

A letter from a physician in town to his friend in the country : concerning the disputes at present subsisting between the fellows and licentiates of the College of Physicians in London.

Contributors

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LETTER
FROM A
PHYSICIAN in TOWN
TO HIS
FRIEND in the COUNTRY,
CONCERNING

The Disputes at present subsisting between
the Fellows and Licentiates of the College
of Physicians in LONDON.

The SECOND EDITION.



L O N D O N :

Printed for A. MILLAR, opposite *Katharine Street* in
the *Strand*.

M,DCC,LIII.

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MDCCLXXIII.

ADVERTISEMENT.

THE author of this letter having been applied to by some of his acquaintance in the country, desiring to be informed of the occasion and tendency of the present disputes between the fellows and licentiates of the college of physicians; in order to save himself the trouble of giving several particular accounts, and for some other considerations, he chooses to communicate his sentiments to all at once, by means of the press; especially as, at the same time he answers the queries of his friends, he may in some respects gratify the curiosity of the publick.

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A
L E T T E R
FROM A
PHYSICIAN in TOWN
TO HIS
FRIEND in the COUNTRY.

THOUGH in answering in private the letters of a friend, one may enter with less reserve, into many circumstances and characters, than can prudently be done, in the manner I have taken; yet, to shun any temptation to treat either persons, or bodies, in a way one would not like to be treated; or to relate circumstances in a manner, one would rather wish to be true than as they are; I have chosen to appear before the bar of the publick, hoping to keep in mind, that if I advance any thing disputable, it will be disputed; or if I treat any characters with harshness or severity, the compliment will be amply returned: So that for my own
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fake, I shall endeavour to be civil and impartial ; and should an attention to one side of the question, more than the other, have byassed my judgment ; the method I have taken to convey my sentiments, will perhaps be the means of setting us both to rights, will procure you better information, and prevent me from being the innocent cause of deception.

I shall begin my account of this affair, with a summary view of the institution of the college of physicians in *London* ; the design of its founder, in making this establishment ; the power it is vested with ; and of whom it consists ; as a knowledge of these particulars will enable you to judge with greater clearness, of the nature and tendency of the disputes, about which you desire some information.

Learning of all kinds, you know, was at a very low ebb in the 15th century ; the learned not many, the pretenders to it numerous, especially in those professions where to pretend is often as advantageous and lucrative as to know. The science of medicine was then but slowly emerging from gothick, monkish barbarism ; the practice was open to every body ; and *Pliny's* sarcasm was perhaps now more justly applicable to the promiscuous herd, who intruded into it,
than

to his Friend in the Country. 7

than at any other time*. K. Henry the 8th found it necessary to put a stop to this mischief, and with that view, by the advice of his physicians, who were men of great learning, had study'd physick in foreign universities, and brought home with them the regulations observed abroad in medical collegiate bodies; granted a charter which was afterwards confirm'd by parliament; whereby six † physicians by name, and all other men of that faculty of and in the City of *London*, were incorporated by the name of the college of physicians, with power to examine all such persons as practised physick in, or within seven miles of *London*, and to admit into the freedom and fellowship of the college, such of them as should from time to time be by them approved.

In this, or any subsequent act, or charter, relative to the college, no notice is taken that those who were thus to be admitted into the college, should be graduates of any particular university; much less that none but such as had degrees from *Oxford* or

* *In hac artium sola evenit, ut quicumque medicum se professio statim credatur, cum sit periculum in nullo mendacio majus.—Discunt nostris periculis, & experimenta per mortes agunt: Medicoq; tantum hominem occidisse impunitas summa est.*

Plin. Nat. Hist. L 29. C. 8.

† John Chambre; Thomas Linacre; Fernando de Vittoria, Nicholas Halsewell; John Francis; Robert Yaxley.

or *Cambridge* should be admitted therein. To have annexed such a limitation in the first establishment, would have been improper, as the persons named in this charter had procured their degrees abroad, and one of them was a foreigner by birth; and it cannot be shewn that in any subsequent enlargement, or confirmation of their privileges, the college ever attempted to obtain any such limitation. The way was then open to every physician, to obtain the freedom and highest dignities in the college, from which nothing excluded him but the want of merit and knowledge in his profession.

By the charter the president was to be chosen yearly out of the freemen, commonalty, or fellows of the college; by the statute which confirms the charter eight elects were constituted, out of whom the president was to be chosen, with a power to the elects to chuse their successors out of the faculty at large, as the place of any became vacant; but still this choice was not confined to any particular part of the fellows, or to the graduates of any university; but good morals, sound learning, proper age, and becoming gravity, were all the quali-

qualifications judged necessary to fill up this station.

We meet with no traces of an alteration in this plan, for a considerable time; nor reason to suspect that doctors of physick, from whatever universities they came, after being examined, approved, and admitted by the college, could be excluded the freedom of the college, or the enjoyment of any privilege the college was entitled to, either in regard to their civil immunities or corporate functions. Nor is it easy to find out the precise time of, much less the occasion for, any such exclusion; nor the reason of making the *Statuta de candidatis et de permissis*; or of interpreting the first, as hath lately been attempted, to import an exclusion of graduates of every university in the world, except those of Oxford and Cambridge, from being admitted into the freedom and fellowship of the college, let their learning, experience, abilities, conversation, and the like, be never so unexceptionable; an interpretation that neither does honour to those who first made it, nor to those who continue to support it.

But from whatever cause it proceeded, a distinction has been introduced among

the members of the college, not in the least warranted by the charter, between such as have degrees from *Oxford* or *Cambridge*, who stile themselves *fellows*, and in Latin *secii*; and such as are by them stiled *licentiates*; or *permissi*, consisting of graduates from both *British* and foreign universities, and others admitted by the college. The former have by degrees assumed to themselves the whole government of the college, the power of making laws, and discharging all the offices of dignity and trust therein, and also of imposing mulcts and fines on the latter at their pleasure. The latter are excluded from all offices in the college, have no votes in, nor are allowed to be present at the *comitia*, yet are compelled to pay larger fines on their admission, and an annual tribute for the use of the college, which the fellows alone are benefited by.

It has been mentioned nevertheless as a matter of wonder and surprize, that the *licentiates* are uneasy in their situation! Have they not, say the fellows, free liberty to practise as well as the fellows? Are they not exempt from parish offices, militia; juries, &c.? Nay, are not they freed from several very troublesome offices which
the

the fellows are obliged to undergo? such as president, treasurer, censors, &c. what then would they have, or what would they be at?

If the fellows are really of opinion, that the condition of a licentiate is much better than their own; why do they not punish their ignorance, by admitting them at once into so laborious a station, and oblige them to partake of the hardships the fellows undergo? If the request of the licentiates is a matter of no moment; it would be much more eligible for the fellows to grant it amicably, than to expose themselves to an expensive litigation.

But on the other hand, if the licentiates, from the best information they can procure, apprehend, that those now stiled fellows have no legal power to exclude any part of the faculty, qualified and admitted as their charter directs, from a participation of every privilege the fellows enjoy; if to them it appears, that this power has been insensibly usurped, and is unjustly made use of, to aggrandize the credit of the universities of *Oxford* and *Cambridge*, at the expence of others, even in *Britain*, of superior merit in regard to a physical education; if, I say, the licentiates view the affair in this light, ought it to be imputed

to them as matter of blame, if as friends to liberty and justice, and in duty to themselves and their successors, they endeavour to put a stop to such a disorder? And to contribute, as much as in them lies, to bring the college back to its original institution, from whence they think it has deviated to their mutual prejudice? Especially as it will upon inquiry appear, that medicine is not regularly taught either in *Oxford* or *Cambridge*; that most of those who apply themselves to study it, though matriculated in either of them, commonly have recourse for instruction, either to some other *British* or foreign university; in many of which medicine is regularly taught: and consequently *Oxford* or *Cambridge* cannot, with any justice or propriety, lay claim to the privilege of having their members alone admitted into the freedom, fellowship, and government of the college of physicians, and excluding all others.

In the year 1746, when the last dispensatory was published, there were 54 fellows (besides the 2 noblemen, who then honoured the list of the college with their names) and only 24 licentiates; but the former have so far decreased since that time,
and

and the licentiates have so increased, that there are now only 41 fellows, and 42 licentiates; many of whom are persons of equal learning and reputation, and some of them of near equal standing, with the eldest of the fellows, a very few excepted: and yet the youngest fellow, by the present statutes of the college, may consider it as a condescension in him, to treat the eldest licentiate with equality; and in many, very many instances, it has been so considered, contrary to good sense, the reason of things, and the practice of mankind, in almost every other profession; and all this too upon the sole merit of having obtained his degree from *Oxford* or *Cambridge*; where, as hath been already observed, and ought never to be forgot, 'till the cause of the observation ceases, physick is not regularly taught; and where the helps to acquire a competent knowledge in the various branches of medicine, are inferior to those in some of our own universities, and in the greater part of those abroad, where the *English* usually study.

I would by no means be thought to intimate that a physician, bred at *Oxford* or *Cambridge*, must be inferior to one who has studied in some other university. There
are

are genuises who surmount every disadvantage, and who without the usual courses of instruction, by incessant application, aided by a happy sagacity and that discernment which characterizes the physician, raise themselves to deserved eminence. But this is not the case with the generality of those who make this profession their study; to whom many assistances are requisite, which neither *Oxford* nor *Cambridge* afford them; but may be met with in many other places.

And to enable these gentlemen to consider the affair in debate with the greater impartiality, it might be worth their while to reflect, that in determining their choice in what university to study, or even what branch of study to chuse, they themselves had perhaps the least share. Let them look back a moment, and consider how much their parents, their companions, their friends, have contributed to direct their pursuits, and how little has been left to their own discretion; and it will induce them, perhaps, or at least it ought to induce them, to treat others, who had not the like good fortune, (as by some it may be esteemed) with less superciliousness. For, if it is ever allowable to assume airs of superiority, it should be on account of those things

things for which we are indebted to the use we have made of our own faculties, and not for the benefits derived from the faculties of others.

Many of the 41 fellows now upon the list never studied at *Oxford* or *Cambridge*, they were not admitted to their degrees without grace, but procured them by mandamus, or on some of those publick occasions when the universities are accustomed to grant them to such as have not resided among them, and therefore could not give the university any proofs of their physical qualifications.

And it seems strange that any of those gentlemen who procured their degrees in this manner, should appear zealous in opposing the licentiates, and enforcing the necessity of their studying physick in *Oxford* or *Cambridge*, previous to their having a right to the freedom and fellowship of the college, though they cannot but be sensible, that physick may be studied in any other place with equal, in many with superior, advantages; and that themselves have reaped not the least benefit from so considerable an expence, and the various obligations incurr'd in procuring the meer formality of a degree.

Having

Having thus given you a concise account of the nature and constitution of the college, I shall now endeavour to relate, as briefly as I can, the principal causes of the present disputes, between the fellows and licentiates.

It seems plain, from such of the annals of the college as I have had an opportunity of perusing, that from the first date of the distinction between fellows and licentiates, there have been persons of reputation and spirit in the profession, who could ill brook the imperious behaviour of some of the fellows; but nevertheless, out of respect to many sensible worthy persons among them, and for other reasons, did not exert themselves against an innovation which hath no support on the side of reason or justice.

Several, however, of the present licentiates having long been uneasy in this situation, have occasionally made it the subject of discourse, both among themselves, and with the more moderate part of the fellows; many of whom were of opinion, that by thus restricting the choice of fellows to the graduates of *Oxford* and *Cambridge*, they deprived themselves of many associates, whose admittance would be ad-

vantageous, and an honour to the college ; and that the subjecting the graduates of all other universities to the odious imputations and indignities expressed in the statute *de permissis* *, was improper and indecent.

For these reasons several of the more moderate of the fellows were of opinion that as the college was laid under no necessity, by its charters, to pay the universities such a compliment ; they thought, in order to keep up the number of the fellows, and maintain the dignity and harmony of the college, it was proper to return to their old constitution, and to admit into the fellowship and freedom of the college, such foreign graduates, as were men of reputation in their profession, and who either in deference to the universities they studied in, or from other considerations, did

* The preamble to this statute is as follows :--“ Because very many in this city practise physick, whom we think altogether unfit to be admitted into the number of fellows or candidates, either because they are foreigners, or are not admitted doctors, or are not sufficiently learned, or by reason of their too great youth, or such like causes ; yet may, notwithstanding, be serviceable to the publick, in taking care of the health of the king’s subjects, at least in some particular diseases.

Concerning these we ordain and appoint that after due examinations, and approbation of the president and censors, they be permitted to practise so long as they behave themselves well.”

did not choose to be created doctors in any other †.

Whether it was owing to such kind of conversation, or from a principle of equity and candour, or to both, I shall not determine, tho' I am inclined to believe the last, that in the year 1750, a scheme was offered to the college, with a design to bring in all such foreign graduates as were properly qualify'd, on terms both honourable and beneficial to the college.

This scheme I am told was well received by several of the leading people in the college, and was agreed to in two *comitia*, by a considerable majority; but in the third it was rejected. I am informed that some of those gentlemen who had approved it most warmly, were among the foremost in rejecting it. Their reasons for a conduct so inconsistent ---it is not my province to investigate.

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† It was the constant custom of both *Oxford* and *Cambridge* to *incorporate* in their university, and receive *ad eundem gradum*, all foreign graduates who desired it, paying very small admission fees: But of late years, they incorporate no doctors with foreign degrees, but those from *Trinity college Dublin*. All others must now be *created* doctors; that is, the degree they have received in a foreign university, however eminent this, or whatever may be the merit of the person it is conferr'd upon is, as it were, annihilated, and all title to merit abolished, till it has received the sanction of an university, which in this faculty at least, deserving as it may be in others, is inferior to many.—An indignity not easily to be submitted to.

In promoting or conducting this affair the licentiates took no part; it was undertaken by some of the fellows, as hath been already intimated, on motives of justice, and carried on with a view solely to the honour of the college, the promotion of harmony between the several members, and the reputation and utility of the profession of physick in general; to which happy ends, had the regulation proposed taken effect, it would in all probability have greatly contributed; but tho' it was formed with this design, and countenanced by some of the most eminent in the college, yet several of these not only deserted it, but, in direct opposition to it, soon framed, and afterwards enacted, the statute entitled *Statutum alterum de Candidatis*, which recites that the statute *de Candidatis*, in order that it might be consistent, not only with itself but with that *de Sociis*, plainly meant

‘ that no person should be admitted
 ‘ into the order of the candidates, who
 ‘ shall not be a doctor in physick either in
 ‘ the university of *Oxford* or *Cambridge*, al-
 ‘ though it was not so expressed in these very
 ‘ words; lest for the future any dispute
 ‘ should arise about this affair, we appoint
 ‘ and ordain that no one shall be admitted

‘ into the order of candidates, *who is not a*
‘ *doctor in physick, either in the university of*
‘ *Oxford or Cambridge.*’

It was at that time reported, and probably not without sufficient reason, that some who were averse to the admission of any graduates but those of *Oxford or Cambridge* into the college, and merely as it would seem on contracted selfish principles, had wrote with great earnestness for assistance from those two universities ; who sent up persons, to prevent the college from asserting its independency, and acting with that freedom which is its right, both by voting against this measure and procuring the interposition of such an influence as few had resolution enough to oppose. Nay, such was their power on this occasion, that they not only carried their point in throwing out the proposed statute ; but to confirm their authority beyond a doubt, obliged the college as it were in form to acknowledge themselves dependents, as sufficiently appears by the statute last mentioned : however, one of the universities granted the fellows in return this vain equivalent, that for the future mandamus degrees should be given to none but such as were recommended by the college, and that such

as the college or any twelve fellows recommended, should never be refused, on payment of the usual fees.

The licentiates, who could not be unacquainted with these transactions, saw with concern, that the fellows, or rather such of them as had assumed the government of the college, would by this step very probably create still greater misunderstandings in the faculty, betwixt themselves especially, and that part of the licentiates who either could not, or would not, for various reasons, submit to the terms prescribed them; or who had sense enough to feel the indignity of those terms. They saw how little either the honour, or the interest of the college in general, had been consulted in this compact, and knew that it was contrary to the inclinations of many, as well as to the hearty endeavours of some of the most worthy members of the college.

But when the leaders of the college had by this statute, as far as in them lay, attempted to make that a matter of right and certainty, which had been by many considered as an incroachment on the liberties of the licentiates; they thought it high time to enquire, with more attention,

tion, into the constitution of the college, in order to discover its † authority for framing laws which to them seem'd of a very important nature, an extending of their power beyond its due bounds, and to purposes for which it was never intended, or given to the college.

Some of the licentiates had indeed been applied to before this event, to join in some endeavours to recover those rights which had insensibly been infringed ; and to abolish that distinction which had served as a pretext to this infringement ; but as they had promised at their admission as licentiates, *to act every thing for the honour of the college, and the good of the commonwealth*, they knew not but an attempt of this nature might be construed by some, as a breach of that promise ; they therefore chose rather to bear the hard condition, than be liable to any reproaches of this kind. But when the college had, in their opinion,

† That the *statutum alterum* puts a sense on the statute *de candidatis*, which it never can mean, appears reasonable to doubt from the following clause in the statute *de forma examinationum sociorum et candidatorum eorundemque admissionis*.

‘ If he hath taken the degree of doctor in any of our universities, let him that is to be examined, for honour’s sake, be decently seated, lest our mother university should seem to suffer any affront from our form of examination.’

opinion, both deviated from that establishment, they had promised to respect, and prostituted its honour by subjecting it, without necessity to the influence, the direction, the guardianship of the two universities; they thought themselves discharged from any such imputations, and that the "good of the commonwealth, as well as the honour of the college," would be best promoted, by a vigorous opposition to such arbitrary and illegal proceedings; whereby the college, already in a declining condition, was deprived of some, perhaps neither useless, nor unworthy members, and the commonwealth, in danger of being worse served, on account of the unavoidable altercations, heart-burnings, and jealousies, which could not but ensue from the conduct of the fellows, or rather of such of them as had the lead in the college.

And to bring the case a little nearer home; let us suppose, and I do not see there is any thing improbable in such a supposition, that the number of fellows in the college who have degrees from *Oxford*, should at any future period exceed that of *Cambridge*; and that they should resolve, and by a majority enact, that no *Cantabrigian* should be capable of being elected president,

sident, or into any other office, or even a fellow of the college; would not these gentlemen so unjustly excluded loudly exclaim against such proceedings, and demand some better reason, some more convincing one, at least, to their understandings, than the arbitrary power of a majority?

Suppose, likewise, a graduate of *Edinburgh*, or any other university, where medicine is regularly taught, is examined and approved, and upon his requesting to be admitted a fellow, is refused, being told, that none but the graduates of *Oxford* or *Cambridge* can be admitted into the freedom and fellowship; and he should say,---Pray gentlemen, are the professors of these universities more eminent for their knowledge in physick than they are in others; are their lectures more constant and instructing; are the opportunities of acquiring a thorough knowledge of physick greater there than in other universities? Nay, have they any other preheminance but that of excessive expence in obtaining a diploma from incompetent judges? Suppose the answer to be, We allow it readily, many of us have not studied either at *Oxford* or *Cambridge*, where the professors of physick do not always reside, and seldom teach physic; so that
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whoever studies there must do it *proprio Marte*, and without any, or with very few of those assistances you mention; but, what is all this to the purpose? we have degrees from these places, we are the majority, these are the terms we impose, and you must submit.

Permit me to add one more reflection on this topick, which to me appears worthy of consideration; a gentleman duely qualified, can arrive at the highest dignities in the church, or law, without having a degree from *Oxford* or *Cambridge*; instances of which may have been found amongst the most illustrious prelates, and lawyers of this country. Yet in physick no man, it seems, if the fellows are to be judges, can be capable of being a fellow, or arriving at any dignity in his profession, unless he obtain a degree from one of them, tho' at the same time, medicine both in theory and practice is less local than either of the former professions, and its principles less connected with the fluctuating customs and manners of mankind: and as *Padua*, *Leyden*, *Montpelier*, and every other university of reputation in *Europe*, have principally contributed to form those great men who have been the ornament and support of the college,

lege*, instead of thus flying in the face of their chief benefactors, one would think that if the laws of the land had obliged the college not to receive any but the graduates of *Oxford* or *Cambridge*, the fellows themselves, more especially those who had degrees from abroad, upon principles of gratitude as well as justice, would have joined the licentiates in soliciting the legislature to remove such a restraint; and not have endeavoured to enforce such absurd conditions, when the numbers of the fellows are decreasing, and the proportion of licentiates daily increasing: a conduct which I think cannot easily be explained, upon any other principles, than the narrow sordid ones of *Monopoly*.

About the time the statute was made that occasioned these reflections, uncommon diligence had been used to find out, and to summon either formally, by the beadle,

* Such as *Thomas Linacre*, *John Chambre*, *Fernando de Victoria*, doctors of *Padua*, founders of the college; *John Caius*, doctor of *Bononia*, *Matthew Lister* of *Basil*, *Sir Theodore Mbye* of *Montpelier*, *Baldwin Hamer* of *Leyden*, *Sir George Ent* of *Padua*, *Wm Harvey* of *Padua*, *Daniel Whistler* of *Leiden*, *Sir John Micklethwaite* of *Padua*, *George Rogers* of *Padua*, *Christopher Bathurst* of *Padua*, *Theodore de Vaux* of *Padua*, *Robert Morison* of *Angers*, and *Dr Richard Mead* of *Padua*, besides a great number of others, some of whom are still ornaments to the college; and the last dispensatory, the best the college ever published, was chiefly composed by *Leyden* graduates, and digested by a physician who has no connection with the college.

dle, or by messages, thro' different hands, all such foreign graduates as it was thought intended to fix here, and were able to pay the college fines for a diploma; in order to their being examined and admitted as licentiates: Which diligence, tho' certainly right and commendable, had it been impartially exerted against ignorant pretenders, and audacious empiricks, as well as against such as had been regularly bred to the profession, yet at this season encreased the number of licentiates, and disposed them at the same time to unite in the measures then concerting, to bring back the college to the true end of its first institution---; the punishment of ignorant pretenders, and the encouragement of those who were properly qualified for the practice of physick: The exercise of the power with which the college was invested, for these ends having long been lain aside, as to the punishment of offenders, and chiefly employ'd to raise money by an arbitrary tax on such physicians, of whose abilities, by their success and experience in their profession, the college had no reason to doubt. Some indeed were disgusted at the manner of their being summoned, others at their being summoned at all, till the college had

restrained and punished such as were incapable to pass their examination at the college, as unfit to be entrusted with the lives of their fellow subjects; and who nevertheless were not interdicted, but were suffered to act in open defiance to the college authority, without molestation. So that it appeared that the irregular practitioners, quacks and empiricks of all sizes and denominations, were in a much better situation than those who were best qualified, and practised on the most rational principles. For whilst these are liable to be summoned by the college, whenever they think fit, and, as some seem to think, for any purposes they please, and are liable to be fined, and subjected to an annual tribute, or a large composition in lieu of it, the former are permitted to practise with impunity.

Some materials were also supplied from another quarter, in this general dissatisfaction of the licentiates, and which were perhaps the occasion of bringing this affair somewhat sooner into publick consideration.

The case was this; some gentlemen who had studied in one or other of the north *British* universities, where they had regularly obtained their degrees; apprehended they were entitled to the same privileges that
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graduates of *Oxford* or *Cambridge* lay claim to, with respect to an incorporation into the college; especially as the two nations are now incorporated, and the universities in which they had studied and obtained degrees, were at least not inferior to them; nay, on the contrary, are often frequented by students matriculated in *Oxford* or *Cambridge*, on account of the superior advantage as to a medical education.

These gentlemen applied to council for their opinion, Whether, by the legal authority and constitution of the college, not only the north *British* graduates, but likewise all others, who were once examined and approved by the college, were not from thence forward entitled to every privilege and immunity, both civil and corporate, that the college can grant to any of its members? whether the college had a power to impose any fines, on any that were not freemen and fellows of the college? and what would be the proper steps to take in order to bring the affair to a legal decision, with as little expence to both parties as possible; and in a manner that might be the least liable to afford a handle to private animosities, amongst those whose duty it was to be well disposed to one another.

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In consequence of this ; one of the gentlemen who had engaged in this enquiry, and to whose lot it fell, by being summoned the first of them, went to the college the day after midsummer day 1752, in order to be admitted into the college ; having been regularly examined and approved at the preceding *comitia*, as is usual. It has been the practice of the college, previous to any person's admission, to insist on his paying a bill of fees to the beadle, and to compel him to sign a bond, for the payment of 40*s.* *per Annum* to the use of the college. These demands have been different, at different times, according to the humour of the college* ; and by the bond,

* The old statutes fix the fee to be paid by every fellow, candidate, or licentiate to the college, to be 4*l.*—*Dec.* 22, 1644 it was ordered that every candidate and licentiate on his admission should pay 20*l.* more.—The statutes made in 1696, re-enact the 4*l.* admission fee, and say nothing of the 20*l.*—The statutes made *June* 25, 1713 increased the licentiates admission fee to 70*l.*—Statute *March* 23, 1718, reduced it to 45*l.*—*August* 4, 1723, leave was given to the licentiates to compound their annual payments for 20*l.* and the statutes made *April* 1, 1751, reduced the licentiates admission fee from 45*l.* to 30*l.*

The condition of the bond is in these words. ' That if the above bounden *A. B.* do and shall, from time to time, and at all times, during the time that he shall continue, and be a licentiate of the college, or commonalty of the faculty of physick in *London*, observe, perform, and keep all and every, the legal statutes, by-laws and orders of the said college, made, or to be made, and by him as a licentiate of the said college to be observed, performed and kept, and shall also from time to time, well and truly, pay all such pains, penalties, sum and sums of money, dues, duties, and other

bond, the penalty of which is 50*l.* the licentiates oblige themselves, to obey any statute the college shall be pleased to enact, and to pay any sum they will choose to demand†.

Dr **, the gentleman above mentioned, was advised to pay the money to the beadle, if he insisted upon it; yet not without mentioning that he thought the demands extravagant, and the bond illegal; which

other things, which by the said laws, statutes, by-laws and orders, or any of them, or any breach of them, or any of them, he as a licentiate of the said college, ought to pay in such manner, and to such person, or persons, as by the said laws, statutes, by-laws or orders, or any of them, the same ought to be paid, then the obligation to be void.

† The following is a copy of the beadle's bill of fees for admittance of a licentiate of the college of physicians *London* in 1751.

	£.	s.	d.
To the college	30	0	0
President	1	0	0
Treasurer	0	6	8
Register	0	11	8
Censors	2	0	0
Beadle	0	3	4
Diploma and stamps	6	10	0
Stamps on the register book	0	2	0
A bond to be given	0	10	0
	41	3	8

Copy of the bill of fees for admission from 1723 to 1751.

	£.	s.	d.
To the college	45	0	0
To the president, &c. and the } lesser articles	10	13	8
To discharge the licentiate from all } future payments to the college	20	0	0
Total	75	13	8

which he did ; but it happened that in the hurry of the affair, the bond was omitted to be signed 'till the doctor was admitted in form, and then he refused it.

After the doctor was admitted, addressing himself to the president, he observed that as he had now complied with all the forms, and he hoped in some degree to their satisfaction ; he took this opportunity to return them thanks for the civilities he had received ; but at the same time informed them, he found himself obliged to complain of some hardships he apprehended he had met with from their beadle, Mr. *Edwards* ; who had charged in his bill an article of 30 *l.* for the college ; at the same time giving the doctor to understand that he could no way obtain his diploma without a previous compliance with this demand : That he had been forced to comply with what was required of him, though, as he was advised, in his own wrong ; purposing, however, at the same time, to lay his complaint before the college, which he then did ; and hoped they would take the same into their consideration, and be of opinion, that their beadle, Mr. *Edwards*, had no right to make the above demand ; and therefore, that they would be pleased to order him to re-

turn the money; adding that the article in Mr. *Edwards's* bill he complained of was the 30 *l.* to the college. He farther observed that he was advised there were some of the lesser articles in the said bill that were likewise illegal, and hoped they would therefore order restitution of the same, and of whatever money he had paid, of which the demand made on him was not warranted by law." To which, after a few minutes consideration, the doctor received an answer from the president, to the following purport, " That the college was extremely surprized at his complaint and demand; that what he had paid they had power to exact, and that every licentiate had paid it, and that this was all they had to say to him." To this the doctor replied, that he was sorry to receive such an answer, because it would oblige him to look for redress elsewhere; that before he took his leave, he would only trespass one moment on their time, and assure them, that however appearances were, he hoped he should be able to shew that he was no enemy to the college, and had nothing in view but the honour and credit of the profession; and so withdrew.

The doctor upon this brought his action at law against Mr. *Edwards*, for the money he had paid him, as a payment not warranted by law, and therefore to be considered as received for the use of the doctor, and not of the college.

Thus far the doctor had proceeded before any more than one other of the licentiates had been apprized of the affair. But as soon as this step had been taken, several of them, who had publick spirit enough to engage in an undertaking, from whence very little private advantage could arise, except the secret satisfaction of asserting the dignity of the faculty in general, and of maintaining their liberties on the point of being sacrificed; or at least in danger of being unworthily surrender'd to those who neither by law or reason were entitled to it; several of the licentiates, I say, thought it necessary to enquire into the grounds of these proceedings. The gentlemen who met on this occasion could not but applaud the doctor's prudent conduct in every part of the affair, and were unanimous in their opinion that the licentiates were aggrieved by the college in many respects; for the redressing of which the doctor had made so well concerted

an attempt. They were nevertheless of opinion, that a respectful application to the college for redress, would both be becoming them, and perhaps be accepted by the college in the manner it was intended, and open a door to an amicable discussion, and adjustment of every point in question : and for that purpose they deputed six of their body, to request a conference with some of the fellows of the college. The gentlemen deputed drew up a memorial to be delivered to the college, stating, ‘ that
‘ the licentiates were excluded from divers
‘ privileges, and aggrieved by several statutes of the college, and therefore requested they would be pleased to take
‘ their case into consideration, and admit
‘ them to those rights to which they apprehend themselves intitled by the legal
‘ constitution of the college ; and desired
‘ that to this end, the college would depute
‘ some of their body to confer with them ;
‘ in order that all differences might be adjusted, to the honour of the profession and
‘ the satisfaction of every member of the
‘ college.’ This memorial the licentiates presented to the college at their *comitia majora*, the 30th Sept. 1752.

The college refused the conference desired, but the president told them, that if the licentiates would present their grievances in writing, to the college, they should be considered; and that they might do this at the next quarterly meeting of the college, or sooner if the college met, of which they should have timely notice. The deputies requested that a shorter day might be appointed for the purpose, but were refused.

The answer of the college having been reported to the other licentiates, they, in order that no time might be lost, on the 3d of *Nov.* last, sent a copy of the following state of their grievances, by two of their number, to the president at the *comitia censoria*; and requested that an extraordinary meeting might be summoned, to take them into consideration, ---- but this was also refused.---- On the 11th of *Dec.* the licentiates sent a copy of their grievances to every fellow of the college, inclosed in the following letter: ‘ Sir, I herewith send you a copy
‘ of the grievances of the licentiates, delivered in writing to the president, the 3d
‘ of *Nov.* last; and which, agreeable to his
‘ desire, will be laid before the college at
‘ the next *comitia majora*, the day after *St. Thomas’s Day*; copies of which have been
‘ sent

‘ sent to all the members of the college,
‘ that they may have time, before that
‘ meeting, to consider the said grievances,
‘ in order that they may then be redressed.’

The licentiates the same day sent another copy of their grievances to the president and fellows then assembled in *comitia*, inclosed in the following letter : ‘ Gentlemen,
‘ Being informed there is an extraordinary
‘ *comitia*, as this day, I, at the request of
‘ the licentiates, send you a copy of those
‘ grievances, which they were desired to lay
‘ before the college : to which they hope
‘ they shall have a speedy and favourable
‘ answer, and for which, (if not sooner
‘ sent for) we shall wait on the college the
‘ next day after *St. Thomas’s Day*.’

The grievances the licentiates sent to the college were as follows :

‘ To the president and fellows of the
‘ college of physicians in *London*.

‘ Grievances complained of by the li-
‘ centiates.’

They complain,

‘ That they are not permitted to be pre-
‘ sent at the *comitia majora*, whilst the bu-
‘ siness of the college is transacting, and in
‘ consequence are denied the privilege of
‘ voting.

‘ That

‘ That they are excluded from all offices
‘ of honour and trust in the college, and
‘ even the capacity of being elected into
‘ any such.

‘ That a large fine has been exacted from,
‘ and paid by them, towards the support of
‘ the college, although they are not allow-
‘ ed to enjoy the rights and privileges of
‘ that corporation as members thereof.

‘ That an annual tax of two pounds four
‘ shillings has been laid and levied upon
‘ them only, towards the support of the
‘ college.

‘ And that a bond has been, as they ap-
‘ prehend, illegally demanded, and taken
‘ from them, to compel the payment of
‘ the said annual tax.

‘ Each of the above articles they deem
‘ to be a grievance, they having been ex-
‘ amined, approved, and admitted to prac-
‘ tise physick without limitation, in and
‘ within 7 miles of *London*, which appears
‘ by diploma’s under the common seal of
‘ the college.’

On the 22d of *December*, being the day
after *St. Thomas’s Day*, the deputies waited
on the college for their answer; when, in-
stead of their appointing a committee to
treat with the licentiates, or entering into
any

any measures for bringing the matters in dispute to a temperate and prudent discussion, the president gave them the following answer in writing :

‘ The college apprehend that their
‘ proceedings in regard to the licentiates
‘ are agreeable to their charter confirm-
‘ ed by act of parliament, to the statutes
‘ made by them, in consequence of the
‘ power given them by that charter, and
‘ to the constant and antient usage of the
‘ college.’

The deputies then told the president, that since by this answer the licentiates were denied any redress to their grievances, they were put under a necessity to seek for it elsewhere, in the manner they should be advised.

It is proper to take notice, in this place, of a very singular piece of behaviour of the acting fellows of the college, in respect to the licentiates, during these proceedings ; which plainly demonstrated, that they considered every motion of the licentiates, for redress, as an unpardonable affront to them, and of which they resolved to make the licentiates sensible, the first opportunity that should offer.

When-

Whenever the members of the college are to meet, either at their usual quarterly *comitia*, or on account of some publick lectures in the college, or the like occasion, it has been usual for the beadle to send the fellows, candidates, and licentiates, a summons, in the following form :

* ‘ *Dominus Praeses orat Excellentiam
tuam, Dr. Eximie, ut comitiis, &c.---
interfis in Aedibus Collegii die 21^o Men-
sis Septembris hora primâ, cum Pileo &
Toga, Anno 1746.*

A. V. B.

Geo. Edwards.

This form of summons, ever since my admission into the college, has been always sent on the abovementioned occasions, to the licentiates as well as fellows.

But as soon as the licentiates had made their first advances for redress, and to be restored to their proper place and rights in the college, it was thought necessary to alter

* Mr. President intreats your excellency, worthy doctor, to be present at the *comitia*, &c. in the college, on the 21st day of September 1746, at one o'clock precisely, with your cap and gown.

G. Edwards.

by your authority, Beadle.

ter the form of the summons to the licentiates; and to put it out of question that no terms were intended for the future to be kept with them, it was determined by the acting fellows, to begin this innovation in the summons to those very *comitia*, at which the licentiates were expected to deliver their grievances: for which purpose they sent the following summons to the licentiates.

College of Physicians, London.

S I R,

‘ You are hereby summoned, by the president, to attend the *comitia majora* at the college the 22d day of *December* 1752, at half an hour after one o’clock, to give the president and censors *information* of such persons as, you know, ignorantly and unlawfully practise physick, and to hear the statutes read as directed by the statutes.’

Geo. Edwards, Beadle.

This alteration of the summons, at this juncture, proved a very lucky incident to the licentiates, as it naturally incited several who had hitherto been neuter, to join those who had bestir’d themselves in the affair, with great alacrity; and determined many

of those, who for reasons of interest thought themselves obliged to appear on the side of the fellows, to resent the indignity, when the same ties no longer restrained them. Instead of being submissively desired to be present at the *comitia*, we are now, say they, peremptorily summon'd to become informers, to hear our lesson, to learn obedience, and to know our masters.

The licentiates, who first engaged in this affair, soon found that they had either the countenance or secret good wishes of most of this order; but by this *judicious* proceeding of the fellows, the licentiates are assured of the hearty concurrence of every one whose countenance is worth obtaining,--- and for this the licentiates are indebted to those who promoted it.

The licentiates are many of them resolved, if it appears that the college have authority, to lay the task of informing upon them, to execute it with the utmost impartiality; and instead of suffering the power of the college to be exerted singly against those who are least of all the objects of its institution, they will, to the utmost of their abilities, endeavour to have it pointed against those, who ought the first of all to feel it, but at present escape with impunity.

And such pains have been taken to get accounts of some daring offenders, that if the fellows do their part, as the licentiates will be prepared to execute theirs, if the labouring oar must of necessity be put into their hands, as will probably make some audacious empiricks tremble, and rescue the publick from a train of the most insolent impostors that ever disgraced a nation.

The latter part of the summons, which required the licentiates to hear the statutes read, was likewise taken notice of, for in order to compleat the affront, no other statutes were read at this assembly, but those only *de candidatis* & *de permissis*, which were part of the grievances then complain'd of, as being the statutes the most liable to objection; and what was worse, the true statutes now in force were not read, but an obsolete, if not repealed copy, was made use of in their stead.

The licentiates apprehend there are other ways of making them acquainted with the statutes of the college, than by summoning them once a quarter to hear them read; and they cannot but think this method unworthy the fellows to prescribe, and unfit for men of any share of knowledge or un-

derstanding to submit to. To summon gentlemen, some of them in no respect their inferiors, to hear a page or two of statutes read over; to neglect the most important duties of life to themselves and their fellow creatures, for no other purpose than to do homage to a few of the fellows, is a sacrifice that no reasonable man would demand, or willingly submit to.

Thus you see that corporate bodies, when they think themselves subjected to no controul or visitation, do not always make equity the rule of their conduct; and that particular members will give into unjustifiable measures, when the blame is to rest on the whole body.

That the decisions of the college with regard to the qualifications of such as offer to serve the publick in a medical capacity ought to be irreversibile is self-evident; they can have no superior. No one is so good a judge of a physician's abilities as a physician; and no testimonial is adequate to that of the college: to erect a tribunal of any other faculty, suppose of the law, would be just as improper as to oblige the lawyers or divines to procure their faculties from *Warwick-Lane*: but in respect to the govern-

government of the college in a corporate capacity the case is quite otherwise, and the more so, as some may be led to think, that as they ought to be uncontrollable in one case, so they may be despotick in every other, may frame laws, injoin heavy and arbitrary fines, exact submissions, in a word, invade not only the liberties but the properties of the subject, without any danger of being called to account for it.

I had almost forgot to mention the issue of Dr. * * 's affair with the college, which to him was an event equally unexpected and agreeable; the college having on the 14th *November*, 1752, thought proper to submit, and to refund the following articles of the bill to the doctor, together with the costs of the lawsuit.

The college - - - £ 30 : 0 : 0

President - - - - 1 : 0 : 0

Treasurer, - - - - 0 : 6 : 8

Censors - - - - - 2 : 0 : 0

£ 33 : 6 : 8

The doctor's action was not commenced from any pecuniary consideration, but purely with a view to have the question, whe-

whether the licentiates are or are not members of the college, determined by a proper tryal by a jury---and although by this means the doctor was prevented from trying this point, yet he has the satisfaction of being assured, that their returning him his money doth not vary his case, or make him less a member of the college than he was before.

The other licentiates had from hence likewise some reason to apprehend, that the demands of the college were not so well founded as had been hitherto supposed;---why else was the money so tamely repaid? The expence of bringing it to a tryal would have been inconsiderable :---The result of this tryal would have been decisive in regard to this point :---and the giving it up, in the manner it was done, was of it self sufficient to prompt the other licentiates to make the like demands.

I am told that the college, or their managers, alledge in excuse for this step, that Dr. * * 's bond not being signed, it was thought more adviseable in this case to comply with the demand than to contest the doctor's right: As if two illegal acts were more defensible than one only!

This part of the transaction happened after the licentiates had requested a conference with the college, and while they were waiting for the *comitia*, in order to present their grievances: and though such an event could not but encrease their apprehensions of the justice of their cause, as well as prompt them to pursue the like measures; yet as they themselves had made amicable overtures, and the college had been given to expect such an application; the licentiates rather chose to use every means in their power to have things settled on a friendly footing, and to wait for the determination of the college respecting it, than to proceed in the manner they are at length compelled; notwithstanding Dr. * * 's suit had issued so favourably.

But when the licentiates found, that no accommodation could be obtained; that they were treated with some severity in private for presuming to think themselves aggrieved: and that instead of being received by the fellows, in a manner suitable to the candour and openness of their intentions, they were, first of all refused a conference; and during the most respectful application to the college they knew how to frame, were insulted (forgive the expression

pression if it is too harsh) by the extraordinary summons, I have already mentioned, and at length were peremptorily denied redress; the licentiates saw themselves under a necessity to embark in a legal prosecution, for what they esteem their just rights, contrary to their inclinations; and to make use of those means which the laws of their country pointed out for their relief.

When the college therefore had given the answer above mentioned (p. 39.) it was agreed by the licentiates to bring one point after another to a legal decision, as an amicable one had been refused, and first of all to begin with the money affair: not that the licentiates had in view the recovery of the sums they had respectively paid to the college; but in order to have the great point in question, whether they are or are not members of the college, properly determined: on which account a considerable number of the licentiates in *December* last, commenced actions at law against Mr. *Edwards* for the fees they had paid on their admission, and their subsequent annual payments. To such of these payments as were made above six years ago, the college have had the honour

nour to make Mr. *Edwards* plead the statute of limitation, and the causes it is expected will soon receive a tryal.

What the next step will be, ---- is not proper for me to mention : I may add however, that the greatest harmony subsists among those who are engaged in this affair ; and be the different motives of their engaging what they may, they seem disposed to consult reason and be governed by its dictates ; they are neither the instruments of revenge, nor the tools of ambition ; but are calmly contending for what they think their just rights, and will not easily be discouraged from proceeding in so good a cause ; and whatever may be their success, or the opinion of others concerning them, they apprehend they are asserting the honour and freedom of the college ; and endeavouring to rescue it from the danger of becoming the property of a few, who guided by an unnatural influence, may if not timely and vigorously opposed, give up its most essential privileges ; and instead of maintaining the dignity of the profession, and of the college in particular, set its immunities to sale for the benefit of those, whom the le-

gillature *ex professo* excluded from interfering in these affairs.

And that you may the better judge of the tendency of this affair, give me leave to place once more in your view, before I conclude, the particulars of which the licentiates principally complain.

They alledge that from the strictest enquiry they have been able to make into the letters patents granted to the college, and the acts of parliament confirming these patents, it appears, that every person practising physick in and within seven miles of *London*, who is examined and approved by the college of physicians, is, from thenceforth, one of the commonalty and a freeman and fellow of the corporation of physick, and as such, entitled to every privilege, and capable of exercising every corporate function therein.

This the licentiates apprehend is agreeable to the constitution, and was long the practice of the college: nor have they been able to discover, in succeeding times, any legal authority conveyed to the college, authorizing or enjoining them to exclude any of the faculty so qualified, from any privilege, or to declare them incapable of acting in any respects as members

of the college, or of exercising any corporate function therein.

The licentiates therefore complain that they are, contrary to law and reason, and the original institution of the college, made a distinct body from the other fellows, and that on pretence of this distinction only, they are excluded from divers privileges; as well as subjected without cause, to imputations equally untrue and injurious to their characters, and the characters of those universities in which they have studied.

That they are debarred from being present at and voting in the assemblies of the college.

That they are governed by laws in the making of which they are permitted to have no share, and are subjected to mulcts and fines enacted by persons who now disclaim their being members of their body.

That they are admitted to no offices of dignity or trust in the college, nor allowed to perform any corporate functions therein.

That they are compelled to purchase a licence from the college to practise at a great expence, though the college was invested with this trust for the good of

the publick, and not for their putting it up to sale for their own private benefit.

That after the licentiates are admitted, they are compelled to pay an annual tax to the college from which the fellows have exempted themselves.

And permit me once more to assure you, which I can do with great truth, that the application of the licentiates to the college was proposed with no other intent, than to have prevailed upon the college to have engaged with them in an amicable discussion of these particulars, which have often occasioned great discontent between the members of the college, and still continue to be the causes of much dissatisfaction.

Should it have been demonstrated that the licentiates were mistaken with regard to the points in debate, the authority of the college would by such a demonstration have been the more firmly established; and the licentiates would have had the prudence to acquiesce with the determination of proper judges; and would have submitted to every legal injunction without reluctance.

Should it on the other hand have appeared from such a discussion, that the licentiates

centiates had been made a class apart without just cause ; debarred of some privileges without reason ; subjected to some impositions against law ; it cannot in the least be doubted, but the college would have been as much disposed to do the licentiates justice, as the college would have been to expect it, were they in the place of the licentiates.

And it is yet the opinion of many cool and judicious persons on both sides, that this method of proceeding would most probably have conduced, not only to the amicable decision of all disputes, subsisting between the two bodies, or two parts of the same body now engaged ; but likewise might have ended in the reconciliation of some other differences, which at present are subsisting ; to the mutual satisfaction of the parties concerned, and the honour of the faculty in general.

Such I am assured were the views, and such the wishes of the licentiates, in every overture they made to the college ; justly solicitous to know and enjoy their proper rights ; and at the same time heartily disposed to pay a chearful obedience, where law and reason shewed it to be due ; but of this they neither desired to be the
sole

sole judges, nor chose that the college should alone be judges for them.

Some gentlemen I find apprehend, that the dignity and credit of the college and faculty, and the reputation of the two universities may be affected by these disputes, to their disadvantage; but nothing of this kind seems likely to ensue from the conduct of the licentiates; the manner of whose proceeding towards the college indicate no such design.

They honour the college as a most useful and necessary establishment: but they think that its dignity, and the credit of the faculty would be best supported, was every physician in *London*, who is properly qualified to practise physick, included in it, as at its first foundation: and not that one part of the faculty should exclude another part, without legal authority, from certain privileges, to which the excluded have equal pretensions.

The deficiency of *Oxford* and *Cambridge* in regard to a medical education, it is true, has been mentioned; but this ought not to be laid to their charge so much as to the want of proper endowments for the requisite professors.

Neither will it be charged as matter of blame on the universities, that they endeavoured

voured to secure the dependency of such a body, as the royal college of physicians in *London*; when those who claimed the right of governing the college, and of disposing of its freedom, surrendered it to their tuition.

In the litigation now commenced, whatever treatment the licentiates may receive, I doubt not but they will proceed with the same respectful behaviour, they have hitherto observed; and will always keep in mind, that it is not for themselves alone they are contending, but for their successors, and the honour of the respective universities, in which they have received their education: that they are asserting the original and equitable institution of the college, against arbitrary innovations; and at the same time endeavouring to prevent it from becoming the property of a few, by rendering it accessible to all such as, by having been examined, approved and admitted to practise, are entitled to the several privileges the college enjoys, according to its first and legal establishment.

I am, &c.

London
Feb. 23, 1753.

