

tor of Victoria University from 1859 to 1870, the period which witnessed the inauguration and the establishment of the College of Physicians and Surgeons, I can and do most distinctly and emphatically affirm that neither directly nor indirectly, by agreement or implication, did any such understanding exist, or was any such stipulation made or mooted. Nor did the universities, as you state they did, possess any licensing powers to give up. The earliest Act in Upper Canada relating to medicine was passed in 1815, and was repealed as impracticable in 1818 by 59 Geo. III., c. 13, which established a Medical Board of five persons to grant licenses to practise medicine, etc., and which specially provided that "persons duly authorized by any university in His Majesty's dominions, or by commission or by warrant in His Majesty's military or naval services, shall not be restrained from practising for want of such license." The Act of 1827, 8 Geo. IV., c. 3, repealed this clause and gave the Governor permissive power to grant a license to practise to persons holding university diplomas, certificates of qualification from the Medical Board, warrants or commissions as surgeons, etc. Under this Act, which with trifling modifications remained in force till the Council was established, the only persons who could practise in this province without the Governor's license were members of the Medical Board and warranted and commissioned surgeons actually engaged in His Majesty's service. Thus it was only for the nine years intervening between 1818 and 1827 that university degrees in medicine were a legal authorization to practise. It is true that the presentation of the university diploma, certificate, warrant, or commission, with the fee of \$4 for the license, was but little more than an empty form; but the requirement to do so marks the fact that the state reserved to itself the exclusive right of licensing to practise medicine in Upper Canada, and in reserving this power or right it unquestionably also reserved the right to invest it with such conditions and requirements as the public service might require. In 1865 the power of giving legal effect to university diplomas and other qualifications was removed from the Governor-General and vested in the newly-formed Medical Council,

which was constituted essentially as it exists to-day, except that it contained no homœopathic representation. In 1869 the Medical Council was empowered to appoint a Central Board of Examiners, and to refuse registration even to the holders of university degrees in medicine unless they had also passed before this board. As a *quid pro quo*, homœopaths and eclectics, who were then brought in, were given representation in the Council, and each teaching body was given the right to appoint one examiner on the board; but the universities and colleges acquired no other new rights in lieu of powers surrendered, because, in the first place, they surrendered no powers or privileges, and, in the second, their seats at the Council, which it is now claimed they got by way of a compromise, they had already held for three or four years, and were secured to them by the Act of 1865. To say, therefore, that the colleges were asked to become consenting parties to the Act of 1869, or that that Act was *ultra vires* of the Ontario Legislature, or that they received their seats at the Council by way of a *quid pro quo*, is childish in the extreme. I repeat that no pretence was then made that the universities had surrendered any powers or that they had been asked to surrender any power. The seats in the Council were accepted and held by the universities and schools as of the pure bounty and grace of the Legislature, which has to-day the same power to withdraw that it then had to bestow. It is purely a question, not of right, but of privilege, and, as I have elsewhere pointed out, however long it may have been retained, a privilege which is founded on injustice and liable to abuse is not a vested right to be preserved, but a crying wrong to be remedied.

In the irrepressible conflict which has arisen between the Council and the profession, there can be no question as to the ultimate result. The universities can, however, smooth the way for us materially by acting as we think sound wisdom would dictate. The retention of their seats in the Council is to them a matter of mere sentiment; their loss would result to them in no injury. It appears to me that they could *voluntarily* withdraw therefrom with dignity and honor. Though only now first distinctly assailed, their position in the Council really first became untenable as far back as