

THE MEDICAL PROFESSION IN ONTARIO. A LEGAL AND HISTORICAL SKETCH*

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The history from a legal point of view of the medical profession in our Province is interesting both to physician and to lawyer. I have in some instances gone to the original sources, but make no pretence to originality: much of what I write has been said before by others (particularly by Dr. Canniff), and some by myself.

Our Province began its independent career as a separate Colony in 1792, having theretofore from 1763 been part of the Province of Quebec, which included a vast territory composed of what is now Quebec and Ontario and also the whole hinterland of the English colonies down to the mouth of the Mississippi.

Full legislative power was given to Upper Canada by the Constitutional Act, 31 George 3, C. 31, which separated the Province from the rest of British America.

At the time of this separation of our Province and for some time thereafter, there was no regulation as to who should practice medicine, or "physic," as it was called. Many of the practitioners were old army or navy surgeons, some were importations from the United States, but most of those who treated disease were mere empirics. There had, indeed, been an Act or Ordinance passed by the Council of the old Province of Quebec in 1788, forbidding anyone to practise without a license from the Governor, which license was to be granted without an examination to all graduates of any British university and to all surgeons of the army or navy—but this was largely a dead letter in the newer parts of the colony, as our country was at that time.

In 1795, the Provincial Parliament of Upper Canada passed an Act, 35 Geo. III., c. 1, forbidding the sale of medicine, prescribing for the sick and the practice of physie, surgery or midwifery by anyone who had not been licensed. The Governor was to appoint a board to examine all who should apply for a license, and those approved of by them upon the examination were to

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