

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbishire & George Desbarats, 1849.

12 Victoria – Chapter 52

An Act to amend the Act to incorporate the Members of the Medical Profession in Lower-Canada, and to regulate the study and practice of Physic and Surgery therein. 30th May, 1849.

Whereas it is expedient to amend in the manner hereinafter mentioned the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *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*; 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 for and notwithstanding any thing in the second section or in any other part of the Act cited in the Preamble to this Act, all persons resident in Lower-Canada, and licensed to practice and actually practising Physic, Surgery or Midwifery therein at the time of the passing of this Act, shall be and are hereby declared to be Members of the Corporation of the College of Physicians and Surgeons of Lower-Canada.

II. And be it enacted, That upon, from and after the next election of the Board of Governors mentioned in the fourth section of the said Act, three of the six Members of the said Corporation who under the said section are to be elected Members of the Board of Governors, shall be taken from among the Members of the Corporation resident in the District of Three-Rivers, and three from among those resident in the District of St. Francis; and that of the Members of the said Board of Governors, neither more nor less than eight shall be resident in the City of Quebec, and neither more nor less than eight in the City of Montreal; and that at each election of the Board of Governors, every Member of the said Corporation shall have the right of voting by proxy.

III. And be it enacted, That after the passing of this Act, it shall not be necessary that a license to practise Physic, Surgery or Midwifery in Lower-Canada be granted in any case by the Governor of this Province, but that from and after the passing hereof no person shall practise Physic, Surgery or Midwifery in Lower-Canada, unless he shall have obtained a license from the Provincial Medical Board, who are hereby authorized to issue such license.

IV. And be it enacted, That after the passing of this Act, the seventh and eighth sections of the said Act shall be interpreted and have effect as if the words "certificate," and "certificate of qualification," were struck out of the said sections wherever they occur, and the word "license" were inserted instead thereof.

V. And be it enacted, That the said Provincial Medical Board shall have power to grant licenses without examination to such Graduates of Universities in the United States as may have been practising in Lower-Canada, for a period of not less than ten years, provided such Graduates prove to the satisfaction of the said Board that they are of good moral character, and apply for such license, and produce the necessary testimonials and proof within one year from the passing of this Act.

VI. And be it enacted, That the penalty imposed by the ninth section of the said Act shall be recoverable with costs, and that the same may be sued for and recovered by the said College of Physicians and Surgeons of Lower-Canada, by its corporate name, and being recovered shall belong to the said Corporation for the uses thereof; and neither in any such suit or in any other civil or criminal action to or in which the said Corporation maybe a party or interested, shall any Member of the Corporation be deemed incompetent as a witness by reason of his being such Member.

VII. And be it enacted, That the words "a certificate to obtain a license," in the first paragraph of the tenth section, the words "a certificate for license," in the second paragraph of the said section, and the words "a (or "the") certificate for license," in the twelfth, thirteenth and fourteenth sections of the said Act, respectively, shall be construed as meaning a license from the Provincial Medical Board under the provisions of this Act.