

dance with the provision of the Act of Incorporation which renders this step necessary. We have been informed that a deputation, among whom were Dr. Lebourdais, one of the elected Governors of the College, Dr. Coderre, Dr. Trudel, and some others, waited upon His Excellency for the purpose of inducing his Lordship to withhold his sanction. We apprehend this will prove a futile step, although, nevertheless, demonstrative of the factious character of the proceedings of the opposition, and for this simple and plain reason, that the By-Laws, being the work of the corporation, must be sanctioned, if they do not contravene the statute, which we do not think they do.

The College of Physicians and Surgeons, of Lower Canada, Plaintiffs, vs. Silas Gregory, Defendant.—This was an action professing to be based upon the 10th and 11th Vict. c. 26, to recover a penalty of ten pounds from the Defendant, for having, as the information alleged, practised physic on two several occasions. Mr. Johnston, Q. C., appeared for the Defendant, and demurred to the information on the following grounds:—

“The section imposing a penalty is worded as follows:—And be it enacted, &c., &c., that no person shall practice physic or surgery in Lower Canada, unless he be a person duly licensed so to practice, under a penalty of five pounds currency for each day on which any person shall so practice, and such penalty shall be recoverable, on the oath of any two credible witnesses, before any Justice of the Peace, &c.’”

These words do three things—first, they create an offence; secondly, they enact a penalty for its commission; and thirdly, they create a jurisdiction to enforce that penalty.

A penalty created in such a general way may be admitted to be recoverable by the Crown, but not at the suit of the present Plaintiffs, to whom no authority to sue *qui tam*, or in any other way, is given by the statute.

The prayer of the information is that “the Defendant be adjudged to have forfeited ten pounds to Her Majesty, and that he be condemned to pay the same to Her Majesty, her heirs and successors, &c., &c.” This prayer, of course, could not be granted except at the suit of the Crown, which is not made a party to the action!

The present suit, therefore, by the “College of Physicians and Surgeons,” demands nothing which they have any right to demand for themselves, but something alleged to be due to the Crown, which does not demand it.

The case was taken *en délibéré* by Mr. Amiot, before whom it was tried, and, on the 12th inst., he gave judgment, dismissing it.

The Bills of Mortality.—We regret to be compelled to announce the discontinuance of these bills for this city. No entry has been made since the 26th April last in the registers to which we have had access for the purpose of drawing up our tables. We believe that financial difficulties on the part of the corporation of the city, who had been instrumental in obtaining them, are the cause; but we question much whether

the outlay of a few pounds for the printing of necessary forms, is to be at all compared with the value of the returns, more especially with reference to the rates of Life Assurance for this city, or country, in which the inhabitants, who are immediately concerned, have an interest. We hope to see the matter rectified before our next issue.

NOTICE TO SUBSCRIBERS.

A small number of subscribers who have regularly received the Journal since its commencement have not paid their subscriptions. Some are debited for three years, and a much larger number for two. We particularly request these parties to forward to the office the amounts due. The Journal is now fully, and firmly established, and unless our delinquent subscribers, who are only few in number, respond during the month to this our special request, we will at once erase their names from the list. The Journal is published at the lowest possible price. Pecuniary profit was not our object in starting it; and as our wish is that the Journal should be for the profession, the profession must support it; and those who have for two and three years past regularly received the Journal, without affording in return that pabulum without which it cannot exist, must not be surprised to find it discontinued to their address.

NOTICE TO CORRESPONDENTS.

Mr. Sheridan (Bytown). We are exceedingly obliged for his attention, and the Journal has been forwarded according to request. We wish we had as good friends in every other city.

Dr. Van Courtlandt (Bytown). Two letters from this gentleman. The trial is an important one, and we will publish it in our next. We are resolved not to lose sight of any legal matters affecting the interests of the profession in this Province; and we are obliged to Dr. V. C. for putting us in possession of the paper containing the report.

Dr. Bonill's (Toronto) communication has come to hand. It is crowded out of the present number by papers previously on hand.

Dr. Peltier's Case of Gangrene of the Lungs will receive insertion in our next.

Dr. C. B. Hall, (St. Thomas, C. W.) Letter received and request complied with.

OBITUARY.

At Isle-aux-Noix, on the 10th ultimo, Staff Asst. Surgeon Matthew, in medical charge of that post, aged 25 years.

BOOKS, &c., RECEIVED.

On the Blood and Urine, by J. W. Griffith, M.D., G. O. Rees, M.D., and A. Markwick, M.D.. Philadelphia: Lea and Blanchard, 1848.

A Dispensatory and Therapeutical Remembrancer, with Practical Formulæ, as Authorized by the London, Edinburgh, and Dublin College of Physicians, &c., by J. Mayne, M.D., L.R.C.S.E., revised, with the addition of the Formulæ of the U.S. Pharmacopœia, by R. E. Griffith, M.D. Philadelphia: Lea & Blanchard, 1848.

A Text Book on Agriculture, by N. S. Davis, M.D. Samuel S. & William Wood. New York, 1848.

Materia Medica and Therapeutics, by Martin Payne, A.M., M.D. New York: S. S. & W. Wood, 1848.

The Young Stethoscopist, or the Student's Aid to Auscultation,