

MONTREAL MEDICAL GAZETTE—EXTRA.

MONTREAL, JANUARY 22, 1845.

In accordance with the promise made by the Editors of this Journal in their last number, they hasten to put their subscribers in possession of the proposed Provincial "Medical Bill" of the Honorable Attorney General Smith; at the same time, to lay before them the Bill for the Incorporation of the College of Medicine and Surgery of this City, as framed and *unanimously* agreed upon by the Select Committee, to whom was referred the petition of the Lecturers and Students of that Institution; the petition of the Medical Faculty of McGill College against the latter will also be found with remarks, showing the untenability of their grounds of objection.

Leave was granted for the introduction of the "Medical Bill," and it was read a first time on Friday the 17th inst.; its second reading is fixed for Tuesday next, the 28th inst.

The ideas of the Editors on the "Medical Bill" will be found below; but they beg to state, that they shall be happy to be the medium for the communication of any suggestions, (postage paid) which members of the profession may be desirous of offering on its details.

They take this opportunity also of gratefully acknowledging the promptitude and politeness of the Honorable Attorney General, in furnishing them with a copy of his Bill, so early as Saturday morning.

BILL.

An Act to regulate the study and practice of Medicine, Surgery, and Midwifery within this Province.

WHEREAS it is expedient to provide more effectual regulations than those at present existing, with respect to persons practising Physic, Surgery and Midwifery within this Province, and to regulate Druggists and others vending or distributing Medicines by retail:—

The 1st clause repeals all Acts and Ordinances or parts of Acts relating in any manner to the Practice of Physic, Surgery, or Midwifery in Lower and Upper Canada, or in any manner relating to the mode of obtaining licenses to practice Physic, Surgery or Midwifery.

II. And be it enacted, That from and after the passing of the Act, no person shall be allowed to commence the study of Medicine, until he has first satisfied some Medical Board to be appointed and nominated as hereinafter mentioned, either by certificate or examination, that he is at least years of age and has received a liberal education, including a competent knowledge of the classics.

III. And be it enacted, That from and after the passing of this Act, no person shall receive a license to practice Medicine, Surgery or Midwifery for gain or profit within this Province, who shall not have obtained a Certificate from some Medical Board to be appointed and nominated as hereinafter mentioned, which shall be founded on the production of a Diploma or Degree from some University, College, or Incorporated School of Medicine within the dominions of Her Majesty, or on a commission or warrant as Physician or Surgeon in Her Majesty's Naval or Military Service, or in default of such diploma, degree or commission, a certificate founded on a satisfactory examination by such Medical Board as to his qualification, competency and ability to practice Medicine, Surgery, and Midwifery: Provided always, that previous to examination as aforesaid, he shall give satisfactory proof of his having studied Medicine, Surgery and Midwifery, for at least four years under some competent Practitioner or Practitioners, and of his having during at least two of those years attended courses of lectures at some University, College or Incorporated School of Medicine, on the following branches of Medical Study, that is to say: Anatomy and Physiology, Chemistry and Pharmacy, *Materia Medica*, Theory and Practice of Physic, Principles and Practice of Surgery, Midwifery, and Diseases of Women and Children, Practical Anatomy, Clinical Medicine and Surgery,—each of which courses of lectures shall in each of the said two years have continued at least six months, and have consisted of at least lectures of not less than hour each, and also of his having attended regularly for at least one year, the practice of some Public Hospital where there are on the average, at least fifty patients, and at least two medical attendants: Provided always, that if any Student of Medicine, Surgery or Midwifery, shall have commenced his studies within the four years next before the passing of this Act and more than three years and a half before the passing thereof, he shall be entitled to apply for a license after the termination of four years of such study, and after having undergone a satisfactory examination by the said Medical Board, without being required to exhibit testimonials of having attended such courses of lectures as aforesaid: and if he shall have commenced his studies more than two years and a half before the passing of this Act, then his having attended one such course of lectures shall be sufficient.

IV. And be it enacted, That every person so receiving and obtaining such certificate from any Medical Board, shall forthwith pay to the Secretary of such Board the sum of currency, which sum shall be expended in defraying the incidental expenses of such Medical Board, as well in keeping the Register thereof, as in the execution of the several duties hereby assigned to them.

V. And be it enacted, That every person so receiving and obtaining such certificate from such Medical Board, shall transmit the same to the Governor of this Province, and it shall and may be lawful, on the application of such person, for the Governor to grant to such applicant a License under his hand and seal, to practice Medicine, Surgery and Midwifery, or any of them, according to such certificate, within this Province.

VI. And be it enacted, That before the issuing of such License to practise as aforesaid, the applicant shall pay into the hands of the Provincial Secretary, the sum of currency, to the public uses of the Province.

VII. And be it enacted, That if any doubt or suspicion should arise regarding the identity of any person presenting a diploma, degree, commission or warrant as aforesaid, before any Medical Board, with the person named in such diploma, degree, commission or warrant, it shall be lawful for the said Medical Board, through the Chairman presiding for the time being, and he is hereby required and authorized to administer an oath or solemn affirmation, (if such person be one of those authorized to affirm instead of taking an oath in civil cases,) to the person presenting such diploma, degree, commission or warrant, as to such identity; and if any person so presenting such diploma, degree, commission or warrant, and applying for a certificate or license as aforesaid, shall be guilty of false swearing or false affirmation in such oath or affirmation, such person shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall be liable to the pains and penalties to which any person convicted of that offence is liable by the laws of the Province.

VIII. And be it enacted, That no person shall, from and after the passing of this Act, receive a License to sell drugs or medicines, as a Druggist or Apothecary, within any city or town corporate in this Province, who shall not have served a regular and continued apprenticeship of at least three years with some Medical Practitioner or licensed Druggist or Apothecary, and have attended at least one course of lectures on Chemistry, and one course of lec-

tures on the *Materia Medica*, (each of the duration of at least six months, and each consisting of at least lectures,) or, in default of attendance on such course of lectures, who shall not have served a regular apprenticeship with some Medical Practitioner or licensed Druggist or Apothecary, during the period of at least five years, or who shall not, in either case, have undergone a satisfactory examination touching his knowledge of the qualities, characters and effects of drugs and medicines, before one of the Medical Boards hereinafter mentioned, under like formalities and on like conditions as are by this Act required for persons applying for a License to practice Physic, Surgery or Midwifery.

IX. And be it enacted, That the practice of Medicine, Surgery or Midwifery within this Province, for hire, gain or lucre, or hope of hire, gain or lucre, or the selling of any drugs or medicines within any city or town corporate, as a Druggist or Apothecary, by any person not having a License, or not specially excepted, shall be deemed and considered to be a misdemeanor, and may be prosecuted and punished as any other misdemeanor may be; and every act of so practising on a separate day shall be a separate offence; and upon the trial of any person charged with such misdemeanor, the burden of proof as to the License or right of the person tried, to practice Medicine, Surgery or Midwifery in the Province, shall be upon the defendant; but no prosecution shall be commenced for such misdemeanor after three months from the commission of the supposed offence, and no person convicted of such misdemeanor shall be sentenced to a longer period of imprisonment than three months, nor to a greater fine than pounds, nor to a less fine than pounds currency; Provided, always, that nothing herein contained shall extend or be construed to extend to prevent any Physician or Surgeon, or other Medical Officer, of Her Majesty's Navy or Army, on full pay, from practising as such, while stationed within the said Province, and actually employed in the said Navy or Army.

X. And be it enacted, That for the purpose of carrying this Act into execution, it shall be lawful for the Governor of this Province to constitute, nominate and appoint under his Hand and Seal Arms, one or more Medical Boards within this Province, consisting respectively of at least eleven persons legally authorized to practise as Physicians, Surgeons or Mat-Midwives, and actually practising as such, (not being Physicians or Surgeons on full pay in Her Majesty's Army or Navy,) and from time to time to remove any or all of the Members of any such Board, and to appoint another or others in his or their place or stead; and seven Members of any such Board shall be a quorum, and a majority of such quorum may exercise any of the powers of the Board; and each such Board is hereby required to hold a stated meeting once in every three months, at such place as shall be appointed by the Governor of this Province, of which meeting at least two weeks notice shall be given in at least two newspapers published in the city or town at which such Board shall hold its meeting, or if there be no such newspaper, then in two newspapers published nearest to the place at which such meeting shall be so held; and at any such meeting, the Member present whose License shall be of the oldest date shall preside; and each such Board shall have power and authority to frame By-Laws and Regulations for its government, and from time to time to alter and amend the same by other By-Laws, provided such By-Laws or Regulations be not repugnant nor contrary to the laws of this Province, nor to the true intent and meaning of this Act, and be approved of by the Governor of this Province before they shall have any force or effect.

XI. And be it enacted, That each such Medical Board, at any of its stated meetings as aforesaid, or at any extraordinary meetings that may be called together in conformity with its By-Laws and Regulations, shall hear and examine the testimonials and qualifications of each and every person so appearing before such Board, and who shall be desirous of obtaining a License to practice Physic, Surgery or Midwifery, or either of them, and who shall have notified the Secretary of the said Board of his or their intention thereof, and deposited his testimonials at least day previous to such meeting; and such Board upon being satisfied of the correctness of the diploma, degree or commission exhibited by the applicant, and of the identity of the person presenting the same, or in default of such document, having examined into and become satisfied of the qualification, competency and ability of such applicant to practice Medicine, Surgery or Midwifery, and of his having attained the age of twenty-one years, and of his having studied four years as aforesaid, and of his having attended in two separate years complete courses of lectures on the different branches before mentioned of the Medical Profession, in some University, College or Incorporated School of Medicine, where the courses of lectures are continued during at least months, and of having attended for at least one year the practice of some public Hospital where there are at the least on an average, fifty patients, and at least two Medical attendants, or of having examined into the qualification, competency or ability of any applicant to sell drugs or medicine, as a Druggist or Apothecary within any city or town corporate within this Province, and of his having served a regular and continued apprenticeship with some regular Medical Practitioner, or licensed Druggist or Apothecary during a period of four years at the least, and of his having attended the two complete courses of lectures hereinafter mentioned, of the duration of six months each, or of having served a regular and continued apprenticeship of five years as aforesaid, shall be bound to grant a certificate of the same, under the hands and seals of the Members of the said Board present at such meeting, or a majority thereof, which shall entitle the person to whom it shall be so given, to apply for and obtain a License to practise Medicine, Surgery and Midwifery, or any of them as the case may be, or to sell drugs and medicines as a Druggist and Apothecary as aforesaid, from the Governor of this Province.

XII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent females from practising as Midwives in this Province; Provided always, that after the expiration of one year from the passing of this Act, no female shall practise for gain or hope of gain as a Midwife unless she shall have presented herself before some Medical Board to be examined as to her qualification and ability to act as such Midwife, and shall have obtained a certificate of qualification from such Board, and a License as aforesaid founded on such certificate.

XIII. And be it enacted, That all penalties imposed by this Act shall be payable to Her Majesty, and reserved to the public uses of the Province, and shall make part of the Consolidated Revenue Fund thereof, and the application of the same shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

With the general provisions of this Bill, (we know that we are stating the opinions of a large majority of the members of the profession in this city,) there is every reason to be satisfied; but there are certain points in the details, which no doubt, will be attended to when it is committed, upon which we beg to offer a few remarks;—and first as to the age at which persons shall be qualified to commence their professional studies. We think this specification superfluous, for if no candidate for the license can apply for it

before attaining the age of 21 years and before completing four full years of apprenticeship with two full courses of lectures, it matters not what he commence his studies at the age of 16 or 17.

The third clause, in specifying the duration of the course of lectures, &c. enacts, that each course shall have continued at least six months and have consisted of at least — lectures of not less than — hours each; now, in the first place, in no School of Medicine with which we are acquainted, are lectures on Practical Anatomy given; demonstrations on what the Professor of Anatomy has already lectured, are repeated, and explanations afforded to students while dissecting. We see in the prospectus of King's College Toronto, that Dr. Sullivan's hour for Practical Anatomy is 10 A. M. We presume, that this is in the rooms of practical anatomy for the purposes above stated, at that time and remains there for one hour a day. Next as to Clinical Medicine and Surgery. We know, that in the University of Edinburgh, two lectures on the former and one on the latter branch each week are all that constitute the course; in London also two lectures on each of those branches are the utmost that are delivered at any of the Hospital Schools. King's College, Toronto, provides for only two lectures on Clinical Medicine and Surgery each week, and until this session, it is certain that no regular Clinical lectures at all have ever been required by the Medical Faculty of McGill College, as a part of their curriculum, for the degree of M. D. Then as to the number of lectures composing each course, it is to be remarked, that at King's College, Toronto, two of the courses for the degree of M. D. only consist of three lectures a week (Midwifery and *Materia Medica*) while the others consist of five a week, making a difference in these courses of 0 at the least. The full course from October to May gives 182 days, from which are to be deducted 26 Sundays and 26 Saturdays and we presume 10 days at Christmas = 62 days, leaving 120 days for lectures on four branches—while in these two other courses alluded to, there are only 81 lecture days. And again, although, the number of lecture days at McGill College may be made to extend to 110, (it cannot be more) yet by the 4th Clause of the 2nd Chapter of their Statutes, they recognize certificates of lectures delivered at Universities, Colleges or Schools of Medicine, in which the courses are of four months duration, provided five lectures are delivered each week. Let us try this arithmetically. We let the four months comprise, Nov. Dec. Jan. and February—we have 120 days; from this number deduct 17 Sundays, 17 Saturdays and 10 Christmas holidays, and we shall have 76 as the total number of lectures delivered during the session. But if at McGill College, Dr. Bruneau give each day, as we are informed he did last session, a resumé in French of twenty minutes' duration of his previously delivered English lecture, then does his English class lose during the session 110 twenty minutes, or nearly 37 hours, which reduces his course in English to *seventy three* lectures.

Therefore, we would suggest, that the courses of lectures of Anatomy, Chemistry, *Materia Medica*, Theory and Practice of Medicine, Surgery and Midwifery, should be of not less than six months duration each, and consist of not less than 85 lectures of one hour's duration each. That the courses of Clinical Medicine and Surgery and Practical Anatomy should also be of six months duration, and that the former should consist of two lectures weekly. We would also strongly recommend the necessity of attending one three month's course on the following branches; Medical Jurisprudence, Practical Chemistry, and Botany; each consisting of at least 40 lectures.

Clause 9th. enacts the penalty for practising or selling drugs without licence, but we think it should be stipulated by whom the conviction shall be made, whether by one of the Justices of the Court of Queen's Bench or a Circuit Judge, or a Justice of the Peace, and also as to the number of witnesses required to convict; and then as to the limitation of the prosecution, we think it should be six months, for few unlicensed practitioners would claim payment for services rendered within three months, but most would within six. We may here also remark of Midwives, (in clause 12) while they are declared ineligible to practice without license, yet there is no penalty specified against their doing so.

And lastly, the tenth clause provides for the formation and constitution of the District Medical Boards. A difficulty has so often been felt in assembling a sufficient number of the members of the Medical Board of the District of Montreal to form a quorum for the despatch of business, (consisting though it does of nearly twenty,) that we should desire much that such a Board might be organized from among the resident practitioners of the city, that disappointment, vexation, and anxiety may no longer be subjects of complaint from men already suffering abundantly from the last of these. But in its organization we would suggest to the Honble. Attorney General, that it be composed either of men *totally unconnected with teaching*, or that the two Medical Schools be equally represented in it. For our own part, we should much prefer that the former plan were adopted; but if our Honble. friend entertains the opinion of many, that teachers are more apt to examining on branches with which they are daily occupied, then we conceive it but an act of justice to the members of the College of Medicine, that they should be placed on the same footing with the members of the Medical faculty of McGill College.

On the whole, we are perfectly satisfied that the Honorable Attorney General is actuated by the most sincere desire to place the Medical profession of this Province on the most respectable basis. That he will receive the hearty concurrence of all the gentlemen composing the Medical Schools now existing, we have some doubts; but that his measure has been framed in a liberal spirit, and with a most philanthropic motive, is evident.

An unavoidable cause prevented Mr. Scott from being in the House on Monday evening, and consequently the Report of the Committee on the Petition of the College of Medicine was not presented. Our readers will judge by the Petition itself, however, what are the objects sought for by the Lecturers of that School.

PETITION.

TO THE HONORABLE THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF CANADA, IN PROVINCIAL PARLIAMENT ASSEMBLED.

The Petition of the undersigned Lecturers and Students, of and

in the Medical School in the City of Montreal, called the College of Medicine and Surgery,

HUMBLY SHEWETH:

That Francis C. T. Arnoldi, Francis Badgley, Pierre Munro, William Sutherland, and Horace Nelson, all of the City of Montreal, Doctors of Medicine, have for the last two years been engaged in giving Public Lectures and Instruction, in the various branches of Science connected with the exercise of their profession, in the English and French languages, to young Gentlemen desirous of qualifying themselves for the same, and have for that purpose established a Public School in the said City, with suitable apparatus and conveniences; have commenced the formation of a Library and Anatomical Museum, and that the number of Pupils attending the said School and Lectures, now amount to forty-seven, a number nearly double that of last year.

That the above named Lecturers wish still further to increase their means of affording adequate instruction and facilities to their Pupils, in the acquisition of Medical knowledge, and that your Petitioners believe, that so doing, they would materially assist in placing proper opportunities of acquiring that requisite knowledge within the reach of the Canadian Student, and thus render it unnecessary for him to spend a large portion of the time allotted for his Studentship out of the Province, and frequently out of Her Majesty's dominions, at an expense which many of them can ill afford.

That your Petitioners believe, that the objects in view would be greatly advanced by the said College of Medicine and Surgery, being incorporated for the purposes aforesaid, with the usual powers of Corporate bodies.

That your Petitioners are willing that the value of the property, which, in their Corporate capacity, they may be enabled to hold, should be limited to as small an amount as will suffice for the purposes they have set forth.

That your Petitioners are further willing, that the property they have already acquired, and such further property as they may hereafter acquire in their Corporate capacity, should be and remain the property of the Corporation for ever, for the said purposes.

That your Petitioners desire, in the event of any vacancy occurring in their number, or should they deem it expedient to extend the instruction given, by adding to their number, that such vacancy in either manner occurring, shall be filled up, by such person or persons, as after public competition, or *concours*, (to be regulated in the manner to be prescribed by the Law,) shall be declared the most fit, by the existing members of the Corporation, and shall be approved of by the Governor, or person administering the Government of this Province.

That with a view to place the said College of Medicine and Surgery upon a proper and respectable basis, your Petitioners humbly pray that the Act of Incorporation now sought for, do provide, that Students who shall have passed their examination, after having conformed to the Statutes of the said College, may be entitled to present the certificate of having been approved of after the said examination, to the proper authorities, so as to obtain the necessary license to practice, in such branches as the said certificate may set forth.

Wherefore your Petitioners pray, that your Honorable House will be pleased to concur with the other branches of the Provincial Legislature, in granting an Act of Incorporation to the said College of Medicine and Surgery, with the powers, for the purposes, and subject to the conditions aforesaid.

And your Petitioners, as in duty bound, will ever pray,
Signed by FRANCIS T. C. ARNOLDI, M.D.
and 51 others.

Montreal, November 26, 1844.

PETITION.

TO THE HONORABLE THE HOUSE OF ASSEMBLY, IN PROVINCIAL PARLIAMENT ASSEMBLED.

The Petition of the Faculty of Medicine of the University of McGill College,

HUMBLY SHEWETH FORTH,

That the Medical School in which your Petitioners are Teachers has been in existence for nearly twenty years, the last fifteen of which in connexion with the University of McGill College. Founded with the express intention of imparting to young men the necessary knowledge of their profession, they have had innumerable difficulties to encounter, under which, after a great sacrifice of time and money, they found themselves obliged to succumb. That in the year 1839 promises of support having been held out to them by the head of the Government, and having since that period received the countenance and support of your Honorable House, their labours were resumed, and have been since continued with increasing efficiency and encouragement, two additional chairs having been filled up, and the number of students having progressively augmented, exceeding fifty during the last Session.

That it has come to the knowledge of your petitioners that an association of five physicians in this city, formed scarcely fifteen months ago, and now calling themselves a "College of Medicine," after having given one confessedly imperfect course of lectures on several branches of medical science, and having little more than commenced their second, have petitioned your Honorable House for an Act of Incorporation, whereby they shall become an established School of Medicine, with privilege and power to grant a Diploma entitling the holder to a License to practice on mere presentation of the same before the Medical Boards of the Province. That your petitioners have no desire to interfere with the rights of any to establish *Private Schools of Medicine*, but on the contrary admit the advantages which occasionally attend their formation, but being fully persuaded of the evil consequences which arise from the rivalry of two *incorporated or Public Schools* in the same place, they respectfully beg leave to lay before your Honorable House the reasons which they believe sufficient to induce your Honorable House to refuse the prayer of the Petition alluded to.

1stly.—Because under the present circumstances of the Province, with its comparatively limited population, the Medical Schools attached to the two Universities of King's College and McGill College, are more than sufficient for every purpose of such Institutions.

2ndly.—Because the number of young men entering the medical profession, although doubtless bearing the same ratio to the aggregate population as in other countries, is from the same cause in this Province limited, and therefore insufficient of themselves to remunerate in anything like an adequate manner the labour of their Teachers. Their distribution among an increased number of Schools will have the undeniable effect of rendering them inefficient by crippling their revenue, and thereby obstructing the acquisition of the necessary materials for the illustration of their lectures.

3rdly.—Because one well-established School, in which every facility for the acquisition of knowledge is afforded, is preferable to a plurality of Schools, with limited means and still more limited facilities.

4thly.—Because from a desire to swell the list of students, and of those who annually receive Diplomas, various temptations independent of pecuniary ones may be held out, especially those of an inferior standard of qualification and of assurance of license to practice when their curriculum is completed.