person and persons practising or exercising the said faculty of physick contrary to the intent and true meaning of the foresaid Letters patents, shall be duly and condignly punished: and for the better encouragement of the foresaid President, and Colledge or Comminalty and their Successors to sue for the said penalty

## K. James his Letters Patents.

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nalty of five pounds specified and mentioned by the said Letters patents, of our especial grace, certain knowledge, and meer motion. *Have* given and granted, and by these presents, for us, our heirs, and successors, do give and grant unto the said President, and Colledge or Comminalty and their Successors full power and lawful authority in the name of us our heirs and successors, or otherwise in their own name, by the name of the President and Colledge of the Faculty of Physick within the city of *London* in any our Courts of record, or in any other place or places within this our Realm, according to our Lawes to sue for, recover and have execution of and for all and singular such penalties, forfeitures, sum and sums of money as now are or hereafter from time to time, shall accrew or grow due unto us our heirs or successors, or to them by force or vertue of the foresaid Letters patents or any the said Statutes, or any clause or thing in them, or in these presents contained (other then the Recognizance hereafter expressed, or by reason or means of any offence or misdemeanor whatsoever committed, perpetrated, or done or hereafter to be committed, perpetrated or done contrary to the intent and meaning thereof; and after the same shall be duly recovered, levied or received as aforesaid. We will and by these presents for us our heirs and successors, do give and grant the same penalties, forfeitures, and sums of money, and every part and parcel thereof to the said President, and Colledge, and Comminalty, and their Successors to be retained, had, taken,

Penalties to  
the Colledge  
use only,

F 2                      convertd,

*K James his Letters Patents.*

converted and enjoyed to their sole and proper use benefit and behoof, without rendring, making or yielding unto us, our heirs or successors, any part or parcel thereof: or any rent, accompt or recompence for the same (other then the yearly rent hereafter by these presents reserved) the said Letters patents, or any the said Statutes before mentioned, or any clause, article or relervation in them or any of them contained to the contrary hereof in any wise notwithstanding. And we do further by these presents of our especial grace, certain knowledge and meer motion for us, our heirs and successors, give and grant unto the foresaid President, and Colledge or Comminalty and their Successors, that the four persons to be annually chosen by the said President, and Colledge or Comminalty for the time being, and their Successors according to the intent and meaning of the foresaid Letters patents of our said Predecessor King *Henry the Eight*, now commonly called the four Censors of the said Colledge, or any three of them for the time being, shall have full power and lawful authority at all time and times hereafter, when and as often as to the said four Censors, or any three of them shall seem requisite and convenient to examine, survey, govern, correct and punish all and singular Physicians and Practisers in the faculty of Physick, Apothecaries, Druggists, Distillers and Sellers of Waters or Oyls, Preparers of Chymical Medicines, to be sold or imployed for gain, and all and every other person and persons practising in.

To the Censors power to survey all Medicines.

in the same faculty, or using the art or mystery of an Apothecary, or the trade or craft of a Druggist, Distiller, Preparer or seller of any Oyls, Waters, or Medicines as aforesaid, or that shall sell or put to sale any Stuff, Drugs, Oyls, Waters, or Medicines, or other thing whatsoever, fit, apt, and used or pretended to be fit, apt, and used for Medicines either simple or compounded, at or in any place or places within the foresaid City and Suburbs of *London*, or within seven miles of the same, by fines, amerciaments, and imprisonment, and by other lawful waies and means according as the nature and quality of his or their offence or offences in the premises shall deserve or require. *And* we do further of our like especial grace, certain knowledge, and meer motion, for us, our heirs and successors, give and grant unto the foresaid President, and Colledge or Comminalty and their Successors; and do by these presents declare our will and pleasure to be, That the said four Censors of the foresaid Colledge for the time being, or any three of them for ever hereafter, when and as often, as to the said Censors or any three of them shall seem meet and convenient, shall have full power and authority to send for, summon, convent, and cause to appear and come before them the said four Censors for the time being, or any three of them, all and every Physician and Physicians, practiser and practisers in the said Faculty of Physick within the foresaid City and Suburbs of *London*, or within seven miles thereof, at such times and

Power of the Censors to summon ex parte mine and fine.

Physicians not licensed.

Penalty for  
not appear-  
ing.

Or refusing  
to answer.

places, as by the said Censors or any three of them shall be reasonably limited, prefixed and appointed, and to *examine them concerning their skill or practise of the said faculty of Physick, and their manner of practise therein*: And if any Physician or practiser in the said Faculty of Physick upon reasonable summons, and garnishment to be made and given in that behalf, shall make default, and not appear before the said Censors or any three of them at such time and place as by the said Censors or any three of them shall be reasonably limited, prefixed and appointed, or *shall refuse to answer, or to be examined as aforesaid*; that then and so often the said four Censors for the time being, or any three of them, shall and may lawfully assess and impose a reasonable penalty, fine, or amerciamment upon every or any such delinquent or offender for every several default of appearance made upon several summons, or for every several refusal to answer or to be examined as aforesaid, at several times upon several appearances made, so as the same penalty, fine or amerciamment so to be imposed for any one default of appearance or refusal to answer, or to be examined as aforesaid, do not at any one time exceed *the sum of forty shillings of currant English money*: and if any person or persons so summoned or warned as aforesaid do make his or their personal appearance before the foresaid Censors, at such time and place, as is or shall be limited and appointed as aforesaid; and it shall then and there appear unto the said Censors, that such per-

person or persons hath or have ministred or prescribed Medicines or Physick unto any person or persons, or hath or have practised in the said faculty of Physick at any one or more time or times within the foresaid City or Suburbs of London, or within seven miles thereof, without admission and license first had and obtained of and from the said President, and Colledge or Comminalty, or their Successors by Letters Testimonial under their Common Seal, according to the meaning of the Letters patents before mentioned: then it shall and may be lawful to and for the said four Censors or any three of them to assess and impose a reasonable penalty, fine, or amerciamment upon every such person and persons so practising, *for every such his and their offence and default* in that behalf; so as the same exceed *not the sum of three pounds of lawful English money*, and to imprison him by the space of *seven daies or under*, for such his offence, and not to detain him in prison any longer, unless he shall not have made satisfaction and payment of the same Fine so imposed upon him for the same offence, in which case it shall be lawful to detain him in prison untill the same fine be satisfied. And if it shall then and there appear unto the said Censors, or any three of them as aforesaid, that any such person or persons so making his or their appearance, hath at any time administred or prescribed any *noysome, unwholsome, or unfit medicine or physick unto any person or persons within the limits aforesaid*, then the said Censors, shall and may from time

Penalty of Practisers without licence by the Censors.

Three pounds  
Imprisonment 7. daies

For bad practise,

Ten pounds.

Discovery of  
offenders.

time to time punish the said delinquent or offender by reasonable amercement, fine or imprisonment according unto their discretions to be by them imposed as aforelaid, so as the same fine *do not exceed the sum of Ten pounds*, and so as the imprisonment for such offence exceed not the *space of fourteen daies*, unless it shall be for non-payment of such fine, for which it shall be lawful to detain such offender in prison untill the same fine be satisfied. And to the end that the said offenders in the premises may be the better known and discovered, and may be for their said misdemeanors and offences duly and condignly punished according to the merits of their said offences, We do therefore of our more abundant grace, certain knowledge and meer motion, for us our heirs and successors, give and grant unto the said President, and Colledge or Comminalty and their Successors full power and lawful authority, that it shall and may be lawful to and for the said President, and Colledge or Comminalty and their Successors by any precept or process to be made under their Common Seal, to summon and warn any person or persons whatsoever, whom they shall know or think meet, being any Apothecary, Chirurgeon, Druggist, or employed in or about ministring of any physick or medicines, or attendant or servant upon any that shall have received physick or medicines to declare, testifie or prove against any such delinquent or offender in the premises, his or their misdemeanors or offences upon reasonable summons

mons and warning to appear and come before the said President, and Colledge or Comminalty and their Successors, or the said Censors or any three of them, to be examined touching his or their knowledge of the said offenders and their misdemeanors and offences in the premises; and upon his or their appearance made as aforesaid to administer and give to him or them so to be produced to testifie as aforesaid *an Oath or Oathes*, To give an Oath. and him and them to swear upon the holy Evangelists, to testifie and declare the truth of his and their knowledge concerning the said offenders in the premises and their said misdemeanors and offences, or otherwise to examine him or them without oath as they shall think fit. And that if any such person or persons as shall be thought fit as aforesaid to declare and testifie concerning the said offences upon reasonable summons and warning given as aforesaid shall wilfully make default, and shall not accordingly appear before the said President, and Colledge or Comminalty, and their Successors, or the said Censors or any three of them, or if he or they shall appear, and yet nevertheless shall refuse to take such oath or oathes as shall be then offered or tendred unto him or them as aforesaid, or otherwise shall refuse to be examined without oath, or shall refuse to make answer to such questions as shall be then asked or demanded of him or them by the said President, and Colledge or Comminalty and their Successors, or the said Censors or any three of them concerning his or their

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know-

Censors  
search.

knowledge touching the said offences and misdemeanors or any of them, or any other matter or thing concerning the same, or the discovery thereof; then every such person and persons shall for every such default or refusal as aforesaid, forfeit and pay to the said President, and Colledge or Comminalty and their Successors *the sum of Twenty shillings of lawful English money.* And we do further of our especial grace, certain knowledge and mere motion, for us our heirs and successors, give and grant unto the said President, and Colledge or Comminalty, and their Successors, That the said four Censors for the time being or any three of them shall and may have full and absolute power and lawfull authority at all time and times, when and as often as to them as aforesaid shall seem meet and convenient, at fit and reasonable times to enter into the house, shop, cellar, vault, workhouse or warehouse, or any other rooms of the house of any Apothecary, Druggist, Distiller, and Seller of Waters, Oyls, or other compositions for the ends aforesaid, or of any other person or persons that now doth or hereafter shall put or set to sale any Medicine, Drugs, Waters, Oyls, or Stuff, fit, apt or used, or pretended to be fit, apt or used for Medicines within the foresaid City or Suburbs of *London*, or within seven miles thereof; and then and there to search, view, try, examine, and see the said Medicines, Wares, Drugs, Waters, Oyls, Medicines and Stuffs, of such Apothecaries, Druggists, Distillers, Preparers, or Sellers

lers of Waters, Oyls, or Medicines, or other person or persons as aforesaid, and to examine them upon oath or without oath, as they shall think best concerning the receipts and compositions thereof; and all such Medicines, Wares, Drugs, Waters, Oyls, and Stuffs, as the said four Censors or any three of them as aforesaid shall finde or conceive to be defective, corrupted or not meet nor convenient, to be ministred or used in medicine for the health of mans body, the said four Censors or three of them, shall or may take, burn, or otherwise destroy the same, or cause to be taken, burned, or otherwise destroyed according to their discretions.

And we do further for us our Heirs and Successors, give and grant unto the said President or Colledge, and Comminalty, and their Successors, that the said four Censors for the time being or three of them, shall and may have full and absolute power and authority at all times, when and as often, as to them shall be thought meet and reasonable, to send for, summon, convent, and cause to appear before them the said four Censors for the time being or any three of them, at such times and places within the foresaid City and Suburbs of *London* or within seven miles thereof, *all or any such Apothecaries, Druggists, Distillers, Preparers, and Sellers* of such Waters, Oyls, or Medicines as aforesaid, or any other person or persons whatsoever, using the Art or Mystery of an Apothecary or Druggist, or the Trade or Craft of a Distiller, Preparer, or Seller

Power to  
Convent A-  
pothecaries,  
&c.

*shall have*  
*power*

## K. James his Letters Patents.

of Waters, Oyls, or Medicines, or that shall put or set to sale any Stuff, Drugs, Waters, Oyls, Medicines, or other things whatsoever, apt, fit, or used for Medicine either simple or compound within the foresaid City and Suburbs of *London*, or within seven miles from the same: And if any such person or persons, so summoned or warned as aforesaid, upon reasonable summons and garnishment to him or them made in that behalf, shall not accordingly make his or their personal appearance before the said Censors for the time being, or any three of them at such time and place, as by the said Censors or any three of them is or shall be reasonably limited and appointed, Then we do by these presents declare that it shall and may be lawful to and for the foresaid four Censors for the time being, or any three of them, to impose and inflict such reasonable penalty, fine and amerciamment upon every such person or persons, so making default of appearance as the said four Censors or any three of them shall think meet in that behalf. So as such fine or amerciamment for any one such default, exceed not the sum of *Twenty shillings* of lawful English money.

Bad Medi-  
cines.

And if any person or persons summoned as aforesaid, shall make his or their personal appearance, before the aforesaid four Censors for the time being or any three of them, at such time or place as is or shall be limited and appointed, and then and there it shall appear unto the said four Censors or any three of them, that the  
said

saïd person or persons so appearing then or of late did put or set to sale, keep or retain in his or their shop or shops, house or houses, any wares, drugs, waters, oyls, medicines or stuffs, defective, corrupted, and not meet or convenient to be ministred in medicine for the health of mans body, or that any such person or persons, so summoned and appearing as aforesaid, then or of late did make, or compound, or deliver out any medicine either simple or compounded, differing from, and not agreeable in name, nature, and quantity, unto the prescript or direction delivered unto the saïd person or persons before the making, compounding or delivery of the saïd medicine, then the saïd four Censors for the time being, or any three of them shall have full power and authority to impose a reasonable penalty, fine and amerciament upon all and every person and persons, so offending, so as the same penalty, fine or amerciament for any one default or offence exceed not at any one time the sum of *Three pounds* of lawful English money. And further to imprison such offender untill he have made satisfaction and payment of the same fine so imposed upon him for the same offence.

And we do further of our especial grace, certain knowledge, and meer motion, for us, our heirs, and successors, give and grant unto the foresaid President, and Colledge or Comminalty and their Successors, all and singular the fines and amerciaments, penalties and forfeitures, and every of them hereafter to be forfeited,

Grant of fines  
to the Col-  
ledge.

assessed or imposed upon any Physician or practitioner in physick as aforesaid, or to be forfeited imposed or assessed upon any Apothecary, Druggist, or other person or persons, for or by reason of any misdemeanor, offence, contempt, or default whatsoever, before in these presents declared, mentioned, or specified, and that the said President, and Colledge or Comminalty and their Successors, shall and may by the name of the President and Colledge of the faculty of Physick within the City of *London* at all times hereafter, and from time to time in any Our Courts of Record according to Our Lawes sue for, recover, levie, and take execution of and for the said fines, amerciaments, penalties, and forfeitures, and every or any part thereof; and the same being recovered and levied, to have, take, retain and enjoy to the only use, behoof and benefit of the said President, and Colledge or Comminalty and their Successors, without the let, disturbance, or interruption of Us, Our heirs or successors; or any of the officers or ministers of us, our heirs or successors; and without giving or rendring any accompt or recompence thereof, to us, our heirs or successors. And that if any offender upon whom any such fine or amerciament shall be imposed, shall be present before the four Censors, or any three of them, at the time of such fine or amerciament imposed, and shall not then pay the same, That then it shall and may be lawful to and for the said four Censors or any three of them by whom such fine or amerciament shall be imposed to commit such offender to prison, and detain him in prison untill he shall have satisfied the said fine or amerciament and no longer.

Imprisonment of such as pay not their Fines.

And

And further we will, and by these presents for us our heirs and successors of our especial grace and favour do grant unto the said President, and Colledge or Comminalty and their Successors, that it shall and may be lawful to and for them, or the greater part of them, to have, appoint, retain, and enjoy a certain Hall or Councel house within our City of London or the Liberties of the same; And that the said President for the time being and his Successors shall and may when and as often as to him shall seem meet and necessary, call, assemble, and keep within the same Hall or House a certain Court or Convocation of the said President and Colledge or Comminalty and their Successors, to the number of Six persons or more. whereof the said President for the time being to be alwaies one; And that in the same Court or Convocation, the same President and Colledge or Comminalty and their Successors to the number of Six persons or more, (whereof the President for the time being to be one) shall and may treat, confer, consult, and consider of Articles, Statutes, Acts, and Ordinances touching and concerning the said President and Colledge or Comminalty and their Successors, and the good rule, state and government of the same, and the reformation and redress of the abuses, mischiefs and enormities herein before mentioned, and hereby intended and meant to be provided for, and suppressed in the time to come.

To have a Hall.

Meetings by whom and for what.

And further we will, and by these presents for us our heirs and successors, do grant to the said President and Colledge or Comminalty and their Successors,

To make  
By-lawes,

Successors, That the said President and Colledge or Comminalty and their Successors to the number of *six persons* or more, whereof the said President for the time being to be alwaies one upon publique summons thereof first made, being assembled together in their said Hall or house, shall and may have full power and lawful authority from time to time, to ordain, constitute, make and set down in writing, such wholesome and reasonable Acts, Ordinances, Orders, Decrees, Articles and Constitutions, as to the said Six persons or more of them so assembled, or the greater part of them so assembled, (whereof the said President to be one) shall seem good, profitable and necessary, according to their good directions, for the good rule, order, and government of the said President and Colledge or Comminalty and their Successors, and of all other practisers of Physick, and other the persons before named, and all others offending in the said faculty, or any other way touching or concerning the same, for the reformation and redress of the abuses, deceits, mildemeanors and enormities, and other the premises herein before mentioned or expressed. And that the said President and Colledge or Comminalty and their Successors to the number of six persons or more, (whereof the said President to be one) shall and may punish all and every delinquent or offender against the same Acts, Ordinances, Orders, Decrees, and Constitutions, or any of them, by imprisonment of his and their bodies, or by fine and amerciament to be

be by them as aforesaid, adjudged, imposed and inflicted from time to time as need shall require. And that the said President and Colledge or Comminalty and their Successors, shall and may lawfully levy, receive, have, and take the said fines and amerciaments to their own proper use, benefit, and behoof, without the impeachment or impediment of us, our heirs, or successors, or of any the officers or ministers of us, our heirs or successors, and without any accompt to us, our heirs or successors to be rendred or made for the same, other then the rent hereafter reserved. All which said Acts, Statutes, Ordinances, Articles and Constitutions so as aforesaid to be made, we will shall be observed and kept under the pains and penalties in the same to be limited and contained, so as the same Acts, Statutes and ordinances, imprisonments, fines, and amerciaments be not contrary or repugnant to the Lawes and Statutes of this our Realm of *England*.

Fines to be paid to the Colledge.

And further we will, and by these presents, for us, our heirs and successors, do grant to the said President, and Colledge or Comminalty and their Successors. That they, and their successors, or the greater part of them assembled together in their said Hall, shall and may nominate, elect and appoint one honest and discreet person, which shall be and be called the Register to the said Colledge, who shall from time to time be attendant on the said President and Colledge or Comminalty and their Successors, at their Assemblies, Courts, Congregations, or meetings, and shall

A Register his Office.

H

set

set down in writing, register, and enter into a Book, all such rules, orders, statutes, decrees, acts, ordinances, and other things as shall from time to time be had, made, done, provided and ordained by the said President and Colledge or Comminalty and their Successors, or the greater part of them, assembled together in their said Hall; which said Register so to be named, elected and made as aforesaid, shall be and continue in the said office and place, for and during the will and pleasure only of the said President and Colledge or Comminalty and their Successors or the greater part of them whereof the President to be one. The said Register first taking his corporal Oath upon the holy Evangelists, before the said President and four Censors for the time being, or any three of them, whereof the President to be one, for the doing and performing of his true and faithful service to them in the said office and place from time to time.

*His Oath.*

*Power to elect Officers.*

And we do likewise will, and for us, our heirs and successors do by these presents grant unto the said President and Colledge or Comminalty and their Successors, that they and their Successors or the greater part of them, assembled in their said Hall, shall and may from time to time, when and as often as to them shall seem meet, ordain, make, constitute and appoint such and so many other fit and meet officer or officers, minister or ministers, as to the said President and Colledge or Comminalty and their Successors, or the greater part of them shall be thought fit and necessary

lary for their service and benefit, unto all and every which said officers or ministers, it shall be lawful to the said President and Colledge or Comminalty and their Successors, or to the Censors or any three of them assembled together in their said Hall, to administer and give oathes upon the said holy Evangelists, for the due performance and execution of his and their office and place. And the same Register, and all and every other officer and minister by them to be elected, made, constituted or appointed as aforesaid, from time to time upon reasonable and just cause, to remove, expell and put out, of his and their said offices and places, and to elect and put others into his and their rooms and places, when and as often as to the said President and Colledge or Comminalty and their Successors, or the greater part of them, shall seem meet and convenient.

To give  
Oathes.

To exl. R.

And further we do for us, our heirs and successors, give and grant unto the said President and Colledge or Comminalty and their successors, That it shall and may be lawful to and for the said President and four Censors for the time being, or any three of them (whereof the President to be one) to cause such persons, which shall be convented, for any the offences aforesaid, and shall be found offenders therein, to become bound to us, our heirs or successors, and to our use in one or more severall recognizances in such sum as they shall think fit, not exceeding the sum of One hundred pounds, with conditions for restraining them to offend any more in that behalf,

To take  
bonds of  
100 l. to pra-  
tise no more  
to his Maje.  
sties use.

Or to impri-  
son such re-  
fusers.

To purchase  
Lands.

behalf, as to the President and four Censors or any three of them shall seem meet. And if such person shall refuse to become so bound by such recognizance with such condition, That then it shall and may be lawful to and for the said President and four Censors, or any three of them, (wereof the President to be one) to commit such person to prison, and him to detain in prison until he shall become bound in such recognizance, with such conditions as aforelaid.

And we do further of our especial favour, certain knowledge, and mere motion, for us, our heirs, and successors, give and grant unto the foresaid President and Colledge or Comminalty and their Successors, special Licence, free and lawfull liberty, power, and authority, to acquire, purchase, receive and take unto the said President and Colledge or Comminalty and their Successors, Mannors, Lands, Tenements, Tithes, Rents, Reversions, and Hereditaments, of or from any person or persons whatsoever, not exceeding in the whole the clear yearly value of One hundred Marks of lawful English money above all charges and reprises. So as the same Mannors, Lands, Tenements, Tithes, Rents, Reversions and Hereditaments, by vertue hereof to be acquired and purchased, be not holden of us, our heirs or successors, immediately in chief, or by Knights service, or of any other person or persons by Knights service, the Statute of alienation in Mortmayne or any other statute, law, ordinance, or provision to the contrary thereof in any wise notwithstanding.

And

## K. James his Letters Patents.

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10 And we do further give and grant for us, our heirs and successors unto the foresaid President and Colledge or Comminalty and their Successors, that all and every Physician and Physicians, that now is or are, or that hereafter shall be elected, admitted, and made a Member of the foresaid Colledge or Comminalty, shall from time to time be wholly and absolutely freed, exempted and discharged, of and from providing and bearing of any Armour, or other munition, within our said City of *London*, and the Liberties thereof, or within seven miles compals as aforesaid. Any Statute, Act, Ordinance, Constitution or Usage, to the contrary in any wise notwithstanding.

Coll. freed  
from provi-  
ding or bear-  
ing Arms.

And we do further for us, our heirs and successors, give and grant to the foresaid President and Colledge or Comminalty and their Successors, and by these presents declare and manifest our pleasure for ever to be, That the said President and Colledge, or Comminalty and their Successors, shall and may have, take, receive, use, exercise, and enjoy, all and singular the gifts, grants, liberties, priviledges, immunities, freedoms, benefits, advantages, profits, commodities, power, ability and authority herein before mentioned, or otherwise by any other former Letters Patents given, granted or confirmed unto the President and Colledge or Comminalty, or any of them, without the lett, hinderance, interruption, or disturbance of us, our heirs, or successors, or of any the officers or Ministers of us, our heirs or successors, or of any other person or persons whatsoever.

A general  
Grant.

This Patent  
to be con-  
firmed next  
Parliament.

And further of our like especial grace, certain knowledge, and meer motion, we will and for us, our heirs and successors, do promise and grant to and with the said President and Colledge or Comminalty and their Successors by these presents. That at the next Parliament or Session of Parliament, of us, our heirs or successors, to be holden within this our Realm of *England*, We, our heirs or successors, will give and grant our Royal and free assent and consent to any Act, Bill, or Petition, by the said President and Colledge or Comminalty, or their successors, or any of them in the same Parliament, or Session of Parliament, to be exhibited or preferred, and by the Lords Spiritual and Temporal, and the Comminalty of the said Parliament, to be approved, and assented unto, for the better enabling, authorizing, and investing of the said President, or Colledge and Comminalty, and their Successors, to and with the severall grants, powers, priviledges, authorities, exemptions, immunities, and other matters and things, in these presents to them given, granted, and confirmed, or intended to be to them given, granted or confirmed according to our gracious intent and meaning herein before specified and expressed.

A farther  
Confirmation  
of this Char-  
ter.

And further we will and by these presents for us, our heirs and successors, do grant unto the said President and Colledge or Comminalty and their Successors, That these our Letters Patents, and all and singular the gifts, grants, authorities, powers, priviledges, and immunities, and other things

things therein contained, shall be good, firm, available, and effectual in the law, to the intents and purposes aforesaid, and shall be in all and every our Courts of Record, and elsewhere had, taken, construed and adjudged most strongly against us, our heirs and successors, and most benignly, favourably, and beneficially to and for the said President and Colledge or Comminalty and their Successors, any Statute, Act, Ordinance, Custome, Usage, Gift, Grant, or any other matter, or thing heretofore had, made, used, ordained, or provided, to the contrary in any wise notwithstanding.

Nevertheless we will and our intent and meaning is, That the said President and Colledge or Comminalty and their Successors, shall answer and pay to us, our heirs and successors for and in respect of the fines, amerciaments, penalties, forfeitures, and sums of money herein before mentioned, and by these presents to them granted, as aforesaid, the yearly Rent of Six pounds of lawful money of *England* at the Receipt of our Exchequer at *Westminster*, at the Feast of the Annunciation of the blessed Virgin *Mary*, and *St. Michael* the Archangel, by even and equal portions, any thing herein contained to the contrary notwithstanding. Although exprels mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants by us or any of our progenitors or predecessors to the foresaid President and Colledge or Comminalty heretofore made, in these presents is

Six pound  
Rent to the  
King.

not

# *K. James his Letters Patents.*

not made, or any Statute, Act, Ordinance, Provision, Proclamation or Restraint to the contrary thereof, heretofore had, made, ordained or provided, or any other matter, cause or thing whatsoever, to the contrary in any wise notwithstanding. In witness whereof we have caused these our Letters to be made Patents. Witness our self at *westminster* the eighth day of October in the fifteenth year of our Reign of England, France, and Ireland, and of Scotland the one and fiftieth.

*Tonge.*

*Per bre. de privato Sigillo.*

*Irr. in memorand. Scacc. de Anno octavo Regis nunc  
Caroli viz. inter Record. de termino sci. Michis  
Ro. Ex parte Reverend. dci. dom. Regis.*

*parte Remernatoris*

*In*

63

In magno Rotulo de Anno 23. Regis Caroli London.

**P**Residens Colleg. & Coitas Medicor. Lond. deb. 27 l. 10 s. medietas 55 l. versus Johannem Bugge de parochia Eccleie Xpi London. recuperat per Judicium Cur. quia exercuit facultatem Medicin. per spatium xi. mens. integr. non existen. admissus ad exercendum & occupand. dict. facultat. medicin. per President. Collegium seu Communitat. facultat. Medicin. London Iris sigillo suo comui sigillat. contra formam statuti in hmoi casu edit. & provis. super ipos onerat. Virtute Ordinis hujus Scacc. dat. tertio Julii Anno 15<sup>to</sup> Regis Caroli.

But the said sum of 27 l. 10 s. is allowed to the President and Colledge of the Faculty of Physick within the City of London by Letters Patents under the Great Seal of England, bearing date the 8. day of October, in the 15. year of the late King James, of England, and of Scotland the 51. and by Judgment of the Barons of this Court of publique Exchequer entred among the Records of Easter Term in the 7. year of the reign of the late King Charles in the custody of the first Remembrancer there, Roll the 24.

And they are quit.

Examined by Hen. Croke Clerk of the Pipe.

*The Common Law against them that  
practice, being not admitted.*

**S***un que nest Physition ou Surgeon emprent sur  
luy un cure que murrust in sa main que cest fe-  
lonie.* Stanford Pleas of the Crown, cap. 9. Fitz  
Herbert. tit. Cor. pag. 311. Briton fol. 14. Which  
Dalton thus Englisheth, And if one which is no  
Physician or Surgeon (or which is not allowed to  
use or practise such Faculty) will take a cure upon  
him, and his Patient dieth under his hand, this  
hath been holden to be felony. Lambard Eiren.  
tit. Felonie, saith thus, That Thorpe 43. Edw. 3. 33.  
saith he knew one to be indicted accordingly. But  
if this should be drawn to felony, then I see not  
but that the same must be accounted murder in  
respect either of the bold presumption or of the  
will to do harm, which doth amount to malice.  
And Dalt. in his Countrey Justice chap. 93. que-  
rieth thus of this Case, It cannot be discerned  
whether the Patients death cometh by any wil-  
full default in the party, taking such Cure upon him  
or by the Patients infirmities. Again, there ap-  
peareth in them no will to do harm, but rather to  
do good; and then the Stat. 34. Hen. 8. cap. 8.  
leaveth so great a liberty of such practise to un-  
skillful persons, that it will be hard now to make  
it felony.

A Copy of an Exemplification of  
a Recovery against Edmund Gar-  
diner 11. Feb. 6. Jac.

**J**acobus dei Gra. Angl. Scot. Fran. & Hibernie  
Rex fidei defensor. &c. Oibus ad quos presentes  
lre nre pervenerint saltem inspeximus quoddam Re-  
cordum coram nobis bitum in hec verba ss. Plita co-  
ram dno Rege apud Westm. Termino sci Michis an-  
no Regni dom. Jacobi nunc Regis Anglie tertio  
Rotlo 438. ss. London ss. memorand. quod als scilt  
Termino sce Trinitatis ultimo preterit. Coram dno  
Rege apud Westm. ven. Thomas Langton in Medici-  
nis Doctor Presidens Collegii sive Coitatis facultatis  
Medicine London qui tam pro dno Rege qm pro seipo  
& Collegio predcto sequitur per L. G. Atturnat. suum  
Et protulit hic in Curia dñt. dom. Regis tunc ibm quan-  
dam billam suam versus Edmundum Gardiner in  
Custod. Marr. &c. de plito debi & sunt pleg. de proc.  
scilt. Johes Doo & Ricus Roo Que quidem billa sequitur  
in hec verba ss. London ss. Thomas Langton in Medici-  
nis Doctor Presidens Collegii, sive Coitatis facultatis  
Medicine London. qui tam pro dno Rege quam pro  
seipo & Collegio predcto sequitur queritur de Edmundo  
Gardiner in Custod. Marr. maresc. dni Regis coram ipo  
Rege existen. de plico quod reddat eidem dno Regi  
ac prefat. Presiden. & Collegio predcto Sexaginta li-  
bras legalis mouete Anglie quas eis debet & injuste  
detinet

## An Exemplification of a Recovery

detinet pro eo viz. quod cum dñs Henricus octavus  
 nuper Rex Anglie per lras suas Paten. magno sigillo  
 suo Anglie sigillat. Curieq; hic prolat. geren. dat.  
 apud Westm. in Com. Midd. vicesimo tertio die Septem-  
 bris anno Regni sui decimo pro publico bono hujus  
 regni in debito exercitio facultatis Medicine & bona  
 administracone Medicinar. hend. incorporasset & fecisset  
 de Johē Chamber, Thoma Linacre Ferdinando de Vi-  
 ctoria ad tunc Medicis ejusdem nuper Regis & Ni-  
 cholao Halswell Johē Francisci & Robto Taxley & oibz  
 aliis viris ejusdem facultatis tunc de & infru Ci-  
 vitat. London. unum corpus & perpetuam Coitatem  
 sive societatem facultat. Medicine. Et ad hend. per-  
 petuam successione & Coie Sigillum & ad Eligend.  
 annuatim unum President. ejusdem societatis sive  
 Coitatis ad supervidend. regend. & gubnand. eandem  
 societatem sive Coitatem & omnes hoies ejusdem fa-  
 cultatis cum diversis aliis privileg. & aliis rebus per  
 predcm nuper regem eis concessis pro republica hujus  
 regni, prout in predcis lris paten. plenius continetur  
 Quar. tenor sequitur in hec verba ss. Henricus Dei  
 grac. Rex, &c.

Recital of the  
 Charter.

Cumque etiam in Statuto in Parliament. dci. nuper  
 Regis Henrici octavi tent. apud London. decimo quinto  
 die Aprilis anno Regni sui quarto decimo & abinde  
 adjornat. usq; Westm. in Com. Midd. ultimo die Julii  
 anno regni dci. nuper regis quinto decimo & tunc &  
 ibm tent. inactitat. fuit quod predca Corporaco predce  
**Comuni** Civitatis & societatis facultat. medicine predce & oia  
 & singula concessa articul. & al. res content. & spec.  
 in predcis lris paten. forent approbat. concess. ratificat.  
 & confirmat. & clare autorizat. & admiss. bona  
 litima

litima & valida Anglice available prefat. Corpori  
incorporat. & eorum successoribus imperpetuum in tam  
amplo & largo modo qm posset capi putari & construi  
pro eadem, prout in eodem statuto inter alia plenius  
continetur.

Predictus tamen Edmundus Gardiner qui ad dcm.  
facultat. exercend per Presidentem & Coitatem facul-  
tatis Medicine London. predt. per lras President. &  
Collegii predci. sigillo suo Coi sigillat. non admissus est,  
nec unquam ante hec admissus fuit statutum predcm  
minime ponderans nec penam in predcis Lris paten.  
content. verens dcam facultatem Medicine per spacium  
duodecim mensium jam ult. elaps. & prox preceden. ante  
diem impetraconis hujus bille scilt ultimum diem Maii  
anno regni dni Jacobi nunc Regis Anglie tertio in  
Civitate London. predca vidlt in parochia lte Marie  
de Arcubus in Warda de Cheap London. exercuit &  
adhuc exercet contra formam lrar. paten. predcar. &  
Statut. predt. per quod acco accrevit eidem Presidenti  
qui tam &c. ad exigend. & hend. de prefat. Edmundo  
Gardiner pro predco dno Rege nunc & eidem Presidenti  
& Collegio predco predcas sexaginta libas vidlt pro  
quolibet mense predcor n duodecim mensium Centum soli-  
dos predcus tamen Edms licet sepius requisit. & predcas  
sexaginta libras prefato dno Regi & eidem Presidenti  
& Coll gio predco seu eorum alteri nondum solvit sed  
illa ei huc usque soluere omio contradixit & adhuc  
contradic. ad damnum ipsius Presidentis qui tam &c.  
quadragint. librar. & inde tam pro eodem dno rege  
quam pro eodem President. & Collegio predco pred.  
sedam &c. Et modo ad hunc diem scilt diem Mer-  
curii prox. post octabis sci. Michis isto eodem Termino

Charge a-  
gainst Gardi-  
ner.

Gardiners Answer.

Recites the  
Act of 34. 35.  
Hen. 8. ca.

usq; quem diem predictus Edmundus Gardiner huius licent. billam predictam interloquendi & tunc ad respondend. &c. coram dno rege apud Westm. ven. tam predict. presiden. qui tam &c. per Atturnat. suum predictum quam predictus Edus Gard. per W. S. Atturnat. suum. Et idem Edus defend. vim & injur. quando &c. & dic. quod predict. Presiden. & Collegium qui tam &c. acconem suam predictam inde versuseum here seu manutenere non debet, Quia dic. quod per quendam Actum in Parliament. dci. dni Henrici nunc Regis Anglie octavi apud Westm. predictam in dñ. Com. Midd. Anno Regni sui Tricesimo quarto & tricesimo quinto tent. edit. recitando in eodem Actu. Cum in Parlamento tent. &c. quor. pretextu idem Edms existens subdit. dci. dni Regis nunc natus infra hoc Regnum Anglie, vidlt apud London. vidlt in parochia bte Marie de Arcubus in Warda. de Cheape London. Achens cogniconem & experientiam nature herbar. radicum & aquar. ac opaconis eordem per tempus predictum in narracone predicta superius spec. apud London. predictam in parochia & Warda predictis practizabat usus fuit & ministrabat in & ad diversas exteriores penas les uncomes vulnera impostumacones exteriores intumacones & morbos diverss herbam & herbas unguent. lavacra lez pulteesses & emplastra ac potiones de Calculo & Stranguria & febribus secundum cognitionem experientiam & notitiam suas in morbis penis & lez maladies predict. scdm formam & effcm predicti Actus edit. in Annis 34. & 35. supdcis. Alsque hoc quod idem Edms dcam facultatem medicine infra Civitatem London. predictam aliter seu alio modo exercuit seu exercet, prout predictus Presiden. & Collegium qui tam &c. per narracoem suam predictam

predcam superius versus eum queritur. Et hoc parat.  
 est verificare unde pet. judm. si predcus Presidens &  
 Collegium qui tam &c. acconem suam predcam inde  
 versus eum here seu manu tenere debeat &c. Et  
 predcus Thomas Langton qui tam &c. dic. quod ipe pro  
 aliqua per predcum Edmundum Gardiner superius  
 plitando allegat. ab accone sua predca versus ipm  
 Edmund. hend. precludi non debet, quia dicit quod per  
 quendum actum in Parlamento dne Marie nuper Re-  
 gine Anglie tent. per prorogaconem apud Westm. in  
 Com. Midd. 24. die Octobris Anno Regni ipsius nu-  
 per regine primo & ibm continuat. usque sextum diem  
 mensis Decembris ex tunc prox. sequen. recitan. quod  
 cum in dco Parlamento tent. apud London. dco decimo  
 quinto die Aprilis Anno decimo quarto Regni dci.  
 Regis Henrici octavi & inde adjornat. usq; ad Westm.  
 predct. ultimo die Julii in anno decimo quinto Regni  
 ejusdem Regis, & ad tunc tent. inactitat. existit quod  
 dca Concessio Corporationis per Lras Paten. fact. &  
 concesss per eundem nuper Regem Medicis London. &  
 oes Clausul. & articuli content. in eadem Conces-  
 sione essent approbat. concesss. ratificat. & confirmat.  
 per idem Parlamentum pro consideracone inde stabilit.  
 existit in dco Parlamento dce nuper Regine Marie,  
 quod Statutum illud sive Actus Parlamenti cum quo-  
 libet Articulo & Clausula in eodem content. ex tunc  
 deinceps staret & continuaret semper in plenis robore  
 vigore & effectu Aliquo Actu Statuto lege consuetu-  
 dine vel aliqua alia re fact. habita vel usa in contrar.  
 in aliquo non obstan. Prout per idem Statutum Anno  
 Regni dce nuper Regine Marie primo supradco edit.  
 plenius liquet. Et hoc parat. est verificare unde ex  
 quo

Colledge  
 Replies.

## An Exemplification of a Recovery

quo predictus Edms practitiam & exercitium predictae facultatis Medicine superius recogn. idem Thomas Langton qui tam &c. petit iudicium & debet. predictum tam dco dno Regi quam eidem Thome et Collegio per predicto unacum dampnis suis accone detenconis debi. illius sibi adjudicari &c.

Gardiner Re-  
joynes.

Et predictus Edms Gardiner dic. quod plitum predictum per predictum Thomam Langton modo et forma predictis superius replicando plitat. materiaque in eodem content. minus sufficien. in lege existunt ad acconem predicti Thome Langton predictam versus ipsum Edmundum Gardiner hend. manutenend. Ad quod idem Edms Gardiner necesse non habet nec per legem terre tenetur aliquo modo respondere unde pro defend sufficien. replicaconis in hac parte idem Edms Gardiner ut prius petit iudicium. Et quod predictus Thomas Langton ab accone sua predicta versus ipsum Edmundum Gardiner hend. precludat &c. Et predictus Thomas Langton qui tam &c. dic. quod plitum predictum per ipsum Thomam modo et forma predictis superius replicando plitat. materiaque in eodem content. bona et sufficien. in lege existunt ad acconem ipsius Thome Langton predictam versus predictum Edmundum Gardiner hend. manutenend. Quod quidem plitum materiamque in eodem content. idem Thomas Langton paratus est verificare et probare prout Cur &c. Et quia predictus Edmundus Gardiner ad plitum illud non respond. nec ill. huc usque aliquo modo deducit, idem Thomas Langton ut prius petit iudicium et debet predictum tam dco dno Regi quam eidem Thome et Collegio predicto unacum dampnis suis predictis accone detenconis debet, illius sibi adjudicari &c. Et quia Cur dni Regis hic de iudicio suo  
de

de & super premissis reddend. nondum advisatur,  
 dies inde dat. est partibus predcis coram dno Rege  
 apud Westm. usque diem Jovis prox. post octabis sci.  
 Hillarii de Judicio suo de & super premissis audiend.  
 &c. eo quod Cur. dni Regis hic inde nondum &c. Ad  
 quem diem coram dno Rege apud Westm. ven. partes  
 predce per Attornat. suos predcos. Et quia Cur. dni  
 Regis hic de Judicio suo de & super premissis predcis  
 reddend. nondum advisatur dies ulterius inde dat. est  
 partibus predcis coram dno Rege apud Westm. usque  
 diem Mercurii prox. post xviii. Pasche de judicio  
 inde audiend. &c. eo quod Cur. dni Regis hic inde  
 nondum &c. Ad quem diem coram dno Rege apud  
 Westm. ven. partes predce per Attornat. suos predcos.  
 Et quia Cur. dni Regis hic de Judicio suo de & su-  
 per premissis predcis reddend. nondum advisatur dies  
 ulterius inde dat. est partibus predcis coram dno Rege  
 apud Westm. usque diem Veneris prox. post Crastin. sce  
 Trinitatis ex tunc. prox. sequen. de Judicio inde au-  
 diend. eo quod Cur. dni Regis hic inde nondum &c.  
 Ad quem diem coram dno Rege apud Westm. ven.  
 partes predce per Attornat. suos predcos, super quo viff.  
 & per Curiam dni Regis hic plenius intellcis oibz &  
 singulis premissis, maturaque deliberacone inde hita  
 pro eo quod videt. Cur. dni Regis hic quod Plitum  
 predcm per predcm Thomam Langton qui tam &c.  
 superius replicando plitat. materiaque in eodem con-  
 tent. bona & sufficien. in lege existit ad acconem  
 ipius Thome Langton qui tam &c. Versus predcm Ed-  
 mundum hend. manutenend. Ideo cons. est quod predcus  
 Thomas Langton qui tam &c. recuperet versus Ed-  
 mundum debitum predcm unde dns Rex heat unam

K

medietatem

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Costs.

medietatem, & predcus Thomas Langton qui tam &c.  
 & Collegium pd. beat alteram medietatem juxta for-  
 mum lrar. paten. predcar. & Statut. predci. Quodq;  
 idem Thomas Langton qui tam &c. recuperet versus  
 eum sex libras tresdecim solidos & quatuor denarios pro  
 damnis suis que sustinuit tam accone detenconis debi  
 predci quam pro miss & custagiis suis per ipsum circa  
 sectam suam in hac parte apposit. eidem Thome Langton  
 qui tam &c. per Cur. dni Regis hic ex assensu suo ad-  
 judicat. Et predcus Edmundus in miserecord. &c. Postea  
 scilt die Sabbi prox. octab. sci Martini Anno regni  
 dni Jacobi nunc Regis Anglie sexto coram eodem dno  
 Rege apud Westm. Ven. predcus Præsident per Attur-  
 nat. suum predcum & Cogn. se esse satisfact. per  
 predcm Edmundum Gardiner de tota parte sua  
 debi predci & de damnis predcis que ad ipn Præ-  
 sidentem pertinet ideo ipe idem Edms de tota parte illa  
 & de damnis illis sit quiet. &c. Quod quidem Re-  
 cordum coram nobis sic hitum duximus exemplifi-  
 cand. In cujus rei Testimonium has lras nras fieri  
 fecimus patentes Teste Thoma Fleming apud Westm.  
 undecimo die Februarii Anno Regni nri Anglie  
 Francie & Hibernie sexto & Scocie quadragesimo  
 scdo.

Byng. & Byng.

A Copy of an Exemplification of  
a Recovery against Doctor Bon-  
ham 13. Feb. 6. Jacobi.

**J**acobus Dei grac. Angl. Scot. Franc. & Hibnie  
Rex fidei defen. &c. Omnibus ad quos presen-  
tes &c. ut supra. Ss Plita coram dno Rege apud  
Westm. Termino sci Michis Anno Regni dni Jacobi  
nunc Regis Anglie quinto Rotulo 299. Ss London Ss  
Memorand. quod als scilt. Termino sce Trinitatis ul-  
timo preterito Coram dno Rege apud westm. Ven. Pre-  
sidents Collegii sive Coitat. facultatis medicine Lon-  
don qui tam pro dno Rege quam pro eodem Presidente  
& Collegio predco sequitur per Laurencium Gibson  
Atturat. suum. Et protulit hic in Cur. dci dni Re-  
gis tunc ibm quandam Billam suam versus Thomam  
Bonham in Custod. Marr. &c. de plito debi & sunt  
pleg. de proffs. scilt. Johes Doo & Ricus Roo. Que qui-  
dem Billa sequitur in hec verba Ss. London. Ss. Pre-  
sidents Collegii seu Coitat. facultat. Medicine London.  
qui tam &c. (as in Gardiners Case.)

Et modo ad hunc diem scilt. diem Veneris prox. post Bonham's An-  
oſtab. sci. Michis isto eodem Termino usque quem diem swer.  
predcus Thomas Bonham huit Licenc. ad billam predcam  
interloquendi & tunc ad respondend. &c. Coram  
dno Rege apud westm. Ven. tam predcus Praesidents Col-  
legii seu Coitatis dce facultatis Medicine London. qui  
tam &c. per Atturat. suum per predcum qm predcus

## An Exemplification of a Recovery

Thomas Bonham per William Edwards Attorn. suum.  
 Et idem Thomas defend. vim & <sup>in iur.</sup> immur. quando &c.  
 Et dic. quod predcus Præsident Collegii seu Coitat. dce  
 facultat. Medicine London. qui tam &c. pro dco dno  
 Rege quam pro eodem Præsidente & Collegio predco se-  
 quitur acconem suam predcam inde versus eum habere  
 seu manutenere non debet, quia dic. quod bene & ve-  
 rum est, quod predcus dus Henricus octavus nuper Rex  
 Anglie per predcas lras suas patent. magno sigillo suo  
 Anglie sigillat. geren. dat. apud Westm. in prei.co Com.  
 Midd. predco vicesimo tertio die Septembris Anno  
 Regni sui decimo sup. dco pro publico bono huius Regni  
 in debo exertio facultat. Medicine & bona admini-  
 stracone Medicinar. hend. & pro causis & considera-  
 tionibus in eisdem lris patentibus expressis incorporas-  
 set & fecisset de predcis Johne Chamber, Thomas Li-  
 nacre & Ferdinando de Victoria ad tunc Medicis ejus-  
 dem nuper Regis & Nichao Halsewel Johe Francisci  
 & Robto Taxley & oibus aliis viris ejusdem facultatis  
 tunc de & infra dcam Civitatem London. unum Cor-  
 pus & perpetuam Coitatem sive societatem facultat.  
 Medicine & ad hend. perpetuam successionem & Coe  
 sigillum, & ad eligend. annuatim unum Presiden. ejus-  
 dem societatis sive Coitatis ad supervidend. regend. &  
 gubnand. eandem societatem sive Coiatem & omnes  
 homines ejusdem facultat. Cum diversis aliis privile-  
 giis & al. rebus per dnm nuper regem eis concessis &  
 reipublica huius Regni prout in predcis lris paten. ut  
 prefertur plenius continetur. Ad quod predcus nuper  
 Rex concessit. etiam per easdem lras patent. eisdem  
 tunc Præsidenti & Collegio seu Coitat. & successor.  
 suis quod nemo in dca Civitate aut per sept. milliar.

in Circuitu ejusdem exerceret dcam facultatem nisi ad hoc per predcum Præsidentem & Coitat. seu successores eorum qui pro tempore fuerint admissi foret per ejusdem Præsidentis & Collegii lras sigillo suo Coi sigillat. sub pena Centum solidor. pro quolibet mense quo non admissus eandem facultatem exerceret, dimid. inde dco dno nuper Regi & heredibus suis et dimid. dco Præsidenti & Collegio applicand. &c. and recites the Statute of 14. Hen. 8. cap. 5.

Et predcus Thomas Bonham ulterius dic. qd ipe idem Thomas diu ante predum vicesimum quintum diem Junii Anno Regni dci dni Regis nunc Anglie quinto supradicto, scilt. scdo die Julii Anno Dni millimo quingentesimo nonagesimo quinto in Alma Academia Cantabrigie suscepit gradum & dignitat. Doctoris in Medicinis & ad tunc & ibm scilt. eodem scdo die Julii an. dni millimo quingentesimo nonagesimo quinto supradicto apud Cantabrigiam predcam in Com. Cantabr. rite et litime Ordinat. & fact. fuit Graduat. Anglice a Graduat pred vidlt Doctor in Medicinis scdum leges statuta constitucones & Ordinacones dce Academie Cantabrigie. Quodque idem Thomas tunc et itm adimplevit omnia Anglice, did accomplish all things pro forma sua sine aliqua gratia Quorumq; preteritu idem Thomas hujmodi Graduat. Cantabrigie vidlt Doctor. in Medicinis in forma predca existen. qui adimplevisset omnia Anglice, had accomplished all things, pro forma sua sine aliqua gratia dcam facultatem Medicine per predcm spatium duodecim mensium ult. elaps. et prox. preceden. ante diem impetraconis bille predce scilt. predcm vicesimum quintum diem Junii ann. Regni dci dni Regis nunc

Anglie quinto supradicto in dca Civitati London. vidlt. in predca parochia bte Marie de Arcubus in Warda de Cheape London. exercuit modo et forma prout predcus Presidens qui tam &c. superius versus eum narravit prout ei bene licuit. Et hoc paratus est verificare, unde petit Judicium si predcus Presidens qui tam &c. acconem suam predcam inde versus eum habere seu manutenere debeat &c.

Ad quem diem coram dno Rege apud Westm. Ven. tum predcus Presidens qui tam &c. qm predcus Thomas Bonham per Atturnat. suos Predcos. Super quo viffs et per Cur. dni Regis hic plenius intellcis oibus et singulis premissis maturaque deliberacone inde hita pro eo qd videtur Cur. dni Regis hic qd plitum predcm per pre fat. Thomam Bonham modo et forma predcis superius plitat. materiaque in eodem content. minus sufficien. in lege existunt ad ipm Presidentem qui tam &c. ab accone sua predca versus ipm Thomam herd. precludend. ideo concess. est predcus Presiden. qui tam &c. recuperet versus ipm Thomam Bonham debm predcm unde dns Rex heat unam medietatem &c. et recuperet duodecim libras pro damnis suis que sustinuit &c. In cujus rei testimonium &c. dat. 13. die Febr. Anno Regni Anglie Fr. et Hib. 6. et Scot. 42.

Byng. & Byng.

Hill.

Trinity 7. Jacobi 1609. In the  
Common Bench.

*Colledge of Physicians Case.*

*Brownlow's Reports: Second Part.*

**T** *Thomas Bonham* brought an Action of false Imprisonment against Doctor *Atkins* and divers other Doctors of Physick: The Defendants justified, that King *H. 8. Anno Decimo* of his Reign, founded a Colledge of Physicians, and pleaded the *Letters Patents* of their Corporation: And that they have Authority by that to choose a President, &c. as by the *Letters Patents, &c.* and then pleads the *Statute* of 32. *H. 8. chapt. 40.* And that the said Doctor *Atkins* was chosen President, according to the said Act and *Letters Patents*, and where by the said Act and *Letters Patents* it is provided that none shall practise in the City of *London* or the Suburbs of that; or within seven miles of the said City, or exercise the faculty of Physick, if he be not to that admitted by the Letters of the President and Colledge, sealed with their common Seal, under the Penalty of a hundred shillings, for every Moneth (that he not being

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false impri-  
sonment.

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being admitted) shall exercise the said faculty; further we will and grant for us and Our Successors, that by the President and Colledge of the Society for the time being, and for their Successors for ever, that they may choose four every year, that shall have the overseeing, and searching, correcting, and governing, of all in the said City being Physicians, using the faculty of Medicines in the said City, and other Physicians abroad whatsoever using the faculty of Physicking by any means frequenting and using, within the City or Suburbs thereof, or within seven miles in compass of the said City, and of punishing them for the said offences, in not well executing, making and using that: And that the punishment of those Physicians using the said faculty, so in the premises offending, by Fines, Amercements, Imprisonments of their Bodies, and by other reasonable and fitting waies shall be executed: Note the preamble of these *Letters Patents* is, *Quod cum Egregii officii nostri munus arbitremur, ditionis nostræ, Hominum felicitati omni ratione Consulere: Id autem vel inprimis fore, si improborum conaminibus tempestive occurramus, apprime necessarium fore duximus, improborum quoque hominum, qui medicinam magis avaritiæ suæ causa, quam ullius bonæ conscientiæ fiducia profitebuntur unde Rudi & credula plebi plurima incommoda oriuntur, audaciam compescere.* And that the Plaintiff practised in London, without admission of the Colledge, and being Summoned to appear at the Colledge, and examined if he would give satisfaction to the Colledge according to the  
said

saide *Letters Patents and Statute*, he answered that he had received his decree to be Doctor of Physick by the University of Cambridge, and was allowed by the University to practise, and confest that he had practised within the saide City, and as he conceived, it was lawful for him to practise there, that upon that the saide President and Commonalty fined him to a hundred shillings, and for not paying that and his other contempt, committed him to prison, to which the Plaintiff replied as aforesaid, and upon this demurrer was joyned:

And *Harris* for the Defendant, saith, that this hath been at another time adjudged in the Kings Bench, where the saide Colledge imposed a Fine of five pound upon a Doctor of Physick which practised in *London* without their admission, and for the non payment of that, brought an Action of Debt, and adjudged that it lay well, and that the *Statute of 32. H. 8.* extends as well to Graduates, as to others, for it is general, and Graduates are not excepted in the *Statute*, nor in the *Letters Patents*, and all the milchiefs intended to be redressed by this, are not expressed in that, and the *Statute* shall not be intended to punish Impostors only, but all other which practise without examination and admittance; for two things are necessary to Physicians, that is, learning and experience, and upon that there is the proverb, *Experto crede Roberto*: And the *Statute intends* that none shall practise here but those which are most learned and expert, more then ordinary: And for that the *Statute* provides, that none shall practise here

Serjeant *Harris* the younger.

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without

*Colledge of Physicians Case.*

without allowance and examination by the Bishop of *London* and the Dean of *Pauls*, and four learned Doctors: But in other places the examination is referred only to the Bishop of the Diocess, and the reason of the difference is, for that, that *London* is the heart of the Kingdome: And here the King and his Court, the Magistrates and Judges of the Law, and other Magistrates are resident, and with this agreed the government of other well governed Cities in *Italy* and other Nations, as it appears by the preamble of the said *Letters Patents*: and it appears by the *Statute*, that this was not intended to extend to Impostors only, for that the word Impostor is not mentioned in the *Statute*: And the *Statute* provides that they shall be punished, as well for doing and using, as for ill using: And also it is provided that the *Statute* of 1. *Marie* 1. Parliament, chap. 9. That the Guardians, Goalers, or Keepers of the Wards, Goals, and Prisons within the City and Precinct of that, shall receive unto his Prison all such person and persons so offending which are sent or committed to them, and those safely shall keep without Bayl, till the party so committed, shall be discharged by the said President, or other person by the said Colledge to that authorised, by which it appears, that the Goalers, Keepers of Prisons, have power to retain such which are committed: That then the President shall have power to commit, for things Implied are as strong as things Expressed; as it appears by the *Com. Stradling and Morgans Case*: and also in the *Earl of Leicesters Case*, where

where it is agreed, that Joynture before Cover-  
ture cannot be waved, and this is implied within  
the *Statute of 27. H. 8.* And so the *Statute of 2.*  
*Ed. 6.* Provides that after seven years Tythes  
shall be paid, by which it is Collected by Im-  
plication, that during seven years, Tythes shall  
not be paid; and so he prayed Judgment for the  
Defendants.

*Dodridge* Serjeant of the King, for the Plaintiff  
said, that the *Statute of 14 H. 8. chap. 5.* and the  
*Letters Patents* give power to four Censors to pu-  
nish for ill executing, doing, and using the fa-  
culty of a Physician, and the Plaintiff was not  
charged for ill executing of it, doing or using:  
But it is averred, where *Revera* the Plaintiff was  
nothing sufficient to exercise the said Art, and  
being examined, less apt to answer, and thereup-  
on they forbade him, and being sent for and not  
appearing, was amerced five pound, and order  
that he should be Arrested, and being Arrested,  
upon his appearance, being examined if he would  
submit himself to the said Colledge; he answer-  
ed and confessed, that he had practised within  
the said City, being a Doctor of Physick as afore-  
said, as well to him it was lawful, and that he  
would practise here again, for which he was  
committed to Prison: So that he was amerced  
for his contempt in the using of the said Art,  
and committed to Prison for his answer upon his  
examination: And he conceived that there are  
two questions considerable.

First, if the Colledge may restrain a Doctor of Physick of his practise in *London*.

Walter.

Secondly, admitting that they may, then if these are the causes for which they may commit by their *Letters Patents*; the first reason is drawn from the *Letters Patents*, and the said *Statutes*, in which he said that the intent of the King was the end of his work: And this intent shall be expounded for three reasons apparent in the words contained in the Grant.

First, *Intempestive conatibus occurrere.*

Secondly, *Improbiorum Hominum, qui medicinam magis avaritiæ suæ causa, quam ullius bonæ Conscientiæ fiducia profitebantur, audaciam Compescere.*

Thirdly, which would invite learned men to practise here, and for that would, *quod collegium perpetuum Doctorum & graviorum virorum qui medicinam in urbe nostra Londino & suburbibus infra septem millia passuum in urbe quaquaversus, publice Exerceant institui volumus & imperamus:* And further he said, that there are three sorts of men, which meddle with the Body of a man.

First, is the learned man which reads all Books extant, and his knowledge is speculative, and by that he knew the nature of all simples.

And the second is practive, the knowledge of which is only his experience, he may give *Probatum est*: But the ignorance of the cause of the disease, and the nature of the things which he applies for the cure of that.

And the third is an Impostor, which takes upon him the knowledge which he hath not, and every of them the Colledge may punish, for *Male utendo,*

*utendo, faciendo vel exequendo*, by what they will : And this was not the first care which was had, for in the 9. H. 5. was a private Act made for Physicians, by which there is great regard to them which are learned and educated in the University : And for that the Act provides that they shall not be prejudicial to any of the Universities of *Oxford* and *Cambridge*, and with this agrees 3. H. 8. 11. and the priviledges of them, and the *Docti & graves homines*, mentioned in the *Letters Patents*, are the learned men mentioned in the Act, for the *Statute* provides that they shall punish according to these *Statutes*, and late edicts : And by the former Lawes the Universities, that their priviledges were excepted, and by their former *Statutes*, the *Letters Patents* ought to be directed, for it is referred to them : Also the *Statutes* of this Realm have alwaies had great respect to the Graduates of the Universities, and it is not without cause, for *Sudavit & Alsit*, and hath no other reward but this degree which is Doctor, and for that the *Statute* of 21. H. 8. prefers Graduates, and provides that Doctors of Divinity or Bachelors shall be capable of two Benefices with Cure without dispensation : And so 13. *Eliz.* provides that none shall be presented to a Benefice above the value of thirty pound *per annum*, if he be not a Doctor or Bachelor of Divinity : And to the objection, that none shall practise in *London* or seven miles circuit of it without license, that this clause shall be expounded according to the matter, and to that he agreed, for the other branches

of the *Statute* are made to cherish grave and learned men, and for that it shall not be intended, that this branch was made for the punishment of those, but of others which the *Statute* intended to punish.

And to the second objection, that every Doctor is not the learned and grave man intended within the *Statute*, for the knowledge of many of them is only speculative without practise, to that he answered, that all their study is practise, and that if they have no practise of themselves, then they attend upon others which practise, and apply themselves to know the nature of Simples.

And to the third objection, that in *London* ought to be choice men, for the *Statute* appoints that they shall be examined by the Bishop, and Dean, and four others at least, and for that there is a more strict course for them, then in other places, to that it is agreed: But he said that in the University there is a more strict course then this, for here he ought to be publicly approved by many after he hath been examined and answered in the Schooles to divers questions, and allowed by the Congregation-house: And 35. H. 6. 55. Doctor is no addition, but a degree, (*quia gradatim & progressionem Doctrinae provenit*, to that, and that Doctor is teacher, and that he was first taught by others as Scholars, afterwards he is Master, and *Doctor dicitur à docendo, quia docere permittitur*, and they are called Masters of their faculty, and that the Original of Doctor came of  
of

of the Synagogue of *Jewes*, where there were Doctors of Law; and it appears that they had their ceremonies in time of *H. 1.* And when a man brings with him the Ensign of Doctrine, there is no reason that he should be examined again, for then if they will not allow of him, he shall not be allowed, though he be a learned and grave man, and it was not the intent of the King to make a *Monopoly* of this practise.

And to the second point that he propounded, it seems that the Justification is not good, which is, *Quia non comparuit* upon Summons, he was amerced; and ordered that he shall be arrested, and being arrested, being examined if he would submit himself to the Colledge, he answered that he was a Doctor, and had practised and would practise within the said City, as he conceived he might lawfully do, and for that shewing of this case he was committed to prison; and he conceived two things upon the Charter.

First, That it doth not inhibit a Doctor to practise, but punisheth him for ill using, exercising, and making, and may imprison the Emperick and Impostor, and so prayed Judgement for the Plaintiff; and after in *Hillary* Term, in the same year, this case was argued by all the Justices, of the Common Bench, and at two several daies, and the first day it was argued by *Foster*, *Daniell*, and *Warburton*, Justices, at whose Arguments I was not present, but *Foster* argued against the Plaintiff, and *Daniell* and *Warburton* with him, and that the Action of false imprisonment.

Walmesley.

prisonment was well maintainable. And the second day the same case was argued again by *Walmesley* Justice, and *Coke* chief Justice, and *Walmesley* argued as followeth, that is, that the Statute of 3. H. 8. was in the negative, that no person within the City of *London* or seven miles of that, take upon him to exercise or occupy, as Physician or Chirurgeon, &c. And he doth not know in any case where the words of the Statute are negative, that they admit any Interpretation against that but one only, and that is the Statute of *Marlebridge* chapter 4. Which provides that no Lord shall distrain in one County, and the beasts distrained drive into another County, in which case though that the words are negative, yet if the Lord distrain in one County, he may drive his beasts to his Mannor in another County, of which the Lands, in which the distress was taken, were held, but it is equity and reason in this case, that the Statute should admit such exception, for it is not of malice, but for that, that the Beasts may remain within his Fee, but in the principal case there is not the like reason nor Equity. And also the King H. 8. in his Letters Patents recites as followeth, that is, *Cum Regii officii nostri munus arbitremur, ditionis nostræ hominum felicitati omniratione consulere, id autem vel imprimis fore, si Improborum conatibus tempestive occurremus, apprime necessarium duximus improborum quoque hominum, qui medicinam magis avaritiæ suæ causa quam ullius bonæ conscientiae fiducia profitebantur, &c.* By which it appears, that it is the office of a King to survey his  
his

his Subjects, and he is as a Physician to cure their Maladies, and to remove Leprosies amongst them, and also to remove all fumes and smels, which may offend or be prejudicial to their health, as it appears by the severall Writs in these severall cases provided, and so if a man be not right in his Wits, the King is to have the Protection and Government of him, lest he being infirm, waste, or consume his Lands or Goods, and it is not sufficient for him that his Subjects live, but that they should live happily, and discharges not his Office, if his Subjects live a life, but if they live and flourish, and he hath care as well of their Bodies as of their Lands and Goods, for Health for the Body is as necessary as vertue to the minde, and that King *H. 8.* to exprels his extraordinary care of his Subjects made the said Act, in the third year of his Reign, which was the beginning of his Essence, to that purpose, and by the Common Law, any Physician which was allowed by the University might practise and exercise the said faculty within any place within *England*, without any dispensation, examination or approbation of any, but after the making of the said Act made in the third year of King *H. 8.* none may practise, exercise, or occupy as Physician or Chirurgeon within the City of *London* and seven miles of that, if he be not first examined, approved, and admitted by the Bishop of *London*, and the Dean of *Pauls* for the time being, calling to them, four Doctors of Physick or Chirurgeons, &c, And that no practiser may occupy or exercise the said faculty

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culty out of the said Precincts, if he be not first examined, approved, and admitted by the Bishop of the Diocess, or in his absence, by his Vicar general, every of them calling unto him such expert persons in the said faculty, as their discretions think convenient, and the reason of this difference as he conceived, was for that, that in this City, and the said Precincts, the King and all his Council, and all the Judges and Sages of the Law, and divers other men of quality and condition, live and continue, and also the place is more subject unto Infection, and the aire more pestiferous, and for that there is more necessity, that greater care, diligence, and examination be made of those which practised here in *London* and the Precincts aforesaid, then of those which practise in other places of the Realm, for in other places the people have better air, and use more exercise, and are not so subject to Infection, and for that there is no cause that such care should be used for them, for they are not in such danger, and in the Statute there is not any exception of the Universities nor of those which are Graduates there, and for that they shall be tryed by the said Act, and the Statute of 14. H. 8. chapter 5. only excepts those which are Graduates of *Oxford* or *Cambridge* which have accomplished all things for the form without any Grace; and if this Exception shall be intended to extend to others, then all the University shall be excepted by that, and such exception was too general; and over he said, that the Plaintiff gave absurd and contemptuous answer, when

when he being cited before them, laid that he would not be ruled nor directed by them (being such grave and learned men,) and for that, that he hath practised against the Statute he was worthily punished and committed, for it should be a vain Law if it did not provide punishment for them that offend against that; and *Bracton* saith, *Nihil est habere Leges, si non sit unus qui potest Leges tueri*, and for this here are four grave and discreet men to defend and maintain the Law, and to punish all Offenders against that, according to the Statute, by Imprisonment of their Bodies and other reasonable waies, and the said four men have the search as well of those men, as of other Mediciners, and the Statute of 1. *Marie* provides that the Keepers of Prisons, shall receive all which are committed by the said four grave and learned men, and though there be great care committed to them by the said Statute, and the said Letters Patents, yet there is a greater trust reposed in them then this, for we commit to them our lives, when we receive physick of them, and that not without cause, for they are men of Gravity, Learning, and Discretion; and for that they have power to make Lawes, which is the Office of the Parliament, for those which are so learned may be trusted with any thing; and for the better making of these, they have power to assemble all the Commons of their Corporation, and the King allowes of that by his Letters Patents, for it is made by a Congregation of wise, learned, and discreet men, and the Statute of 1. *Marie* inflicts punish-

ment upon Contempts, and not for any other offences, and they held a Court, and so may commit as every other Court may for a contempt of common right, without Act of Parliament, or Information, or other legal form of proceeding upon that, as it appears by 7. H. 6. for a contempt committed in a Leet; the Steward committed the Offender to Prison; and it was absurd to conceive that the Statute will allow of commitment without cause, and it is a marvelous thing that when good Lawes shall be made for our health and wealth also, yet we will so pinch upon them, that we will not be tried by men of experience, practise, and Learning, but by the University, where a man may have his Degree by grace without merit, and so for these reasons he concluded that this Action is not maintainable.

*Justice*

*Coke.*

*Coke* chief, said, that the Cause which was pleaded for, that the Plaintiff was committed, was for that, that he had exercised Physick within the City of *London* by the space of a Moneth, and did not very fitly answer, for which it was ordained by the Censors that he should pay a hundred shillings, and that he should forbear his practise, and that he did not forbear, and then being warned of that, and upon that being summoned to appear, did not appear, and for that it was ordained, that he should be arrested, and that after he was summoned again; and then he appeared, and denied to pay the hundred shillings, and he said that he would practise, for he was a Doctor of

of Cambridge, and upon that it was ordained that he should be committed, till he should be delivered by the Doctors of the Colledge, and upon this was the Demurrer joyned, and in pleading the Plaintiff said, that he was a Doctor of Philosophy and Physick, upon which the Lord took occasion to remember a saying of *Galen*, that is, *Ubi Philosophia desinit, ibi medicina incipit*, and he said the only question of this case depends not upon the payment of the said hundred shillings, but upon the words of the Letters Patents of the King, and the said two Statutes, the words of which are *Concessimus eidem præsidenti, &c. Quod nemo in dicta Civitate, aut per septem milliaria in circuitu ejusdem exerceat dictam facultatem, nisi ad hoc per dictum præsidentem & communitatem seu successores, eorum qui pro tempore fuerint, admissus sit, per ejusdem præsidentis & Collegii literas sigillo suo communi sigillatas sub pœna centum solidorum pro quolibet mense quo non admissus eandem facultatem exercuit, dimidium inde nobis, & hæredibus nostris, & dimidium dicto præsidenti & Collegio applicandum, & præterea volumus & concedimus pro nobis, &c. Quod per præsidentem & Collegium <sup>predicto</sup> ~~communitatem~~ pro tempore existent. & eorum successores in perpetuum, quatuor singulis annis per ipsos eligantur, qui habeant supervisum, scrutinium, & correctionem & gubernationem omnium & singulorum dictæ Civitatis medicorum utentium facultate, medicinæ in eadem Civitate, ac aliorum medicorum, forinsecorum quorumcunque facultatem illam medicinæ, aliquo modo frequentantium & utensium infra eandem civitatem &*

## Colledge of Physicians Case.

*Suburbia ejusdem vel septem milliaria in circuitu ejusdem Civitatis ac punitionem eorundem pro delictis suis, in non bene exequendo, faciendo & utendo illa, nec non supervisum & scrutinium hujusmodi medicorum & eorum receptionum, per predictos medicos sive aliquem eorum hujusmodi legeis nostris pro eorum Infirmis curandis & sanandis, dandis imponendis & ulendis quoties & quando opus fuerit, procommodo & utilitate eorundem legiorum nostrorum; Ita quod punitio hujusmodi medicorum utentium dicta facultate medicinae sic in præmissis delinquentium, per Fines, Amerciamenta, Imprisonamenta corporum suorum & per alias vias rationabiles & Congruas exequantur, as it appears in Rastal Physicians 8018, 392. So that there are two distinct Clauses.*

The first, if any exercise the said Faculty by the space of a Moneth without admission by the President, &c. shall forfeit a hundred shillings for every Moneth be that good or ill, it is not material, the time is here only material, for if he exercise that for such a time, he shall forfeit as aforesaid.

The second clause is, that the President, &c. shall have *Scrutinium Medicorum, &c. & punitionem eorum pro delictis suis in non bene faciendo, utendo & exequendo, &c.* And for that the President and the Colledge may commit any delinquent to Prison: And this he concluded upon the words of the Statute, and he agreed with *Walmesley*, that the King hath had extraordinary care of the health of the Subjects. *Et Rex censetur habere omnes Artes in scrinio pectoris*, and he hath here pursued the Course

Course of the best Physicians, that is, *Removens & promovens*, *removens Improbos illos, qui nullius bone conscientie fiducia profitebantur & audaces, & promovens ad sanitatem*: And for that the Physician ought to be profound, grave, discreet, grounded in learning, and soundly studied, and from him cometh the medicine, which is *removens & promovens*.

And it is an old rule, that a man ought to take care, that he do not commit his Soul to a young Divine, his Body to a young Physician, and his Goods or other Estate to a young Lawyer, for in *Juvene Theologo est Conscientie detrimentum; in Juvene Legislatore bursi detrimentum, & in Juvene Medico Cæmeterii incrementum*, for in these cannot be the privity, discretion, and profound learning which is in the aged: And he denied that the Colledge of Physicians is to be compared to the University, for it is subordinate to that, *Cantabrigia est Academia nostra nobilissima totius Regni oculus, & sol ubi humanitas & doctrina simul fluunt*: But he said, when he names *Cambridge* he doth not exclude *Oxford*, but placeth them in equal Rank: But he would alwaies name *Cambridge* first, for that was his Mother: And he saith that there is not any time, *Pro non bene faciendo, utendo & exequendo*, for this *non suscipit Majus & Minus*, for so a man may grievously offend in one day, and for that in such a case, his punishment shall be by Fines, Amercements, Imprisonments of their Bodies, and other waies, &c. But if practise well, though it be not an offence against the *Leters Patents* and the

*Statutes*

## Colledge of Physicians Case.

*Statutes* yet the punishment shall be but pecuniary, and shall not be Imprisoned, for if he offend the Body of a man; it is reason that his Body shall be punished, for *Eodem modo quo quis delinquit, eodem punietur*, but if a grave and learned Doctor or other, come and practise well in *London* by the space of three weeks and then departs, he is not punishable by the said Colledge, though that they be without admission, for peradventure such a one is better acquainted with the nature and disposition of my Body, and for that more fit to cure any Malady in that then another which is admitted by the Colledge, and he said that it was absurd to punish such a one, for he may practise in such manner in despite of the Colledge, for all the Lords and Nobles of the Realm, which have their private Physicians, which have acquaintance with their Bodies, repair to this City, and to exclude those of using their advice, were a hard and absurd exposition, for the old verse is,

*Corporis auxilium medico committe fideli:*

And also he said that the said President and Colledge cannot commit any Physician, which exerciseth the said faculty without admission, for the space of a Moneth, nor bring their Action before themselves, nor levy that by any other way or means: but ought to have their Action or exhibit an Information upon the Statute, as it appears by the Book of Entries, for they ought to pursue their power which is given to them by the Statute, for otherwise the penalty being given, the one Moiety to them, and the other to the King, they shall

shall be Judges *in Propria causa*, and shall be Summoners, Sheriffs, Judges, and Parties also, which is absurd; for if the King grant to one by his *Letters Patents* under the Great Seal, that he may hold Plea, although he be party and if the King doth not appoint another Judge, then the Grantee which is party, the Grant is void, though that it be confirmed by Parliament, as it appears by 8. H. 6. 44. Ed. 3. The Abbot of *Readings* Case, for it is said by *Herle* in 8. Ed. 3. 30. *Tregores* Case, that if any Statutes, are made against Law and Right, and so are these, which makes any man Judge in his own cause, and so in 27. H. 6. *Fitz. Annuity* 41. that the Statute of *Carlile* will that the order of *Cisterians* and *Augustines*, which have Covent and Common Seal, that the Common Seal shall be in keeping of the *Prior*, which is under the Abbot, and four others which are the most Sages of the house, and that any Deed sealed with the Common Seal which is not so in keeping shall be void, and the opinion of the Court that this is a void Statute, for it is impertinent to be observed, being the Seal in their keeping, the Abbot cannot Seal any thing with it, and when that it is in the hands of the Abbot, it is out of their keeping, *ipso facto*: And if the Statute shall be observed, every common Seal shall be defeated by one simple surmise, which cannot be tried, and for that the Statute was adjudged void, and repugnant: And so the Statute of *Glocester* which gives *Cessavit* after *Cesser* by two years to be brought by the Lessor himself, was a good and equitable

equitable Statute : But the Statute of *Westminster* 2. chap. 3. which gives *Cessavit* to the Heir for Cesser in time of his Ancestor, and that, that was judged an unreasonable Statute in 33. *Ed.* 3. for that, that the Heir cannot have the arrearages due in the time of his Father, according to the Statute of *Glocester*, and for that it shall be void : And also the Physicians of the Colledge, could not punish any by Fine and also by Imprisonment, for no man ought to be twice punished for one offence, and the Statute of 1. *Maria* doth not give any power to them to commit for any offence which was no offence within the first Statutes, & for that he ought not to be committed by the said Statute of 1. *Maria* : But admitting that they may commit, yet they have mistaken it, for they demand the whole hundred shillings, and one half of that belongs to the King : And also they ought to commit him forthwith, as well as Auditors which have Authority by Parliament, to commit him which is found in arrearages : But if he do not commit him forthwith, they cannot commit him afterward, as it appears by 27. *H.* 6. 9. So two Justices of the Peace may view a force and make a Record of that, and commit the offenders to Prison, but this ought to be in *Flagranti Oriente* : and if he do not commit those immediately upon the view, he cannot commit them afterwards, and the Physicians have no Court, but if they have, yet they ought to make a Record of their commitment, for so was every Court of Justice : But they have not made any Record of that : And Auditors

Auditors and Justices of Peace, ought to make Records, as it appears by the Book of Entries: So that admitting that they may commit, yet they ought to do it forthwith, but in this case they cannot commit till the party shall be delivered by them, for this is against Law and Justice; and no Subject may do it, but till he be delivered by due course of Law, for the commitment is not absolute, but the cause of that is traversable, and for that ought to justify for special cause; for if the Bishop returns that he refuses a Clerk, for that he is *Schismaticus Inveteratus*, this is not good, but they ought to return the particular matter: So that the Court may adjudge of that: Though it be a matter of Divinity and out of their Science, yet they by conference may be informed of it, and so of Physick: And they cannot make any new Lawes, but such only which are for the better government of the old; and also he said plainly, that it appears by the Statute of 1. *Maria*: That the former Statutes shall not be taken by equity, for by these the President and Commons have power to commit a Delinquent to Prison, and this shall be intended, if they shall be taken by equity, that every Goaler ought to receive him which is so committed: But when it is provided by 1. *Maria*, specially that every Goaler shall receive such offenders: That by this appears, that the former Statute shall not be taken by equity: And so he concluded, that Judgment shall be entred for the Plaintiff, which was done accordingly.

## Colledge of Physicians Case.

Coke in the conclusion of his argument observed these 7. things for the better direction of the President and Comminalty of the said Colledge for the time to come. 1. That none may be punished for practise of Physick in London but by the forfeiture of 5 l. a Month, which is to be recovered by Law. 2. If any one practise Physick there less then a Moneth, that he shall forfeit nothing. 3. If any person prohibited by the Statute offend in *non bene exequendo, &c.* they may punish him according to the Statute within the Month. 4. Those whom they may commit to prison by the Statute ought to be committed presently. 5. The fines which they impose according to the Statute belong to the King. 6. They may not impose a fine or imprisonment without Record thereof. 7. The cause for which they impose fine or imprisonment must be certain.

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The

*The Proceedings of the Colledge  
against Christopher Barton Wea-  
ver.*

**U**Pon the complaint of divers persons against the said *Barton* for practising of Physick, the said *Barton* was sent for by a Messenger of his Majesties Chamber, who appearing before the President and Censors the 6. of *Septemb.* 1639. and many things being laid to his charge, yet for some reasons he was bound with sureties to appear again before them the 4. of *October* following; And he then also appearing was for the Causes in the Censors Warrant expressed, committed to the Prison of *Woodstreet-Compter London*, where he remained till the 19. of *October* following, never having by all that time petitioned the Colledge for his liberty; and then by vertue of a Writ of *hab. Corpus*, which he had sued forth of the *Kings-Bench*, he was carried with his Cause to the *Kings-Bench Bar at Westminster*. The Copy of which Warrant and the return thereof here immediately enlueth.

*Bartons Com-  
mitment.*

*Nos Johannes Warner & Thomas Adams vic. Ci- London ff.  
vit. London, Serenissimo Dno Regi in brevi huic schedul. Sheriffs. Res-  
annex. noiat ad diem & locum in eodem bri. content. turn.*

## The Proceedings of the Colledge

certificamus, quod ante aduentum nob. predict.bris scilt. duodecima die Sept. Anno Regni dci. Dni Regis nunc Angl. &c. decimo quinto Christophorus Barton in dco. bri noiat. comissus fuit prisone Dni Regis scilt. Computator. situat. in Woodstreet London predict. & in eadem prisona sub Custodia Isaaci Pennington & Johannis Wollaston tunc Vic. Civit. predict. & in eorum exit ab officio suo, sub custodia nr. detent. virtute cuiusdam Warranti Otwelli Meverell, Laurentii Wright, Edmundi Smith, & Willmi Goddard in Medicinis Doctor. et Censor. Collegii Medicor. in London. sub sigillo Coi. Collegii Medicor. London pred. Custod. predict. Computorii London predict. vel ejus deputat. direct. cuius quidem Warranti tenor sequitur in hac verba.

Colledge  
Warrant.

¶ We Otwell Meverell, Lawrence Wright, Edmund Smith, and William Goddard, Doctors in Physick and Censors of the Colledge of Physicians in London being chosen by the President and Colledge of Physicians aforesaid to govern and punish for this present year all Offendors in the Faculty of Physick within the City of London and the Suburbs thereof, and seven miles compass of the said City, according to the authority in that behalf to us duly given by certain Letters Patents under the Great Seal of England made and granted to the said Colledge and Comminalty by the late King of famous memory King Henry the 8th bearing date the 23. day of September in the tenth year of his reign; and one Act of Parliament made in the 14. year of the reign of the said late King Henry the 8th concerning Physicians, where by the Letters Patents aforesaid and every thing therein

therein are granted and confirmed. And by ver-  
tue of the said Act of Parliament and Letters Pa-  
tents aforesaid, and one other Act of Parliament  
made in the first year of the reign of our late So-  
veraign Lady Queen *Mary*, intituled, *An Act*  
*touching the Corporation of Physicians in London,*  
Did cause to be brought before us the sixth day  
of this instant *September*, at our Colledge-house  
in *Pater noster-Row* in *London*, one *Christopher Bar-*  
*ton*, and we have examined the said *Christopher*  
*Barton*, and upon his examination and other due  
proofs, we have found that the said *Christopher*  
*Barton* hath unskillfully practised the Art of Phy-  
sick within the City of *London* and Precinct afore-  
said, upon the bodies of *Richard Ballady* of *Alder-*  
*mary Parish London*, *Michael Knight* of *S. Botolphs*  
*Parish Aldgate London*, and the Childe of one  
*Jane Bigge*, and some others, in the moneth of *Ja-*  
*nuary* in the year 1638. contrary to the Lawes  
in that behalf made and provided; whereupon  
we have imposed upon the said *Christopher Bar-*  
*ton* a Fine of 20 l. for his evil practise in Phy-  
sick aforesaid; And we have also for the same  
cause sent you the Body of the said *Christopher*  
*Barton*, willing and requiring you in the Kings  
Majesties name to receive and keep him in safe  
custody as prisoner, there to remain at his own  
costs and charges without bayl or mainprize un-  
till he shall be discharged of his said imprison-  
ment by the President of the said Colledge, and  
by such persons as by the said Colledge shall be  
thereunto authoris'd according to the Statute in  
that

## *The Proceedings of the Colledge*

that behalf made, and this our Warrant shall be your discharge. Given at the said Colledge the eleventh day of *September* in the fifteenth year of the Reign of our Sovereign Lord King *Charles*.  
*Otwell Meverell, Edm. Smith, Lawr. Wright, William Goddard.*

To the Keeper of *Woodstreet Compter London*, or his Deputy.

To Mr. *John Penyall* one of the Messengers of his Majesties Chamber in Ordinary to execute this Warrant:

*Et hæc est causa accepcois & detenconis prefati Christophori Barton in prisona predict. sub custodia nra corpus Cujus quidem Christophori coram prefat. Dno Rege apud westm. parat. habemus.*

Being at the Bar the said 19. of *October*, for that the Lord chief Justice Sir *John Bramston* was not present, the other Judges present would not accept of Bayl, which the said *Barton* tendred, but suspended the matter untill Tuesday the 22. of *October* following, *Barton* for that time was returned back; and coming to the Bar again on the said Tuesday with his Council and Bayl, the Lord *Bramston* being then present, my Lord demanded the return of the warrant, which was neglected by the Clerks of the Court, and left in the Crown Office in the Temple, so my Lord would not proceed, but respited the cause untill Thursday the 24. of *October* following, when all parties appearing with Council on both sides, the Warrant and Return was read, and the Cause debated, and there the Court plainly declared,  
that

that he should not be bayled, it being against the Law, and the Letter of the Warrant grounded upon the Statutes. Then it was desired by *Bartons* Councel, that he might go over to the *Kings-Bench*, which also was denied, because he was committed originally to the *Compter* in *Woodstreet*, as appeared by the Warrant, and so *Barton* was remanded by the Court to the said *Compter*, and willed if he would have Liberty to submit to the Colledge and make his peace there: *Barton* being in Custody of the Serjeant that carried him up to the Bar exhibited his humble Petition to the President and Censors the 25. of *October* signed with his own hand for abatement of part of his Fine and for his enlargement, submitting in all things unto them; whereupon the President and *Dr. Meverell* one of the Censors were contented to abate the half of his Fine of 20 *l.* and to accept of 10 *l.* the one half to be paid in hand (which was paid) and the other half at our Lady day next. And so upon the 29. of *October* signed his discharge and set him at liberty, he being put again before his enlargement into the said prison.

*Barton* remitted to prison.

O

Termino

Termino *Trinitatis*, anno octavo *Caroli* Regis, in Banco Regis.

*Crokes Reports*, the First Part.

*Butler* versus the President of the  
Colledge of Physicians, Pasc. 7.  
Car. rot. 519.

**E**rror of a Judgment upon a Demurrer in the Common-Bench. The first Error assigned was because the Record was, *Ad respondendum Domino Regi & Præsidenti Collegii &c. Qui tam pro Domino Rege, quam pro seipso sequitur quod reddat eis sexaginta libras, unde idem Præsidentis qui tam &c. dicit, &c.* Whereas the Action ought to have been brought by the President only, *qui tam, &c.* and not by the King and President, *&c. sed non allocatur*: For being an Original Writ, the Writ is most often so, and sometimes the other way: And they conceived it good both waies. But Informations are alwaies, that the party *qui tam* for the King, *quam pro seipso sequitur, &c. Vide Plowd. 77. new Book of Entries, 160. old Book of Entries, 143. 373.* The second Error was, that the Replication was a departure from the Count; For the Count sets forth, That King *Henry* the eighth, *anno decimo Regni sui incorporavit* (&

(& per le Statut of *decimo quarto Henrici octavi confirmavit*) the Colledge of Physicians by the name of the President, &c. that no man should practise Physick in London, or within seven miles, without Licence under the Seal of the Colledge, upon penalty of 5 l. for every moneth that he so practised, the one moiety unto the King, and the other unto the President of the Colledge, to the use of the said Colledge, And for that the Defendant not being allowed, &c. had practised Physick for twelve months in London, The said Action was brought, &c. The Defendant pleads the Statute of *tricesimo quarto Henrici octavi cap. 8.* That every one who hath Science and experience of the nature of Herbs, Roots and Waters, or of the operation of the same by speculation or practise, may minister or apply in and to any outward Sore, Uncome, wound, Aposthumations, outward Swelling or Disease; any Herb, Oyntments, Baths, Pultes, or Implaisters, according to their cunning experience and knowledge, &c. or Drink for the Stone and Strangury, in any part of the Realm, without suit, vexation, &c. any Act or Statute to the contrary notwithstanding. And that he having skill in the nature of Herbs, Roots, and Waters, by speculation and practise, applied to persons requiring his skill, Herbs, Ointments, Baths, Drinks, &c. to their Sores, Uncomes, Wounds, and for the Stone and Strangury, or Agues, and to all other Diseases in the said Statute mentioned, *prout ei bene licuit. Et quoad aliquam aliam practisationem seu facultatem medicinae aliter vel alio modo quod non est culpabilis. Et de hoc ponit, &c.* And makes his averment, *Et*

*hoc paratus est verificare*, The Plaintiff replies, and shews the Statute of *primo Mariæ capite nono*, which confirms the Charter of *decimo Henrici octavi*, and the Statute of *decimo quarto Henrici octavi*, and appoints that it shall be in force, notwithstanding any Statute or Ordinance to the contrary. And upon this it was demurred, because it is a departure; for it intitles him by another Act, *viz.* the Statute of *primo Mariæ*, which is not mentioned in the Count: and therefore 'twas assigned for Error. But all the Court here conceived, That it is no departure; Because it fortifies the Count, and is as to revive the Statute of *decimo quarto Henrici octavi*, if it were repealed in this particular by the Statute of *tricesimo quarto Henrici octavi*: And for that the Case of *Woodhead* was shewn to the Court, *Mich. 42. & 43. Eliz. rot. 397.* where the President of the Colledge of *All-Souls*, bringing an Action upon the Case for taking Toll in \_\_\_\_\_, and shews a Charter of *vicesimo sexto Henrici sexti* to be discharged of Toll, the Defendant pleaded the Act of Resumption of Liberties granted by *Henry the sixth*, made \_\_\_\_\_, and so the Liberty gone. The Plaintiff pleaded a Reviver of them by the Statute of *quarto Henrici septimi*: And it was held to be no departure, but as it were a confession and avoiding. The third and principal Error assigned was, if the Statute of *tricesimo quarto Henrici octavi*, be not repealed by the Statute of *primo Mariæ*, and if not, Whether the Defendant hath made a sufficient Justification? And *quoad* that, Whe-

Whether the said Statute be repealed, the Court was not resolved. But *Richardson*, Chief Justice, conceived it was repealed by *primo Mariæ*, by the general words, any Act or Statute to the contrary, of the Act of *decimo quarto Henrici octavi* notwithstanding. But I conceived, that the Act of *tricesimo quarto Henrici octavi*, not mentioning the Statute of *decimo quarto Henrici octavi*, was for Physicians: but the part of the Act of *tricesimo quarto Henrici octavi*, was concerning Chirurgeons, and their applying outward Medicines to outward Sores and Diseases: And Drinks only for the Stone, Strangullion and Ague; That Statute was never intended to be taken away by the Act of *primo Mariæ*. But to this point *Jones* and *Whitlock*, would not deliver their Opinions, But admitting the Statute of *tricesimo quarto Henrici octavi*, be in force, yet they all resolved, the Defendants Plea was naught, and not warranted by the Statute; for he pleads, That he applied and ministred Medicines, Plaisters, Drinks, *Ulceribus, Morbis & Maladiis, Calculo, Strangurio, Febris, & aliis in Statuto mentionatis*; so he leaves out the principal word in the Statute (*Externis.*) And doth not refer and shew, That he ministred potions for the Stone, Strangullion or Ague, as the Statute appoints to these three Diseases only, and to no other. And by his Plea his Potions may be ministred to any other sickness; wherefore they all held his Plea was nought for this cause, and that Judgment was well given against him; Whereupon Judgment was affirmed.

Termino Trinitatis anno quarto  
Jacobi Regis in Banco Regis.

*Crokes Reports the Second Part.*

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*Doctor Langhton versus Gardener.*

- (4) **D**Ebt upon the Statute 14. H. 8. cap. 5. by the Plaintiff, as President of the Colledge of Physicians in *London*, and of the Corporation of Physicians there: For that the Defendant used the Art of Physick in *London*, without Licence from the Colledge there, against the Statute, and their Charter: For which he demanded 5*l.* for every moneth, being the penalty given by the Statute: The Defendant pleaded the Statute of 34. H. 8. which enables every one to practise Physick or Chirurgery, being skilful therein, notwithstanding any Act to the contrary. The Plaintiff replies, and shewes the Statute *primo Mar. cap. 9.* which confirms their Charter, and every Article thereof to stand in force; *Any Act, Statute, Law, or Custome to the contrary notwithstanding.* Hereupon the Defendant demurred; First, because this general clause in this Law doth not restrain the Statute of 34. H. 8. Secondly, that this pleading is a departure: For it ought to have been shewn before. *Stephens* argued for the Plaintiff. First, That

That the Act of 34. H. 8. is repealed by the Statute of of *Prim. Mar. Quoad* the Colledge of Physicians in *London*, as fully as if it had been by express words recited and repealed: For when it confirms the Charter of 14. H. 8. and appoints, that it, and every part thereof shall stand, and be available: The Statute of 34. H. 8. cannot stand with it, *Quia leges posteriores leges priores contrarias abrogant*, 4. Ed. 4. *Porters Case Co. 1. fol. 25.* Secondly, That it is not any departure: Because there is not any new matter; but matter pleaded in reviving of the former, or fortification thereof: And a Record was shewn, *Mich. 10. & 11. Eliz.* betwixt *Bomelins & .....* where the Record was in the same manner as this Record is; and there the Plaintiff had Judgement: Wherefore, &c. And there being none on the Defendants part to argue, The Court upon hearing of the Record, gave rule, that Judgement should be entred for the Plaintiff, unless, &c.

The

Termino Paschæ anno quinto Jacobi Regis in Banco Regis.

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*Doctor Atkins versus Gardener.*

(13)

*Scir. fac.* Upon a Judgment in Debt upon the Statute 14. H. 8. by Doctor *Langhton* President of the Colledge of Physicians in *London*, who died before execution had; and thereupon the successor brought a *Scir. fac.* to have execution; It was thereupon demurred, because the *Scir. fac.* ought to be brought by the Executor or Administrator of him who recovered, and not by the successor. But upon hearing of the Record, without argument, the Court held, that the successor might well maintain the Action; For the Suit is given to the Colledge by a private Statute: And the Suite is to be brought by the President for the time being; And he having recovered in right of the Corporation, the Law shall transfer that duty to the successor of him who recovered, and not to his Executors: The Action being brought, for that he practised Physick in *London* without Licence of the Colledge of Physicians, against the Statute of 14. H. 8. Wherefore it was adjudged for the Plaintiff.

Coram

## Coram Judice D. Jo. Popham,

**A**prilis die 8. Anno Dom. 1602. Compauerunt Rogerus Finkins & Simon Read in *Edibus Primarii Angliæ Justitiarum* D. Johannis Popham *Equitis Aurati*: coram ipso *Judice* queritantes, de *Injuria* illis illata per *Præsidentem* & *Censores Collegii Medicorum*, quorum *authoritate*, ob *illegitimam Medicinæ praxin*, in *Carcerem* coniecti sunt, *ibidemque* jam per aliquot *septimanas* detenti.

Adfuerunt ex parte Collegii per *Præsidentem* missi *Censores* tres, D. Johannes Nowell. Edwardus Lyster & Johannes Argent.

*Incarceratorum* causam agebat quidem *Magister Harris Jurisperitus*.

*Judex* prius sedulo perlectis iis *Regni statutis*, quæ ad *medicinam* faciunt: Finkins urgebat, ut *rationem* redderet cur ausus sit *Medicinam* exercere, *licentiâ* non prius impetratâ à *Collegio Medicorum*? Is *Primum Praxin* denegavit, *Postea*, urgente magis *Judice*, hæsitanter, & ambigue respondit. Tandem metuens ne *Jurejurando* premeretur; fassus est se aliquando *Practicasse*, idque, ut putabat, non *illicite*, Quid, inquit *Judex*: *Obtinuistine unquam Collegii Commune Sigillum*? Non, inquit ille; Sed quia *Chirurgus sum*: & in opere *Chirurgico* sæpe *necessarius* est *internorum Medicamentorum* usus. Respondit *Judex*; re ita urgente, *advocandum* esse *Medicum*, atque nullo modo *licere* *Chirurgo* *medicum* agere.

P

Objecit

## Coram Iudice D. Jo. Popham.

Objecit Jurisperitus Præsidentis, & Censuræ auctoritatem non eam esse, quâ possint quenkumque in Carcerem conjicere, ideoque à Collegio, ad alios Iudices causam omnem esse promovendam.

Hunc reprehendit Iudex, asserebatque validam esse, maximèque legitimam, hac ex parte Collegii auctoritatem.

Multum tandem conquestus est Finkins, quod ob raram praxin, eamque ex aliorum Præsripto, tam gravis ei Multa sit inflicta.

Tum Libro Annalium ostenso; Compertum est eum jam antea sexties Publicè accusatum esse, & aliquoties etiam leves multas subisse. Unde Iudici æquissimum visum est, ut, cum clementer tractatus, incorrigibilem tamen se præbuisset, graviore tandem multa premere-tur. Et eo quod aliorum Medicorum Præscriptis ad suam Praxin sæpius sit abusus, Consultissimum putavit Iudex, ut omnes Medici, Præscriptis suis omnibus, & diem mensis, & Patientis nomen inscribant unde fraus iis abutentium, facilius deprehendi possit.

Medicor. præscriptis Dies Mensis, cum patientis Nominis adscribendus.

Finkins redditur Carceri.

Iudex, Re auditâ; Collegiique Censurâ optimè approbatâ, Finkins denuò Carceri reddendum censuit, donec Præsidenti & Censoribus satisfactum sit.

Cumque quorundam Amicorum instantiâ rogatus est Iudex, ut fide-jussoribus admissis, immunitatem illi concederet à Carcere; Non est, inquit Iudex, penes me, ut hoc faciam; Legibus enim Regni, illis solum datur, ut istud concedant.

Quidam qui astabat, objecit; Statuto quodam regni cautum esse, ne quis liber, Civis Londinensis, per forinsecum aliquem incarceretur. Perlectis statuti verbis, nulloque modo sensum hunc ferentibus,

Hujusmodi

*Hujusmodi, inquit Iudex, interpretationibus, means etiam possitis infringere auctoritatem.*

*These words the Lord Chief Justice said in hearing this Cause.*

1. There is no sufficient Licence without the Colledge Seal.

2. No Chirurgeon, as a Chirurgeon, may practise Physick, no, not for any disease, though it be the great Pox.

3. That the authority of the Colledge is strong and sufficient to commit to prison.

4. That the Censure of the Colledge, rising from lesser mulcts to greater, was equal and reasonable.

5. That no man though never so learned a Physician or Doctor may practise in London, or within seven miles, without the Colledge Licence.

Annal. l. 1. pag. 155, 156.

*Read conquestus est Collegium contra regni statutum ultra 20 l. penam erogasse, verbis statuti perpenſis pronuntiavit Iudex Collegio licere quam velint mulctam infligere, custodem tamen carceris non esse astrictum ut eum detineat si sit ultra 20 l.*

*Read praxin suam asseruit quod statuto regni cuius concessum est per herbas &c. aliquos saltem morbos curare: at respondit Iudex non licere, quoniam non admissus erat per Collegium.*

*Resolutions of Questions concerning  
the Colledge, by the Lord Chan-  
cellor and Judges.*

**T**He King having directed his Letters to the Right Honourable *Thomas* Lord *Ellesmere* Lord Chancellor of *England*, Sir *John Popham* Lord chief Justice and one of his privy Council, They the said Lord Chancellor and Lord chief Justice, by vertue of the same Letters called unto them Sir *Thomas Fleminge* then Lord chief Baron, Sir *Thomas Walmesley* & Sir *Peter Warburton* Knights, Justices of the Court of Common-Pleas, and Sir *David Williams*, and Sir *Lawrence Tanfield*, Justices of the *Kings-Bench*; and after due consideration had, both of the Charter of King *Hen. 8.* and several Acts of Parliament thereof made in the 14. year of the same King, and the other in the first year of Queen *Mary*, did on the first of *May* 1607. at the house of the said Lord Chancellor, called *York-house*, resolve the several Questions hereafter mentioned.

*Quest. 1.*

Whether Graduates of *Oxford* and *Cambridge* may practise in *London* or seven miles compass of the same without Licence under the said Colledge Seal; by vertue of the clause in the end of the

the Statute of 14. *Hen. 8.* and whether that clause hath not relation to the Statute of 3. *H. 8.* only, or how far it doth extend?

All resolved that no Graduate that is not admitted and licensed by the President and Colledge of Physicians under their common Seal, could practise in *London* or within seven miles compass of the same. *Resp. 1.*

Whether by Graduates, Graduates in Physick only are to be understood? *Quest. 2.*

They resolved, that the Exception in the Statute of 14. *H. 8.* ca. 11. of Graduates in the two Universities is to be understood only of Graduates of Physick, and of no others. And all resolved, that by that Exception those Graduates may practise in all other places of *England* out of *London*, and seven miles of the same, without examination, but not in *London*, nor within the said circuit of seven miles. *Resp. 2.*

If Graduates not admitted to practise in *London*, practise there, whether for evil practise or misdemeanor therein, they be not subject to the correction and government of the Colledge? *Quest. 3.*

They all agreed that they are subject to the government and correction of the Colledge by an express clause of the said Charter enacted, which giveth to the Censors *Supervisionem, scrutinium, correctionem, & Gubernationem* of all persons using the practise of Medicine within the City. *Resp. 3.*

If they may not practise without admission of the Colledge (as their Letters patents plainly import) *Quest. 4.*

P. 3

Then

## Concerning punishment

Then whether such Graduates are not subject to the Examination, without which there were never any admitted, and without which the admission cannot be approved, because every Graduate is not absolutely good *ipso facto*?

Resp. 4.

It was resolved by all, that all that practised or should practise Physick, either in *London*, or within the compass of seven miles of the same, must submit themselves to the Examination of the President and Colledge if they be required thereunto by their authority, notwithstanding any Licence, allowance, or priviledge given them in *Oxford* or *Cambridge*, either by their degree or otherwise.

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Concerning punishment and correction  
against Offenders.

Quest. 1.

Whether the Censors alone may not commit to prison without Bayl or Mainprise all Offenders in the practise of Physick, according to the Statute of *primo Mariae*, and how long? Whether till he have paid such Fine as shall be assessed upon him, or have submitted himself to their order, and in what manner?

Resp. 1.

They all resolved, that for not well doing using or practising the Faculty or Art of Physick, or for disobedience or contempts done and committed against any Ordinance made by the Colledge

ledge by vertue and according to the power and authority to them granted, they may commit the offenders without Bayl or Mainprife, as the words of the Statute are, which they all resolved could not be altered or interpreted, otherwise then the exprefs words of the Statute are.

Whether they may not commit to prison for disobedience and contempt of the private Statutes and Ordinances of the Colledge made for the better government thereof, and for not payment of such reasonable Fines as shall be imposed by the President and Censors for maintenance of the said Colledge among the Members of the same Colledge. *Quest. 2.*

They all resolved, that the President and Colledge might commit to prison for offences or disobedience done or committed against any lawfull Ordinance made by the said Colledge, and might impose reasonable Fines for the breach thereof, and detain the parties committed till these Fines were satisfied. *Resp. 2.*

Whether they may not justly take upon every admission a reasonable sum of mony for the better maintenance and defraying of necessary expences as in other Corporations? *Quest. 3.*

They all held that they might take such reasonable sums. *Resp. 3.*

Whether those only are to be committed that are offenders in *non bene exequendo faciendo & utendo facultate Medicinæ*, as in the Letters patents, and such as are sufficient and not admitted, are to be sued for 5 l. a month, and not be committed? *Quest. 4.*

They

## Concerning punishment

Resp. 4.

They all held, that by the Charter and Acts of Parliament, they might commit offenders and practisers that offend in *Non bene exequendo faciendo & utendo facultate*, but for the committing to prison of such as practise (not being admitted by the Colledge) they held it doubtful, for that the Charter and Statute do in that case inflict a punishment of 5 *l.* a moneth against such practiser, without admittance by the Colledge. But they all resolved, that if the President and Colledge made an Ordinance to prohibit the practising of all without admittance under the common Seal of the said Colledge; That for breach and contempt of this Ordinance, the President and Colledge might both impose a reasonable Fine upon the offender, and commit him without Bayl or Mainprize.

Quest. 5.

Whether refusal to come to be examined upon warning given be not a sufficient cause of Commitment?

Resp. 5.

They all resolved, that if the Colledge do make an Ordinance, That if any practiser of Physick in *London* or within seven miles of the same shall obstinately or wilfully refuse to be examined by the Censors of the Colledge in *non bene exequendo faciendo & utendo* the Art of Physick or his medicines or receipts, That the said President and Censors may commit him to prison there to remain without Bayl or Mainprize untill he be delivered by the President and Censors, and to forfeit and pay to the said Colledge some reasonable sum of money, that the same Ordinance will

will be good and lawful. And if any after shall offend contrary to the same Ordinance, the President and Censors may lawfully commit such offender to prison, there to remain without bayl or mainprize untill he shall be delivered by the said President and Censors,

*It pleased the Lord Chancellor to move these Questions  
To the Judges, as material for the execution of  
the Statutes.*

Whether the party committed for unskilfull or temerarious practise may have an Action of false imprisonment against them, and thereby draw in question or issue, the goodness or badness of the Physick? *Quest.*

All resolved, that the party so committed was concluded by the sentence and Judgement of the four Censors of the Colledge of Physicians. *Resp.*

Whether if any not admitted to practise physick within London or seven miles of the same, but once, twice, or thrice in one month, be an offender against the Charter and Statutes of the Colledge? *Quest.*

All resolved he was, if he be a professed Physician. *Resp.*

**A**T a Trial had at *Guild-hall* before Justice *Nicholas*, Nov. 27. 1636. upon an Information, it was found for *Barker* upon these words in the Information mislaid (*by Letters of the said President and Comminalty Sealed*) whereas the words of the Charter are, *Sealed by the Seal of the President and Colledge.*

*Barkers* Council at the Bar pressed it upon the witnesses whether they gave *Barker* money for advice only, or for Physick only, or both; They said that he only sold his Medicines as Apothecaries and any Free-man of *London* might do. Our Witnesses swore that *Barber* took their money for both.

Serjeant *Maynard* then urged that the King never gave his assent to this Charter as appeareth (said he) by the Rolls of that Session of Parliament, a Copy whereof he brought into the Court. And the reason then assigned was because the usual words *le Roy le veult* were not subscribed to this Act. But Mr. *Finch* desired that point might be put upon demur in Law after trial, Serjeant *Maynard* then waved the point.

After this trial, search was made for the Act upon the Physicians Charter at the *Tower of London*, but found that there were no Acts kept there, made since the reign of *H. 7.*

Then search was made at the Clerk of the Parliaments Office at *Westminster*, but not one Act of that Sessions of Parliament nor any other from the

the 7. to the 22. of *Hen. 8.* found there, for most of the Acts kept there concern only particular actions or persons.

But at the Rolls this Charter was found, and that none of that part of the Act which is in English in the Book of Statutes was there set down in writing, but the bare words of the Charter only, at the end whereof these words, but plainly in another hand (*huc usque*) were written, and after all this a good large space in the parchment wholly blank left as it seems to inscribe the rest of the Act.

After this Charter these words subscribed *per ipsum regem*, &c. which words as it appears by all other Acts passed in the same Roll, and as Mr. *Clayton* one of the keepers of the Parliament Rolls told me, in all other Acts made it manifest were passed by the King himself being personally present in Parliament.

Upon farther search at the Rolls, I found the Act of Parliament its self, and had it exemplified under the Seal *Dec. 18. 1658.* So that the Charter its self is in one Roll, and the Act of Parliament in another distinct Roll.

Now as to that objection, that these words *le Roy le veult* are not subscribed to this Act concerning Physicians, I answer, that neither were these words subscribed to some Acts preceding this, nor to any that followed it. And at the end of all this Roll 'tis said, the King having heard all the Acts recited and read, did confirm them, and commanded the Parliament to see them all observed.

*Rastals* and *Poultons* Statute-Books, our Charter and Exemplification have all of them *per Nomina Presidentis Collegii seu Communitatis, &c.* But in *Bonhams Case* in *Cooks Reports* 'tis *per Nomina Præsidentis & Collegii*. 'Twas the opinion of two of our Council that *Et* would make a variation and nonsuit consequently. They both said that for the Tithes of *London*, and *Magna Charta*, there was nothing extant but prescription.

If a Statute be special, particular, or private (as this of the Colledge is) then if any man will have benefit by or make use of it, or will charge another upon it, he must plead and shew the Statute at large, *vide Shepard* in folio pag. 917. *Crompton*, fol. 15. 1617.

Lord chief Baron Steele at a Plea holden at *Kingston upon Trent* 1655. the Action being laid in *Nomine Præsidentis Collegii seu Communitatis, &c.* and the Defendants pleading it ought to run according to *Cooks Reports*, in *Nomine Præsidentis & Collegii*, salved it thus, by saying there was to be put a Comma after *Præsidentis*, betwixt it and *Collegii*, and so did tantamount to *Præsidis & Collegii*.

At a Trial at *Guild-hall* against *Trigge* for ill practise, Judgment for *Trigge*, because the Colledge could not prove what Medicines he gave, for he made his Medicines privately himself.

*Blank* for ill practise fined by the Censors 20 l. and upon a *habeas corpus* was remitted to prison, and paid the Fine. *Ann. l. 2. pag. 186.*

*Trigge* fined by the Censors for a *Paracentesis* 20 l. sent to *Newgate*, and paies the 20 l.

By

~~14. 15. H. 8.~~

*By Easter Record 1656. first draught.*

**B**E it remembred that the President of the Colledge or Comminalty of the faculty of Physicians in *London*, who followeth as well for *Charles by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c.* as for himself, did come before the Barons of this Exchequer the 6. day of *June* this Term in his own person, and as well for the said King as for himself, did give the Court here to understand and to be informed, That one *Richard Barker* of the Parish of *St. John the Baptist* in the Ward of *Dowgate London*, Gent. between the first day of *July* last past, and the day of the exhibiting of this Information, that is to say, by the space of *11.* months at the Parish of *St. John Baptist* aforesaid, did exercise the faculty of Physick, the said *Richard Barker* not being admitted to exercise the said faculty of Physick by the said President and Comminalty by Letter of the said President and Comminalty sealed with their common Seal, contrary to the form of the Statute in such case made and provided: whereupon the said President as well for the said King as for himself prayeth the advice of the Court in the premises. And the said *Richard Barker* for the offence aforesaid

Q 3

may

may forfeit 55 *l.* of lawful money of *England*, that is to say, for every month of the said 11. months in which he did exercise the said faculty of Physick not being admitted in form aforelaid 5 *l.* of like lawful money of *England*. And that he the said President may have the moiety of the forfeiture aforelaid according to the form of the Statute aforelaid, and that the said *Richard Barker* may come here to answer the premises.

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Secretary *Walsingham* writes a Letter in '88. to the Major and Aldermen of *London*, who had then charged the Colledge with Armes, that they should no more trouble them hereafter, but should permit them to live quietly and free from that charge. *L. Annal.* 1. cap. 67. Anno 1614. October 4. the Colledge being charged with Arms, Sir *William Paddy* pleaded the privilege of the Colledge before Sir *Thomas Middleton* Lord Major and a full Court of Aldermen, and Sir *Henry Montague* Recorder, alledging that in former times by vertue of their Charter and Acts of Parliament, they have been exempted from this service, and that 1. The Statute 14. *H.* 8. confirms not only all Grants, Articles and other things contained in the said Letters Patents; but also for enlargement of farther Articles for the said Colledge are to be inter-

interpreted available to the said Colledge in as large and ample manner as may be taken, thought and construed by the same. 2. In *Anno* 32. *H.* 8. they and every of them of the said body corporate or fellowship and their successors, shall at all time and times be discharged to keep any watch or ward in *London* or the Suburbs of the same. Here observe the word (*any*) which in true right of construction was to be extended as if that clause had been in more words expressed. 3. In the Act for the Chirurgeons in the first entrance there are these words: *It was thought expedient by the wisdom of the land to provide for men expert in the science of Physick and Chirurgery.* And therefore when it followeth in their Act of Parliament, that the Chirurgeons by express words are exempted from the bearing of armour, it may truly be inferred that Physicians are exempted (as before) from any watch or wards; as also Physicians here recited in the preamble should receive a greater, or at least the same immunity, especially since Physicians are by their Science and Act of Parliament Chirurgeons without farther examination, and approbation to be had from the Bishop of *London*, whereunto mere Chirurgeons are subject. An Alderman objects, that by the words of this Act of Parliament, *viz.* bearing of Armour, were to free their persons, but not to exempt them from the charge of the service.

Answer, That the difference between bearing  
and

and wearing of arms was such, that the very Etymon of the word bearing, as in many other cases comprehended both, and therefore should give immunity for both. 4. In all foreign or domestick wars, Physicians do attend the Armies in person, and for this produceth the register. The Recorder then perusing every branch of the Statutes recited, and the reasons urged, and opening every part thereof at large, did conclude that the Acts of Parliament did extend to give to the Colledge as much immunity as in any sort to the Chirurgeons. Whereupon the Court desired a Catalogue of the Members of the Colledge, in number then 41. (which was immediately done) that others not of the Colledge might not delude them, and so claim priviledge. Hereupon ordered a dispensation of the Colledge from bearing of Arms, and also a precept then awarded by the Major and Court to commit all other Physicians or Chirurgeons refusing to bear or find arms, who were not by the Colledge allowed, or Chirurgeons licenced according to form, *L. 2. Annal. pag. 17, 18.*

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## Rot Parl. 32 H. 6. M. 17.

**R**Ex adversa valetudine laborans de assensu Consi-  
 llii sui assignavit Joannem Arundel. Joannem  
 Saceby, & W. Hatcliffe medicos Robertum Warren &  
 Joan Marshal Chirurgos ad libere ministrandum &  
 exequendum in & circa personam suam Inprimis viz.  
 quod licitè valeant moderare sibi dietam suam & quod  
 possint ministrare potiones syropos Confectiones laxa-  
 tiuas medicinas chysteria supositoria caput purgia gar-  
 garismata lealnen epithemata fomentationes embro-  
 cationes capitis rasuram unctiones emplastra, cerata  
 ventosa cum scarificatione vel sine, Emorodorum Sca-  
 rificationes &c. Dantes singulis in mandatis quod  
 in executione premissorum sint intendentes, &c.  
 Upon this four things are to be observed. 1. That  
 no Physick ought to be given to the King with-  
 out good warrant. 2. This Warrant ought to  
 be made by advice of his Councel. 3. They  
 ought to minister no other Physick then that is  
 set down in writing. 4. That they may use  
 the aid of those Chirurgeons named in the War-  
 rant, but of no Apothecary, but to prepare and do  
 all things themselves, &c. And the reason of all  
 this is, the precious regard had of the health and  
 safety of the King which is the head of the Com-  
 mon-wealth. Cokes institutes pars 4. pag. 251.

*Physicians & Chirurgeons soient sages en leur facul-  
 ties eyent sans les consciences cy que rien ne ent failli a  
 R faire*

faire cure filz ne scauoient a bone chiefe mitter ou filz a bon chiefe scauoient & entre-mettent nequidant follement ou negligentment issent que ilz mittont froid par chaude ou le reuers, ou trop peu de cure, ou nemi mitter un due diligence & nosmement en arsons & ad abscessions que sont defend' a faire forsq; al peril des mesters si leur patients moreront ou perdent memorie en tiels cafes sont ilz homicides ou Mayhemers. Mirror cap. 4. p. de Homicide verb (daut' part.)

*To Our trusty and welbeloved the President and Censors of the Colledge of Physicians within the City of London.*

**JAMES REX.**

**T**Rusty and welbeloved We greet you well; Whereas the Art of Physick by many unlearned men (making gain by the profession thereof, to the great hurt and prejudice of many of Our loving subjects) is much abused in many places of this Our Realm, but especially in our City of London and the Suburbs thereof, the government whereof (as touching the practise of the said Art,

Art, and the practitioners thereof) being by the Lawes and Statutes of the Realm committed unto you the President and Censors of our Colledge of Physicians, and you having also from us by our Letters Patents more ample authority for the suppression and correction of such delinquents: We therefore minding so far as in us lieth the speedy reformation of all such abuses and inconveniences. do by these presents as heretofore yet more strictly charge and command you the President and Censors aforesaid to call before you all such irregular and ignorant practitioners as contrary to our Lawes and authority do abuse that Art, and to examine their sufficiency; and such as you shall find not sufficient to punish for their bad practise according to our Lawes in that case provided. And Whereas we are credibly given to understand that many having been punished and warned by you to desist from any further practise do yet obstinately notwithstanding persist in their former contempt of our Lawes and commandments, We will and command you that you proceed against such delinquents with all severity according to the tenor of our said Letters Patents and the due course of our Lawes, by fine and imprisonment, or by causing them to enter into recognizance with condition restraining them to offend any more, or otherwise as the case shall require and shall be agreeable to justice. And our will and pleasure is, that such offenders as shall be so imprisoned, shall there remain without being enlarged, unless it be upon their conformity and

submission to you the said president and Censors,  
 or other due course of Law wherein we require  
 all our Judges and Justices that they be very  
 careful and circumspect not to do any thing that  
 may give encouragement to such offenders, by  
 enlarging any such too easily or without due exa-  
 mination of the causes of their commitment, first  
 calling thereto the said President and Censors or  
 some of them to declare the true reasons and  
 causes thereof. And whereas we are given to  
 understand that oftentimes upon the solicitation  
 of some or other friend or person of quality sutor  
 to you for the said delinquents after their con-  
 viction you have been moved to wink at their  
 faults, and neglect their punishment, to the great  
 prejudice of the health of many our poor sub-  
 jects: Our will and pleasure is, and we do here-  
 by straightly charge and command you, that  
 henceforth neither for favour, friendship, or re-  
 spect of any you forbear the just censure and pu-  
 nishment due by our Lawes unto such delinquents  
 as you shall answer to us on the contrary at  
 your peril, and that you require the aid and  
 assistance of the Lord Major and Aldermen of our  
 City of *London* (whom by our Letters we have  
 so required to do) for your better expedition  
 in the execution of this our Royal Will and  
 Commandment, not doubting but that you with  
 more care will seek to suppress such intolerable  
 abuses, and satisfie our trusts in this case com-  
 mitted to you. Given under our Signet at our  
 Pallace of *Westminster* the second day of *July* in  
 the

the twentieth year of our Reign of England, France, and Ireland, and of Scotland the five and fiftieth.

The Kings Councel about the same time send a Warrant for Attachment of Empericks, directed to all Justices of Peace, Mayors, Sheriffs, Baileys, Constables, Headboroughs, and all other his Majesties Officers and Ministers within the City of London and seven miles.

Butler made extraordinary Chirurgeon to the King, was permitted by the Lord Keeper to be sued. *Annal. pag. 97.*

Blank had a *Habeas Corpus* 1637. but by the Judges was sent back to prison, having been fined by the Censors 20 l *ob malam praxin*, though he had Letters Patents from the Archbishop of Canterbury.

*A Brief of what King James granted, and defective in former Grants.*

1. **T**hat whereas they were by the former Act enabled to keep Courts and Convocations, and thither to convent, and there to punish offenders, but had no certain place limited; now they have power to purchase a Hall peculiar for that purpose.

2. Whereas they are by the former Act enabled to purchase only 12 *l.* revenue to the said Colledge; now they have power by the Letters Patents to purchase to the value of 100 Marks *per annum.*

3. Whereas the Colledge is authorised of old by suite to recover from all practisers in Physick without approbation from the Colledge 5 *l.* a moneth. By the last Letters Patents they are authorised to punish such offenders contempt in not coming to the Colledge upon the President and Censors Warrants; or in refusing to answer being come by a Fine of 40 *s.* and imprisonment till they have paid the same. And for practising without License, upon conviction they may fine the offenders in 3 *l.* and imprison them for seven daies, and untill they have paid such fines.

4. Whereas of old the Colledge might punish evil practitioners in Physick within their Limits by a Fine of 20 *l.* By their new Grant they may  
examine

examine for Witnesſes againſt them (upon oath) Chirurgeons, and Apothecaries, and Druggiſts; And the Servants and Attendants upon the Sick (and no others) and fine them 20 s. for reſuſing to come or answer before them; and upon conviction they may fine evill Practiſers in Phyſick 10 l. and imprifon them for 14. daies, and untill they pay the ſame Fine.

5. Whereas of old the Phyſicians had power to ſearch the Shops and Ware-houſes of all Apothecaries, Druggiſts, Diſtillers and Sellers of Medicines; and finding unwholſome Drugs and Medicines, to burn them: By their new Grant they are authoriſed to fine ſuch offenders in 3 l. and to commit them untill they pay the ſame.

6. Whereas of old the one half of all Fines to be impoſed by the Colledge were granted to the ſaid Incorporation, in their new Grant all the ſaid Fines are granted to them; paying to the King his Heirs and Succeſſors yearly 6 l.

7. In the new Grant the Preſident and Cenſors are enabled to take Recognizances to the Kings Maſteſty of Offenders convicted of unlawful or evil practice, with condition that they ſhall not commit like future offences, and to imprifon them if they reſuſe to be ſo bound.

8. In the new Grant, the Collegiates are freed from bearing or finding of Arms, becauſe they are ſubject to ſerve in perſon, both in the Kings Armies, and in his Fleets upon occaſion.

9. His Maſteſty promiſeth his Royal Aſſent for enacting this Patent the next Parliament.



