

sicians and Surgeons, of Upper Canada, or except he has, before the passing of this Act, been Licensed by the Lieutenant Governor of this Province, or except he be actually employed as a Physician or Surgeon in Her Majesty's Naval or Military Service.

12. *And be it, &c.*—That upon the application of any person exhibiting a diploma or License from any University in Her Majesty's Dominions, or from any College or Faculty of Physicians or of Surgeons in the United Kingdom as Physician or Surgeon, or a Commission, or Warrant as Physician or Surgeon in Her Majesty's naval or military regular Services, and upon satisfying the said Fellows of the said College that he is the person named in such diploma, license, commission or warrant, it shall and may be lawful for the Fellows of the said College to grant such applicant a License under the seal of the said College to practice Physic, Surgery, and Midwifery, or either, as the case may be, in this Province.

13. *And be it, &c.*—That it shall and may be lawful for any person while employed on actual service in Her Majesty's naval or military service as Physician or Surgeon to practice Physic, Surgery, or Midwifery in this Province, without a License, whilst he is so employed.

14. *And be it further enacted, &c.*—That the Fellows of the said College shall from time to time determine and direct by some Statute, Rule, or Ordinance, the amount of fees to be paid by persons applying for a License to practice Physic, Surgery, and Midwifery, or either within this Province. *Provided always*, that the amount to be paid, shall in no case exceed the sum of Five Pounds.

15. *And be it, &c.*—That when any person shall be charged on the oath of one or more credible witness or witnesses before any Justice of the Peace, with having practised Physic, Surgery, or Midwifery, for hire, gain, or hope of reward, without a license, except in the case of a female practising Midwifery, the said Justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then upon proof of the due service of the summons upon such person by delivering the same to him personally, the Justice may either proceed to hear and determine the case *ex-parte*, or issue his Warrant for apprehending such person and bringing him before himself, or some other Justice of the Peace: or the Justice before whom the charge shall be made, may if he shall so think fit without any previous summons issue such warrant, and the Justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

16. *And be it, &c.*—That in default of payment of any fine imposed under the authority of this Act, together with the costs attending the same, within the period specified for the payment thereof at the time of conviction, by the Justice of the Peace before whom such conviction may have taken place, it shall and may be lawful for such Justice of the Peace to issue his warrant, directed to any Constable to levy the amount of such fine and costs within a certain time, to be in the said warrant expressed; and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for him to commit the offender to the common Gaol of the District wherein the offence was committed for any time not exceeding one month, unless the fine and costs shall be sooner paid.

17. *And be it, &c.*—That no conviction under this Act shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, *provided* it be alledged that the party has been convicted, and there be a good and valid conviction to sustain the same.

18. *And whereas* for the protection of the public it is necessary that some supervision and control should be had over persons vending Medicines and Drugs, or otherwise acting as Apothecaries within any City or Town Corporate,—*Be it, &c.*—That the fellows of the said College shall and may from time to time make such rules and regulations for the Government and proper management of persons acting as Apothecaries within any City, or Town Corporate, Town or Village containing, two hundred or more Inhabitants, within this Province, as they may think proper, and may impose such penalty for the breach or non-observance of the same as in their discretion they may deem expedient, not exceeding the sum of two pounds for any one offence, which said penalty may be enforced and collected before any Justice of the Peace, in the same manner as is herein before provided for the conviction and punishment of persons practising Physic, Surgery, or Midwifery without a Licence; which said rules and regulations before they shall be binding or effectual for the purposes of this Act shall be published at least thirty days in the Upper Canada Gazette.

19. *And be it, &c.*—That all fines and penalties levied and collected under and by virtue of this Act shall be paid into the hands of the proper officer appointed by the said Fellows from time to time to and for the use and benefit of the said College.

20. *Provided always, nevertheless, and be it &c.*—That nothing herein contained shall extend or construed to extend to restrain the power of the Legislature at any time to repeal, alter or modify this Act in any of its provisions.