

chap. 40, page 436 of Consol. Statutes for Upper Canada, and to form of indictment against unlicensed parties. This was on the 23rd of June.

Notwithstanding what you have written in your July number and of what has been written by you to the *Northern Advance* at Barrie C. W. (1st August) I am inclined to adhere to the opinion that the governor's license, for practising the medical profession in Upper Canada is necessary. The three exceptions in the act chap. 40 are of course excepted, viz. 1. Homœopathist. 2. Naval and Military Physicians or Surgeons actually employed, and 3. Midwives. I refer you to the words in the statute 4 and 5 Vic. chap. 41 (Consol. Stat. U. C. page 437) "but subject to the laws to which other practitioners are subject in the portion of this province in which he practices." The same words nearly, are also in the Consol. Stat. of Canada chap 46, page 869. If your Body the "College" allows a licensed practitioner of Upper Canada to practice in Lower Canada, *without conforming* to your medical laws of Lower Canada which regulate the medical profession, you do so *by sufferance merely*—You can exact a legal compliance, if your body chooses—And you do so, in the following respect, as I am informed, namely, the act 10 and 11 Vic. chap. 26 section 2, part 3, authorises your "College to cause every member of the profession now practising or who may hereafter practice in Lower Canada to *enregister* his name, age, place of residence, nativity, the date of his license and the place where he obtained it, in the books of the College. That is *one of your laws* of Lower Canada, and therefore the above clause of 4 and 5 Vic. chap. 41, subjects all practitioners to obey And *one of our laws* of Upper Canada is, that no one can practice in Upper Canada without a license from the governor no, even though licensed or diplomated by *any College* in Upper Canada, or by *any other College* in her Majesty's dominions, 8 Geo. 4 cap. 3 sec. 2, (Consol. Stat. p. 437), the exceptions referred to, being excepted. I do not choose to dwell on the unequality of the laws, which you also refer to, whereby practitioners in Upper Canada are compelled to have the governor's license, but for practicing in Lower Canada, the license of your "Provincial Medical Board," (College) is enough, which latter appears to be the law *as regards Lower Canada* 12 Vic. cap. 52 sec. 3. There are licenses however extant, by a governor general which authorises a practice in all Canada. I have seen such.

As the law stands in Upper Canada, I conceive I am right, and that others, and even those of your own Body of your College of Physicians and Surgeons, have entertained their *doubt* and asked for legal opinions, your own Journal of April and May, (Semi-annual meeting) and July, shows too plainly, and such being the case, should have induced some greater degree of modesty by you towards those who may very justly differ with you. A perusal of your said article of July would induce an opinion, and a just opinion, derogatory to your position as a physician. Dr. Shaver *assumed* a position when he prosecuted by indictment a practising physician of this place, Dr. David Waugh, who does not hold (I believe) the governor's license any more than Dr. Shaver himself.

I am, sir, yours, &c.

J. J. E. LINTON.

Stratford, C. W. Aug. 4 1860.