

Royal Faculty of Physicians and Surgeons of Glasgow

COPY OF PETITIONS Presented by the Incorporation of Barbers and Comments thereon by the Clerk of Faculty made at the request of the Council of Faculty.

THE PRESIDENT,
THE ROYAL FACULTY OF PHYSICIANS AND SURGEONS,
238-242 ST. VINCENT STREET,
GLASGOW, C. 2.

50 WEST REGENT STREET,
GLASGOW,
22nd November, 1927.

SIR,

We, the Incorporation of Barbers of the Trades House of the City of Glasgow, beg formally to submit for the kind consideration of your Faculty the proposal of our Incorporation to change the present name of The Incorporation of Barbers to the original name of "The Incorporation of Chirurgeons and Barbers."

The old Incorporation arose from the gift granted by King James VI. to the Surgeons or Barber Surgeons of Glasgow in the year 1599, and was unique in being the only Incorporation ascribing its origin to a Royal Charter.

It is over 200 years since the original name was abandoned owing to the splitting of the old association or trade of Chirurgeon Barber. Our Incorporation is now no longer a trade association, there being now only four practising Barbers in the membership, whereas the Medical members largely predominate in contrast to that of the Barbers. Our Incorporation is now entirely a benevolent body dispensing several hundreds of pounds per annum in pensions and precepts to indigent members and their dependents. We think the time now opportune, with the kind permission of your Faculty, to revert to the older name of Chirurgeons and Barbers.

The Medical men on our membership roll are at one with us in believing that the status and well-being of our Incorporation would be enhanced by so doing.

A small committee appointed by the Master Court will be pleased to wait upon you at your convenience and to acquaint you with any further information you may desire.

We are, Sir,

Your obedient Servants,

(Signed) ALEX. SINCLAIR,
Deacon.

WM. ANDERSON,
Collector.

HUGH H. BORLAND,
M.B., C.M., Glas., D.P.H., Camb.

CHAS. BATCHELOR,
Clerk.

INCORPORATION OF BARBERS

(Copy of Petition submitted, 19th December, 1927.)

MR. PRESIDENT, GENTLEMEN,

On behalf of the Incorporation of Barbers, I have been requested to lay before you our reasons for seeking the approval of your Faculty and its assistance in a proposal to revert to the ancient name of our Craft, to wit, the Incorporation of Chirurgeons and Barbers; an honourable title which was granted to us by Royal Charter in 1599.

Prior to the secession of the Chirurgeons in 1722, the name Chirurgeon-Barber denoted a single definite business or craft. With the passage of time and the advance of knowledge, the different functions of the Chirurgeon and the Barber became apparent and they were stabilised apart from one another. The Chirurgeons set up an Incorporation of their own, known as the Faculty of Surgeons, and we continued under the name of Barbers. Our Incorporation, however, like all similar organisations, has for long represented many whose trade or profession is not indicated by our title. It exists at the present time solely for charitable and benevolent purposes. By precept and pension, we aid the indigent members of the Incorporation and their relatives, in so far as our income permits. Our membership is 330, and our invested funds £28,000, which works out at £85 per capita. Last year we distributed £700.

Having regard to these circumstances, we have felt, for some considerable time, that a great deal of the power and solidarity which were lost on the occasion of the schism in 1722, might be regained by a resumption of our ancient title; for our members are unanimously of the opinion that, if the important profession of Physicians and Surgeons is to be directly associated with the City work of the Trades House, it would be most fitting that it should be through the Incorporation with which they were previously associated. We believe that this would afford a specific Incorporation to which any member of your Faculty or profession could look for a direct connection with his kindred

in the benevolent work of this large city. It would be, no doubt, much enhanced by the interest and increase in status through the addition of the name "Chirurgion" added to our present title.

Most of the present-day trades and crafts are connected by name, or in some less direct way, with one or other of the City Incorporations and there are members of your Faculty connected by membership with these bodies. We think that it would be an important step for the profession to be connected directly with one of the Incorporations as in the early history of the City and so become associated with the Trades House and all that it stands for in tradition, benevolence and charity.

We are one of the fourteen City Incorporations, and, as such, we are allied to the Trades House, which, every year, distributes £40,000 on charity, and has a Capital of over £1,000,000.

We have taken a learned Counsel's opinion as to whether any legal obstacle exists to the change being inaugurated, and we are assured that, provided no objections are forthcoming from your Faculty, the Privy Council will probably grant us a new Royal Charter, as craved in our suggested petition to that body.

We are further of opinion that, in view of the close relationship between our Craft and the profession in early days, it would be desirable that any members who wished to link themselves with one of the ancient Guilds, should have the satisfaction of knowing that they were joining a body with which the name of the profession has been for years, and under our new proposals would be again associated.

We come before you in the first instance, for, if your Faculty should not approve of the project, we should be reluctantly constrained to believe that no good purpose could be served by our proceeding further. If happily, your Faculty should be in sympathy with the proposal, we would suggest that you appoint representatives to confer with members of our Master Court in the drawing up of the petition and thus safeguard the rights and prerogatives of your ancient and honourable profession. All expenses involved in the securing of the Charter would willingly be borne by our Incorporation.

It is with confidence that we now leave the matter in your hands.

For and on behalf of the Incorporation of Barbers,

(Signed) ALEX. SINCLAIR,
Deacon.

WM. ANDERSON,
Collector.

HUGH H. BORLAND,
M.B., C.M., Glas., D.P.H., Camb.
Late Collector.

CHAS. BATCHELOR,
Clerk.

COMMENTS

BY THE CLERK OF FACULTY.

The Case of the Incorporation of Barbers, Glasgow, has been presented with the greatest courtesy and their frank statement that if the Faculty did not agree to their request the matter would not be carried further will naturally predispose the Faculty to give the proposal friendly and careful consideration. This, however, does not preclude the necessity of careful examination of the grounds on which the proposal is based.

(1) The Royal Charter (or as it was termed in the earlier Writings the "Gift") granted by King James VI. on 29th November, 1599, did not constitute an Incorporation of Chirurgeons and Barbers, Glasgow, but incorporated the Faculty of Physicians and Surgeons which was not confined to the Burgh of Glasgow but extended over the great part of the south west of Scotland. The title "Incorporation of Barbers" was not conferred by the Royal Charter. Neither the word "Barber" nor the expression Chirurgeon Barber nor Barber Chirurgeon appears in the Charter. The first mention of Barbers in connection with the Body set up by the Charter is in a Minute of 22nd June, 1602, prescribing that Barbers being a pendicle of Chirurgery (an inferior order), shall pay at their admission Forty Pounds Scots and each year 20s. to the Poor and to meddle not with anything further belonging to Chirurgery. The system of graduated licences prescribed in the Charter enabled such limited licences as were appropriate in the case of Barbers to be granted.

(2) There was an Incorporation of Chirurgeons and Barbers in Glasgow, a purely burghal organisation, which lasted from 1656 to 1722 when it was dissolved. It was incorporated in 1656 by the Town Council of Glasgow (upon a Petition by the Chirurgeons and Barbers residenters within the City) by a Letter of Deaconry or Seal of Cause giving Chirurgeons and Barbers in Glasgow a definite corporate Constitution and enabling them to enforce their Regulations for the restriction of the practice of Chirurgery and Barberising within the Burgh of Glasgow to the Members of their Incorporation and to make this effectual by restricting the number of apprentices, and to levy entry moneys and fines. There is no suggestion in it of a class or trade of Barber Chirurgeons or Chirurgeon Barbers. The two callings are recognised as distinct and having different qualifications, and to some extent Regulations, and the Chirurgeons were given a certain degree of primacy. This Incorporation followed upon a long course of informal association on the part of the Surgeons and Barbers resident in the Burgh of Glasgow for the purpose of obtaining representation in the Trades House, which connection however, was necessarily informal because there was no Incorporation either of Barbers or of Surgeons when the Letter of Guildry setting up the Trades House to combine the Incorporated Trades was granted in 1605, and it suffered under the disadvantage of conferring no power to enforce Regulations outside its own Members. Under it the Chirurgeons had the same superiority as under the Seal of Cause, the Visitor or Deacon being always a Chirurgeon and electing two (latterly three) Members of the Master Court, himself, the remaining two (latterly three) being elected by the General Body of the Members.

The granting of the Seal of Cause was followed on 11th September, 1672, by a Ratification by the Scottish Parliament of the Royal Charter or Gift of 1599, but only in so far as it could be extended in favour of the Chirurgeons, Apothecaries and Barbers.

within the Burgh of Glasgow and their successors allenary and no further. Its object seems to have been to enable the Chirurgeons, Apothecaries and Barbers in Glasgow to have a Burghal association exclusive of the Physicians and also exclusive of Chirurgeons, Apothecaries and Barbers outside the Burgh, and so enable them to exclude Country Practitioners from practising in Glasgow. The term Chirurgeon Barber or Barber Chirurgeon does not occur in this Ratification. The two callings are treated as distinct and the Apothecaries are interjected between them.

(3) The present Petition by the Incorporation of Barbers suggests that the loss of power and solidarity which occurred by what it terms the secession of the Surgeons and the schism in 1722 would be made good if the Incorporation's proposals now were given effect to. Unfortunately that solidarity appears never to have existed and the legal bond constituted by the Seal of Cause appears to have been a means of embittering the relations between the two Bodies, the Surgeons considering that they were the superior body and entitled to administer the affairs of the Incorporation to an extent greater than authorised by the Seal of Cause; while the Barbers appear to have considered that as Members of the one Incorporation they were entitled to equality to an extent which can hardly have been contemplated when the Seal of Cause was applied for. These differences gave rise to appeals to the Trades House, usually successful by the Barbers, in consequence of which the Surgeons in effect dropped the connection with the Trades House by neglecting to nominate representatives to that Body. Finally the differences reached a pitch which made it necessary to invoke the intervention of the Town Council. On 30th October, 1703, the Barbers who had reached the point of desiring severance of their connection with the Surgeons unless their grievances were redressed, presented a Supplication to the Town Council complaining of the many unwarrantable encroachments by the Chirurgeons upon their interests and craving the protection of the Town Council, and that they would restore them to their wonted privileges and liberties, conform to the Letter of Deaconry, or other ways fall about some methods of disjoining the Barbers from the Chirurgeons, and to appoint the Chirurgeons to exhibit and produce their Gift and Ratification. In the subsequent proceedings the Chirurgeons got an opportunity of considering whether they would adhere to or pass from the Letter of Deaconry (Seal of Cause) but at that stage they only asked for amendments, which the Town Council, on 8th May, 1704, refused stating that the Gift in favour of the Chirurgeons did not transmit any power of Deaconry and could afford no ground or warrant to the Chirurgeons to recede from the Letter of Deaconry, and remitted to the Magistrates to enforce its provisions. The disputes continued and in 1706 the Chirurgeons and Barbers submitted various matters at issue between them to the Town Council for their determination, who after certain procedure pronounced a decision or decree arbitral on 16th September, 1707, regulating the respective rights of the Chirurgeons and the Barbers in connection with the affairs of the Incorporation which throws light on the methods in which the Surgeons had endeavoured to enforce and enlarge their supremacy but contains the following provisions, viz: (6) That a Physician Preses can be no Member of the trade (Incorporation) and can neither sit nor vote therein, and that the Visitor do only preside conform to the Letter of Deaconry. (10) The Barbers have and shall have no interest in the trial and qualifications of Chirurgeons or any fault committed by the Chirurgeons in the exercise of their employment and that what privileges are in favour of the Barbers are

always without prejudice to the liberties and privileges of the Chirurgeons granted to them by their Gift from King James VI.

Following on this the Chirurgeons and Barbers on 16th September, 1708, made an Agreement for the division of their property between the Faculty of Physicians and Surgeons and the Incorporation of Chirurgeons and Barbers, on the narrative that the Chirurgeons and Barbers were united in one Incorporation and trade and that certain emoluments, etc., had fallen to the Incorporation under the Letter of Deaconry, etc., while the Chirurgeons by virtue of a Gift long before the Letter of Deaconry granted in their favour for trying all practices of surgery had received several sums of money which belonged properly and peculiarly to them and in which the Barbers pretended no interest, and the parties allocated to the Chirurgeons the Books, Skeleton and all Rarities in the common Hall and the Hall in Trongate itself with its furnishings was to remain for ever common to the Faculty of Chirurgeons and the Incorporation and Trades of Chirurgeons and Barbers. All other property was divided three-fifths to the Faculty of Chirurgeons and two-fifths to the trade of Chirurgeons and Barbers in cumulo. A further provision was that the Deacon and Visitor of the Incorporation (who had to be a Surgeon) and his Chirurgeon Masters should examine and enter Chirurgeons within the Burgh while the Visitor or Faculty of Chirurgeons for the Country should admit and enter Chirurgeons practising in the Country, but should be only an ordinary member of the Incorporation at their Meetings.

It is evident that in the course of the disputes between the Surgeons and the Barbers and the proceedings before the Town Council the nature and effect of the Royal Charter in 1599 and the Seal of Cause creating the Burghal Incorporation of Chirurgeons and Barbers in Glasgow and the Ratification by the Scottish Parliament to the effect of legalising a Burghal organisation of the Surgeons notwithstanding the wider organisation set up by the Royal Charter, had been investigated and it was seen that the Barbers had no right under the Royal Charter which was the Charter of the Faculty of Physicians and Surgeons, and that on the other hand the Royal Charter gave no special Burghal or Guild privileges which depended on the Letter of Deaconry or Seal of Cause granted by the Town Council in 1656 by which the Surgeons and Barbers in Glasgow were made an Incorporation and by which their rights in Glasgow must be regulated and which *inter alia* conferred on the Surgeons in Glasgow right to exclude from practice in the Burgh qualified Surgeons who did not belong to the Incorporation. The Barbers themselves accepted and approved of the deliverances of the Town Council to that effect, and in the Agreement for the division of the property admitted that they had no interest under the Gift of 1599.

The disputes, however, continued and in 1712 a dispute as to the ownership of a Fine which a Country Surgeon agreed to pay for being admitted to practise in Glasgow without serving a five years' apprenticeship was taken before the Trades House and then before the Town Council and both decided that the Fine did not go to the Chirurgeons but to the Incorporation.

(4) Finally there arose a dispute which brought about the dissolution of the Incorporation of Chirurgeons and Barbers.

The Barbers claimed that they and their sons, sons-in-law and apprentices ought all equally to be admitted to the practice of surgery and pharmacy as well as barberising, they being first found qualified by the Deacon and Surgeon Masters for such practices, and that without any distinction betwixt the sons, sons-in-law and apprentices of Surgeons and Barbers for payment of the like freedom fines and other dues as the Surgeons, their sons, sons-in-law and apprentices do pay. The Trades House decided in favour of the Barbers and the Chirurgeons appealed to the Town Council. The Town Council, on 7th November, 1719, proceeding upon the Incorporation of the two callings by the Letter of Deaconry, confirmed the decision of the Trades House in favour of the Barbers. The Report contains the following statement: "Most of the differences that have happened betwixt the parties are from an undue extension of the rights and privileges conveyed to the Surgeons by the Gift of King James VI. in the year 1599, which both parties endeavour to confound with the Letter of Deaconry whereas the Barbers can justly pretend to no privilege by that Gift and the powers and privileges committed thereby to the Surgeons and Physicians gave them no further powers within the City of Glasgow than those who practise in the whole neighbouring shires and can never be made use of in prejudice to the Letter of Deaconry."

The Barbers declared their satisfaction with that decision and their adherence thereto. The Chirurgeons on the other hand considered it so serious a matter that on 19th December, 1719, they, the whole Surgeons and Pharmacians in the Burgh, executed a Renunciation whereby they renounced, resigned and surrendered and freely gave up and overgave in the hands of the Town Council all right, privilege and interest which they or their successors had or could pretend to by or from the Letter of Deaconry, that the same might be extinguished and void as to them and their successors, requesting the Council not only to receive their renunciation and resignation and record the same in the Council Books but also to divide and appoint unto their Faculty such share and part as belong to them in the common stock of the said Incorporation which they submit unto the Council's decision.

This Renunciation was read at a Meeting of the Town Council on 23rd January, 1720. It represents that the Physicians, the Surgeons and the Pharmacians in Glasgow, for the good of the Country and safety of the lieges, were by Gift or Charter granted by King James VI. authorised to examine all practisers in Medicine, surgery and pharmacy in the said City and the five western shires of Scotland and to fine and discharge all ignorant and unskilful practisers. A considerable time after the Surgeons and Barbers in Glasgow (no doubt with a view to the interest of both Societies) were incorporate together and as such had the common benefit and representation of one Incorporation in the place, but as their employments were different had several Regulations and Acts which respected the distinct bodies. After this Incorporation the Surgeons and Pharmacians made an Act in 1677, ratified by the Town Council in 1691 and explained and confirmed by the Town Council in 1714, giving the regulating power in these matters to the Surgeons only, but by the decision of the Trades House confirmed by the Town Council, these privileges had now been extended to the Barbers, a sentence at which the Surgeons were much surprised, as the Barbers themselves never thought they had right thereto for 40 years before, yea, on the contrary were sensible they had no right, having

frequently been fined for practising in surgery and pharmacy without any benefit of entering from their being incorporate. The Town Council ordained the Renunciation to lie in the Clerk's hands, that the Council might deliberate and have their thoughts thereupon and be more ripe to give their judgment therein and likewise to be seen by the Barbers if they had anything to present thereagainst.

The administration of the affairs of the Incorporation had meantime come to a standstill as the Deacon or Visitor and his Master Court refused to hold Meetings and failed to carry on the administration of the corporate affairs, and emergency measures had to be taken by the Trades House and the Town Council to enable the administration to be carried on without the assistance of the Chirurgeons through the medium of the Trades House.

On 13th January, 1722, the Council remitted to a Committee to consider and report on the Chirurgeons' Renunciation and Application for division of the property.

The Barbers appear to have been in no way opposed to the acceptance by the Town Council of the Chirurgeons' Renunciation and they presented a Petition to the Town Council stating that as they understood the Town Council inclined to accept of the Renunciation and to declare the Letter of Deaconry void and extinct as to the Surgeons, they, the Barbers, applied for a Letter of Deaconry in their own favour and concurred in the submission to the Town Council to determine all questions betwixt the Surgeons and them with respect to the division of the stock heritable or moveable belonging to the Surgeons and them.

On 22nd September, 1722, the Incorporation was dissolved by the Town Council which had before it the Report of the Committee on the division of the Stock heritable and moveable, the request of the Surgeons for the dissolution of the Incorporation, and of the Barbers for a new Letter of Deaconry in favour of themselves, and in accordance with that Report divided the property:—the Hall and the furniture (in which the Faculty was interested to the extent of three-fifths and the Incorporation to the extent of two-fifths) being taken over by the Faculty of Physicians and Surgeons at the valuation of 6,000 merks Scots = 4,000 pounds Scots for the Hall and 446 pounds one shilling Scots for the Furniture, together 4446 pounds one shilling Scots whereof the Incorporation's share was 1903 pounds and sixpence Scots and the remaining property of the Incorporation (distinct from that of the Faculty) being valued at 2329 pounds eleven shillings and two-pence Scots made the total stock of the Incorporation 4232 pounds 11 shillings and 8 pence Scots, of which one half = 2116 pounds 5 shillings and 10 pence Scots was apportioned to the Surgeons and the other half to the Barbers. The Town Council got a Yard for Street improvement purposes at the valuation of 216 pounds Scots. Having apportioned the assets the Town Council in accordance with the Committee's Report accepted of the demission and renunciation given in by the Surgeons and declared the Letter of Deaconry as to the Surgeons and Pharmacians to be in all time coming null, void and extinct, and declared that upon the Barbers' application for a Letter of Deaconry to them they would grant the same in such terms as they should find just and reasonable.

(5) The Incorporation of Chirurgeons and Barbers, Glasgow, having been dissolved the Incorporation of Barbers, Glasgow, was forthwith constituted.

The Town Council on the same day—22nd September, 1722, granted a letter of Deaconry authorising Freemen Barbers of the City of Glasgow and their successors in office to convene, meet and act as a free trade and Incorporation within the City in all time coming and gave, granted and confirmed to them the powers, liberties, rights and privileges set forth in their Petition with some modification on certain of its provisions—the most striking to a modern reader being the provision that the Letter of Deaconry should be no ways prejudicial unto or stop or hinder any Freeman of the City in the making or vending or selling of Wigs in all time coming, but that the clause in the said Letter of Deaconry as to the visiting of shops and restraintment of making wigs was allenarly to be extended to the Freemen of the Incorporation of Barbers and their sons etc.

The first meeting of the Incorporation of Barbers, Glasgow, was held on 28th September, 1722, in virtue of the aforesaid Letter of Deaconry, dated 22nd September, 1722.

(6) From the above narrative it is evident that the claim by the Incorporation of Barbers to take the title of the Incorporation of Chirurgeons and Barbers proceeds on a Misapprehension. The Incorporation of Chirurgeons and Barbers was so called because it did consist of the Surgeons and the Barbers in the Burgh of Glasgow. It was dissolved and the new Incorporation formed by the Town Council on the Petition of the Barbers could not have taken the old title because there were no Surgeons in it, and would not have desired to do so owing to the embittered feelings which resulted from prolonged controversy and sense of grievance on both sides. The whole foundation of the proposal being thus removed it is probably unnecessary to mention the considerations urged with reference to the advantages to accrue either to the Incorporation of Barbers or the Members of the Medical profession in Glasgow from the proposed change of name. It is obviously open to question, however, whether it would be an advantage for an Incorporation to add to its name a title which contained suggestions or implications which were not in accordance with historical fact, and on the other hand whether there would be any advantage to the Medical Profession in having as the Barbers contemplate, one Incorporation which they would be expected to join. The particular Incorporation which any person might select might be determined by other considerations such as whether he could join at the near or far hand, or whether his friends or relatives belonged to one Incorporation or another, or again he might be influenced by the wealth of, or the scale of benefits dispensed by, an Incorporation. It is perhaps not out of place to point out that the Physicians never were Members of the Incorporation, and that in the days of controversy the Barbers were successful in obtaining a ruling from the Town Council that a Physician Preses is not and cannot be a member of the Trade (Incorporation) and can neither sit nor vote therein.