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978-1-107-42594-1 - Medical Practitioners in the Diocese of London, Licensed under the Act of 3 Henry VIII, c. 11: An Annotated List 1529–1725

J. Harvey Bloom and R. Rutson James

Excerpt

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INTRODUCTION

The object of the present treatise is to collect, in a more or less orderly manner, the little we have been enabled to find concerning the manner in which the bishops of London handled their great and serious responsibility respecting the licensing of medical practitioners under the Act of Parliament cited as 3 Hen. VIII, c. 11. This act has been frequently printed, not only in the various editions of the *Statutes at Large* but in such works of reference as Willcock's *Laws relating to the Medical Profession*, and Sir D'Arcy Power's more modern work. It is, however, needful to repeat it in this place, that its exact terms may more readily be referred to. It reads:

Forasmuche as the science and connyng of Physyke (and Surgerie) to the perfecte knowlege whereof bee requisite bothe grete lernynge and ripe experience, ys daily within this Royalme exercised by a grete multitude of ignoraunt persones, of whom the grete partie have no manner of insight in the same nor in any other kynde of lernyng, some also (can) no letters on the boke so far furth, that common artificers as Smythes, Wevers, and Women, boldely and customably take upon them grete cures and thynghys of grete difficultie, in tha whiche they partely use Socery and which crafte, partly applie such medycyne unto the disease as be verey noyous and nothing metely, therefore, to the high displeasure of God, great infamy of the faculty, and the grevous hurte damage and distruccon of many of the Kyng's liege people, most especially of them that cannot descerne the uncunnyng from the cunnyng. Be it therefore to the surety and comfort of all manner of people by the auctoritie of thys present parliament enacted, That noo person within the

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citie of London nor within VII myles of the same, take upon hym to exercise and occupie as a Phisicion or Surgion, except he be first examined, and approved, and admitted, by the bishop of London, or by the Dean of Poules for the time beyng, callyng to hym or them iiii Doctours of Phisyk, and for Surgerie other expert persons in that facultie, And for the first examynacion such as they shall thynk convenient, and afterward alway iiii of them that have been so approved, upon the payn of forfeytour for every moneth that they doo occupie as Phisicions or Surgeons, not admitted nor examined, after the tenour of thys Acte, of Vli. to be employed the oon half thereof to thuse of our Sovereign Lord the Kyng, and the other half to any person that wyll sue for it by accion of dette, in which no wageour of Lawe nor perfeccion shalbe allowed. And all over thys that noo person out of the seide Citie and precincte of vii myles of the same, except he have been as is seid before approved in the same, take upon him to exercise and occupie as a Phisicion or Surgeon in any diocesse within thys Royalme, but if he be first examined and approved by the Bishop of the same diocesse or beyng out of the diocesse, by his Vicar Generall, either of them callyng to them such expert persons in the seid faculties as there discrecion shall thynk convenyent, and gyffing ther letters testimoniales under their Sealle, to hym that they shall soe approue, upon the like payn to them that occupie the contarie to thys acte as is above seid to be levyed and employed after the fourme before expressed, provided alway that thys acte nor any thyng therin conteyned be prejudiciall to the Universities of Oxford and Cantebrigge or either of them, or to any privilegys graunted to them.

(*Statutes of the Realm*, ed. 1817, vol. 3, p. 32.)

It is no part of our purpose to enter minutely into a discussion of any previous efforts to regulate the practice of either medicine or surgery; but it is needful to remind the readers of our treatise that there were not only schools of medicine at the two universities, but that as far back as 1368 the city of London had made a tentative attempt to license

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(*Craft of Surgery*, F. South, ed. D'A. Power), and from an early date a Mystery of Barbour's existed in the city, and obtained a charter from Edward IV (Willcock, p. clxvii) in which those members of the Mystery using the faculty of chirurgery are supported against the foreign surgeons, who were not freemen of the city. There was also a less lawful company of pure surgeons, and these became so powerful that a union of the two became a necessity. This union was carried into effect by a statute put forth in 1540–41 cited as 32 Hen. VIII, c. 42. This union continued until the Act of Parliament, cited as 18 Geo. II, c. 15 (1744–5), separated them into two distinct companies once more, by which time the Bishop of London had ceased to exercise his authority under the Act of Henry VIII.

Under a charter bearing date 15 August 5 Charles (1629),

It was granted that no person or persons whatsoever for the future, . . . shall use or exercise the said art or science of surgery within our said cities of London and Westminster or either of them, or within the distance of seven miles of the said city of London, for his or their private lucre. . . unless the said person . . . be first examined in the presence of two or more of the masters or governors of the mystery or commonalty aforesaid, who for the time shall be, by four or more examiners of the same society for the time being, so as aforesaid elected and appointed, and by public letters testimonial of the same masters or governors, under their common seal, approved of and admitted to exercise the art or science of Surgery, according to the laws and statutes of this our kingdom. . .

which is as much of the wording of the charter as concerns the present purpose.

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Our object has been to examine what evidences remain between the years 1512 and 1740 to illustrate the working of the Act of Henry VIII within the Diocese of London.

Unfortunately it is not until the year 1529 that any document remains. In that year we have a record of the negotiation for letters testimonial for a John Johnson of St Clement Danes. Since this is the earliest document so far discovered it is worth study. In this case the applicant was presented to the bishop, in his palace by St Paul's, by two doctors of medicine, and the masters of the Mystery of Surgeons, apparently after examination by the four other surgeons whose names are given, who declare him 'expert and able to exercise the art of chirurgery' (see App., I).

Yet more precise in wording are the letters testimonial granted to Thomas Skoes on 9 August 1555. He was brought before the Lord Bishop in the upper gallery of his episcopal palace by three qualified medical men, Thomas Vycary, George Holland, and George Geen, who certified that they had diligently examined him and certain others named, whereupon the bishop decreed that letters testimonial should be made and sealed according to the statute (see App., II). This was done before Bishop Edmund (Bonner) in person, and Robert Johnson, notary public, his registrar.

In another example dated 8 February 1562, Patrick Sele and John Willoughbye, a clerk, came to the house of the Vicar-General (Master Huycke) and brought with them written proof that the four ex-

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aminers appointed were satisfied, and accordingly letters testimonial were issued under the episcopal seal (see App., III).

In this year an example survives of even more formal proceedings. William Clowes (the celebrated surgeon) is the candidate. He came before the bishop's chancellor (Master Edward Stanhope) in his chambers, and there in the presence of William Blackwell, notary, produced letters, signed and sealed, from the masters of his mystery, testifying that their examiners had satisfied themselves that the candidate was qualified by practice and experience to receive letters testimonial from the bishop, which letters were duly granted after Clowes had taken his oath of allegiance to the Queen's majesty (see App., IV).

A variant in the procedure is found in 1586 when Roger Gyankins, in his own person, appeared before the chancellor and his notary, and brought with him letters testimonial from four masters of his company certifying his ability as a surgeon. Whereupon, his efficiency being established, the Vicar-General ordered letters testimonial to be prepared and sealed according to the statute, and a copy of them drawn up to be kept in the registry, and the originals to be handed back to Roger.

This leads to the entry in the Vicar-General's books in stately English, and thus for the first time we see entered the full text of these grants.

Such a letter is addressed to all Christian people. It is an open letter sent out unsealed, to be read by all. The bishop sends his greeting in our Lord God

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everlasting, and then commences a preamble, citing the reasons why such powers had been granted to him and why they were needed, namely, ‘because of the presumptuous unpunished boldness of uncutting churgeons’ and for ‘avoyding grevous hurtes and jeopardies whiche daylie happen’ from that cause. The bishop claims that such power was conferred upon him by statute, within the city of London and seven miles round, that he has called in four qualified men, churgeons admitted by the bishops his predecessors, who have examined the applicant (Hugh Lingen) and found him ‘righte hable and sufficiente to occupie and exercise the said facultie and science of chirurgerie’, and have accordingly admitted him, he having first sworn ‘on the holie evangelistes’ before the chancellor and registrar, to obey ‘the Queenes moste excellente Majestie’. The seal of the chancellor is the seal *ad causas* used for less important documents. The formal date is added, viz. 26 February 1588, in the twelfth year of the bishop’s consecration.

It is not difficult to perceive that the claims of the Bishop of London, as stated in this last formal document, ran counter to the claims of the Mystery of Barbers and Churgeons of London, who, for a long time previously, had allowed certain freemen of their company to practise chirurgery within the city and its precinct.

There is plenty of evidence of extreme ill-feeling between the two authorities, of which more will be said later.

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On 16 August 1577 Edmund, Bishop of Norwich, granted letters testimonial to one John Crophe of Norwich, who afterwards moved to London and produced this document to support his claim for a similar one from his new diocesan. This was granted to him on 1 February 1590, both documents being entered in the Vicar-General's book in full.

It is not until the reign of James I that there is any hint that orthodoxy was a necessary and important part if the candidate wished for permission to 'occupie his arte'. But in 1618, in the case of Robert Luskin of Harwich, we find such a clause inserted. We should have judged that the conformity of Master Vodka was a matter solely for the Archbishop of York, and the reason for Laud's interference does not appear, but it seems he took some steps to ensure that Vodka's profession did not begin and end with attending prayers in Laud's chapel. We fear that at this date the theology of an applicant far outweighed in importance his skill in his science, and Vodka's was not an isolated case. It continued long after the Restoration, and varied to suit the views of the time.

The ecclesiastical authorities ceased to function from July 1640 to April 1660. In the interval much had happened prejudicial to acts of a chancellor and indeed to the bishop himself, but it in no way concerns us. When, however, the curtain lifts, we find files of documents in the archive rooms of St Paul's. These original papers vary greatly in character, and hardly ever cover quite the same ground. Some are attractively human in their interest, and others

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purely formal; in this class may be placed the stately Latin certificates emanating from the universities, the College of Physicians, the Company of Barber-Surgeons, and, most unexpectedly, from Sion College. In the former class we must reckon the personal letters from the clergy and churchwardens, which form a sort of covering letter, supporting the certificate of those local medical men who bear witness to the applicant's skill. Such letters are generally from outlying places, and one at least pleads the impossibility of fulfilling the requirement of medical attestation, because none existed between Colchester and Ipswich.

The procedure at this date seems to be that an applicant's papers were read by the chancellor or his surrogate, and assent in the form *fiat lic.* written at the foot, after which the clerks drew up the licence and filed away the papers. There is no longer any evidence that the candidates came before the bishop, or that their medical supporters did so either. The chancellor, in fact, acted as commissioner for the bishop.

Members of the universities holding medical degrees had always been exempt from the bishop's jurisdiction, but even so there exist rare cases, as may be seen from the lists, and the same applies to fellows of the College of Physicians. The bulk of the licences are granted to freemen, or at least members of the barber-surgeons, and this in spite of the friction already hinted at between the company and the bishop. In the end the accidental preservation of a letter shows that some official with a singular lack

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of tact tried to force all surgeons holding the company's diploma to attend the Visitation of the Bishop, a claim that was keenly resented, and it is small wonder that within a few years the registrar had to be content to take the sum of £5 yearly, in lieu of issuing any surgical licences at all. There does not seem to have been any repeal of the Act of Henry VIII. It died apparently from inanition—a useless anachronism.

In studying these later papers, it must be evident that it was only those who had been through a long course of apprenticeship to a recognised medical man, seven years seems usual, and had in their own case proved by their practice that they were sufficiently skilled, who could stand much chance of a licence. Many others of whom we know nothing may have applied, but there is no evidence for or against it. The bishop, anxious to fill a need in a remote country place, was not perchance too exacting, and once sure of his orthodoxy, coupled with some little training, the applicant might well be passed.

To sum up, Henry VIII must have the honour of enjoining a system regulating doctors of medicine and masters in surgery, which covered the whole country. He chose as its medium the organisation of the Church, since it reached everywhere and was splendidly efficient; moreover, the connection between physical and spiritual sickness is not difficult to discover. In the hour of birth with its Sacrament of Baptism, and in the hour of death and all the time between, the help of medical and clerical advice was

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very near. The Church had the last word in marriage, testaments, and so forth, it was only fitting, so Henry would argue, that medical men should be under its control.

All would have been well but for the greed of the faculty. Henry had followed up the Act in question by another cited as 5 Hen. VIII, c. 6, freeing surgeons from serving on juries and as constables. And later still, 32 Hen. VIII, c. 42, the King united the ancient Company of Barbers, established by letters patent of Edward IV, 24 February 1461–2, with the incorporate surgeons, and both were exempted from bearing of armour, inquests, and watches, etc. The so-called ‘Quacks’ Charter’, cited as 34–35 Hen. VIII, c. 8, enacts that

the company and fellowship of surgeons of London, minding only their own luces, and nothing the profit, or ease of the diseased or patient, have soe troubled and vexed divers honest persons, as well men as women, whom God hath endued with the knowledge of the nature of . . . certain herbs . . . and yet the said persons have not taken any thing for their pains or cunning but have ministerd the same to poor people only for neighbourhood and God’s sake . . . and it is now well known that the surgeons admitted, will do no cure to any person, but where they know they shall be rewarded. This act allows such persons to prescribe and treat such things as sore breasts, a web* in the eye, uncomes† of hands, burnings, scaldings, sore mouths, the stone, strangury, saucelim,‡ morphew,§ and such like diseases.

An important charter was granted by the King on 15 August 1639. It placed all the surgeons in London

* Corneal nebula.

† Whitlow.

‡ Chaucer’s saucefleme, a scurvy face.

§ Scurf on the skin.