

MEDICAL COUNCIL AFFAIRS.

EDITOR DOMINION MEDICAL MONTHLY :

SIR, - In this letter I shall consider the question of vested rights involved in the dispute between the profession and the Council, and I shall also refer to the causes and extent of the revolt in the profession against its irresponsible and arbitrary Government.

There are three vested rights, or so-called vested rights, involved :—

First, that claimed by a number of colleges and universities which, as they assert, gave up certain rights and privileges, and for this surrender received representation on the Council by the Act of 1865.

The second is similar in character to the first and is claimed by the homœopaths after the passage of the Act of 1869. These I shall discuss together, because their claims are similar in nature and placed upon the same basis.

It is sometimes vaguely asserted that each university and college, as well as the old Homœopathic Board had the power of examining students and issuing licenses granting permission to practise the medical profession. This is not correct. Not one of these institutions ever had any power whatever to grant a license. The sole and only power they had was that of examining and giving a degree or certificate certifying that the student had attained a certain educational status. This power not one of these educational bodies has surrendered. Some are still exercising it just as of old, and all the others can have theirs resurrected, if they choose, and examine once more. The power to issue a license prior to 1865 lay exclusively in the hands of the Governor-General of Canada. Upon the presentation of a degree or certificate of examination, with a certificate of character and the payment of a sum of money, the Act provided that the Governor "may" (or may not) grant

a license. Up to the date above mentioned I believe the licenses were universally issued, but their issue always remained a matter of mere good pleasure, and at any time when Her Majesty's representative thought it well in the public interest to withhold a license he could do so, and no right of the colleges or homœopaths would be invaded by such action, and when in 1869 the Governor ceased to issue licenses no power or right whatever touching the *practice* of the profession was taken from these examining bodies, for they never had any. How could they surrender what they never possessed? Besides the very fact that the State retained the right to give legal effect to degrees and certificates of qualification so as to enable the holder thereof to practise, implies that it also reserved to itself, as common sense tells it would do, the right to invest its authorization to practise medicine with whatever conditions or qualifications the public welfare or its own will might render necessary or desirable. Moreover, so far as the colleges are concerned, the wording of the Act of 1865 clearly establishes my contention. After reciting the bodies, only five in number, to receive representation the Act adds, "And any other college or body in Upper Canada authorized, *or hereafter to be authorized*, to grant medical or surgical degrees, etc." How could a college coming into existence after 1865 surrender rights and privileges possessed before it was created, and therefore be entitled to representation? The words of the Act prove clearly two propositions :—First, the principle on which representation was given was not the surrender of rights and privileges, but the mere fact that the institutions named, or to be named, were teaching and examining bodies; and, second, the words "hereafter to be authorized to grant medical and surgical degrees and certificates of qualification, etc.," prove that the func-