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No. 228.

1st Session, 6th Parliament, 21 Victoria, 1858.

(PRIVATE BILL.)

BILL.

An Act to incorporate the Medical Profession in Upper Canada, and regulate the study, licensing, and practice of the same therein.

Received and read, first time, Friday, 11th June, 1858.

Second reading, Monday, 14th June, 1858.

MR. ROBINSON.

TORONTO :
PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to incorporate the Medical Profession in Upper Canada, and regulate the study, licensing, and practice of the same therein.

WHEREAS the laws now in force in Upper Canada for regulating the practice of the Medical profession require amendment; and whereas it is desirable that a uniform standard of professional attainments should be required of all persons desirous of practising in Upper Canada; and whereas the Medical Board for Upper Canada have, among other things, by their petition represented, that the system now in force of allowing different Colleges to grant *ad practicandum* degrees without any necessary uniformity in the curriculum of studies, and, in the standard of qualifications, has been found to act injuriously; and whereas the said Medical Board have prayed for the establishment of an examining and licensing body before which all candidates desirous of practising in Upper Canada shall present themselves for examination and license;—and whereas the Medical profession in Upper Canada have repeatedly expressed their desire for such amendment of the law; and whereas the powers and advantages sought by the petition aforesaid can be best secured by an Act incorporating the Medical profession in Upper Canada; Therefore Her Majesty, &c., enacts as follows:

Preamble.

I. From and after the passing of this Act, so much of the Act of the Parliament of Upper Canada, eighth George the Fourth, chapter three, and of any other, or all other Act or Acts as may be inconsistent with the provisions of this Act, shall be, and is hereby repealed.

Inconsistent enactments repealed.

II. All duly licensed practitioners of the Medical profession in Upper Canada and their successors, to be appointed as hereinafter provided, 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 perpetual succession and a common seal, with power to alter, change, or renew such seal at pleasure; and the said Corporation may by the said name sue and be sued in all Courts of law or other places whatsoever, in as large, ample, and beneficial a manner as any other body politic or corporate in this Province, and in all actions and suits at law which may at any time be brought against the said Corporation, service of process at the domicile of the President or Secretary of the said Corporation shall be held to be a sufficient service for all legal purposes; And the said Corporation shall by the same name and at all times hereafter have power to purchase, acquire, hold, possess and enjoy such lands and tenements as may be necessary for actual use and occupation of the said College, and the same to sell, alienate and dispose of, and others in their stead to purchase and acquire and hold for the uses and purposes aforesaid.

Incorporation of the Medical profession in Upper Canada.

Corporate powers.

Real property limited.

Council of the
College to be
elected.

III. The affairs of the said Corporation shall be managed by a Board to be called the "*Council of the College of Physicians and Surgeons of Upper Canada,*" elected as hereinafter provided from among the resident registered members of the College in the various electoral divisions formed for the purposes of this Act, as the same may be prescribed by the By-laws of the Corporation or College, and of whom not less than shall be a quorum for the transaction of business. 5

Power to
make by-laws
for certain
purposes.

IV. The said Corporation shall have power and authority to make By-laws and regulations, not contrary to law or the provisions of this Act, for the government and management of this Corporation, and of the officers, licentiates, members and property thereof; and for the admission and examination of students, licentiates, and members thereof; and for the appointment of a Court of Examiners to conduct all such admissions and examinations, and for all purposes relating to the well-being and interests of the said Corporation, and the same to amend, alter or repeal from time to time as shall be deemed necessary and expedient; Provided always, that such By-laws or regulations shall be laid before the Governor in Council within thirty days after their enactment, and may by him be disallowed within one month thereafter, and provided that all By-laws and regulations shall be published in the Canada Gazette for one month. 10 15

Proviso: By-
laws subject
to approval.

Title and term
of office of
members:
Proviso.

V. The members of the Council of this Corporation shall be styled *Fellows of the College of Physicians and Surgeons of Upper Canada,* and shall be elected to serve for a period of three years; Provided that,

First presi-
dent.

1. The presiding officer of the Medical Board of Upper Canada shall be, *ex officio*, the first President of the said Corporation. 25

First election.

2. The first election of Fellows shall be held in September of the present year, and all necessary arrangements therefor shall be made by the first President.

Who to vote.

3. At the first election all duly licensed practitioners of the Medical profession shall be entitled to vote, and the voting shall be by ballot. 30

One fellow
from each
electoral divi-
sion: and
more in cer-
tain cases.

4. One Fellow shall be elected in each electoral division from the resident practitioners of the same, for every licentiates residing within the limits of the said division; if there be a less number of such licentiates in any division, they shall nevertheless be represented by one Fellow; and if there be one-half more, or more than one-half more of such number necessary to elect one Fellow, they shall be entitled to elect an additional Fellow, and so on in like proportion. 35

Number at
first election.

5. The number of Fellows returned at the first election shall be determined by the ratio provided by this Act from the whole number present at such election. 40

What shall be
deemed an
electoral
division.

6. An electoral division, within the meaning of this Act, is a City or County as they now exist, or may exist at any time hereafter in Upper Canada, for purposes.

First meeting.

VI. The first meeting of the Council of the said Corporation shall be held in Toronto at such time as shall be provided by the first 45

President : Provided, that one month's notice of the same shall be given Proviso.
 in the Canada Gazette, and in at least one newspaper in each electoral
 division, or, in the absence of such newspaper, the nearest division.

VII. The officers of the Corporation shall be, *ex officio*, members of Court of Ex-
 5 the Court of Examiners, which shall meet on the first Wednesday of aminers of
 April and October of each year, at such place as the Council may by Candidates,
 By-law fix, for the purpose of examining all candidates desirous of Students or
 enrolling themselves as students, or obtaining license to practise the practitioners.
 Medical profession in Upper Canada, and shall, under the signature of
 10 the President and Secretary and Seal of the Corporation, grant a license Licenses to be
 to such candidate, which shall be the only legal license to practise the granted.
 Medical profession in Upper Canada, and for the same shall be entitled
 to demand a fee of not more than \$50 ; Provided that, Proviso.

1. All examinations shall be open and by written questions and Mode of ex-
 15 answers. amination.

2. All persons now resident in Upper Canada, and who are by the Persons enti-
 provisions of Act or Acts or clauses of any Act hereby repealed, entitled tled to but
 to license in Upper Canada, but who have neglected to procure the same, having neg-
 may avail themselves of the Acts or parts of any Act or Acts repealed lected to pro-
 20 at any time within six months from the passing of this Act. cedure licenses.

VIII. This Act shall be deemed a public Act. Public Act.