

The forfeiture of an apothecary that refuseth to have his house searched. 1 M. st. 2. c. 9.

The forfeiture of such as being elected refuse to be sworn, or to make search.

Any of the physicians in London may practise surgery.

them, shall cause to be brent, or otherwise destroy the same, as they shall think meet by their discretion; (4) and if the said apothecaries, or any of them, at any time hereafter do obstinately or willingly refuse or deny the said four persons yearly elected and chosen, as is before said, to enter into their said house or houses for the causes, intent and purpose before rehearsed; that then they and every of them so offending contrary to this act, for every time that he or they do so offend, to forfeit C. 5. (5) the one half to your Majesty, and the other half to him that will sue for the same by action of debt, bill, plaint or information, in any of the King's courts, wherein no wager of law, essoin or protection shall be allowed; (6) and if the said four persons, or any of them, so elected and chosen as before is said, do refuse to be sworn, or after his said oath to him or them administered, do obstinately refuse to make the said search and view once in the year, at such time as they shall think most convenient by their discretions, having no lawful impediment by sickness, or otherwise, to the contrary; that then for every such wilful and obstinate default, every of the said four persons making default to forfeit forty shillings.

III. And forasmuch as the science of physick doth comprehend, include and contain the knowledge of surgery, as a special member and part of the same; therefore be it enacted, That any of the said company or fellowship of physicians, being able, chosen and admitted by the said president and fellowship of physicians, may from time to time, as well within the city of London, as elsewhere within this realm, practise and exercise the said science of physick in all and every his members and parts; any act, statute or provision made to the contrary notwithstanding.

## CAP. XLI.

REP. 21. Jac. 1. C. 21. Which inholders may bake horse-bread within their house, notwithstanding the statutes of 13 R. 2. Stat. 1. c. 8. and 4 H. 4. c. 25.

## CAP. XLII.

*For barbers and surgeons.*

The authority and liberties of barbers and surgeons in London, being made of one company. 18 Geo. 2. c. 15.

THE King our sovereign lord, by the advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, by all their common assents, duly pondering, among other things necessary for the common wealth of this realm, that it is very expedient and needful to provide for men expert in the science of physick and surgery, for the health of man's body, when infirmities and sickness shall happen, for the due exercise and maintenance whereof good and necessary acts be already made and provided; (2) yet nevertheless, forasmuch as within the city of London, where men of great experience, as well in speculation as in practice of the science and faculty of surgery, be abiding and inhabiting, and have more commonly the daily exercise and experience of the same science of surgery, than is had or used within other parts of this realm;

and by occasion thereof many expert persons be brought up under them as their servants, apprentices and others, who by the exercise and diligent information of their said masters, as well now as hereafter, shall exercise the said science within divers other parts of this realm, to the great relief, comfort and succour of much people, and to the sure safeguard of their bodily health, their limbs and lives; (3) and forasmuch as within the said city of London there be now two several and distinct companies of surgeons, occupying and exercising the said science and faculty of surgery, the one company being called The barbers of London, and the other company called The surgeons of London; (4) which company of barbers be incorporated to sue and to be sued by the name of masters or governors of the mystery or commonalty of the barbers of London, by virtue and authority of the letters patents under the great seal of the late King of famous memory, King Edward the Fourth, dated at Westminster the four and twentieth day of February in the first year of his reign, which afterward, as well by our now most dread sovereign lord, as by the right noble and virtuous prince King Henry the seventh, father unto the King's most excellent highness now being, were and be confirmed, as by sundry letters patents thereof made, amongst other things in the same contained, more at large may appear; (5) and the other company, called the surgeons, be not incorporate, nor have any manner of corporation; (6) which two several and distinct companies of surgeons were necessary to be united, and made one body incorporate, to the intent that by their union and often assembly together, the good and due order, exercise and knowledge of the said science or faculty of surgery, should be, as well in speculation as in practice, both to themselves and all other their said servants and apprentices, now and hereafter to be brought up under them, and by their learnings and diligent and ripe informations, more perfect, speedy and effectual remedy should be, than it hath been, or should be if the said two companies of barbers and surgeons should continue severed asunder, and not joined together, as they before this time have been, and used themselves, not meddling together; (7) wherefore in consideration of the premisses, be it enacted by the King our sovereign lord, and by the lords spiritual and temporal, and by the commons, in this present parliament assembled, and by the authority of the same, That the said two several and distinct companies of surgeons, that is to say, both the barbers and the surgeons, and every person of them, being a freeman of either of the said companies, after the custom of the said city of London, and their successors, from henceforth immediately be united and made one entire and whole body corporate, and one commonalty perpetual, which at all times hereafter shall be called by the name of *masters or governors of the mystery and commonalty of barbers and surgeons of London*, for evermore, and by none other name; (8) and by the same name to implead and be impleaded before all manner of justices, in all courts, in all manner of actions and suits; (9) and also to purchase, enjoy, and to take to them and to their successors, all manner of lands, tenements, rents and other possessions, whatsoever they be; (10) and also shall have a common seal, to serve for the business

By whom, and at what time barbers of London were incorporate.

The benefit like to ensue by joining the barbers and surgeons in one company.

The barbers and surgeons of London made one company, and incorporated.

of

of the said company and corporation for ever; (11) and by the same name peaceably, quietly and indefeasably shall have, possess and enjoy to them, and to their successors for ever, all such lands and tenements, and other hereditaments whatsoever, which the said company or commonalty of barbers have and enjoy to the use of the said mystery and commonalty of barbers of *London*; (12) and also shall peaceably and quietly have and enjoy all and singular benefices, grants, liberties, privileges, franchises and free customs, and also all manner of other things at any time given or granted unto the said companies of barbers or surgeons, by whatsoever name or names they or any of them were called, and which they or any of them now have, or any of their predecessors have had, by acts of parliament, letters patents of the King's highness, or other his most noble progenitors, or otherwise by any other lawful means have had at any time afore this present act, in as large and ample manner and form, as they or any of them have, had, might or should enjoy the same; this union or conjunction of the said companies together notwithstanding; (13) and as largely to have and enjoy the premisses, as if the same were and had been specially and particularly expressed and declared with the best and most clearest words and terms in the law, to all intents and purposes; (14) and that all persons of the said company now incorporate by this present act, and their successors, that shall be lawfully admitted and approved to occupy surgery, after the form of the statute in that case ordained and provided, shall be exempt from bearing of armour, or to be put in any watches or inquests; (15) and that they and their successors shall have the search, oversight, punishment and correction, as well of freemen as of foreigners, for such offences as they or any of them shall commit or do against the good order of barberie or surgery, as afore this time among the said mystery and company of barbers of *London* hath been used and accustomed, according to the good and politick rules and ordinances by them made, and approved by the lord chancellor, treasurer and two chief justices of either bench, or any three of them, after the form of the statute in that case ordained and provided.

The barbers and surgeons in *London* exempt from bearing of arms, or to be in watches or inquests.  
5 H. 8. c. 6.  
19 H. 7. c. 7.

The surgeons may take yearly four condemned persons for anatomies.

II. And further be it enacted by the authority aforesaid, That the said masters or governors of the mystery and commonalty of barbers and surgeons of *London*, and their successors yearly for ever, after their sad discretions, at their free liberty and pleasure, shall and may have and take without contradiction four persons condemned, adjudged, and put to death for felony by the due order of the King's laws of this realm, for anatomies, without any further suit or labour to be made to the King's highness, his heirs or successors for the same; (2) and to make incision of the same dead bodies, or otherwise to order the same after their said discretions at their pleasures, for their further and better knowledge, instruction, insight, learning and experience in the said science or faculty of surgery; (3) saving unto all persons, their heirs and successors, all such right, title, interest and demand, which they or any of them might lawfully claimor have

have in or to any of the lands and tenements, with the appurtenances, belonging unto the said company of barbers and surgeons, or any of them, at any time afore the making of this act, in as ample manner and form as they or any of them had or ought to have had heretofore; any thing in this present act comprised to the contrary hereof in any wise notwithstanding.

III. *And forasmuch as such persons using the mystery or faculty of surgery, oftentimes meddle and take into their cures and houses such sick and diseased persons as been infected with the pestilence, great pox, and such other contagious infirmities, do use or exercise barbery, as washing or shaving, or other feats thereunto belonging, which is very perillous for infecting the King's liege people resorting to their shops and houses, there being washed or shaven:* (2) wherefore it is now enacted, ordained and provided by the authority aforesaid, That no manner of person within the city of *London*, suburbs of the same, and one mile compass of the said city of *London*, after the feast of the nativity of our Lord God next coming, using barbery or shaving, or that hereafter shall use any barbery or shaving within the said city of *London*, suburbs, or one mile circuit of the same city of *London*, he nor they, nor none other for them, to his or their use, shall occupy any surgery, letting of blood, or any other thing belonging to surgery; drawing of teeth only except. (3) And furthermore in like manner, who-soever that useth the mystery or craft of surgery within the circuit aforesaid, as long as he shall fortune to use the said mystery or craft of surgery, shall in no wise occupy nor exercise the feat or craft of barbery or shaving, neither by himself, nor by none other for him, to his or their use: (4) and moreover, that all manner of persons using surgery for the time being, as well freemen as foreigners, aliens and strangers within the said city of *London*, the suburbs thereof, and one mile compass of the said city of *London*, before the feast of *St. Michael* the archangel next coming, shall have an open sign on the street-side where they shall fortune to dwell, that all the King's liege people there passing by, may know at all times whither to resort for remedies in time of necessity.

No barber in London shall use surgery,

nor any surgeon of London use barbery.

Every surgeon of London shall have a sign at his door.

IV. And further be it enacted by the authority aforesaid, That no manner of person, after the said feast of *St. Michael* the archangel next coming, presume to keep any shop of barbery or shaving within the city of *London*, except he be a freeman of the same corporation and company.

None shall be a barber in London but a freeman of that company.

V. And furthermore at such times heretofore accustomed, there shall be chosen by the same company four masters or governors of the same corporation or company, of the which four, two of them shall be expert in surgery, and the other two in barbery; (2) which four masters, and every of them, shall have full power and authority from time to time, during their said office, to have the oversight, search, punishment and correction of all such defaults and inconveniencies as shall be found among the said company using barbery or surgery, as well of freemen as foreigners, aliens or strangers, within the city of *London* and the

Four wardens shall be chosen, and their authority.

The forfeitures of offenders.

the circuits aforesaid, after their said discretions: (3) and if any person or persons using any barbery or surgery, at any time hereafter offend in any of these articles aforesaid, that then for every month the said persons so offending shall lose, forfeit and pay v li. the one moiety thereof to the King our sovereign lord, and the other moiety to any person that will or shall sue therefore by action of debt, bill, plaint or information in any the King's courts, wherein no wager of law, essoin or protection shall be admitted or allowed in the same.

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

Any person may keep a barber or surgeon as his servant.

VII. Provided alway, and be it enacted by authority aforesaid, That it shall be lawful to any of the King's subjects, not being barber or surgeon, to retain, have and keep in his house as his servant, any person being a barber or surgeon, which shall and may use and exercise those arts and faculties of barbery or surgery, or either of them, in his master's house, or elsewhere by his master's licence or commandment; any thing in this act above written to the contrary notwithstanding.

### C A P. XLIII.

*An act concerning the county palatine of Chester for shire-days.*

25 H. 8. c. 5.  
In what manner shire-days in the county of Chester had wont to be kept.

WHERE it is enacted and established in the xxvij. year of our sovereign lord the King that now is, as well for the increase and augmentation of good rule and order to be had and done in the county palatine of Chester, and other shires, as for the administration of justice among the King's subjects there, That the lord chancellor of England, or the lord keeper of the great seal for the time being, shall have authority from time to time to nominate and appoint justices of peace, justices of quorum, and justices of gaol-delivery, as well within the said county palatine of Chester, and other shires and parts of Wales, by commission under the King's great seal; (2) which persons so named shall have full power and authority to enquire, hear and determine all manner thing and things inquirable, presentable, or determinable before justices of peace, justices of quorum, and justices of gaol-delivery in other shires of this realm of England, and to do, use and execute every thing and things as other justices of peace, quorum, and gaol-delivery, do in other shires of England, (3) and that they shall keep their sessions there, as they do in other shires of England, upon like penalty as hath been ordained for such abuses in such justices in other shires of England; any law, act, statute, usage, custom, privilege, prescription or liberty to the contrary thereof in any wise notwithstanding, as in the said statute made in the said xxvij. year, amongst other things more plainly appeareth: (4) by reason of which act it is now used to keep sessions in the said county palatine of Chester, as it is used in other shires of England. (5) Also it is used in the said county palatine of Chester, that the justicer of the same for the time