

Laws of His Majesty's Province of Upper Canada, passed in the year 1827. York: Robert Stanton, 1827.

8 George IV – Chapter 3

An Act to amend the Laws regulating the Practice of Physic, Surgery, and Midwifery in this Province. Passed 17th Feb'y. 1827.

Whereas it is expedient to repeal part of, and amend, an Act of the Parliament of this Province, passed in the Fifty-ninth year of the Reign of His late Majesty, entitled, "*An Act to Repeal an Act passed in the Fifty-fifth year of His Majesty's Reign, entitled, 'An Act to Licence Practitioners in Physic and Surgery throughout this Province, and to make further provision for Licencing such Practitioners.'*"

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province:'*" and by the authority of the same, That so much of the second clause of the said recited Act as provides that no person duly authorized by any University in His Majesty's dominions, or by Commission or Warrant in His Majesty's Naval or Military Service, shall be restrained from Practicing Physic, Surgery, and Midwifery, in this Province, for want of the Licence therein mentioned, and the third clause of the said recited Act be, and the same are, hereby repealed.

II. And be it further enacted by the authority aforesaid, That upon the application of any person exhibiting a Diploma or Licence from any University in His Majesty's Dominions, or from the Royal College of Physicians or of Surgeons in London, as Physician, or Surgeon, or a Commission or Warrant as Physician or Surgeon in His Majesty's Naval or Military Services, and producing an affidavit made before, any Judge of any District Court in this Province, which such Judge is hereby authorized and, upon the payment of two shillings and sixpence, required to administer, stating that he is the person named in such Diploma, Licence, Commission or Warrant, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to grant to such applicant a Licence to Practice Physic, Surgery, and Midwifery, in this Province.

III. And be it further enacted by the authority aforesaid, That the said Affidavit shall be left by such Applicant, and remain in the Office of the Governor, Lieutenant Governor, or Person Administering the Government, of this Province, and that if any person shall be Guilty of false Swearing in such Affidavit, such person shall on conviction thereof receive and suffer, the like pains, and penalties, to which any other person convicted of wilful and corrupt Perjury, is liable by the Laws and Statutes of this Province.

IV. And be it further enacted by the authority aforesaid, That upon the application of any person producing a certificate from the Magistrates of any District in this Province, in General Quarter Sessions assembled, signed by the Chairman and Clerk of the Peace, stating that such person was resident in this Province before the late war with the United States of America, practicing Physic, Surgery and Midwifery, and remained during the said war in this Province, and producing also a Certificate from any three or more Licenced Practitioners of Physic, Surgery, and Midwifery in this Province, such three or more Licenced Practitioners having been Licenced after examination by the Medical Board, or upon the production of a Diploma, Licence, Commission, or Warrant, as hereinbefore provided, stating that they are acquainted with such applicant, and that he is, in their opinion, competent to Practice Physic, Surgery, and Midwifery, or either of them, the Governor, Lieutenant Governor, or Person Administering the Government, may grant to him a Licence to Practice Physic, Surgery, and Midwifery, or either of them, conformably to the last mentioned Certificate, in the same manner as if the said applicant had obtained a Certificate from the Board mentioned in the said second clause of the said recited Act passed in the fifty ninth year of the Reign of His late Majesty.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person who has been appointed a Member of the .Board mentioned in the second clause of the said recited Act, passed in the fifty ninth year of His late Majesty's Reign, or any person while employed on actual service in His Majesty's Naval or Military service, as Physician or Surgeon, to Practice Physic, Surgery, or Midwifery, in this Province, without any Licence.

VI. And be it further enacted by the authority aforesaid, That if shall not be lawful for any person, not being as aforesaid a Member of the Medical Board, or not being Licenced as aforesaid, or not having been heretofore Licenced by any Medical Board, or not being actually employed, as a Physician, or Surgeon, in His Majesty's Naval or Military Service, to Practice Physic, Surgery, or Midwifery, in this Province for Hire, gain, or hope of reward. Provided that nothing in this Act contained, shall be construed to prevent, or prohibit, any Female from Practicing Midwifery, in this Province, or to require such Female to take out such Licence as aforesaid.

VII. And be it further enacted by the authority aforesaid, That the Practice of Physic, Surgery, or Midwifery, for hire, gain, or hope of reward, by any person not Licenced as aforesaid, or not being actually employed as a Physician, or Surgeon, in His Majesty's Naval or Military service, shall be a misdemeanor and may be prosecuted and punished as any other misdemeanor can be, and that upon the Trial of any person charged with such misdemeanor the burthen of proof as to the Licence or right of the person tried to Practice Physic, Surgery, or Midwifery, in this Province, shall lie upon the Defendant, but no prosecution shall be commenced for such misdemeanor after one year from the offence committed, and no person convicted of such misdemeanor shall be sentenced therefor to a

longer period of imprisonment than Six Months, or to a greater fine than the Sum of Twenty-five Pounds.

VIII. And be it further enacted by the authority aforesaid, That it shall be lawful for the Private Secretary of the Governor Lieutenant Governor or Person Administering the Government of this Province, to ask demand and receive for any Licence granted under the provisions of this Act, of and from the person receiving such Licence, the Sum of Twenty Shillings; and that it shall be lawful for the Clerk of the Peace, to ask, demand and receive for drawing up and Signing any Certificate, under the provisions of this Act of and from the person receiving such Certificate, the Sum of Five Shillings.