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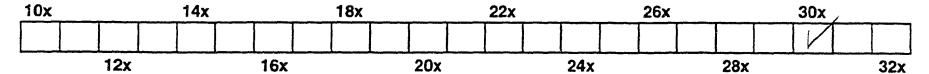
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2nd Session, 3rd Parliament, 12 Victoria, 1849.

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.

Received and Read a first time, Tuesday, 27th February, 1849.

Second Reading, Monday, 5th March, 1849.

Hon. Mr. SHERWOOD.

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.

THEREAS the laws now in force in Preamble. Upper Canada for regulating the Practice of Medicine, Surgery and Midwifery, require amendment; And whereas it 5 it is highly desirable that the Medical Profession of Upper 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 10 practising the same without licence: Be it therefore enacted, &c.

the same, That from and after the passing of this Act, the Act of the Legislature of Upper 15 Canada, passed in the eighth year of the Reign of His late Majesty, King George the Fourth, and intituled, " An Act to amend the 8 Geo 4, c 4, Laws regulating the Practice of Physic, Sur- &c., repealed. gery and Midwifery in this Province," and 20 all other Acts or parts of Acts in any manner relating to the Practice of Physic, Surgery and Midwifery, in Upper Canada, or in any manner relating to the mode of obtaining licences to practice Physic, Surgery or 25 Midwifery therein, shall be and are hereby repealed, except in so far as relates to any offence committed against the same or any of them before the passing of this Act, or any penalty or forfeiture incurred by reason of

And it is hereby enacted by the authority of

30 such offence: Provided always, that the Act 4 and 5 Vic. c. of this Province, passed in the Session held 41 not to be repealed by in the fourth and fifth year of Her Majesty's this Act. 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to practise Physic or Surgery in "Upper or Lower Canada, to practise in the "Province of Canada," shall not be repealed or affected by this Act.

II. And whereas it is expedient that the 5

Members of Medical Protession, U C, incorporated

Medical Profession of Upper Canada, be empowered under certain restrictions to frame its own statutes for the regulation of the Study of Medicine in all its departments, and By-laws for its own government: Be it 10 therefore enacted, That all the Members of the Medical Profession residing in Upper Canada, who shall be legally authorised to practise Physic, Surgery and Midwifery, in the said part of the Province of Canada at 15 the passing of this Act, and their successors, to be named and appointed as hereinafter described, shall be and are hereby constituted a body politic and corporate, by the name of "The College of Physicians and Surgeons 20 " of Upper Canada," and shall by that name 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 25 be sued, implead and be impleaded, answer and be answered unto m all Courts and places whatsoever, and by the name aforesaid shall be able and capable in law to have, hold, receive, enjoy, possess and retain for 30 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 of the said College; and by the 35 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 40 arising out of any lands, tenements or hereditaments, for the purposes of the said College and for no other purposes whatsoever; and may sell, grant, lease, demise, alien or dispose of the same, and do or execute all and 45

Corporate name indpow-

singular the matters and things that to them shall appertain to do: Provided always, that Proviso. the real estate so held by the said Corpora-Amount of tion shall at no time exceed in value the arms are property tion shall at no time exceed in value the sum limited. 5 of

III. And be it enacted, That from and af- Name of memter the passing of this Act, the persons who bers of Corporation. compose the College of Physicians and Surgeons, shall be called "Members of the Col-10 lege of Physicians and Surgeons of Upper Canada."

IV. And be it enacted, That the affairs of Affairs of Colthe said College, shall be conducted by a lege to be conducted by a ducted by a Board of Council to be elected in the most ducted by a Board of Council, to be elected in the man-Board of 15 ner hereinaster mentioned; ten from among Council its members in the City of Toronto; three from among its members in the Town of Hamilton; three from among its members in the Town of London; five from among its 20 Members in the City of Kingston; two from among its members in the Town of Brockville; two from among its members in the Town of Bytown; and one from among its members in any incorporated or District 25 Town; and one from among its members in each of the Districts, into which Upper Canada is now or may hereafter be divided.

V. And be it enacted, That all persons Meeting of duly qualified under the provisions of this qualified members of Col-30 Act, to be members of the said College of lege for electron of Countries and Surgeons, shall assemble once cillors. in every third year at such time as hereinafter appointed, and shall proceed to elect by ballot from among the duly qualified 35 Physicians and Surgeons resident in the hereinbefore mentioned Cities, Towns and Districts, fit and proper persons to act as Members of Council, in the said Corporation of the College of Physicians and Sur-40 geons, for the period of the next ensuing three years, or till such time as another election of Members of Council shall take place: Proviso. Provided always, that each person so elect-

ed to act as Member of Council may be reelected to fill that office if the majority of electors shall so determine.

Board of

VI. And be it enacted. That the said Council to be The Provincial Board of Council shall be, and they are here-Medical Coun- by constituted " The Provincial Medical "Council," in which capacity they shall meet for the examination of candidates, not less than four times in each year, at the City of Toronto, and on which occasions seven shall 10 be a quorum for the transaction of business.

No person to practise Phylicensed

VII. And be it enacted, That from and afprocuse ray-sic unless duly ter the passing of this Act, no person shall be permitted to practise Physic or Surgery or Midwifery, in Upper Canada, unless he 15 shall have received a License of Qualification from the said Provincial Medical Council.

Parties who have obtained degrees, &c., entitled to a li-

VIII. Provided always and be it enacted. That every person who has obtained or may 20 hereafter obtain a Medical Degree or Diploma in any Chartered or Incorporated University, or Chartered or Incorporated College of Physicians or Surgeons in Her Majesty's Dominions, shall be entitled to such Li- 25 cense upon satisfying such Board of his identity.

No person to fication

IX. And be it enacted, That from and afbe admitted as ter the passing of this Act, no person shall less he has ob- be admitted as a Student of Physic, Surgery 30 cense of Quali- or Midwifery, unless he shall have obtained a License of Qualification, from the said Provincial Medical Council.

Penalty on persons practising without license

X. And be it enacted. That from and after the passing of this Act, no person shall 35 practise Physic, 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 a penalty of five pounds currency, for each day on which 40 such 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 Justices of the Peace for the District in which the offence 5 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 District, for a term not exceeding three months, unless the fine and 10 costs be sooner paid: Provided always, that Proviso nothing herein contained shall extend to prevent any person duly licensed to practise Physic or Surgery or Midwifery in Lower

Canada, from practising the same in Upper 15 Canada, according to the provisions of the Act hereinbefore cited.

XI. And be it enacted, That the said Pro-Powers of vincial Medical Council of the College of Council Physicians and Surgeons shall have power:

1. To regulate the Study of Medicine, To regulate 20 Surgery, Midwifery and Pharmacy, by ma-study of Medi king Rules with regard to the preliminary "ne qualification, duration of study, curriculum to be followed, and the age of the candidate ap-25 plying for a license to practise: Provided Proviso always, that such Rules shall not be contrary

to the provisions of this Act.

2. To examine all credentials purporting Examine creto entitle the bearer to a license to practise dentials, &c. 30 in this Province, and to oblige the bearer of such credentials to prove on oath, affirmation or otherwise, at the discretion of the Council, that he is the person whose name is mentioned therein, and that he became possessed 35 thereof honestly.

3. To cause every member of the profes- Cause memsion now practising or who may hereafter bers of Profespractise in Upper Canada to enregister his ter their name, age, place of residence, nativity, the names, &c. 40 date of his license, in the books of the College, and in default thereof to be fined Two pounds currency for each year that he shall

omit or have omitted registration, such fine to be recoverable before any Justice of the Peace, and to be forfeited to the uses of the said "College of Physicians and Surgeons of Upper Canada."

5

Fix period of probation which Lacentiates must undergo before they are eligible as members of College

4. To fix the period of probation which Licentiates must undergo before being eligible for election as members of the College, which period shall not be less than four years; and to make all such Rules and Regu- 10 lations 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 15 shall, before they shall come into effect, be sanctioned by the Governor of this Province after the same shall have been submitted to him for approval and by him allowed.

Qualification of candidates for study of McJ.cine XII. And be it enacted, That the qualifi-20 cations to be required by the Provincial Medical Council from a person about to commence the Study of Medicine in this Province, shall be a good moral character, and a competent knowledge of Latin, Greek, Mathema-25 tics, and Natural Philosophy.

Qualification of candidates for the Profession

XIII. And be it enacted, That the qualifications to be required from a candidate for examination to obtain a License to practise shall consist in his not being less than twen- 30 ty-one years of age; that he has followed his studies during a period of not less than four years; and that during the said four years he shall have attended at some University, College or incorporated School of Medicine with- 35 in Her Majesty's Dominions, Courses of Lectures or General Anatomy and Physiology, Practical Anatomy, Surgery, Theory and Practice of Medicine, Midwifery and Practical Midwifery, Chemistry, Materia Medica 40 and Pharmacy, Medical Jurisprudence, and such: other courses of Lectures as the Provincial Medical Council may from time to time require to be attended; also that he shall have attended the general practice of an hos- 45

pital 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 5 than six months each.

XIV. And be it enacted, That all persons Persons obtaining the License to practise from the ses to be styled College of Physicians and Surgeons of Up- "Licentates of the Colper Canada, shall be styled Licentiates of lege. 10 the said College, and be consequently in due course of time eligible to be elected by the said Provincial Medical Council, members of the College, on the payment of the sum of two pounds ten shillings currency, and each 15 Licentiate so elected member shall be at once eligible for election as member of the Provincial Medical Council, and the said election either as member of the said College or as member of the Council thereof as afore-20 said, shall be made under such rules and regulations therefor, and in such manner as the said corporation shall make therefor; Proviso ded always, that it shall be lawful for the Governor of the Province by Proclamation 25 to appoint the time for the holding of the first

XV. And be it enacted, That the Medical Medical Coun-Council aforesaid, shall regulate the fees to ell to regulate fees to be paid 30 be paid by all candidates about entering on by candidates, the Study of Medicine; provided the &c. amount of such fees do not exceed the sum of two pounds ten shillings currency, and also by all persons who obtain from the said 35 Council license to practise Physic, Surgery or Midwifery; provided that the said fee do Proviso not exceed the sum of ten pounds currency, which fees the Council of the said College shall have the power to dispose of in such 40 manner as they shall deem most proper for the interests of the College.

meeting of the said corporation and to no-

minate the first President thereof.

XVI. And be it enacted, That this Act Public Act. shall be a Public Act, and taken as such and received in all Courts of Justice and by all 45 persons in this Province