

in good faith, and the amount of which plaintiff had frequently acknowledged to be his due. It is questionable whether plaintiff has a right now to invoke such an issue as is raised in the objection, having in the original writ of summons set defendant up as a physician, and which being the case, it is for the Court to consider whether plaintiff's objection to the defendant's introducing evidence in support of his plea for professional medical services is well founded, and cited a case wherein his honour, at the District Court, had ruled in support of his position.

Mr. Foster, in reply, contended that the ruling of his honour at the District was not analogous to the case under consideration. There the opinion of the physician was in question—here an attempt to collect fees. The defendant was correctly set up in the original writ of summons, namely, physician. The law lexicon, and other standard works quoted, were his authority. The legal definition of "physician" is "one who professes (not possesses) the art of healing, and boldly takes upon himself great cures in which he partly uses sorcery, artifice, and witchcraft." Had defendant been set up as a licentiate or a member of the College of Physicians and Surgeons of Lower Canada, or a physician by special statute duly licensed to practice medicine in Lower Canada, or a physician duly admitted and licensed to practice medicine in Lower Canada, there would be some legal force to his learned friend's nervous and questionable position about plaintiff's right to have his position maintained. For instance, none but a trader had a right to avail himself of the privileges of the trader's act to sue, &c.; so with the mechanic, and the legal profession, and was the medical profession to be made the exception? His learned friend, Mr. O'Halloran, with his usual skill and ingenuity, contended for a decision which no gentleman in the Province would regret more than himself, namely, that a physician (in the witchcraft sense) should be permitted to avail himself of all the honours and emoluments of the Medical Profession without possessing the necessary and requisite attainments of a Provincial Medical Student. This doctrine once established, and the only inducement and incentive now existing for competent and worthy gentlemen to qualify and prepare themselves to practice medicine in Canada, with credit to themselves, safety and satisfaction to the people, will quickly pass away. It was not so much with the defendant plaintiff contended, as for the principle involved. In relation to the reflection upon plaintiff about his avoiding the payment of the medical bill, it is unfounded. Defendant's pretended medical bill was made up for the occasion, for the sole purpose of testing defendant's rights to collect fees in direct violation of the Medical Law of Canada. Mr. F. submitted the objection with all confidence that the Court would sustain plaintiff in his objection taken, and taken only for the purpose of vindicating the Medical Law of the country.

His honour, without allowing defendant to go to proof, took the objection *en délibéré*.

MONTREAL GENERAL HOSPITAL.

The offices of House-Surgeon and Apothecary to this valuable charity, having become vacant by the resignations of Drs. Craik and Hamilton, the former of whom, had ably filled the first named situation during the last six years, the Governors met for the nomination of their successors. There were several applications for each of the offices, but the greatest number of votes were recorded in favour of Dr. W. H. Taylor for the former situation, and of Mr. J. M. Drake for the latter. Dr. Taylor, the present House-Surgeon is a gentleman of great promise. He is the son of the Revd. Dr. Taylor, the much esteemed Pastor of the United Secession Church, Lagauchetiere Street in this city. He graduated in the University of McGill College in May, 1858, and in the autumn of the same year took his diploma as Surgeon from the Royal College of Surgeons of