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BILL

TO

INCORPORATE A COLLEGE

OF

Physicians and Surgeons

IN THIS

PROVINCE.

TWO HUNDRED COPIES.

Printed by Order of the House of Assembly.

PATRIOT OFFICE—TORONTO.

WHEREAS, Christopher Widmer, President of the Medical Board of this Province, William W. Baldwin, M. D., Member of the Medical Board, John Shortt, M. D., R. C. Horne, Member of the Medical Board, William C. Gwynne, M. B., Member of the Medical Board, John King, M. D., Member of the Medical Board, Robert Hornby, M. D., Member of the Medical Board, Walter Telfer, Surgeon, Member of the Medical Board, Alexander Burnside, Licentiate, Lucius O'Brien, M. D., Member of the Medical Board, H. Boys, Duncan Campbell, M. D., Thomas Duggan, Licentiate, John Mackelcan, Member of the Royal College of Surgeons, John Barnhart, Junior, James Cotham, Member of the Royal College of Surgeons, London, Edward Morton, Member of the Royal College of Surgeons, London, Francis Clarke Newburn, Licentiate, Thomas Rolph, Member of the Royal College of Surgeons, London, William Bulmer Nichol, Licentiate, William Craigie, (Surgeon) Licentiate, C. W. Covernton, M. D., Member of the Royal College of Surgeons, B. Cotter, M. D., and Surgeon, George Southwick, Licentiate, John Stewart, Member of the Royal College of Surgeons, Edinburgh, John Crumlin, M. D., R. McLean, Surgeon, R. Stewart, Surgeon, Samuel John Stratford, Member of the Royal College of Surgeons, London, William Tullidge, Surgeon, William Rees, Thomas T. Ranken, M. D. Member of the Royal College of Surgeons, London, Patrick McMullin, Joseph Anderson, James Coleman, R. McDonald, M. D., William Allison, Surgeon, G. Herrick, M. D., A. B. J. Wilson, Surgeon, George H. Low, Member of the Royal College of Surgeons, London, William Clarke, L. R. C. J., John Turquand, Licentiate, William Gunn, M. D., James McIlmurray, Member of the Royal College of Surgeons, London, W. H. Burritt, William Drurie, Assistant Inspector of Ordnance Hospitals, David J. Bowman, Licentiate, Elijah E. Duncombe, Licentiate, and Thomas A. Williams, have by their Petition amongst other things represented that the laws now in force in this Province regulating the practice of the Medical Profession, and for the prevention of persons practising without Licence have been found very inadequate, and have prayed that such alterations and amendments may be made in the existing laws as may be most conducive to the interests of the Medical Profession and the Public at large. *And whereas*, it is highly desirable that the profession of Medicine in this Province should be placed upon a more respectable and efficient footing, and that a more summary mode should be provided for the conviction and punishment of persons practising without a License. *Be it, &c.*—That an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third entitled, “An Act to repeal an Act passed in the fifty-fifth year of His Majesty’s reign, entitled, ‘An Act to License practitioners in Physic and Surgery throughout this Province’, and to make further provision for licensing such practitioners,” and also an Act passed in the eighth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to amend the laws regulating the practice of Physic, Surgery, and Midwifery, in this Province,” be, and the same are hereby repealed.

2. *And be it, &c.*—That the Members of the Medical Board under and by virtue of the said first above recited Act, namely, Christopher Widmer, Member of the Royal College of Surgeons, London, and Staff Surgeon on half pay, of Her Majesty’s Forces,—William Warren Baldwin, Doctor of Medicine of the University of Edinburgh,—Robert C. Horne, Member of the Royal College of Surgeons, London, and late Assistant Surgeon of the Gleggarry Regiment of Light Infantry,—James Sampson, late Assistant Surgeon on half-pay, of Her Majesty’s Forces,—Peter Deihl, Member of the Royal College of Surgeons, London,—John King, Doctor of Medicine, of the University of Edinburgh, and Licentiate of the Royal College of Surgeons,—George Neville Ridley, Member of the Royal College of Surgeons, London,—Samuel John Stratford, Member of the Royal College of Surgeons, London,—Robert Hornby, Doctor of Medicine, of the University of Edinburgh,—Lucius O’Brien, Doctor of Medicine, of the University of Edinburgh, and Member of the Royal College of Surgeons of London,—William Drurie, Assistant Inspector of the Ordnance Medical Department, on half-pay,—Joseph Hamilton, Doctor of Medicine, of the University of Edinburgh,—Walter Telfer, Licentiate, of the Royal College of Surgeons in Edinburgh,—James Hamilton, Doctor of Medicine, of the University of Edinburgh,—William C. Gwynne, Bachelor of Medicine of the University of Dublin,—and Robert Douglas Hamilton, late Surgeon of the Royal Navy, and their successors to be nominated and appointed as hereinafter provided, shall be, and they are hereby declared to be one body corporate and politic, in deed and in law, by the name of “The College of Physicians and Surgeons of Upper Canada,” and shall have 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 or any Court or Courts of Record and places of Jurisdiction within this Province; and that they and their successors by the name aforesaid shall be able and capable in law to have, hold, receive, enjoy, possess, and retain for the end and purposes of this Act, and in trust and for the benefit of the said College, all such sums of money, as have been paid and given or shall at any time hereafter be paid, given, devised or bequeathed by any person to and for the use of the said

College, and that they and their successors, by the name aforesaid, shall and may at any time hereafter without any licence or mortmain, purchase, take, receive, have, hold, possess and enjoy, any lands, tenements or hereditaments, or any estate or interest derived or arising out of any lands, tenements, or hereditaments for the purpose of the said College, and for no other purpose whatsoever; and may also, in the like manner 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*, the said real estate shall at no time exceed in value the sum of Ten Thousand Pounds of lawful money of this Province.

3. *And be it, &c.*—That the said persons composing the Medical Board as hereinbefore mentioned, and their Successors, shall from and after the passing of this Act, be called Fellows of the College of Physicians and Surgeons of Upper Canada.

4. *And be it, &c.*—That the Fellows of the said College, and their Successors, shall and may have power to elect in such manner, and from time to time, from and out of the members of the said College, such and so many persons, who shall also be Fellows thereof, as in their discretion they shall think fit.

5. *And be it, &c.*—That the Fellows for the time being of the said College, be, and they are hereby declared to be Governors of the said College, and that any four of them with the President, or in his absence the Vice President, be a quorum, and shall have full power and authority to frame and make Statutes, Rules, and Ordinances, for the Government of the said College, and of the Members thereof; and also from time to time by any new Statutes, Rules, or Ordinances, to revoke, renew, augment, or alter, all, every, or any of the said Statutes, Rules, and Ordinances, as to them shall seem meet and expedient. *Provided always* that the said Statutes, Rules, and Ordinances, or any of them, shall not be repugnant to the Laws and Statutes of this Province; *Provided always*, that as well for the election of a President and Vice President, as for the confirmation of Statutes, Rules, and Ordinances as aforesaid, the Fellows not resident in the City of Toronto may vote by proxy.

6. *And be it, &c.*—That all persons now authorised by law, or who may hereafter be authorised by law to Practise Physic, Surgery, and Midwifery, within this Province, and who shall comply with the provisions of this Act, shall be and they are hereby declared to be Members of the said College of Physicians and Surgeons of Upper Canada, and shall be subject to such Rules, Regulations, and Bye-Laws, as may be adopted by the Fellows of the said College from time to time.

7. *And be it, &c.*—That the Fellows of the said College shall annually, on the first Monday in January, in each and every year, except the first election, which shall take place on the second Monday in May, in the Year of our Lord one thousand eight hundred and thirty-nine, elect from among themselves a President, and one Vice President, who shall preside in the absence of the President, and no Statute Rule, or Ordinance, shall have any effect, or be binding upon the Fellows of the said College, or the Members thereof, until the same shall have been published thirty days in the Upper Canada Gazette.

8. *And be it, &c.*—That the Fellows of the said College shall have power from time to time to appoint such and so many Officers in the said College, as they may think proper, and at their pleasure to remove the same.

9. *And be it, &c.*—That from and after the passing of this Act, it shall not be lawful for any person not being a Fellow or Member of the said College of Physicians and Surgeons of Upper Canada, and not having been licensed by the Lieutenant Governor of this Province, or not having been heretofore licensed by any Medical Board, or not being actually employed as a Physician or Surgeon in Her Majesty's Naval or Military Service, to practise Physic, Surgery or Midwifery in this Province for hire, gain, or hope of reward; and any person who shall practise Physic, Surgery, or Midwifery, for hire, gain, or hope of reward, not licensed as aforesaid, or not being actually employed as a Physician or Surgeon in Her Majesty's Naval or Military Service, shall, upon conviction thereof before one Justice of the Peace, upon the oath of one credible witness, forfeit and pay the sum of five pounds; *Provided* that nothing in this Act contained shall be construed to prevent or prohibit any female from practising Midwifery in this Province, or to require such female to take out such license as aforesaid.

10. *And be it &c.*—That no person now authorised to practise Physic, Surgery, and Midwifery, within this Province, shall be entitled to the privilege of becoming a Fellow or Member of the said College, unless he shall first pay the sum of five pounds to such person and in such manner as the Fellows of the said College shall from time to time direct, nor until he shall conform to the Rules and Regulations which the Fellows of the said College may from time to time make respecting the mode of becoming Members of the said College.

11. *And be it, &c.*—That from and after the passing of this Act, no person shall be admitted to practise Physic, Surgery, and Midwifery, or either, within this Province, until he shall first obtain a License so to do, under the Seal of the said College of Physicians and Surgeons, of Upper Canada, except he be a Fellow or Member of the said College of Phy-

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.