

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1859. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1859.

22 Victoria – Chapter 18

An Act to regulate the qualifications of Practitioners in Medicine and Surgery, and to provide a Medical Council of Health in the Province of New Brunswick. Passed 13th April 1859.

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Whereas it is expedient that persons requiring Medical aid should be enabled to distinguish qualified from unqualified Practitioners, and that the opinion of the Medical Profession be obtained in matters affecting the Public health;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. This Act may for all purposes be cited as 'The Medical Act of the Province of New Brunswick.'
2. This Act shall commence and take effect from the first day of June next.
3. A Faculty styled 'The Medical Faculty of New Brunswick,' shall be established, consisting of all persons registered under this Act, who shall hold their first meeting within six months from the commencement of this Act, in such place and at such time as the Governor in Council shall appoint: The Faculty shall elect a President, a Secretary, and other officers, and make bye laws,

and such rules and regulations as to the times and places of their future meetings, and the mode of summoning the same, as to them shall seem expedient: Any member of the Faculty absent from any meeting may vote by proxy, duly authorized in writing; and no member shall at any time represent more than the votes of five others: All the acts of the Faculty shall be decided by a majority of votes and proxies then and there present, the whole number present being not less than thirty; and at all such meetings, the President for the time being shall, in addition to his vote as a member of the Faculty, have a casting vote in case of an equality of votes.

4. A Council styled 'The Medical Council of Education, Health, and Registration, for New Brunswick,' hereinafter referred to as the 'Medical Council,' shall be established, consisting of twelve members of the Medical Faculty, nine of whom shall be elected by the Faculty, and three appointed by the Governor in Council: The term of office of the said Medical Council shall not be less than two years, nor more than five, such period to be determined by a regulation of the Section of this Act.

5. The Medical Council shall elect a President and other officers, and make bye laws, and such rules and regulations as to the times and places of their meetings, and the mode of summoning the same, as to them shall seem expedient; and at any meeting, in the absence of the President, some other member, to be chosen from the members present, shall act as President pro tem.; and all acts of the Medical Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present being not less than six; and at all such meetings, the President for the time being shall, in addition to his vote as a member of the Council, have a casting vote in case of an equality of votes: The Medical Council may make representations to the Governor in Council upon sanitary subjects, and when called upon, shall give their opinion respecting matters touching the public health.

6. The Governor in Council shall, as soon as may be convenient after the passing of this Act, appoint one or more Registrars, who shall act as such in accordance with the provisions of this Act, until the first meeting of the Medical Council.

7. The Medical Council shall at their first meeting appoint a Registrar, who shall act as Secretary of the Medical Council, and who may also act as Treasurer, unless the Council shall deem it expedient to appoint another person as Treasurer; and every person so appointed by the Council shall be removable at the pleasure of the Council, and shall be paid such salary as the Council shall think fit; he shall also keep a Book, in which the bye laws and regulations of the Council shall be inserted.

8. All moneys and penalties payable under this Act, shall be paid to the Treasurer of the Medical Council, and applied to defray the expenses of carrying out the provisions of this Act, under the direction of the Medical Council: A true account of all sums of money received and paid under this Act shall be transmitted to the Governor in Council once every year.

9. It shall be the duty of the Registrar to keep his register correct in accordance with the provisions of this Act, and the orders and regulations of the Medical Council, and to erase the

names of all registered persons who shall have died; and he shall from time to time make the necessary alterations in the address or qualifications of the persons registered under this Act; and to enable him to fulfil the duties imposed upon him, it shall be lawful for the Registrar to write a letter to any registered person, addressed to him according to his address on the register, to enquire whether he has ceased to practise, or has changed his residence, and if no answer shall be received to such letter within the period of one year from the sending of such letter, it shall be lawful to erase the name of such person from the register; provided always, that the same may be restored by the direction of the Council, should they think fit to make an order to that effect.

10. The Medical Council shall, with all convenient speed after the passing of this Act, and from time to time as occasion may require, make orders for regulating the registers to be kept under this Act, as nearly as conveniently may be in accordance with the form set forth in Schedule A to this Act, or to the like effect.

11. Every person in this Province now possessed of a Medical Degree, Diploma, or Licence to practise Medicine or Surgery, from any College or other Public Institution in Great Britain, Ireland, Canada, France, or the United States, authorized to grant the same, or a Licence from the Lieutenant Governor of the Province to practise Medicine or Surgery, or who has been in the continued practice of Medicine or Surgery in this Province since the first day of January in the year of our Lord one thousand eight hundred and fifty two, shall, upon the payment of a fee of one pound, be entitled to be registered under this Act; but no person not possessing a Medical Degree, Diploma, or Licence to practise Medicine or Surgery, from any College or other Public Institution in Great Britain, Ireland, Canada, France, or the United States, authorized to grant the same, or a Licence from the Lieutenant Governor of the Province to practise Medicine or Surgery, shall be eligible to become a member of the Medical Council; provided always, that the penalties imposed by this Act shall not extend or apply to any Medical Practitioner actually residing in the neighbouring Provinces of Canada, or Nova Scotia, or in the State of Maine, in the United States of America, for professional services which he may render to persons residing in this Province.

12. No qualification shall be entered on the register, either on the first registration, or by way of addition to the registered name, unless the Registrar be satisfied by the proper evidence that the person is entitled to it; and any appeal from the Registrar shall be decided by the Medical Council; and any entry which shall be proved to the satisfaction of such Council to have been fraudulently or incorrectly made, may be erased from the register by order in writing from such Medical Council.

13. The Medical Council shall annually furnish the Governor in Council with a correct register of the names, in alphabetical order according to the surnames, of all persons appearing on the register on the first day of January of every year, which list shall be published in the Royal Gazette of this Province; and such printed list shall be evidence in all Courts, and before all Justices of the Peace and others, that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from such copy, shall be evidence, until the contrary be made to appear, that such person is not registered according to the provisions of this Act; provided always, that in the case of any person whose name does not appear in such copy, a

certified copy under the hand of the Registrar, of the entry of the names of such person on the register, shall be evidence that such person is registered under the provisions of this Act.

14. All persons registered as Medical Practitioners in Great Britain or Ireland, shall be entitled to be registered under this Act, and the Medical Council shall decide, subject to the approval of the Governor in Council, from time to time, what other Colleges or bodies giving qualifications, shall entitle the possessor of them to be registered; and all persons hereafter registered shall pay the sum of three pounds.

15. If any registered Medical practitioner shall be convicted in this Province of any felony or misdemeanor, or shall, after due enquiry, be judged by the Medical Council to have been guilty of infamous conduct in any professional respect, or if his name shall be struck off the Register of Great Britain or Ireland, the Medical Council may, if they see fit, direct the Registrar to erase the name of such Medical practitioner from the register; provided always, that the name of no person shall be erased from the register on the ground of his having adopted any theory of Medicine or Surgery: Every registered person may have any subsequent qualifications possessed by him, inserted in the register.

16. Every person registered under this Act, shall be entitled to practise Medicine and Surgery in any part of this Province, and to demand and recover in any Court of Law, having competent jurisdiction, with full costs of suit, reasonable charges for professional aid, advice, and visits, and the costs of any medicines or other medical or surgical appliances rendered or supplied by him to his patients.

17. After the first day of June next, no person shall be entitled to recover any charge in any Court of Law for any medical or surgical advice or attendance, or for the performance of any operation, unless he shall prove upon the trial that he is registered under this Act.

18. Every person registered under this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from all corporate and township offices, and from serving in the Militia.

19. After the first day of June next, no person shall hold any appointment as a Physician, Surgeon, or other Medical officer, in any Hospital, Infirmary, Dispensary, Lying-in Hospital, Lunatic Asylum, Gaol, Penitentiary, House of Correction, Poor House, or other public establishment, body, or institution, or any friendly or other Society for affording mutual relief in sickness, infirmity, or old age, or as a Medical officer of health for an Insurance Company, unless he be registered under this Act.

20. After the first day of June next, no certificate required by any Act now in force, or that may hereafter be passed, from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner, shall be valid, unless the person signing the same be registered under this Act.

21. If any person wilfully procure or attempt to procure himself to be registered under this Act, by making, or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person, and every person aiding or assisting him therein, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be sentenced to imprisonment for any time not exceeding twelve months.

22. Any person who shall wilfully or falsely pretend to be, or take or use the name or title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, or general Practitioner, or any name, title, addition, or description, implying that he is registered under this Act, or that he is recognized by law as a Physician, or Surgeon, or a Practitioner in Medicine, shall, upon a summary conviction for any such offence, pay a sum not exceeding twenty pounds; provided that this Act shall not apply to Physicians and Surgeons actually serving in Her Majesty's Army and Navy.

23. Any penalty imposed by this Act shall be recovered in a summary manner, with costs, upon information before two Justices of the Peace for the County in which the offence shall have been committed, or if such offence shall have been committed within the City of Saint John, or the Parish of Portland, in the County of Saint John, then before the respective Police Magistrates thereof, or before such other Justices of the Peace as may at any time sit in the absence of such Police Magistrate: All proceedings for such penalty to be as nearly as may be in the form and according to the mode here required by the Act of the General Assembly of this Province relating to summary convictions before Justices of the Peace.

24. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful occupation, trade, or business, of Chemists and Druggists, and Dentists.

25. All Acts inconsistent with this Act are hereby repealed.

SCHEDULE A.

Name.	Residence.	Qualifications.
A.B.	Saint John,	Graduate in Medicine, &c, of University of Edinburg.
C.D.	Fredericton.	Member of the Royal College of Surgeons, England.

SCHEDULE B.

Declaration of a person who claims to be registered as a Medical Practitioner, upon the ground that he has been in continued practice in New Brunswick since the first day of January in the year of our Lord one thousand eight hundred and fifty two.

To the Registrar of the Medical Council.

I _____, residing at _____, in the County of _____, hereby declare that I
bare been in the continued practice of Medicine at _____, in the County of
_____, since the first day of January A. D. 1852.—Dated this _____ day of
_____ 185__.