

gathered from Mr. Linton's letters, which had been circulated very freely through the post-office, that Dr. Shaver was not licensed, and could not recover, I therefore refused to pay the account. I was also advised by another medical man, a Dr. Hyde, not to pay the bill, as Dr. Shaver had no license and could not recover. The amount of the bill was twenty dollars. I paid the Plaintiff's attorney the sum of twelve dollars, and refused to pay any more, as I thought the Plaintiff unlicensed, and therefore could not recover. Had I thought Dr. Shaver licensed I would have paid the bill without any further trouble. Witness noticed at different times a great many of those letters or "*Extras*" circulated through the channel of the post-office, and directed by Mr. Linton to different parties throughout the country.

This closed the evidence for the Plaintiff, and the Defendant called no witnesses, but pleaded justification. The defence urged upon the Court and jury that Dr. Shaver was not qualified for Upper Canada, as the clause of the statute distinctly stated, "but subject to the same laws which other practitioners are subject in that part of the Province in which he practices," and consequently one of their laws of Upper Canada was to obtain the Governor's license.

His Lordship Hon. Judge Richards then charged the jury. He said, Gentlemen, this is an action brought by a medical gentleman, Dr. Shaver, against Mr. Linton, Clerk of the Peace, for stating and publishing that the Doctor was not legally qualified to practice physic and surgery, &c., &c., in Upper Canada upon the strength of a license from the College of Physicians and Surgeons of Lower Canada. The law is so plain that he conceives there cannot be a doubt upon the point. It reads thus: "Any person who is licensed or legally authorized to practice as a physician or surgeon, or both, either in that part of the Province called Lower Canada, or that part of the Province called Upper Canada, may practice in any part of the said Province; but subject to the same laws which other practitioners are subject in that part or portion of the Province in which he practices."

The counsel for the defence has urged that the latter clause means that the Lower Canada licentiate shall take out a Governor General's license before he commences to practice in Upper Canada. But, gentlemen, it is my duty to instruct you in the law as it stands upon the statute book. The passage simply means that the Licentiate shall conform to all the laws which are enacted for the benefit of the profession in that part of the Province in which he shall so practice; also that he shall be subject to be prosecuted for mal-practice, &c., &c., the same as other practitioners in that portion of the Province in which he practices.

I therefore rule that Dr. Shaver is a legally qualified medical practitioner for Upper as well as for Lower Canada. You will therefore find a verdict for Plaintiff, with what amount of damages you may think proper.

The jury then retired, and in a few minutes came into court with a verdict for Plaintiff, and five shillings damages.

COLLEGE OF PHYSICIANS AND SURGEONS OF LOWER CANADA.

We were extremely desirous of furnishing the profession of the Lower Province the proceedings of the meeting of the College held in Quebec on the 9th. of