

BC medical history

Early medical legislation

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The sixth in a series of medical history articles, the author outlines the beginnings of medical legislation in BC and the pioneers of organized medicine.

British Columbia of the 1880s was a far cry from the outpost of the Empire that James Douglas had first governed as a group of trading posts in the '50s. The tremendous timber, mineral and marine resources were soon harnessed by a burgeoning population delivered to this area by expanding shipping and rail facilities. Medical personnel of varying levels of qualification took advantage of this boom and it was soon evident that consumers of medical care in this rapidly growing area would require legislative protection. As early as April, 1867, the more responsible in the profession had convinced the combined legislature of British Columbia and Vancouver Island, meeting in New Westminster, to enact the first regulations with regard to the medical profession.

The *Medical Ordinance* of 1867 provided for a registrar, defined qualifications for registration, and established principles governing collection of fees while outlining appropriate penalties for the defiance of

- 1843—Victoria founded
- 1852—Nanaimo founded
- 1859—New Westminster founded
- 1860—Royal Columbia Hospital founded
- 1862—1st settlement (Burrard Inlet)
- 1863—Moodyville producing
- 1867—Hastings Mill producing
 - Gastown begins
- 1871—Dr. A.S.W. Black killed
- 1873—Nurse Emily Patterson arrives
- 1877—Dr. W.W. Walkem arrived
- 1883—Dr. Duncan Bell-Irving arrives
- 1885—Drs. Beckingsale, Langis, McGuigan, arrive
- 1886—Dr. J.M. Lefevre arrives (March)
 - Vancouver incorporated (April)
 - Vancouver burns (June)
 - CPR arrives - Port Moody
 - Medical Act passed (July)
 - BC College of Physicians and Surgeons founded
 - Railway Hospital opens
- 1887—Railway arrives Vancouver May
 - Dr. A.M. Robertson arrives
 - City Hospital opens
 - St. Luke's Home opens

Dr. McDonnell is an internist in Vancouver. Pertinent historical facts were taken from Dr. R.E. McKechnie's chapter entitled "Medicine" in Howay and Schofield's *British Columbia* and biographical details on Dr. Powell, from B.A. McKelvie's *BC Historical Quarterly*, Jan. 1947 pp. 33-54.



Dr. Israel Wood Powell

these laws. The qualifying clause, section four, proved to be the controversial portion of the Bill which was not finally defined for almost 20 years. In a vague, rambling way section four states "any person being possessed of any diploma, licence or privilege to practise medicine or surgery from any school, college or society or faculty of medicine or surgery in the United Kingdom or foreign country, such school, college, society or faculty requiring a compulsory course of study extending over a course of not less than three years, such a person shall on payment of a fee of \$10 be entitled to be registered, etc. provided always that nothing in this ordinance shall be so construed as to prevent anyone possessing a diploma who is now practising in the colony from continuing to practise as heretofore, etc."

Immediately after the enactment, it was found to contravene the *Imperial Act* which gave its registrants the right to practise medicine or surgery in any part of her Majesty's dominions and to charge a fee for service.

In 1868 an amendment restored reciprocity with the *Imperial Act* but this ruling was reversed by an amendment later in the same year. The revision remained in force under the pioneer registrar, Charles Good, until 1870. In this year "An ordinance respecting practitioners of medicine and surgery" added another chapter to the saga of the original section four of the 1867 ordinance "by providing for the registration in BC of members of the medical profession already registered in the United Kingdom under the *Imperial Act*". This decision remained valid until the *Medical Act of 1886*.

In the meantime, in 1869 "an ordinance respecting the practice of surgery and the encouragement of the study of anatomy" was enacted. For the first time a qualified practitioner could secure an unclaimed body for dissection in return for guarantees that proper burial would ensue. In the same year, "An ordinance promoting public health in the colony of British Columbia" was passed. The main impact of this bill was to provide extraordinary powers to the Governor in Council to appoint a deputy health officer in case of health crisis. This latter ordinance was not included in the *Medical Act of 1886* and remained unchanged in the provincial statutes until challenged by the ineffective control of the smallpox epidemic of 1892. This epidemic caused panic in all the coastal cities, particularly Vancouver, where as a result, a series of confrontations pitted the mayor, council and police chief against the provincial government and resulted in the civic officials being arrested and tried in Victoria. All was finally

settled with fines but it was realized that the act was inadequate and new legislation followed.

The *Medical Act* was presented to the Provincial House by Mr. A.B. Davie, attorney general, after consultation with the leaders of the young medical profession in 1886. This Act provided for the establishment of a College of Physicians and Surgeons to be governed by a council and set the machinery in motion for internal regulation of qualifications and conduct of practitioners. Thus, a very fundamental step in the establishment of integrity within the medical profession of British Columbia was taken.

The first meeting of the Council took place in Dr. Israel Wood Powell's office in Victoria, BC after a province-wide election sponsored by the provincial secretary. At this first meeting of May, 1886 Dr. C.N. True (New Westminster), Dr. J.C. Davie (Victoria), Dr. G.L. Milne (Victoria) were also present. Dr. Cluness (Nanaimo), Dr. L.K. McInnis (New Westminster), and Dr. Simon Tunstal (Kamloops) were absent. Dr. Powell was the first president, Dr. True, vice-president, Dr. Davie, treasurer and Dr. Milne, secretary-registrar, a post he would hold until 1898. In the course of that meeting, 39 physicians were entered in the official register of the College. In addition to routine correspondence a date for the first enabling exam was set for August 3rd and the appointment of examiners was tabled until the June meeting. At the June meeting these appointees included Dr. L.K. McInnis, anatomy and materia medica, Dr. G.L. Milne, chemistry and physiology, Dr. C.N. True, medicine and medical jurisprudence, and Dr. I.W. Powell, obstetrics and diseases of women and children.

There were no candidates for the first scheduled examination but Dr. W.A.D. DeWolfe passed the examination scheduled in November, 1886.

The election of delegates in 1887 included Drs. S. Milne, Powell, Hannington, True, McGuigan, Davie and Tunstal. Dr. True was elected president, but unfortunately died in office and was succeeded by Dr. Davie. Successful examination candidates included Dr. Robertson who has been mentioned already in an earlier article on Vancouver. At this gathering, Vancouver was recognized and a meeting schedule was formulated including the three major cities, Victoria, New Westminster and Vancouver.

It is interesting to note that the two early leaders in medicine's first organization, each in his own way, touched the history of early Vancouver. Dr. True provided that vital medical service when Dr. Black passed from the scene, while Dr. Powell at a critical time in Vancouver's history helped bring the CPR to Vancouver. He was an influential member of the Hastings Mill syndicate which donated land along the Burrard Inlet as an inducement to the railway to build the Vancouver extension. After the fire, he also later gave the city five lots on what is now Powell Street to build a City Hall.

Dr. Powell, a pioneer of organized medicine, was born of United Empire Loyalist stock in Simcoe, Ontario in 1836. Graduating from McGill in 1860 he soon became restless in the home-town practice to which he returned. In May, 1862 he set out for New Zealand but stopped in Victoria, BC en route, intending to visit the Cariboo. His visit to the Cariboo was delayed several years and he never did make New Zealand.

His practice thrived and the unrest which developed in the final days of the Douglas regime fired his political interest. He entered politics on a platform of responsible government and was elected to the Vancouver Island Legislature a year before Douglas

retired in 1864. He developed an early and abiding interest in education and shortly after his election joined Dr. W.F. Tolmie on the Legislative Committee where "The 1865 Act respecting common schools" was framed. This act fostered free education in British Columbia and over the next few years he fought the beleaguered government for teachers' salaries in the young system. The combined governments of British Columbia and Vancouver Island were both badly in debt when they united in 1866 and the already precarious financial position deteriorated so that by 1867 all the teachers in the education system had been unpaid for the first six months.

After his election in 1864, Powell fought the union of Vancouver Island and British Columbia, seeking to protect the freedom of his home port of Victoria. This stand probably caused his defeat in the next election. However, he retained an interest in politics and was an ardent supporter of confederation until 1871 when Drs. R.W.W. Carrall, J.S. Helmcken and Mr. Joseph Trutch went to Ottawa and negotiated the terms of BC Confederation.

He maintained a successful practice which was obviously his first interest because he turned down an appointment to the Senate and subsequently an invitation to become the first Lieutenant-Governor of BC to continue in practice. He finally accepted an appointment as Superintendent of Indian Affairs for BC in 1872. The Indian jurisdiction had been sadly neglected by the bankrupt colonial government so the challenge to the new federal government was large. After taking over the new responsibilities regarding Indian care in British Columbia, his appointment was almost immediate and he gave the next 17 years to upgrading first their educational system and later their medical services.

His community interests were broad and during these years he founded and became the first Lieutenant-Colonel of the Victoria Rifles. His business interests also widened and he bought property in Vancouver and became an important shareholder in the Hastings Mill. This latter interest led to his role in the negotiations for the establishment of the western terminus of the CPR when a donation of private land of the Hastings Mill became a necessity.

In 1889 he resigned from the Indian Affairs branch due to ill health but his long standing interest in education continued. The next year "An act to establish the University of British Columbia" was passed. The first convocation was held in October, 1890 at which Dr. Powell was elected Chancellor. However, once again government financial instability intervened and all plans were cancelled shortly thereafter. Several years later an arrangement was made with McGill University to give the first two years of a degree course at McGill College on Beatty Street in Vancouver with the final two years to be taken at McGill. Though he lived on in retirement until February, 1915 and another convocation was held in 1912, he died a few months before the University of British Columbia finally opened its doors.

Dr. Powell's energetic life of service in medicine, politics, education, military and Indian affairs was in a way typical of early physicians who became leaders in many areas outside their own field of expertise. In this case, ill health drastically reduced his productivity at an early age but he left a very sizeable contribution to British Columbia's history and development. Dr. Powell's name is perpetuated in the city of Powell River, nearby Powell Lake and, of course, the street in Vancouver which carries his name. mj