

POLICE.

WEEKLY SESSIONS.

Present :—Captain Wetherall, J. P.
J. Beaudry, Esq., J. P.The College of Physicians and Surgeons of Lower Canada,
Prosecutors,
vs.

Moses Maybell, of the City of Montreal, Trader, Defendant.

(From the Montreal Courier)

This was a prosecution against the Defendant for having "practised physic" without a license. The information contained two counts for two separate offences, and concluded for a condemnation of £5 for each offence, according to the Statute.

Mr. E. Carter appeared for the Prosecutors, and Mr. W. H. Kerr for the Defendant. Plea :—"not guilty."

The first witness was examined, and deposed as follows :—"I reside in Montreal ; I know the Defendant ; I see him in Court—(witness points him out.) He resides in Lagachetiere Street, Quebec Suburbs ; I went to his place, accompanied by the other witness, on the 9th July last ; I complained to him of being ill, and that I could not work—that I felt a pain in my chest and giddiness in the head. The Defendant examined my tongue, and felt my pulse ; he told me to wait ; he then went to work at his bottles of medicine, and gave me two papers of pills, and four of powders, telling me to take one pill and one powder at night, and the same in the morning, and that they would do me good. I asked him his charge, and he told me 1s. 3d., which I paid. I returned with the other witness on the 11th July last ; the Defendant asked me how I felt, and if the medicine he gave me had done me good ; I told him it had. He then gave me two other papers of pills, to be taken in the same way. His charge, 7½d, was paid."

Cross examined by Mr. Kerr :—"I am in the employ of the College, and paid 2s. 6d. a day by Mr. Horn. I was not ill ; I did not take the medicine. My reason for going to the Defendant was, that my business required it."

The second witness was then examined, and deposed to the same facts, having been in the company of the first witness on the occasion spoken of by him.

Mr. Carter then closed his case.

Mr. Kerr put in, as evidence for the defence, a number of certificates from the different Professors of the School of Medicine, of the Defendant having attended their course of lectures ; and also a certificate in writing, signed by Dr. Blais, of Quebec, to the effect that the Defendant had been examined before the Board, and was found qualified on the different branches of his profession, excepting three *Materia Medica, Latin*, and another, [not distinctly heard ;] and also giving him leave to practise for six months, "depending on his wisdom and prudence ;" and then closed his defence.

Mr. Carter asked for judgment, considering the case clearly proved ; and, not knowing what line of defence would be adopted by his learned friend, he reserved his right to reply.

Mr. Kerr then addressed the Court, and contended that the prosecution should be dismissed for three reasons : the first, that no evidence was adduced to prove that what the Defendant gave the witness was medicine, and that such evidence was necessary to support the charge of "practising physic," which implies the exercise of medical skill in the application of some drug or medicinal compound, as a remedy for some existing malady ; the second, that the evidence established that the witness was not ill, and did not require medical treatment, and that the medicines, if such, were not used, which he contended was fatal to the case, as there could be no "practise of physic" where there was no malady to complain of—no disease to treat, and that no evil existed where the party was not ill, did not, and never intended, to take what was given him ; the third reason, that the certificate of Dr. Blais, a member of the Board of Examiners, authorized the Defendant to practise for six months, "depending on his wisdom and prudence ;" and he contended, that if the Defendant was really competent to practise for "six" months, he was equally so for any length of time, and that it was, to say the least, an ex-

death from the scenes of their operations, or by loss or accident incapacitated from continuing to practice. Many of your readers will doubtless remember, that in the pages of the *Montreal Medical Gazette*, the pioneer of the excellent journal under your editorial management, the formation of such an association was strongly advocated, and preliminary steps were even taken by the writer of this letter, in his capacity of Secretary to the Montreal Medico-Chirurgical Society, to bring about, through the Toronto and Quebec Medical Societies, a consummation so devoutly to be wished. Although the measures of reform proposed at that time, in connexion with the one above alluded to, have all been satisfactorily carried out, this single desideratum has been as yet unattempted. My attention, at this moment, has been again strongly directed to the consideration of the feasibility of this project, by two circumstances ; first, the perusal of the proceedings at the highly interesting anniversary meeting of the Provincial Medical and Surgical Association held at Worcester, on the 1st and 2nd August last, under the presidency of Dr. Hastings, the original founder of that society ; and, secondly, your own statement in the last number of the *British American Journal*, to the effect, that unless the amounts due by subscribers were sent in as speedily as possible, and the subscription list extended, your respected publisher would be under the necessity of discontinuing the journal. Now it appears to me, sir, that these two points are matters of deep and equal interest to every member of the medical profession in Canada ; and in entreating my professional brethren to obviate an occurrence which would be so much to be deplored, as the loss of the only journal which we possess exclusively our own, I would suggest to them a plan which, if approved of, would not only secure its healthy maintenance, but also be the means of carrying out the scheme with which my letter opens. Let then "a British American Medical and Surgical Association" be formed, consisting of all those gentlemen who at present are or may hereafter become members of the respective medical societies in existence throughout the Province ; of these, there are already the Montreal Medico-Chirurgical Society, the Toronto Medical Society, the Quebec Medical Society, the Niagara Medical Society, the Frontier Medical Society, the Medical Society of the Eastern Townships, and perhaps several others. Let other Branch Societies of this description be established generally, and at a stated period of the year let a general meeting, for scientific and social purposes, of the members of all these take place at some city or town in rotation throughout Canada, and be recognized as the British American Medical and Surgical Association. Let every member of the Association subscribe yearly One Pound currency, and for that sum let him be entitled to a copy of the journal bearing its name, as well as a copy of its transactions, should it be deemed advisable by the Association at any future time to select, either from the papers submitted to any of its branches, or at its annual meeting, such as are deemed worthy of publication. By this means, a heavy personal responsibility for the carrying on of the journal would be removed from your shoulders, in addition to your gratuitous services given already for five years, as editor ; and the members of the profession, as is the case in Mutual Assurance Companies, would at once feel that the journal was their own, and demanded their mutual co-operation and support. I will close this letter with an extract from the admirable speech delivered by Dr. Hastings, on the occasion referred to, with regard to the value of the Provincial Medical and Surgical Association, promising only, that this Association, which began fifteen years with eighty members, now enrolls 2000 :—

"I here witness," says he, "the triumph of the social principle ; and the subjection of all low, paltry, and selfish interests, to the interests of man ; it is the principle which promotes peace ; it is the principle of true honor ; it is the principle of the Christian religion."

I have the honor to be, Sir,
Your obedient servant,

FRANCIS BADGLEY, M.D.

Little St. James Street, Aug. 31, 1849.

(We will take up the subject of Dr. Badgley's letter in our next number, and are obliged to him for his kind expressions on our behalf.—Ed.)