



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXVI.

An Act to incorporate the Members of the Medical Profession in Lower Canada, and to regulate the Study and Practice of Physic and Surgery therein.

[28th July, 1847.]

WHEREAS the laws now in force in Lower Canada, for regulating the Practice of Medicine, Surgery and Midwifery, require amendment ; And whereas it is highly desirable that the Medical Profession of Lower 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 practising the same without license : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Act or Ordinance of the Legislative Council of the late Province of Quebec, passed in the twenty-eighth year of the Reign of His late Majesty King George the Third, and intituled, *An Act or Ordinance to prevent persons practising Physic and Surgery within the Province of Quebec, or Midwifery in the Towns of Quebec and Montreal, without license*, except so much thereof as relates to the vending or distributing of Medicines by retail,—and all other Act or parts of Acts in any manner relating to the Practice of Physic, Surgery or Midwifery in Lower Canada, or in any manner relating to the mode of obtaining licenses to practice Physic, Surgery or Midwifery therein, shall be and are hereby repealed, except in so far as relates to any offence committed against the same or any of them before the passing of this Act, or any penalty or forfeiture incurred by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 such offence : Provided always, that the Act of this Province, passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to enable persons authorized to practice Physic or Surgery in Upper or Lower Canada, to practice in the Province of Canada*, shall not be repealed or affected by this Act : Provided always, that nothing herein contained shall have the effect of repealing any law or part of law in force in Lower Canada, relative to Druggists and Apothecaries and the vending of Drugs by them in Lower Canada.

Preamble.

Ordinance of L. C., 28 Geo. 3. c. 8, repealed, except so much as relates to Druggists.

Proviso : Act 4 & 5 Vict. c. 41, not to be affected.

Proviso : this Act not to affect any law touching the vending of medicines by retail.

II.

Certain persons incorporated.

II. And whereas it is expedient that the Medical Profession of Lower 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 therefore enacted, That Daniel Arnoldi, Wolfred Nelson, M. D., M. McCulloch, M. D., G. W. W. Campbell, M. D., H. H. Sauvé, J. B. Valiquet, B. H. Charlebois, M. D., S. C. Sewell, M. D., Alexander G. Fenwick, M. R. C. S. L., J. B. C. Trestler, M. D., Hector Peltier, M. D., P. A. C. Munro, Louis Boyer, M. D., Benj. Ol. Vallée, M. D., W. Frazer, M. D., Hy. Mount, M. R. C. S. L., Louis F. Tavernier, George E. Fenwick, M. D., James J. Dickenson, M. D., Arthur Fisher, M. D., Ed. Robillard, Frederick Morson, M. R. C. S. L., A. Renaud, M. D. Chs. Huguet Latour, B. Pamenen, Wm. Sutherland, M. D., Frs. C. F. Arnoldi, M. D., Francis Badgley, M. D., A. Hunt, M. D., J. G. Bibaud, M. D., Horace Nelson, M. D., John Anderson, A. H. David, M. D., Henry Howard, M. D., Robt. L. Macdonnell, M. D., F. Cushing, M. D., B. G. Calder, M. D., W. Mayrand, M. D., W. E. Scott, M. D., Alex. Long, M. D., F. A. Caldwell, M. D., A. B. LaRocque, M. D., W. A. Liddell, Surgeon, James Crawford, M. D., Emery Coderre, Ths. E. d'Odet d'Orsonnens, A. F. Holmes, M. D., J. B. LeBourdais, E. J. Sewell, M. D., R. H. D'Amour, Pierre Brousseau, Chs. H. Keefer, J. B. Meilleur, S. E., T. Bowie, M. D., G. D. Gibb, M. D., S. B. Schmidt, M. D., A. E. Regniez, P. E. Picault, F. Cushing, M. D., Moses Nicolls, James B. Johnston, M. D., E. D. Worthington, M. D., A. A. Andrews, T. Alcorn, M. D., Fowler, Joshua Chamberlin, Horatio Nelson May, Thomas Boutillier, Moses F. Colby, M. D., Frederic Steel Verity, W. Fleury D'Eschambault, C. H. Castle, — Lachapelle, Cleop. Bernard, C. E. N. Courteau, Ad. Dugas, M. D., J. Trudel, Ant. LaFrenière, M. D., A. R. Archambault, F. Hudon, J. B. Gauthier, Leonard Brown, A. F. Alexander, Rotus Parmelee, P. M. Moreau, J. B. DeRosiers, M. S. Glines, M. D., Benj. D'Amon, M. D., Frs. Sheriff, M. D., Uriah Lafflin, Michl. Passe, Hildreth, Von Iffland, — Grenier, H. Cartier, T. Kimber, Hy. Lord, R. Cartier, J. H. Beauchemin, C. Pelisson, Felix Coté, Hy. Carter, S. N. Goin, L. H. Gauvreau, P. O. Lassisseraye, Adol. Alexander, — Smith, — Malhiot, — Rousseau, — Brassard, Calvin Alexander, — Bourgeois, — Landry Desilets, — Fortier, J. Trudel, Ed. M'Donald, — Lemaitre, — Badeau, W. A. R. Gilmour, John Fitzpatrick, L. N. Rousseau, John Clark, Joseph Coté, W. A. Stewart, Ed. Boudreau, J. B. Noel, C. P. Dubé, J. E. Hudon, H. P. Ouellet, L. T. Chaperon, P. Charest, H. Desjardins, R. Bédard, L. Têtu, J. G. G. Miville de Chêne, D. S. Marquis, C. Lérois, M. DeSales La Terrière, A. Dubord, L. Tremblay, L. D. Harvey, C. G. Couillard, L. T. J. Sinclair, E. S. Belleau, H. Germain, R. F. Rinfret, J. Marmette, A. T. Michaud, F. Poulin, P. A. Dubois, R. MacKenzie, Joseph Morrin, John Rowley, J. Z. Nault, Jas. A. Sewell, M. D., C. Fremont, J. E. J. Landry, C. S. Robitaille, François Jacques Séguin, P. D. Hubert, P. G. Tourangeau, M. D., J. B. Blais, P. M. Bardy, Jos. Parent, Jos. Painchaud, J. Blanchet, R. H. Russel, M. D., J. P. Russel, M. D. E. — A. Jackson, P. D. Moffatt, John L. Hall, John Watt, M. D., John Racey, J. Douglass, Louis L. Roy, P. Wells, J. Painchaud, Junior, A. T. Michaud, F. Poulin, L. S. J. Sinclair, L. S. Tremblay, 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 of Lower 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 be sued, implead and be impleaded, answer and be answered unto in 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 the ends

Corporate name and powers.

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 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 and singular the matters and 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 one thousand pounds.

Holding property, &c.

Proviso: amount of real estate limited.

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 Lower Canada."

Name of Members of the Corporation

IV. And be it enacted, That the affairs of the said College shall be conducted by a Board of Governors, thirty-six in number, fifteen of whom shall be elected by the College generally from among its Members in the Districts of Quebec and Gaspé, fifteen from among its Members in the District of Montreal, and six from among its Members in the Districts of Three-Rivers and St. Francis.

Governors of the College to be elected from the several Districts.

V. And be it enacted, That the said Board of Governors shall be, and they are hereby constituted "The Provincial Medical Board," in which capacity they shall meet for the examination of candidates not less than twice in each year at such time and place as to them shall be deemed most fit, and on which occasions seven shall be a *quorum* for the transaction of business.

Governors to be the Provincial Medical Board to examine candidates, &c.

Quorum.

VI. And be it enacted, That from and after the passing of this Act, no person shall receive a license to practise Physic, or Surgery, or Midwifery, in Lower Canada, unless he shall have obtained a certificate of qualification from the said Provincial Medical Board; and which license the Governor of this Province shall grant upon the production to him of such certificate of qualification.

No person to be licensed without a certificate from the Board, &c. Licenses to be granted by the Governor.

VII. Provided always and be it enacted, that every person who has obtained or may hereafter obtain a Medical Degree or Diploma in any University or College in Her Majesty's Dominions, shall be entitled to such certificate without examination as to his qualification.

Proviso: persons having obtained a medical degree in Her Majesty's Dominions to obtain a certificate without examination.

VIII. 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 certificate of qualification from the said Provincial Medical Board.

No person to be admitted as a student or apprentice, without a certificate.

IX. And be it enacted, That from and after the passing of this Act, no person shall practise Physic or Surgery, or Midwifery in Lower 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 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 District in which

None but licensed persons to practise physie in Lower Canada.

Penalty.

Mode of enforcing such penalty.

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 Jail of the District, until the same be paid: Provided always, that nothing herein contained shall extend to prevent any person duly licensed to practise Physic or Surgery in Upper Canada, from practising the same in Lower Canada, according to the provisions of the Act hereinbefore cited.

Proviso as to persons licensed to practise in Upper Canada.

Powers of the College.

X. And be it enacted, That the said College of Physicians and Surgeons shall have power,—

Regulations as to studies.

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 applying for a certificate to obtain a license to practise: Provided always that such rules shall not be contrary to the provisions of this Act.

Proviso:

Inspecting credentials.

2. To examine all credentials purporting to entitle the bearer to a certificate for license to practise in this Province, and to oblige the bearer of such credentials to attest (on oath to be administered by the Chairman for the time being) that he is the person whose name is mentioned therein, and that he became possessed thereof honestly.

Registering names of practitioners in Lower Canada.

3. To cause every member of the profession now practising or who may hereafter practise in Lower Canada, to enregister his name, age, place of residence, nativity, the date of his license and the place where he obtained it, in the books of the College.

Probation for Membership. To make rules and regulations, subject to approval by the Governor.

4. To fix the period of probation which persons 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.

Qualification of Students of Medicine.

XI. And be it enacted, That the qualifications to be required by the Board of Governors 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, History, Geography, Mathematics and Natural Philosophy; and that from and after the end of the year one thousand eight hundred and fifty, a general knowledge of the French and English languages shall also be indispensable.

Knowledge of French and English required after 1850.

Qualification for license to practise.

XII. And be it enacted, That the qualifications to be required from a candidate for examination to obtain a certificate for a license to practise shall consist in his not being less than twenty-one years of age; that he has followed his studies uninterruptedly during a period of not less than four years under the care of one or more general practitioners duly licensed; 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 not less than two six months' Courses of General Anatomy and Physiology—of Practical Anatomy—of Surgery—of Practice of Medicine—of Midwifery—of Chemistry—and of *Materia Medica* and Pharmacy,—one six months' Course of the Institutes of Medicine,—one three months' Course of Medical Jurisprudence,—and one three months' Course of Botany, if obtainable in Lower Canada; also, that

that he shall have attended the general practice of an Hospital 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; and that he shall also have attended two three months' or one six months' Course of Clinical Medicine, and the same of Clinical Surgery, and to remove all doubts with regard to the number of Lectures which the Incorporated Schools of Medicine of Quebec and Montreal are bound to give yearly; Be it enacted and declared that it is and shall be sufficient that the said Schools of Medicine, respectively, shall yearly cause to be delivered one hundred and twenty lectures on the subjects by law provided in the English language or in the French language, without its being necessary that any lecture should be delivered in both languages, and each lecture in which ever language delivered, being reckoned as one of the one hundred and twenty.

Doubts as to the number of sections required in the Incorporated Schools of Medicine at Quebec and Montreal, removed.

XIII. And be it enacted, That all persons obtaining the certificate for license to practise from the College of Physicians and Surgeons of Lower Canada, shall be styled Licentiates of the said College, and be consequently in due course of time eligible to be elected members of the same, and such persons so elected shall be at once eligible for election as Governors, and the said election either as member of the said College or as Governor thereof as aforesaid, shall be made under such rules and regulations therefor, and in such manner as the said Corporation shall make therefor to be sanctioned by the Governor of the Province in manner aforesaid: Provided always that it shall be lawful for the Governor of this Province by Proclamation, to fix the time and place for the holding of the first meeting of the said Corporation and the *first President* thereof.

Persons licensed to be called *Licentiates*, and to be eligible as Members of the College. Corporation to make rules concerning the election of Members, &c. Governor to fix the time and place of the first meeting.

XIV. And be it enacted, That the Board of Governors aforesaid shall regulate the fees to be paid by all candidates about entering on the study of medicine, provided the amount of such fees do not exceed the sum of one pound five shillings currency; and also by all persons who obtain from the said Board a certificate for licence to practise medicine; provided that the said fee do not exceed the sum of two pounds and ten shillings currency; which fees the Governors shall have the power to dispose of in such manner as they shall deem most proper for the interests of the College.

Board may fix the fees to be paid by candidates for certificates.

XV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to prevent or prohibit any competent female from practising midwifery in Lower Canada, such female proving her competency before any two members of the College of Physicians and Surgeons and obtaining their certificate to that effect, Provided that such certificate and proof shall only be required in the Cities of Montreal and Quebec and the Town of Three-Rivers.

Females duly qualified may practise as Midwives.

Proviso.

XVI. And be it enacted, That so much of any law heretofore in force in Lower Canada, as may have fixed the period of prescription with regard to the claim (*demande*) of any person duly licensed to practice Physic, Surgery or Midwifery, for professional services, attendance or medicine, shall be and is hereby repealed; and any such claim shall be prescribed by the lapse of five years from such attendance, service or medicine furnished, without any act having been done to interrupt the prescription, and not before; Provided always, that nothing herein contained shall be construed to revive any such claim actually prescribed before the passing of this Act.

Period of prescription of claims of Medical Practitioners extended.

Proviso.

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.