

Report on Petition of Montreal Medical Board.

The President of the *Montreal* Medical Board, being deputed to lay its resolutions before the Court, takes the liberty of presenting them in this form. At the same time begs leave to intimate, that he is in hourly expectation of receiving intelligence from His Excellency the Governor, relative to having Council appointed to maintain the interest and dignity of the Board. Hoping the Honourable Court would, if it thinks proper, defer taking any further steps for the present, till somebody can be legally appointed to advocate the cause of the Board, as the Members never conceived it was in the contemplation of the Legislature that the Members were to see Counsel to defend their judgments, whenever it suits the caprice or interests of any individual to impeach them, especially as their duties are performed gratuitously, and by members scattered in the most distant parts of the District, that are called upon to leave their homes and business, and to incur expense in maintaining the decisions that they are called upon by the Law to award.

All which is humbly submitted, by

(Signed.) Daniel Arnoldi, P. M. M. B.

Montreal, April 9th, 1834.

At the 10th Trimestral Session of the Medical Board of the District of *Montreal*, held on the 7th April, 1834. The Rule of the Court of King's Bench for the District of *Montreal*, dated October, 1833. The Board came to the following determinations.

We, the President and Members of the Medical Board for the District of *Montreal* through our President, by us hereby authorised, in this behalf reply. Firstly, to that part of this Rule of the Court which calls on us "To show cause why His Majesty's Writ of Mandamus should not issue to us, commanding us to give unto *Wm. L. Logie* our Certificate that it always has been and is yet the opinion of the Board that it is the Interpreter of the Law, and that appeal can be had from the decision of the Board in those cases only where a Candidate for the Certificate of the Board may deem himself aggrieved by any thing done under the authority of the Rules and Regulations to be made by the Board." (*Will. IV* : Chap. 27; Art. xii.)

By this Clause of the Law the Board is specially appointed. It is therefore manifest that no general appeal can be had, but on the contrary only in those cases which come within the provision of the Law as before referred to. Now the Board denies that Mr. *Logie* has suffered in any way from any thing done by any authority of the Rules and Regulations of the Board, and the Board further denies the assertion contained in the Rule of the Court in these words, "And that the said *W. L. Logie* before the said Board proved that he was a fit and proper person to obtain a License in that behalf, &c." and declares that assertion to be untrue, as may be seen from the following extract of the Register of the Board, page 61: "Mr. *W. Logie* presenta un Diploma de Docteur en Médecine de l'Université de McGill College. son Diplome fut unanimement rejeté, n'étant pas conforme à la loi ni supporté es documents nécessaires à la satisfaction du Bureau ce que lui fut annoncé et Offre de les examiners lui fut faite." From this extract of the register it will appear that the Diploma of Mr. *Logie* is not conformable to the Law, which it is the duty of the Board to administer, the said Diploma being a mere certificate of the knowledge and ability of the Candidate, *W. Logie*, to practice Physic and Surgery, in the opinion of those who granted the same. From this Diploma the Board could glean no knowledge of the period of study required in the

College, which in any case cannot be less than five years, nor is it in the power of any other authority than that of the Legislature to cancel.

In the Act (*William IV* : Chap. 27 : Art. 6.) it is expressly declared that the person desirous of availing himself of the privilege of a decree, and from a University, shall have obtained "the said degree after a due course of Medical study performed in such University, and in conformity to the Rules thereof, and after five years study at least, and not otherwise."

Mr. *Logie* was asked for other Documents besides his Diploma in order to verify this fact to the satisfaction of the Board, (*Guil. IV* : Chap. 27.) whether he really had studied conformably to the Rules of such University, which documents he refused to lay before the Board—and in order to afford him time to reconsider his refusal, and produce the said documents required on the part of the Board, he was informed by the President that the Board would adjourn its Sessions until the next day, to which offer he declined acceding; he was next offered an examination, and this also he refused to accept of.

When the Charter of a University requires a course of study of five consecutive years previous, to enable a person to obtain his degree, and that a degree conformably to this Rule be granted, the possessor of such degree on verifying the same to the satisfaction of the Board, undoubtedly would receive the Certificate of the Board. But if the Rule and Regulations of the University stipulate a less time than that stated in the Law, which this Board administers in that case, the Board feels itself bound to refuse every degree that may emanate from such University, inasmuch as the degree is nothing more than a special certificate, and cannot imply under any circumstances a period of study either longer or shorter than the period stipulated in its Charter.

This opinion of the Board has already been acted upon, and on the same day that Mr. *Logie*, claimed an exemption from examination in the supposed ground of right that his degree conferred, Mr. *G. W. Campbell* also presented a degree from the University of *Glasgow*, which degree was also refused as may be seen from the following extract from the Register of the Board, page 61:—"Mr. *G. W. Campbell* presenta un Diploma de Docteur en Médecine de l'Université de Glasgow obtenu après quatre années d'études ce qui fut rejeté." Mr. *Campbell* then suffered an Examination and obtained his Certificate.

(True Copy from the Register, p. 80.)

(Signed) Th. Huguet Latour, Sec.

(True Copy.)

Monk & Morrogh, Proth'y.

Castle St. Lewis,  
Quebec, 8th April, 1834.

Sir,

Your Petition, of the tenth of March last, praying, on behalf of the Board of Medical Examiners at *Montreal*, with reference to a suit instituted against them by Mr. *William Logie*, that Council might be appointed to maintain the dignity of the Board, and prevent a judgment being given against them by default, having been referred to the Attorney General for his opinion thereon, I am directed by His Excellency the Governor in Chief, to acquaint you, for the

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