

No. 77.

3d Session, 3d Parliament, 13 Victoria, 1850.

BILL.

**An Act to Incorporate the Members of
the Medical Profession in Upper
Canada, and to regulate the Practise
of Physic and Surgery therein.**

**Received and Read a first time, Monday, 10th
June, 1850.**

Second Reading, Monday, 17th June, 1850.

Hon. Mr. CAMERON (of Cornwall.)

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77

BILL.

An Act to incorporate the Members of the Medical Profession in Upper Canada and to regulate the Study and Practice of Physic and Surgery therein.

WHEREAS the laws now in force in Upper Canada Preamble.
for regulating the Practice of Medicine, Surgery and Midwifery, require amendment; And whereas it is highly desirable that the Medical Profession of Upper
5 Canada, aforesaid, be placed on a more respectable and efficient footing, and that better means should be provided for the conviction and punishment of persons practising the same without license, and also that the said Medical
* Profession of Upper Canada be empowered, under cer-
tain restrictions, to frame its own Statutes for the regula-
10 tion of the Study of Medicine in all its departments and By-laws for its own government: Be it therefore enacted,
&c.

That all persons resident in Upper Canada, and licensed
15 to practice and actually practising Physic, Surgery or Midwifery therein, at the time of the passing of this Act, shall be and are hereby constituted a body politic and corporate by the name of "*The College of Physicians and Surgeons of Upper Canada,*" and shall by that name have
20 perpetual succession, and a common seal with power to change, alter, break or make new the same; and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto in all courts and places whatsoever; and by the name
25 aforesaid shall be able and capable in Law to have, hold, receive, enjoy, possess and retain for the ends and purposes of this Act, and for the benefit of the said College, all such sums of money as have been, or shall at any time hereafter be paid, given or bequeathed to and for the use
30 of the said College; and by the name aforesaid shall and may, at any time hereafter, without any letters of mortmain, purchase, take, receive, have, hold, possess and enjoy any lands, tenements or hereditaments or any estate or
35 hereditaments for the purposes of the said College, and for no other purposes whatever; and may sell, grant, lease, demise, alien or dispose of the same, and do or execute all and singular the matters and things that to them shall or may appertain to do: Provided always, that the
40 real estate so held by the said Corporation shall at no time exceed in value the sum of pounds.

II. And be it enacted, That from and after the passing of this Act, the persons who compose the College of Name of present College of

Physicians altered. Physicians and Surgeons shall be called, "*Members of the College of Physicians and Surgeons of Upper Canada.*"

Affairs of College to be conducted by a Board of Governors. III. And be it enacted, That the affairs of the said College shall be conducted at the City of Toronto by a Board of Governors, in number, who shall be elected 5 annually by the College generally from among its members, who shall have the power to vote in such elections either in person or by proxy: Provided always, that such proxy is held by a Member of the said College.

Board of Governors constituted "*The Medical Board of Upper Canada.*" IV. And be it enacted, That the said Board of Gov- 10 ernors shall be, and they are hereby constituted "*The Medical Board of Upper Canada,*" in which capacity they shall meet for the examination of candidates for the study and practice of Physic, Surgery and Midwifery, not less than twice in each year, at such time and place as to them 15 shall be deemed most fit, and on which occasions shall be a quorum for the transaction of business.

No license granted without certificate of qualification from Medical Board. V. And be it enacted, That from and after the passing of this Act, no person shall receive a license to practise Physic or Sugery or Midwifery in Upper Canada unless 20 he shall have obtained a certificate of qualification from the said Medical Board of Upper Canada; and which license the Governor of this Province shall grant upon the production to him of such certificate of qualification.

Diplomas from Universities to entitle a party to a license without examination. VI. Provided always, and be it enacted, That every 25 person who has obtained, or may hereafter obtain, a Medical Degree or Diploma in any University or College in Her Majesty's Dominions, shall be entitled to such license without examination as to his qualifications.

Students to obtain a license. VII. And be it enacted, That from and after the pass- 30 ing of this Act, no person shall be admitted as a Student of Physic, Surgery or Midwifery, unless he shall have obtained a license from the said Medical Board of Upper Canada.

No person to practise without license. VIII. And be it enacted, That from and after the pass- 35 ing of this Act, no person shall practise Physic or Surgery or Midwifery in Upper Canada unless he be a person duly licensed so to practise, either before or after the passing of this Act, under the penalty of *Five Pounds* currency for each day on which any person shall so prac- 40 tise contrary to the provisions of this Act; and such penalty shall be recoverable on the oath of any two credible witnesses, before any Justice of the Peace for the County in which the offence shall have been committed, and in default of the payment of such penalty, on conviction, 45 the offender may be committed to the common gaol of the County, until the same be paid; Provided always, that nothing herein contained shall extend to prevent any person duly licensed to practise Physic or Surgery in Lower

Penalty.

Proviso.

Canada from practising the same in Upper Canada according to the provisions of the Act passed in the Session held in the fourth and fifth year of Her Majesty's Reign, intituled, "*An Act to enable persons authorized to* 4 and 5 Vict. c. 41, cited.
5 "*practise Physic or Surgery, in Upper or Lower Canada, to practise in the Province of Canada.*"

IX. And be it enacted, That the said College of Physicians and Surgeons shall have power College may make By-laws for certain purposes.

1st. To make Rules and By-Laws to regulate the Study 10 of Medicine, Surgery, Midwifery and Pharmacy, as to the preliminary qualification, duration of study, curriculum to be followed, and the age of the candidate applying for a certificate to obtain a license to practise: Provided 15 always, that such rules shall not be contrary to the provisions of this Act. Provido.

2ndly. To examine all credentials purporting to entitle the bearer to a license to practise in this Province, and to oblige the bearer of such credentials to attest (on oath to be administered by the Chairman for the time being) that 20 he is the person whose name is mentioned therein, and that he became possessed thereof honestly. May examine credentials, &c.

3rdly. To cause every member of the profession now practising, or who may hereafter practise in Upper Canada, to enregister his name, age, place of residence, 25 nativity, the date of his license, and the place where he obtained it, in the books of the College. Cause members of profession to enregister names, &c.

4thly. To fix the period of probation which persons must undergo before being eligible for election as Members of the College, which period shall not be less than 30 four years, and to make all such other rules and regulations for the government and proper working of the said Corporation, and the election of a President and Officers thereof, as to the members thereof may seem meet and expedient, which said rules and regulations shall, before 35 they shall come into effect, be sanctioned by the Governor of this Province, the same having been submitted to him for approval, and by him allowed within three months after the same shall have been made as aforesaid, otherwise they shall be of no effect. Fix period of probation for eligibility.

40 X. And be it enacted, That the qualification to be required by the Board of Governors from a person about to commence the study of medicine in this Province, shall be, a good moral character, and competent knowledge of Latin, History, Geography, Mathematics and 45 Natural Philosophy. Qualification of students.

XI. And be it enacted, That the qualification to be required from a candidate for examination to obtain a certificate for a license to practise, shall consist in his not being less than twenty-one years of age; that he has followed his studies uninterruptedly during a period of not 50 Qualification of candidates.

less than four years, under the care of one or more general practitioners duly licensed; and that during the said four years he shall have attended at some University, College or Incorporated School of Medicine within Her Majesty's dominions, not less than two six months' Courses of General Anatomy and Physiology, of Practical Anatomy, of Surgery, of Practice of Medicine—of Midwifery, of Chemistry, and of *Materia Medica* and Pharmacy;—one six months' Course of the Institutes of Medicine,—one three months' Course of Medical Jurisprudence— and one three months' Course of Botany, if obtainable in Upper Canada; also that he shall have attended the general practice of an Hospital in which are contained not less than fifty beds, under the charge of not less than two Physicians or Surgeons, for a period not less than one year, or two periods of not less than six months each; and that he shall also have attended two three months' or one six months' Course of Clinical Medicine and the same of Clinical Surgery.

Persons licensed by Colleges to be called Licentiates, &c.

XII. And be it enacted, That all persons obtaining the certificate for license to practise from the College of Physicians and Surgeons of Upper Canada, shall be styled Licentiates of the said College, and be consequently in due course of time eligible to be elected members of the same, and such persons so elected shall be at once eligible for election as Governors, and the said election either as Member of the said College or as Governor thereof as aforesaid, shall be made under such By-laws, Rules and Regulations therefor and in such manner as the said Corporation, at its annual meeting, shall make therefor, to be sanctioned by the Governor of the Province in manner aforesaid: Provided always, that it shall be lawful for the Governor of the Province, by Proclamation, to fix the time and place for the holding of the first meeting of the said Corporation and to appoint the *first President* thereof, and no person shall be entitled to vote at such first meeting, either in person or by proxy, who does not produce satisfactory proof to the said President that he is a member of the said Corporation according to the provisions of this Act.

Proviso.

Board to regulate fees payable by candidates.

XIII. And be it enacted, That the Board of Governors aforesaid shall regulate the fees to be paid by all candidates about entering on the study of Medicine, provided the amount of such fees do not exceed the sum of *one pound five shillings* currency; and also by all persons who obtain from the said Board a certificate for license to practice Medicine, provided that the said fee do not exceed the sum of *two pounds and ten shillings* currency; which fees the Governors shall have the power to dispose of in such manner as they shall deem most proper for the interest of the College.

Public Act.

XIV. And be it enacted, That this Act shall be a Public Act, and taken and received as such in all Courts of Justice and by all persons in this Province.