



Centre for Evidence Based Medicine,
Nuffield Department of Primary Care
Health Sciences, University of Oxford,
Oxford, UK

Follow Jeffrey on X (formerly Twitter):
@JKAronson

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When I use a word . . . Medicines regulation and royal college charters

“Charter” was originally a term used to describe a piece of paper or parchment on which something was written. However, the word later came to be used to describe any document that created or empowered a body or institution, or its contents, listing the powers and privileges that it endowed. Royal charters between 1540 and 1691 gave physicians the power to regulate the quality of medicines issued by others, typically apothecaries. The monarchs who issued them—Henry VIII (1540), James VI of Scotland (1599), Charles II (1681), and William and Mary (1691)—respectively relating to medical colleges in London, Glasgow, Edinburgh, and Dublin, appreciated the importance of regulation by physicians of the quality of medicines that others, typically apothecaries, purveyed.

Jeffrey K Aronson

Charters

A charter was originally a leaf of a book, a simple piece of paper. The word derived ultimately from the Latin word *cartula*, a diminutive form of *carta*, a piece of paper or writing, and via the Old French *chartre*.

It then came to mean “a legal document or ‘deed’ written (usually) upon a single sheet of paper, parchment, or other material, by which grants, cessions, contracts, and other transactions are confirmed and ratified.”¹ The earliest known instance of the word “charter,” the English equivalent of the Latin word “*carta*,” dates from the middle of the 13th century, even though English towns were granted charters as early as the 12th century. The 1215 Magna Carta [Libertatum], the Great Charter [of Liberties], was not written on a single piece of paper, but on several sheets of parchment. It was nevertheless a charter.

Later, a charter came to mean a document by which a borough, university, company, or other corporation was created or incorporated. Although this meaning was not first recorded until the late 15th century, charters of this type had been in existence long before. The earliest royal charter was granted to the city of London by William I in 1067. The charter was written in Old English, rather than Norman French, and, in modern English, its five lines read as follows: “William the king, friendly salutes William the bishop and Godfrey the portreeve and all the burgesses within London both French and English. And I declare that I grant you to be all law-worthy, as you were in the days of King Edward; And I grant that every child shall be his father’s heir, after his father’s days; And I will not suffer any person to do you wrong; God keep you.”²

Universities and their colleges have been granted royal charters from time to time since the 13th century.³ Cambridge University received its charter in 1231 and Oxford, although the older of the two universities, received its in 1248. Those charters endowed the universities’ chancellors and scholars with certain liberties and privileges. Peterhouse College in Cambridge received its charter in 1284 and New College, Oxford in 1379. The Oxford college of which I am an emeritus fellow, Green-Templeton College, received its royal charter when the then

Green College and Templeton College united in 1995. The charter is actually granted to “The Principal, Fellows and Students of Green Templeton College in the University of Oxford.”

Although apothecaries during the 16th century had sought their own charter from Queen Elizabeth, their requests were refused until 1617, when James I founded the Worshipful Society of the Art and Mystery of Apothecaries, now the Society of Apothecaries of London. The grocers, with whom the apothecaries had formerly been associated, had already been granted their own company in 1428. The Pharmaceutical Society of Great Britain (now the Royal Pharmaceutical Society) acquired its charter in 1843. The London School of Pharmacy, originally the College of the Pharmaceutical Society, acquired its charter in 1952 but surrendered it in 2012 when it merged with University College London, which had obtained its charter in 1977.

The Chartists took their name from the charter that they drafted, the People’s Charter, which was published in May 1838, outlining their principles and demands. These were (1) annual parliaments, (2) universal male suffrage, (3) the ballot, (4) no property qualifications for members of Parliament, (5) payment of members of Parliament, and (6) equal electoral districts. But the document was a manifesto rather than a charter.

In the late 18th century a charter came to mean a document that outlined a contract between owners and merchants for the hire of a ship and safe delivery of the cargo; later this was extended to other forms of transport and in the 1920s this was extended to aircraft, which one can nowadays charter, the verb having been given this meaning at the start of the 19th century.

A diversion to Charterhouse Square

When an Augustinian canon, Rahere, fell ill on a pilgrimage to Rome, St Bartholomew, originally one of the apostles, as named in the Synoptic Gospels, told him in a vision that there was vacant land in London’s Smithfield. Rahere vowed that if he survived he would build a hospital there for the poor. So, in 1123 both the priory of St Bartholomew and the promised hospital were founded, staffed by monks

and nuns. Some of the patients came from the nearby Newgate prison.

Barts is adjacent to Charterhouse Square. But the square has nothing to do with charters. The Chartreuse Mountains to the north of Grenoble were home to the members of a religious order who called themselves Carthusians, after the mountains. The monks who lived there, in the Grande Chartreuse monastery, made a liqueur that became known as chartreuse. And in England, Carthusians monasteries were known as charterhouses. One of them, founded in 1371, gave its name to Charterhouse Square to the south of it. The monks built it on land that they rented from the Master and Brethren of St Bartholomew's Hospital and which had been the site of a graveyard and plague pit for victims of the Black Death. There they founded a hospital, for the care of the sick, and a school, Charterhouse School, which later became the site of St Bartholomew's Hospital.

Royal medical charters

As I have previously described,⁴ King Henry VIII supported English physicians in 1518 by granting them a charter to establish the College (now the Royal College) of Physicians, on the request of Thomas Linacre and other leading physicians. Linacre became the college's first president. Then, in 1540 the King promulgated the Pharmacy Wares, Drugs and Stuffs Act, also called the Apothecary Wares, Drugs and Stuffs Act, which gave the physicians the power to inspect apothecaries' wares and destroy them if defective.

Soon afterwards English laws were incorporated into Welsh law by the force of the Laws in Wales Acts (Y Deddfau Cyfreithiau yng Nghymru) of 1535 and 1542.^{5,6} Part of the text stated that “[the King's] said Country or Dominion of Wales shall be, stand and continue for ever from henceforth incorporated, united and annexed to and with this his Realm of England.” The acts were finally repealed in December 1993, under the Welsh Language Act.

Scotland and Ireland had to wait a little longer for comparable charters.

King James VI of Scotland, later to become James I of England after the death of Queen Elizabeth, granted a charter to the Faculty of Physicians and Surgeons of Glasgow in 1599. The charter regulated physicians, surgeons, apothecaries, and barbers, empowered trained medical practitioners in the west of Scotland to regulate medical practice, and stipulated that no one should sell any drug unless it was approved by a “visitour” (an examiner).

By royal charter in 1681, Charles II created the Royal College of Physicians of Edinburgh, and gave the physicians the power, in the areas over which it had jurisdiction, to examine medicines kept in apothecaries' shops, to destroy those that were not of good quality, and to allow only those who had been examined by the president and censors of the college to open an apothecary's shop.⁷

In 1691, the joint reigning UK monarchs, William and Mary, issued a royal charter, establishing the King and Queen's College of Physicians in Ireland, later the Royal College of Physicians of Ireland. The charter gave the physicians, among other things, the power to fine or imprison anyone for up to 14 days for giving “unwholesome physic [medicine]” within seven miles of Dublin.⁸ At that time the whole of Ireland was part of the United Kingdom. The Republic of Ireland was established in 1919.

A final thought

A charter was originally just a piece of paper, but the word later came to mean any document that created or empowered a body or institution, listing the powers that it endowed. Royal charters

between 1540 and 1691 gave physicians, among other things, the power to regulate the quality of medicines issued by others, typically apothecaries.

In doing so, the monarchs who issued the charters recognised an important feature of healthcare, which is increasingly being ignored today. It is the principle that those who are medically qualified are uniquely able to recognise what constitutes good medical practice. Conversely, it recognises that those who are not medically qualified, excellent though they are at what they do, cannot fully appreciate the importance to the delivery of healthcare of being medically trained, qualified, and experienced.

The failure of politicians to understand this (and why should they, not being medically qualified themselves?) has led to modern efforts to patch up the UK's National Health Service by appointing, for example, physician associates to take on duties that would be better fulfilled by individuals who have been fully medically trained.⁹ This has resulted from the failure of successive UK governments to train the number of doctors that the country needs.

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- 3 The Privy Council Office. List of Charters Granted. <https://privycouncil.independent.gov.uk/royal-charters/list-of-charters-granted>.
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- 6 The Laws in Wales Act. 1542. <https://www.legislation.gov.uk/aep/Hen8/34-35/26/contents>.
- 7 *Statutes and Bye-laws of the Royal College of Physicians of Edinburgh*. Thomas Constable, 1852.
- 8 The Charters of the Royal College of Physicians of Ireland: I – Charter of William and Mary December 15, A.D. 1691.
- 9 Rosen R, Palmer W. Physician associates in the NHS. *BMJ* 2023;382. doi: 10.1136/bmj.p1926. pmid: 37625850