

No. 123.

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.

WHEREAS the laws now in force in Preamble.
 Upper Canada for regulating the Practice of Medicine, Surgery and Midwifery, require amendment; And whereas it
 5 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.

And it is hereby enacted by the authority of 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 Laws regulating the Practice of Physic, Surgery 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 25 Midwifery therein, shall be and are hereby repealed, except in so far as relates to any offence committed against the same or any of them before the passing of this Act, or any penalty or forfeiture incurred by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
 30 such offence: Provided always, that the Act 8 Geo 4, c 4, &c., repealed. of this Province, passed in the Session held 4 and 5 Vic. c. 41 not to be repealed by this Act. in the fourth and fifth year 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to practise *Physic or Surgery in Upper or Lower Canada, to practise in the Province of Canada,*” shall not be repealed or affected by this Act.

Members of
Medical Pro-
fession, U C,
incorporated

Corporate
name and pow-
ers

II. And whereas it is expedient that the 5
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 constitu-
ted 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 suc-
cessors by the name aforesaid may sue and 25
be sued, implead and be impleaded, answer
and be answered unto in all Courts and
places whatsoever, and by the name afore-
said 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 heredita-
ments, or any estate or interest derived or 40
arising out of any lands, tenements or here-
ditaments, for the purposes of the said Col-
lege and for no other purposes whatsoever;
and may sell, grant, lease, demise, alien or dis-
pose of the same, and do or execute all and 45

singular the matters and things that to them shall appertain to do : Provided always, that the real estate so held by the said Corporation shall at no time exceed in value the sum

Proviso.
Amount of
real property
limited.

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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 "*Members of the College of Physicians and Surgeons of Upper Canada.*"

Name of mem-
bers of Corpo-
ration.

IV. And be it enacted, That the affairs of the said College, shall be conducted by a Board of Council, to be elected in the manner hereinafter mentioned ; ten from among 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 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 Town ; and one from among its members in each of the Districts, into which Upper Canada is now or may hereafter be divided.

Affairs of Col-
lege to be con-
ducted by a
Board of
Council

V. And be it enacted, That all persons duly qualified under the provisions of this Act, to be members of the said College of Physicians and Surgeons, shall assemble once in every third year at such time as hereinafter appointed, and shall proceed to elect by ballot from among the duly qualified Physicians and Surgeons resident in the heretofore 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 Surgeons, for the period of the next ensuing three years, or till such time as another election of Members of Council shall take place : Provided always, that each person so elect-

Meeting of
qualified mem-
bers of Col-
lege for elec-
tion of Coun-
cillors.

Proviso,

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

Board of Council to be *The Provincial Medical Council.* VI. And be it enacted, That the said Board of Council shall be, and they are hereby 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 be a *quorum* for the transaction of business. 5 10

No person to practise Physic unless duly licensed VII. 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 shall have received a License of Qualification from the said Provincial Medical Council. 15

Parties who have obtained degrees, &c., entitled to a license VIII. Provided always and be it enacted, That every person who has obtained or may 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 License upon satisfying such Board of his identity. 20 25

No person to be admitted as a Student unless he has obtained a License of Qualification IX. And be it enacted, That from and after the passing of this Act, no person shall be admitted as a Student of Physic, Surgery or Midwifery, unless he shall have obtained a License of Qualification, from the said Provincial Medical Council. 30

Penalty on persons practising without license X. And be it enacted, That from and after the passing of this Act, no person shall 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 such person shall so practise, contrary to the 35 40

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 nothing herein contained shall extend to prevent any person duly licensed to practise Physic or Surgery or Midwifery in Lower
 15 Canada, from practising the same in Upper Canada, according to the provisions of the Act herebefore cited.

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

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

30 2. 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 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.
Examine credentials, &c.

40 3. 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, nativity, the 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
Cause members of Profession to enregister their names, &c.

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."

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Fix period of probation which Licentiates 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 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 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.

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Qualification of candidates for study of M.D. course

XII. And be it enacted, That the qualifications 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, Mathematics, and Natural Philosophy.

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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 twenty-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 within 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 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-

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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 than six months each.

XIV. And be it enacted, That all persons obtaining the License to practise from the College of Physicians and Surgeons of Upper Canada, shall be styled Licentiates of
 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
 20 said, shall be made under such rules and regulations therefor, and in such manner as the said corporation shall make therefor; Proviso Provided 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 meeting of the said corporation and to nominate the first President thereof.

XV. And be it enacted, That the Medical Council aforesaid, shall regulate the fees to
 30 be paid by all candidates about entering on the Study of Medicine; provided the 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 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. Medical Council to regulate fees to be paid by candidates, &c. Proviso

XVI. And be it enacted, That this 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 Public Act.