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MEDICAL LEGISLATION IN NOVA SCOTIA; PAST, PRESENT AND FUTURE.

The President's Address delivered before the Nova Scotia Medical Society,

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MY first and most pleasing duty is to thank you for the honour you have conferred on me by electing me to be your President. It is not for me to question the choice made, but so far as I can to justify it by giving my best energies to carry out the trust reposed in me—hoping that whatever defects or errors may be seen in the execution of my official duties may meet with a favourable construction. In seeking for a subject upon which to address you, I concluded to select one of general interest in preference to a purely professional topic. The subject I have chosen is “Medical Legislation in Nova Scotia, Past, Present and Future.”

I have been mainly influenced in choosing this subject by a wish to gather and record some important circumstances connected with the progressive growth of our profession in Nova Scotia, and a desire to have a more cordial support extended to the Provincial Medical Board than it has hitherto received. By medical legislation I mean enactments designed to regulate the practice of medicine. The right to do so comes within that general police power which extends protection to the life and limb of the citizens. A recent decision of the Supreme Court of the United States says :

“The power of the state to provide for the general welfare of its people authorizes it to prescribe all such regulations as may be necessary to secure the people against the consequences of ignorance and incapacity as well as of deception and fraud. If the means adopted are appropriate to the calling or profession and obtainable by reasonable study and application no objection to their validity can be raised.”

The basis of medical legislation then is the necessity of affording protection to the people against ignorant persons and pretenders. The intention of this legislation is to secure a standard of professional education to be exacted of every one who is desirous of engaging in the practice of medicine. Many persons and not a few in our own ranks suppose that the primary aim of legislation is to punish ignorant and unqualified persons who venture to practice. Such is not the case. As evidence of having reached the required standard of professional attainments, the state usually accepts diplomas of graduation from some legally incorporated school of medicine in good standing. In some cases, however, a certificate of having passed a satisfactory examination before examiners appointed either by the state or by some body deputed for that purpose, is requisite irrespective of the diploma. Again the state may entrust the profession with maintaining the standard and all questions relating thereto. The necessary evidence of having reached the standard being accepted, registration of the qualification is required which obtains certain privileges. These privileges are the right of holding public appointments and of performing any service required by the public, such as signing certificates, etc., and the right to demand and recover in any court of law reasonable charges for professional services. In some states the practice of medicine by unregistered persons is not prohibited. It is assumed that if a statutory distinction is drawn between registered and unregistered practitioners the public will know how to protect itself against

unqualified persons. In other states unregistered persons are not permitted to practice, and any attempt to do so is made a penal offence.

In Nova Scotia the profession is entrusted with full control of all questions relating to medical education and registration, and is given ample power to punish unregistered practitioners. The affairs of the profession are administered by a central organization styled the Provincial Medical Board—a body representative in character. When I compare the position of the profession in this province with that which obtains in other countries, and fully realize the great advantages we possess, it becomes positively painful to listen to expressions of discontent, and when I hear men of intelligence in our own ranks declare that the Provincial Board is but a stumbling block to students, and a vexation of spirit to applicants for registration, I conclude that they are either cranks unthankful in spirit or they don't know what they are talking about. A conviction that the public and many of the profession neither understand nor are conscious of the many blessings that flow from our organization has determined me to narrate the steps by which it was obtained and explain its present methods of working.

The first step in the direction of medical legislation was taken in 1828, a red letter year in the history of medicine in this province. Before explaining the nature of the Act I must glance briefly at the early history of the province, mainly for the purpose of seeking the reasons that led up to its adoption. I trust you will pardon me if in doing so I dwell for a moment on some incidents and persons entirely foreign to my subject. The commanding situation of Nova Scotia with its magnificent harbors, waters teeming with fish, valuable furs, and rich marshes almost ready for tillage, was a prize greatly coveted by the hardy adventurers who first began to cross the ocean from Great Britain and France about three centuries ago. It therefore formed a not unimportant part of that great battlefield on which English and France waged war for supremacy on this continent. In Nova Scotia the conflict raged incessantly for over a century with alternate succession and possession, and was finally brought to a close by the cruel expulsion of the Acadians in 1755. Even after this date the times were troublous and continued so down to the close of the second American war in 1815. While such a condition was very unfavourable to rapid settlement it strongly demanded the resources of our art. The many diseases incident to hardships, and the emergencies of conflict urgently called for the exercise of our art, and there is sufficient evidence to show that it was usually available. How, by whom, and with what measure of success it was exercised with the slender resources then at command we can only conjecture. Certain it is that to successfully cope with many of the emergencies that arose in early times would tax to the utmost all the resources of the present day. Take for example the condition of affairs that happened after that marvellous venture, viz : the seizure and capture of Louisbourg by the provincials, or the scenes that ensued after that extraordinary march of the French to Grand Pre. . . . The leaders who figured in early times, such as LaTour, DeLoutre, Mascarene, and Lawrence, are all interesting characters, and we possess a fair amount of knowledge concerning them, but of those who moved in humbler spheres, such as professional men, only fragments of information exist. Lescarbot speaks of Louis Herbert of Port Royal as a man learned in his profession and very much devoted to the cultivation of the earth. Doubtless he was a leading figure of that genial order “Le Bon Temp.” He subsequently removed to Quebec, and Ferland tells us that many of the old families of Canada trace their descent from him. William