

*Provincial Statutes of Canada*, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 81

**An Act to Incorporate the Montreal School of Medicine and Surgery. (29th March, 1845.)**

Whereas Francis C. T. Arnoldi, Francis Badgley, Pierre Munro, William Sutherland, and Horace Nelson, all of the City of Montreal, Licensed Practitioners of Medicine and Surgery, and divers others, Students under their tuition, have, by their Petition to the Legislature, represented, that the persons above named have, for the last two years, been engaged in giving Public Lectures and instructions in the various branches of science connected with the exercise of their profession, and have for that purpose established a Public Medical School, with suitable apparatus and conveniencies, and have commenced the formation of a Library and Anatomical Museum, which they are willing to appropriate for the purposes hereinafter mentioned; and that the said Petitioners believe that if the said persons, and their successors, were incorporated and invested with the powers hereinafter mentioned, they would be able still further to increase their means of affording adequate instruction to their pupils, and would be enabled to place within their reach such means of acquiring medical knowledge as would render it unnecessary for them to spend any portion of their period of study out of this Province, and frequently out of Her Majesty's Dominions, as many are under the necessity of doing at an expense which they can ill afford, and to their disadvantage in other respects; and whereas it is expedient to grant the prayer of the said Petition: 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 the said Francis C. T. Arnoldi, Francis Badgley, Pierre Munro, William Sutherland, and Horace Nelson, and their successors, and those who may be associated with them or their successors in the manner hereinafter mentioned, shall be and are hereby constituted a body politic and corporate by the name of "The Montreal School of Medicine and Surgery," and by that name shall have perpetual succession and a Common Seal, with power to break, alter, or make anew the same, and may by that name sue and be sued, plead and be impleaded in all Courts of Law or Equity in this Province, and may purchase, take, and hold real and personal property, provided the real property so held by the said Corporation do not at any time exceed the value of live thousand pounds, currency, and may alienate the same and acquire other property instead thereof.

II. And be it enacted, That whenever any of the members of the said Corporation shall die, or shall become permanently resident out of the City of Montreal, or shall resign, (and any member shall be at liberty so to resign,) or it shall be deemed advisable by the Corporation to increase the number of members thereof, (which the said Corporation may always do, provided the number of the members shall never at any time exceed ten,) then the said Corporation shall give public notice of such vacancy in the manner to be provided by the By-Laws of the Corporation, and that,

on a day to be appointed in such notice, a member (or members as the case may be) will be chosen by public competition; and on the day so appointed the candidates shall attend at the place where the meetings of the Corporation shall be held, and shall then and there be examined as to their qualifications as public teachers of the sciences they will be required to teach, in such manner as shall be appointed by the By-Laws of the Corporation then in force; and the name of the candidate whom the Corporation shall deem in all respects best qualified to fill the vacancy shall be submitted to the Governor of this Province for his approval, or if the Corporation shall be of opinion that none of the candidates are qualified to fill such vacancy, and the vacancy cannot be filled, then, a new competition shall be had as aforesaid.

III. And be it enacted, That the said Corporation shall yearly and every year cause to be delivered at least one hundred and twenty lectures, of at least one hour each, in the English language, and the like number of the same duration in the French language, on the following branches of Medical Science, to wit: Anatomy and Physiology, Chemistry and Pharmacy, Materia Medica, Theory and Practice of Physic, Principles and Practice of Surgery and Midwifery, and Diseases of Women and Children, to be given by competent Lecturers at some place in the City of Montreal, between the first day of October and the last day of April.

IV. And be it enacted, That the fee to be demanded of any Pupil on his entry or matriculation in the said School shall not exceed ten shillings, currency, to be applied by the Corporation to the purchase of books, specimens, and the improvement in other ways of their Library and Museum, which shall be open for the use of their Pupils on all days except Sundays and Holidays, and an account of the sums received for such fees, and of the expenditure thereof, shall be rendered yearly to the Governor of this Province.

V. And be it enacted, That the said Corporation shall have power to make such By-Laws as may be necessary for the conduct of its affairs and business, the government of its Pupils, and for carrying into effect the provisions of this Act, as to the members thereof shall from time to time appear expedient, and as shall not be in anywise repugnant to or inconsistent with this Act or to Law; and such By-Laws, being first approved by the Governor of this Province, shall have force and effect, and shall bind the Members and Pupils of the Corporation, and all others whom they may concern; and may in like manner be altered, amended or repealed, and others made in their stead as need shall be: Provided always, that no such By-Law shall impose any fine or penalty exceeding twenty-five shillings for any one offence: And provided also, that a fair copy in both languages of the By-Laws then in force shall be at all times publicly posted in some conspicuous place in the Lecture Room; and any copy of such By-Laws under the Seal of the Corporation and certified by the Provincial Secretary, shall be deemed authentic, and shall be received in evidence as the By-Laws in force at the date of such certificate.

VI. And be it enacted, That on the presentation by any pupil of the said Medical School of his certificate of attendance from the said Corporation, to the body or persons appointed to examine Applicants for Licenses to practice Physic, Surgery, Midwifery or Pharmacy, they shall examine the said certificate, and having done so, and having ascertained in what capacity or department the Applicant is therein certified as having attended such lectures, and having duly examined him, shall

themselves certify accordingly to the Governor of this Province, a License to practice may accordingly be issued to such Applicant in the usual manner and on payment of the usual fees.

VII. And be it enacted, That all the property real or personal immediately before the passing of this Act held by the persons herein first above named and incorporated, as appertaining to and being for the use of the said Medical School, and more especially the Library and Museum aforesaid, shall be vested in and held by the Corporation hereby created for the purposes aforesaid: Provided always, That if, by reason of any failure to comply with the provisions of this Act, the privileges hereby granted shall be declared forfeited by any competent tribunal, then the property of the said Corporation shall be forfeited to Her Majesty, and (the debts of the Corporation being first paid out of the same) may be assigned by the Governor in Council to such Public Institution in this Province as he shall nominate for that purpose.

VIII. And be it enacted, That each and every Member of the said Corporation shall, in his private capacity, be liable for any debts or obligations of the Corporation.

IX. And be it enacted, That all the power of the said Corporation may be validly exercised by any majority of the Members thereof for the time then being; and that any deed or instrument under the Seal of the Corporation, and signed by any such majority of the Members for the time being; or by such person as shall be appointed by such majority as their Attorney for that purpose, shall be held to be the deed of the Corporation, and any service of process or otherwise, made at the place at which the said Medical School shall be kept, and (if in such case personal service be required but not otherwise) on one of the Members of the Corporation, shall be deemed a valid service upon the said Corporation.

X. And be it enacted, That the said Corporation shall lay before the Governor of this Province, at such times and in such manner and form as he shall direct, any statement by him required as to the affairs of the Corporation or their doings under the authority of this Act, and shall submit to such inquiry into and concerning the same as he shall direct to be made by any person or officer he may nominate for that purpose.

XI. And be it enacted, That this Act shall be a public Act and shall be judicially noticed as such by all Judges and Justices of the Peace and others whom it may concern without being specially pleaded.