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No. 115.

4th Session, 3rd Parliament, 14 Victoria, 1851.

BILL.

**An Act to incorporate the Medical
Profession in Upper Canada.**

Received and read a first time, Wednesday, 11th
June, 1851.

Second reading, Wednesday, 18th June, 1851.

Hon. Mr. CAMERON (of Cornwall).

TORONTO: PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to incorporate the Medical Profession in Upper Canada.

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 upon a more efficient and
 respectable footing, and that better means should be pro-
 vided for the conviction and punishment of persons prac-
 tising the same without proper authority; and also that
 the said Medical Profession of Upper Canada be em-
 10 powered, under certain restrictions, to frame its own
 statutes for the regulation of the study of medicine,
 to grant the power to practise medicine, surgery and
 midwifery to properly educated and qualified persons, and
 to frame and pass by-laws for its own government: Be it
 15 therefore enacted, &c.

That from and after the passing of this Act, the Act of
 the Legislature of Upper Canada, passed in the eighth
 year of the Reign of His late Majesty King George the
 Fourth, and intituled, "*An Act to amend the laws regu-*
 20 "*lating the practice of Physic, Surgery and Midwifery,*
 "*in this Province,*" and all other Acts and parts of Acts
 in any manner relating to the practice of physic, surgery
 and midwifery in Upper Canada, or in any manner relat-
 ing to the mode of obtaining licenses to practise physic,
 25 surgery or midwifery therein, shall be and are hereby
 repealed, except in so far as relates to any offence com-
 mitted against the same or any of them before the passing
 of this Act, or any penalty or forfeiture incurred by
 reason of such offence: Provided always, that the Act pass-
 30 ed in the session held in the fourth and fifth years of Her
 Majesty's Reign, intituled, "*An Act to enable persons*
 "*authorised to practise Physic, Surgery and Midwifery*
 "*in Upper or Lower Canada, to practise the same in the*
 "*Province of Canada,*" shall not be affected by the passing
 35 of this Act.

Act of U. C.
8 Geo 4. c. 3,
and all other
Acts inconsis-
tent with
this Act
repealed.

Proviso: as to
4 & 5 Vict.
c. 41.

II. And be it enacted, That all persons resident in
 Upper Canada, and licensed to practise, and actually
 practising physic, surgery and midwifery therein at the
 40 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 perpetual suc-
 cessors.

Practitioners
in Upper
Canada
incorporated.

Corporate
name and
powers.

cession and a common seal, with power to change, alter, break or make new the same, and they or their successors, by their name 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 be at any time hereafter, paid, given or bequeathed, to and for the use 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 interest derived or arising out of any lands, tenements or 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 or singular the matters or things that to them shall or may appertain to do; Provided always that the real estate so held by the said Corporation shall at no time exceed in value the sum of pounds.

Proviso: real estate limited.

Style of Members.

III. And be it enacted, That from and after the passing of this Act, the persons who compose the College of Physicians and Surgeons shall be called Fellows of the College of Physicians and Surgeons of Upper Canada.

Board of Governors: by whom and when to be elected.

IV. And be it enacted, That the affairs of the said College shall be conducted at the City of Toronto, by a Board of Governors who shall be elected bi-ennially from among its fellows, in the manner hereinafter mentioned, that is to say, six from among its fellows resident in the City of Toronto, four from among its fellows resident in the City of Hamilton, and four from among its fellows resident in the city of Kingston, and two from among its fellows resident in each of the Counties or Ridings into which Upper Canada is at present, or may hereafter, be divided.

Manner of election.

V. And be it enacted, That the election of fellows to serve on the Board of Governors shall be conducted in the manner following, that is to say, either on the day on which the election of municipal officers takes place or on some day of the week previous thereto, each fellow of the College residing in the Cities, Counties, and Ridings respectively, shall personally tender his vote according to the form to this Act appended in duplicate, in writing, with his name thereto subscribed and containing the names of the fellows for whom he votes as Governors, and the grounds on which he claims so to vote, to the Clerk of the respective City or Township in which the voter may reside, one of which votes shall be filed on the records of the said City or Township, and the other, certified by the aforesaid City or Township Clerk, shall be by him transmitted forthwith to the President of the College for the time being.

Return of votes.

VI. And be it enacted, That upon the receipt of the said City and Township returns, it shall be the duty of the President for the time being, with such members of the Board of Governors as shall be by them elected to serve with the said President as a Committee for the purpose, to enter upon a scrutiny of the vote, and decide upon the validity or otherwise of all doubtful ones, and upon the eligibility of the persons voted for as aforesaid.

Scrutiny of votes.

VII. And be it enacted, That it shall be the duty of the President for the time being, with such members of the Board of Governors as shall be elected by them to serve with the said President for the time being as a Committee for the purpose, to prepare a general, final—and alphabetical roll according to the form to this Act appended, for each City and County, from the County returns made therefrom.

Alphabetical roll to be prepared.

VIII. And be it enacted, That it shall be the duty of the President for the time being, to make out alphabetical certified lists of the Fellows of the College duly elected as Governors in the manner aforesaid, and to file one such list duly certified in the archives of the College, and also to transmit one such list duly certified by him to such City or Township Clerks as shall have made their returns as aforesaid, which City or Township Clerks shall file the said list among their respective archives, and transmit a copy of the same to each Fellow of the College who may have voted as aforesaid in their respective Cities or Townships.

Lists of Fellows elected Governors to be made, &c.

IX. And be it enacted, That should any person elected as Governor as aforesaid, in writing decline to serve, then it shall be lawful for the said Board of Governors, when constituted, to elect any other Fellow in his place.

If any Fellow elected decline, another to be appointed.

X. And be it enacted, That from and after the passing of this Act, no person shall be permitted to practise physic or surgery or midwifery in Upper Canada, unless he be a Fellow of the said College or unless he obtain a diploma from the Medical Board, under a penalty of five pounds currency for each day on which any person shall so practise 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, 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 authorised, to practise physic, surgery and midwifery in Lower Canada from practising the same in Upper Canada, according to the provisions of the Act passed in the Session held in the fourth and

Penalty on unlicensed persons practising.

How recoverable.

Provido.

4 and 5 Vict.,
c. 41. fifth years of Her Majesty's reign, intituled, "*An Act to enable persons authorised to practise Physic or Surgery in Upper or Lower Canada, to practise in the Province of Canada.*"

Board of
Governors to
examine
students, &c. XI. And be it enacted, That the Board of Governors 5
when so elected, shall form and are hereby declared to
be the Medical Board of Upper Canada; and they shall
meet twice in every year, namely, on the first Wednesday
in the month of May, and on the last Wednesday in
the month of October, at the City of Toronto, nine to be a 10
quorum, for the purpose of examining all persons intend-
ing to study or practise medicine, surgery or midwifery,
for granting diplomas for the practice of medicine, sur-
gery and midwifery, and for transacting all such other
business as may be necessary and provided for in this 15
Act.

Board to
recognize
Diplomas of
British
colleges which
recognize
theirs. XII. And be it enacted, That all persons holding a
diploma from any University in Her Majesty's dominions
by which University or College the diploma of the Medi- 20
cal Board appointed under this Act shall be recognized
and received, shall be entitled to a diploma from the said
Medical Board, to practise, without any examination, but
upon presenting their credentials from the aforesaid
British Universities or Colleges, and satisfying the Medi- 25
cal Board as to the authenticity and genuineness of the
same.

Board to make
By-laws for
certain
purposes. XIII. And be it enacted, That the said Board of
Governors shall have the power: Firstly, to make rules
and by-laws to regulate the study of medicine, Surgery 30
and midwifery, as to the preliminary qualification, dura-
tion of study and *curriculum* to be followed by the candi-
date applying for a diploma to practise; Provided always,
that such rules shall not be contrary to the provisions of
this Act: Secondly, to make all such other rules and 35
regulations for the government and proper working of
the said Corporation as to the members thereof may seem
fit and expedient; Provided always, that nothing contained
in this Act or in such rules or by-laws shall be construed
to affect any person who may have commenced the study 40
of medicine prior to the passing of this Act, in so far as
the preliminary qualifications, *curriculum* of study, or dura-
tion of study may be concerned.

Notice to be
given before
any By-law
is passed. XIV. And be it enacted, That no by-law, rule or
regulation shall be passed, repealed or amended by the 45
aforesaid Board, unless a notice of at least six months
be first given to the Fellows of the said College with a
copy of the intended proceedings, such notice and copy
to be transmitted by the Secretary or other proper officer
appointed by the Board, through the Post Office. 50

XV. And be it enacted, That the first election of Governor General to appoint day for first election, and a President and Scrutineers ad interim. Governors shall take place in the manner aforesaid, on a day to be named by the Governor General, immediately after the passing of this Act, and the Governor General shall issue his proclamation, naming the day on which such election shall be held, as well as appointing the first President of the College, and a Committee, of five of its Fellows, who shall in all respects proceed to scrutinize the City and Township returns, and to perform the other duties as hereinbefore provided for to be done by the President of the College for the time being; and the Committee elected by the said College, and the said President so named by the Governor General, shall preside over and organise the first meeting of the said College, to be held on the last Wednesday in the month of October, one thousand eight hundred and fifty-one, after which his authority and that of the Committee appointed with him by the Governor General's Proclamation, shall cease and determine.

20 XVI. And be it further enacted, That the President for the time being, and the Committee of Scrutineers who shall be selected by the Board to conduct the proceedings of the biennial elections shall continue in office until the election of their successors by the said College. Term of office of such President and Scrutineers.

25 XVII. 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. Public Act.