

R. S., 4860, replaced. **23.** Article 4860 of the Revised Statutes, 1909, is replaced by the following:

Forfeiture in event of not proceeding. **"4860.** If the appellant does not proceed with his appeal at the next ordinary or special session, he shall only be entitled to a reimbursement of half of the deposit made under article 4859, the other half remaining the property of the Board.

Effect of successful appeal. If he succeeds in his appeal, this sum shall be returned to him, and the unsuccessful party shall be condemned to pay it to the Board of Notaries with the other costs occasioned by the appeal."

Notarial deed valid notwithstanding want of reading or of indication of place. **24.** Any notarial deed which has not been read to the parties or to one of them, in accordance with the provisions of articles 4612 and 4619 of the Revised Statutes, 1909, as they existed before the date of the coming into force of this act, or in which the place where the deed was closed has not been indicated in accordance with article 4614 of the said Statutes, as it existed before the date of the coming into force of this act, or which contains these two informalities, shall be considered as authentic and valid, notwithstanding such want of the reading or of the indication of place, in the same manner as if such reading had been effected or the place where closed indicated, or both, provided, however, that it contain no other cause of nullity.

Proviso.

Pending suits.

This provision shall apply to pending suits, save as to costs.

Coming into force. **25.** This act shall come into force on the day of its sanction.

CHAP. 54

An Act to amend the Revised Statutes, 1909, respecting dentists

[Assented to, the 15th of March, 1924]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

R. S., 5030 to 5084, replaced. **1.** Section fifth of chapter fifth of title tenth of the Revised Statutes, 1909, (comprising articles 5030 to 5084), is replaced by the following section:

"SECTION V

"DENTAL SURGEONS

"§ 1.—*Corporation of Dental Surgeons*

"**5030.** This section may be cited as the "Quebec Short title. Dental Act".

"**5030a.** If there is any difference between the French and English versions of this section, the French version shall prevail. French version shall prevail.

"**5030b.** The corporation created by this section is vested with all the rights and assumes all the obligations of the former corporation of the College of Dental Surgeons of the Province of Quebec. Rights and obligations of former corporation assumed.

"**5031.** All persons, authorized by law to practise the profession of dental surgeon in the Province of Quebec and who have obtained a certificate as a licensed dental surgeon in this Province and who are registered as such in virtue of this section, are incorporated under the name of the "College of Dental Surgeons of the Province of Quebec" hereinafter called "the College", having a common seal, with the power to change, amend, cancel or renew the same." Incorporation. Name. Seal.

"**5031a.** Under such name, the corporation shall be vested with all the powers conferred upon civil corporations under the laws of this Province. Powers of the corporation.

"**5031b.** The value of the immoveable property held by the corporation shall never exceed one hundred thousand dollars. Value of immoveable property held.

"**5032.** The corporation shall have a place of business in the city of Montreal, in charge of the registrar appointed under article 5047. Place of business.

"**5032a.** Service upon the corporation shall be made by speaking to the registrar or to an employee, and in all legal proceedings, the domicile of the corporation shall be sufficiently designated by the words: "having a place of business in the city of Montreal" Service.

"§ 2.—*Provincial Board of Dental Surgery*

"**5033.** The affairs of the College shall be conducted by a board of governors called the "Provincial Board of Provincial Board of

Dental
Surgery.

Dental Surgery" hereinafter called "the Board", which shall consist of not less than twenty-eight members, elected for not more than two years, of whom twenty-six or more shall be chosen by the members of the College and one by each of the following institutions, namely:

1. The faculty of dental surgery of Montreal University.
2. The faculty of dental surgery of McGill University.

General
elections.

"**5033a.** The general elections of the governors chosen by the College shall be held at a date fixed by by-law, at intervals, also fixed by by-law, but not to exceed two years.

Division of
the Province
for elections.

"**5033b.** For the purpose of such elections the Province shall be divided into five divisions, as follows: Montreal-West, Montreal-East, Quebec, Three Rivers and St. Francis.

Montreal-
West
division.

"**5034.** The division of Montreal-West shall comprise: all the western part of the city of Montreal, starting from the west side of St. Lawrence street, situated to the north of Craig and St. Antoine streets and of the continuation of St. James street from the western extremity of St. Antoine street to the western limits of the city of Montreal, the cities of Westmount and Outremont, the town of Montreal-West and the electoral district of Argenteuil.

Montreal-
East divi-
sion.

"**5034a.** The division of Montreal-East shall comprise: all the eastern portion of the city of Montreal, starting from the east side of St. Lawrence street, all the territory of the city of Montreal, west of St. Lawrence street and south of Craig street, starting from the said St. Lawrence street, St. Antoine street and from the continuation of St. James street from the western extremity of St. Antoine street to the western limits of the city of Montreal, the city of Verdun, the electoral districts of l'Assomption, Bagot, Beauharnois, Berthier, Chambly, Châteauguay, Deux-Montagnes, Hochelaga, Hull, Huntingdon, Iberville, Jacques-Cartier (less that portion included in the division of Montreal-West described in article 5034), Joliette, Labelle, Laval (less that portion included in the division of Montreal-West described in article 5034), Maisonneuve, Montcalm, Napierville-Laprairie, Papineau, Pontiac, Richelieu, Rouville, St. Hyacinthe, St. John's, Soulanges, Terrebonne, Vaudreuil, Verchères and Yamaska.

Three
Rivers
division.

"**5034b.** The division of Three Rivers shall comprise the electoral districts of Arthabaska, Champlain, Drum-

mond, Maskinongé, Mégantic, Nicolet, Saint-Maurice and Three Rivers.

"5034c. The division of St. Francis shall comprise the St. Francis electoral districts of Brome, Compton, Frontenac, Missis-^{division.}quoi, Richmond, Shefford, Sherbrooke, Stanstead and Wolfe.

"5034d. The division of Quebec shall comprise the Quebec electoral districts of Abitibi, Beauce, Bellechasse, Bona-^{division.}venture, Charlevoix, Chicoutimi, Dorchester, Gaspé, l'Islet, Kamouraska, Lake St. John, Levis, Lotbinière, Magdalen Islands, Matane, Matapédia, Montmagny, Montmorency, Portneuf, Quebec County, Quebec-Centre, Quebec-East, Quebec-West, Rimouski, Saguenay, St. Sauveur, Temiscamingue and Temiscouata.

"5034e. The electoral districts and divisions enumerated in the preceding articles are those in existence on the 1st of January, 1924, with the boundaries then respectively assigned to them. ^{Boundaries.}

"5035. The division of Montreal-West shall elect eight ^{Governors} governors to the Board. ^{from Mont-}
^{real-West}

"5035a. The other divisions shall elect as many gov- ^{Governors} ernors as the number of dentists practising therein is a ^{from other} multiple of one-eighth of the dentists practising in the divi- ^{divisions.} sion of Montreal-West.

"5035b. If in one or more divisions a remainder is left ^{Additional} equal to one half or more of the coefficient, such division ^{governor.} or divisions has the right to elect an additional governor.

"5035c. When the number of governors approaches ^{Number} or exceeds forty or falls or is about to fall below twenty- ^{diminished} eight, the Board shall, by by-law, diminish or increase the ^{or increased.} number of representatives for the division of Montreal-West in order to re-establish the proportion before the ensuing election.

"5036. The governors elected for the divisions enu- ^{Election of} merated in the preceding articles shall be elected by the ^{governors.} members of the College having their offices in such division.

"5036a. Every governor elected shall, under pain of ^{Qualifica-} forfeiture *ipso facto*, maintain, during the entire period of ^{tion.} his office, the qualification of a member of the College.

Holding of elections. “**5037.** The manner of holding and the procedure at such elections shall be determined by the by-laws of the Board.

Holding of elections fixed by Lt.-Gov. in C. “**5038.** In the absence of such by-laws, the Lieutenant-Governor in Council may fix the time and prescribe the manner of holding such elections.

Manner and date of certain elections. “**5039.** Each of the institutions mentioned in article 5033 shall regulate, as it thinks proper, the manner and date of the election of the governor to represent it on the Board.

Choice of governor. “**5039a.** Such governor shall be chosen from among the members of the College qualified to represent such institution.

Term of office. “**5039b.** He shall be elected for a period equal to that for which the governors are elected by the College and about the same time.

Transmission of reports. “**5039c.** A return of such election, giving the names, surnames and residence of the governors elected, shall be sent by the respective secretaries of such institutions to the registrar of the College, within one month after the date fixed for the election of the other governors.

Vacancies filled. “**5039d.** Vacancies in the representation of each of the said institutions shall be filled by each of them, and a return of such election shall be transmitted to the registrar of the College.

Qualification. “**5039e.** The governors elected by the said institutions need not have their elections confirmed or approved by the College, but they shall maintain, under pain of forfeiture *ipso facto*, the qualification of member of the College throughout their term of office.

Seat declared vacant. “**5040.** If it appears that a member elected did not possess, at the time of his election, the necessary qualifications, or if a member of the Board ceases to be a member of the College, or dies, or incurs the penalties enacted by articles 5082*d*, 5082*f* and 5082*g*, the Board shall declare his seat vacant.

Meeting of Board. “**5041.** The members of the Board shall meet for the performance of their duties at least once a year, at the place and on the date fixed by by-law.

"5041a. Any governor, who, without valid reason, fails ^{Vacation of} to attend four consecutive meetings of the Board, shall ^{seat.} be deemed to have resigned his office, and the Board, by a vote of two-thirds of the members present, may declare the seat of such governor vacant and order a new election in accordance with the provisions of this section.

"5042. The quorum of the Board shall be not less than ^{Quorum.} a third of its members.

"5042a. Every disputed question shall be decided by ^{Vote.} the vote of the majority of the governors present, including that of the president; in the event of a tie, the president shall have, in addition, a casting vote.

"5042b. The officers, who are members of the Board, ^{Right of} may vote as such with the other members at all meetings ^{vote.} of the Board.

"5043. The president of the Board, whenever required ^{Special} by at least one fourth of the members of the Board, shall ^{meeting.} call a special meeting.

"5043a. Fifteen days at least before that fixed for the ^{Notice.} meeting, a notice by registered letter shall be addressed and sent to each member of the Board, indicating the date, place and object of such meeting.

"§ 3.—Powers of the Provincial Board of Dental Surgery

"5044. The Board may pass, repeal or amend and ^{Powers of} enforce by-laws respecting the administration and welfare ^{the Board.} of the College and of its members and all matters which interest or affect or which may affect or interest the College; provided, however, that such by-laws be not inconsistent with the laws of this Province or of Canada.

"5045. Without limiting the powers and authority ^{Authority of} conferred upon the Board by article 5044, the said Board ^{the Board.} shall, for the purposes and objects comprised in said article, as well as for the matters enumerated in this article, have power:

1. To regulate the manner of holding and procedure at elections of the governors chosen by the College, as well as the election of the president and executive council of the Board;

2. To define the duties of the officers and other functionaries of the College;

3. To appoint examiners for the examination of candidates for admission to study dental surgery and define their duties;

4. To appoint as many permanent or special committees as may be deemed necessary for the proper administration of the College or the promotion of dental studies and define the powers of such committees and fix their quorum;

5. To determine the fees to be paid to examiners, and officers and other officials of the College;

6. To determine the fees to be paid by the candidates for admission to study dental surgery, the fees to be paid by candidates for admission to practise dental surgery, as well as the fees to be paid for registration;

7. To regulate the admission to the study and practice of dental surgery, define the manner of conducting, and the subjects of, the examinations of candidates for the study and for the practice of the profession, as well as the qualifications required of the candidates.

“§ 4.—*Executive Council, Officers and their Duties.*”

Appoint-
ment of of-
ficers.

“**5046.** At its first meeting after a general election, the Board shall appoint its officers in accordance with this section.

Officers of
the College.

“**5047.** The officers of the College shall include:

1. The retiring president, who, whether or not re-elected, shall remain of right a member of the Board and of the executive council, during his successor's term of office, but with a consulting vote only;

2. A president;

3. Two vice-presidents;

4. A registrar.

Executive
Council.

“**5048.** These officers and those whom the Board may appoint under article 5049 shall constitute the Executive Council, which shall administer the affairs of the profession during the intervals between meetings of the College and in accordance with the rules fixed by the latter.

Other offi-
cers.

“**5049.** The Board may appoint any other officers it may deem necessary for the purposes of this section and the enforcement thereof.

President.

“**5049a.** The president shall preside over all meetings of the College, of the Board and of the Executive Council.

President
replaced.

“**5049b.** In the absence of the president, the vice-presidents, in the order of their nomination, shall replace

him temporarily, and, in the event of his death, they replace him until the next general election of officers of the Board.

"5050. The registrar may be chosen from outside of Registrar.
the members of the Board but must be a member of the
College.

"5050a. The registrar shall act as recording secretary Duties of
at the meetings of the Board. It shall be his duty to give registrar.
notice of the date and place of such meetings.

"5050b. The registrar shall keep in his possession a Quebec
book called "Quebec Dental Register", in which he shall Dental Reg-
enter, in alphabetical order, the names and surname of ister.
every person entitled to be entered, the place and date of
his birth, his domicile and address, as well as all his titles
and the name of the institution from which he obtained
his degrees, and the date of his license.

"5050c. The registrar shall also, by order of the Board, Printing of
cause to be printed and distributed to each member of the copy of reg-
College a true copy of such register. ister.

"5050d. The registrar is keeper of the seal of the Col- Keeper of
lege. the seal.

"5050e. The Board may, in addition, lay upon him Other duties
any other duties not inconsistent with his office. of registrar.

"5051. Every member of the College is entitled to Examina-
examine the books of the Board. tion of
books.

"5052. Copies of the registers kept by the registrar, as Authenti-
well as copies of the by-laws of the College and extracts city of docu-
therefrom, certified as true and signed by the registrar, are ments.
authentic.

"5052a. The registrar shall collect the monies due to Collection
the College. of monies.

"5052b. At each annual meeting (as well as at any Vouchers
other time, if he is so required by the president or by the and state-
committee on finances), the registrar shall furnish, with ments re-
quered.
vouchers, a complete statement of the receipts and expenses
of the College.

"5053. Under the direction of the president, the reg- Enforce-
istrar and executive council are charged with the enforce- ment of pro-
visions.

ment of the provisions of this section, as well as of the by-laws of the Board.

Registrar
replaced.

"5053a. In the event of the absence or death of the registrar, the president of the Board shall appoint a member of the College to act as registrar, temporarily in the case of his absence, or until the next meeting of the Board, in the event of his death, resignation or failure to act for other causes.

Documents
remitted.

"5054. The retiring officers shall immediately hand over to their successors the books and other documents or things relating to their duties.

Dismissal,
etc. of
officers.

"5054a. The Board is empowered to remove at will any officer or to appoint another in his place, but no officer can be so dismissed unless the absolute majority of the Board has voted for his dismissal.

Auditors.

"5055. The Board shall appoint, from outside the members of the dental profession, one or more auditors, whom it shall instruct to make a careful examination, each year, of the books, accounts and of all other documents in the possession of the registrar, and to make a faithful and complete report of the financial condition of the College.

Report.

"5055a. This report shall be made in time for the president to submit it at the next annual meeting of the Board, immediately after the general election of governors.

"§ 5.—Admission to the study of dental surgery

Certificate
required.

"5056. No one can be admitted to the study of dental surgery without having obtained a certificate of competency from the Board.

Persons en-
titled to
such certifi-
cate.

"5056a. The following persons are entitled to such certificate:

1. All holders of the degree of bachelor of letters, of science or of arts from one of the universities of this Province;

2. Those whom the Board declares, by general by-law to that effect, after an understanding with Montreal University and Laval University, insofar as French speaking candidates are concerned, or after an understanding with McGill University, for English speaking candidates, to have sufficiently studied and to possess certificates equivalent to certificates of competency granted by the Board;

3. Those who have successfully passed the examination required by the Board.

"5056b. From the 15th of March, 1924, up to the adoption by the Board of Governors of a by-law in accordance with paragraph 2 of article 5056a, the holders of a certificate from a classical college of this Province, approved by Montreal University or Laval University, attesting that the candidate successfully completed the Rhetoric class, or of a certificate from an English university of this Province, approved by McGill University, attesting that the candidate successfully completed the second year of the Arts Course, shall be entitled to the certificate of competency without further examination. Holders of certain certificates.

"5057. At least ten days before the date of the meeting of the Board, holders of bachelors' degrees shall send to the registrar their diplomas, certificates of birth and the amount of the fees fixed by the by-laws for candidates for admission to study. They shall further annex to the above documents a declaration sworn to before a justice of the peace or a commissioner of the Superior Court, according to the form provided in the by-laws. Holders of bachelors' degrees.

"5058. The reports of the above examinations shall be sent to the registrar of the College. The Board shall, in accordance with such reports, deliver a certificate of competency to the candidate. Reports of examinations.

"5058a. The studentship shall begin to run from the date of the issuance of such certificate. Studentship.

"5059. The Board shall appoint, for such time as it deems expedient, two or more persons, one of whom at least must be English, then engaged in teaching in the Province, to act as examiners for the candidates for study. Examiners.

"5059a. The Board may determine, by by-law, all matters relating to the procedure at such examinations. Procedure.

"§ 6.—Study of Dental Surgery

"5060. Every student of dental surgery, admitted to study after the 15th of March, 1924, shall attend the course in dental surgery of the dental faculty of one of the universities of the Province for four years. Course of study.

"5061. The Board, after consulting with the univer- Subjects of

the course
fixed by the
Board.

sities, may determine, by by-law, the subjects of the course of dental surgery.

“§ 7.—*Admission to the practice of Dental Surgery*

Assessors
appointed
by the
Board.

“**5062.** The examinations for university degrees in dental surgery shall be held in presence of one or more assessors appointed by the Board from amongst the members of the Board or the members of the College.

Choice of
assessors.

“**5062a.** Such assessor or assessors shall not be chosen from among the teachers in the schools or universities giving instruction in dental surgery.

Report to
Board.

“**5062b.** The assessors shall report to the Board upon the results of such examinations, and if the report is unfavorable to any of the candidates, the Board may refuse him admission and the license mentioned in article 5067.

Notice of
examina-
tions.

“**5063.** Each of the universities shall notify the registrar of the time when and place where the examinations will be held, at least one month previous to such examinations.

Payments,
etc., re-
quired by
applicants
for admis-
sion to
practice.

“**5064.** Every person desirous of being examined for the university degrees before the assessors appointed by the Board shall, at last one month before the final examination, notify the registrar and pay into his hands the fees required by the by-law and deliver also a certificate establishing, to the satisfaction of the Board, his integrity and good morals.

Transmis-
sion of
reports and
issue of li-
cense.

“**5065.** Reports of the foregoing examinations shall be sent to the registrar of the College. The Board, upon a favourable report and upon production of a university degree of doctor of dental surgery, shall grant the license. The rights conferred by such license cannot be exercised until the licentiate has taken the oath in the form provided in the by-laws.

Practice of
dental sur-
gery.

“**5066.** No one, after passing the examinations for practice, can begin to practise as a dental surgeon unless four consecutive school years have elapsed since the date of registration in the office of the college of his bachelor's degree or of the certificate of competency as provided in article 5056.

Idem.

5066a. Notwithstanding the provisions of this section, students, resident in the Province of Quebec, who, on the

15th day of March, 1924, are in the final year of the course of dental studies at a university of this Province, shall be admitted to the examination for admission to practise, and be licensed after successfully passing such examination.

5066b. Students, resident in the Province of Quebec, ^{Practice of dental surgery.} who, on the 15th day of March, 1924, are in the First, Second or Third year of a dental course at a university of this Province, and who do not now hold a certificate of competency provided for in articles 5056 and 5056a of this section, shall be admitted to the examination for permission to practise at the end of their course and be licensed after having successfully passed such examination, provided they shall then have obtained their certificate of competency.

5067. No person, except licensed physicians and surgeons, shall practise dental surgery in the Province before obtaining a license from the Board. ^{Idem.}

5067a. Notwithstanding the provisions of this section, ^{Idem.} the Board shall admit to the examination for admission to the practice of dental surgery those who, having studied dentistry in a university of this Province, have obtained therein the degree of Doctor of Dental Surgery before the 15th of March, 1924.

5068. To obtain such license he must, from and after ^{License.} the 15th of March, 1924, have fulfilled the requirements of this section and be the holder of the degree of doctor of dental surgery from one of the universities mentioned in article 5033, or approved by the Board.

5069. The license to practise dental surgery in this ^{Signature of license.} Province shall be signed by the president, the registrar and one of the vice-presidents. The seal of the College shall be ^{Seal.} affixed to such license.

5070. No person entitled to be registered under this ^{Penalties in certain cases.} section and who, while practising dental surgery in the Province of Quebec, neglects or omits to have himself registered, can claim any of the rights and privileges conferred by this section, and he shall be liable to all the penalties imposed by it or by any other law, upon those practising dental surgery without having been registered as required.

5071. Every licensed dentist is authorized to keep ^{Authorization to dentists.} and make use of the drugs, and the medical, chemical or mechanical apparatus which he may require, to give con-

sultations, prescribe drugs and perform all the manual operations or treatments relating to the practice of his profession.

Assumed or firm name. “**5072.** It is forbidden to practise dental surgery under an assumed name, or under a firm name other than that of one, several or all of the partners.

Registration of certain dentists. “**5073.** Every dental surgeon, who holds a public or other position, in his capacity of dental surgeon, shall also be bound to have himself registered, and shall assume all the obligations of a member of the College.

“§ 8.—*Annual fees*

Annual contribution by members. “**5074.** Every member of the College shall pay unto the registrar, on or before the first day of July in every year, the annual contribution required by the by-laws.

Suspension of payment after notice to the registrar. “**5075.** Any dental surgeon who ceases to practise his profession may free himself from the payment of the contribution for the time during which he so ceases to practise, by previously sending the arrears due by him and by giving written notice to the registrar of his intention to no longer practise his profession.

Name struck off. “**5075a.** It shall be the duty of the registrar to strike the name of such dental surgeon from the dental register at the date specified in the notice.

Practice continued. “**5075b.** If, after the date specified in such notice as that at which such dental surgeon will cease to practise, he practises his profession, he shall continue to be subject to the provisions of this section as if the notice had not been given.

Practice resumed. “**5075c.** Such dental surgeon may resume the practice of his profession upon giving notice of his intention so to do to the registrar of the College.

Re-inscription of name. “**5075d.** Upon payment of his contribution for the current year, the registrar shall send his application for the president of the College and re-inscribe his name in the register, if the Executive Council does not object thereto.

Question submitted to the Council on Discipline. “**5075e.** If the Executive Council of the College objects to the re-inscription of the name of such dental surgeon in the register by reason of the occupation followed by such dental surgeon in the interval or for any other reason, the

matter shall be submitted to the Council on Discipline, which after hearing the parties, may refuse or grant permission to such dental surgeon to practise his profession, and shall insert the reason therefor in its judgment.

"5075f. An appeal shall lie to the Board from such Appeal judgment.

"5076. The annual contributions and arrears thereof shall be recoverable, both from the dental surgeon himself and from his heirs or representatives, by the registrar in the name of the College. Recovery of contributions.

"5076a. In every suit to recover such contributions and arrears, it shall be sufficient to give the initials of the Christian names of the defendant, as they appear in the Quebec Dental Register. Suits to recover.

"5076b. It shall be sufficient also to allege that the defendant dental surgeon or his heirs or representatives is or are indebted to the College for the contributions for the years demanded. Idem.

"5076c. The statement of the account of the dental surgeon from whom or from whose heirs such contributions or arrears are so demanded, bearing the seal of the College and purporting to be signed by the registrar, shall be accepted by all courts as *prima facie* proof of its contents. Statement accepted as proof.

"5077. The action for the recovery of the annual contribution is prescribed by five years. Prescription.

"5077a. No member of the College may vote at the elections of members of the Board nor be elected governor, if he has not paid all his indebtedness to the College. Effect of indebtedness.

"5078. The registrar shall, every year, at the date fixed by by-law, make out a list of all dental surgeons who, in addition to the contribution for the current year, also owe for the previous year or any other arrears for past years. List.

"5078a. After the list has been made, the registrar shall, with all reasonable diligence, send, by registered letter, to all the dental surgeons, whose names appear therein, notice that at the next session of the Board, he will ask for their suspension. Notice of demand for suspension.

Such notice shall be mailed at least fifteen days previous to the session at which the suspension is to be asked for. Idem.

Certificate of registrar. **"5078b.** The certificate under oath of the registrar, setting forth that he has sent the notice in accordance with article 5078a, shall be sufficient proof of its having been sent.

Suspension ordered by the Board. **"5078c.** The Board may, at any ordinary session, without other formality, order the suspension of all or any dental surgeons in arrears in the payment of their contributions beyond the current year, and notice of the suspension shall be given by the registrar to such dental surgeons, and, from the sending of the notice, they shall lose the right to practise as dental surgeons in the Province, until they are relieved of the suspension.

Notice.

Duration of suspension. **"5078d.** The suspension shall last until the dental surgeon suspended obtains release therefrom by payment:

1. Of his arrears;
2. Of the costs incurred for the suspension as taxed by the Board in its order;
3. Of the costs of publishing such order.

Suit by College. **"5078e.** Nothing in the foregoing shall deprive the College of the right to sue the dental surgeon, indebted, to recover the sums due by him, before a court of competent jurisdiction.

Id., by dentist. **"5079.** No one shall have the right to sue for or recover any fees or compensation for any opinion, for professional services, operations, prescriptions, medicine or apparatus he may have prescribed or furnished, or to avail himself of any right or privilege conferred by this section, unless he was registered in the Quebec Dental Register and had paid his annual contributions to the College, when he rendered the services for which he claims payment.

Validity of certificate. **"5079a.** No certificate given by a person in his capacity of dental surgeon shall be valid unless such person is registered in the Quebec Dental Register.

Privileges conferred. **"5080.** The privileges and exemptions conferred upon physicians and surgeons by the laws of this Province are by this section granted to licensed dental surgeons.

"§ 9.—Council on Discipline

Council on Discipline. **"5081.** For the better observance of the by-laws of the Board and of the rules of dental ethics, there shall be a council of three members, chosen from among the members of the College and called the "Council on Discipline".

"5081a. The members of the Council on Discipline are appointed by the Board. They shall be chosen from the ^{ment of} dental surgeons of at least ten years' practice. ^{members.}

"5081b. Any vacancy which may occur in the Council on Discipline during the interval between the sessions of the Board may be filled by the two other members of the said council. ^{Vacancy.}

"5081c. The Council on Discipline shall have the right to make by-laws for its government and for the proceedings to be taken before it, and to fix the time and place for its meetings and the mode of convocation. ^{Powers.}

"5081d. The quorum of the said Council shall be two members and the registrar of the College shall act as its secretary. ^{Quorum.}

"5081e. The members of the Council remain in office until replaced. ^{Term of office.}

Nevertheless, the members of the Council or the majority, who have taken cognizance of a matter which has been submitted to them, shall give their decision, notwithstanding their replacement and whether re-elected or not as members of the Board. ^{Decision in certain event.}

"5081f. Any member of the Council, who has been duly notified to attend a meeting of the Council and who makes default to do so, may be replaced by the two other members of the Council, and his successor shall remain in office until replaced by the Board. ^{Replacement.}

"5082. It shall be the duty of the Council on Discipline to enquire into, to consider, hear and decide finally and to the exclusion of any court, subject to appeal to the Board, every charge or complaint against any member of the College, for infraction of his professional duties or any act derogatory to the honour and dignity of the profession. ^{Jurisdiction of Council.}

"5082a. The following are declared to be derogatory to professional honour: ^{What declared derogatory to professional honour.}

a. Acceptance, by a member of the Board, of money or any other advantage, or the promise of money or of any other advantage, for contributing or having contributed to the taking of any proceeding or the rendering of any decision whatever by the Board;

b. Divulging a professional secret;

c. Sharing between dentists and those who are not dentists of profits arising from the practice of dentistry;

d. Associating or consulting with quacks;

e. The habitual abuse of alcoholic liquor or narcotics;

f. Publishing advertisements in which are mentioned the prices of different kinds of professional services; publishing cases of healing or treatment; distributing circulars mentioning things prohibited by this section; advertising by signs elsewhere than at a dentist's office; calling public attention to special modes of work with intent to deceive the public; claiming, by any advertisement, superiority over brother dentists; advertising free operations; soliciting patients from house to house; advertising nostrums and panaceas;

g. The allowing, by a practising dentist, of a person, who is not a licentiate, to practise the said profession in his name, or under his patronage, or under any style whatever in his office; the allowing of a student or a licentiate, who has been forbidden to practise for violation of the law or by-laws, to practise directly or indirectly, or to place his name or his sign as the partner of such practising dentist or as being connected with his office;

h. An agreement between a practising dentist and a candidate who has been rejected at the final examination, for the purpose of enabling such candidate to unlawfully practise the dental profession or to evade the law respecting such profession in the Province;

i. A practising dentist allowing a licentiate, forbidden to practise his profession, to continue to practise under his name or patronage or in his office, under any style whatever, or making arrangements with him to enable him to unlawfully practise dentistry or to evade the law respecting the dental profession in the Province;

j. A dentist advertising through any business firm or allowing such firm to advertise for him; advertising anonymously or under any firm or corporate name, whether by signs or advertisement in newspapers, magazines, or otherwise, anything declared by this section to be derogatory to the honour of the profession."

Sittings of
Council.

"**5082b.** The Board may, by by-law, determine the time and place of the sittings of the Council and the manner of convening the same, and order that the Council may hold general or special sittings.

Deliberation.

"**5082c.** In the exercise of the powers conferred upon it the Council shall deliberate, and may have recourse to all means it deems expedient for securing information as to the

facts to be ascertained, and to permit the accused to defend themselves.

"5082d. The commission of a criminal offence legally proved and followed by final sentence by a competent court, ordering imprisonment in a penitentiary, shall entail loss of membership in the College. Loss of membership.

"5082e. The clerk of any court having criminal jurisdiction in this Province, before whom a member of the College is prosecuted, shall, without delay, notify the registrar of the sentence pronounced against such member, and shall send the registrar a certified copy of such sentence. Notice, etc., to registrar.

"5082f. A member of the College found guilty of a criminal offence, followed by final sentence by a competent court, but not sentenced to the penitentiary, may be suspended or dismissed by the Council on production of a certified copy of the judgment and without other inquiry. Suspension or dismissal in certain cases.

"5082g. If it is established by a judgment, which is final and without appeal, that a member of the College has committed some serious infringement of his professional duties or has committed an act derogatory to the honour of the profession, the Council may suspend or dismiss such member from the College, without investigation, on production of a certified copy of the judgment. Idem.

"5082h. In the two cases mentioned in articles 5082f and 5082g, the clerk of the court, which has pronounced the sentence, shall forward a certified copy of such sentence without delay to the registrar of the College. Copy of sentence transmitted to registrar.

"5083. The disciplinary penalties which may be imposed by the Council shall be: Disciplinary penalties.

1. Deprivation of the right to vote at elections of governors and at all general meetings of the members of the College for a certain time;
2. Deprivation of the right to be elected to the office of governor;
3. Deprivation of the right of a member of the Board to sit at one or more sittings;
4. Censure;
5. Dismissal from the Board;
6. Suspension from the practice of the profession of dental surgery, which entails, during suspension, the dismissal of such member from the College;
7. Dismissal from the College.

Penalties
imposed.

"5083a. The penalties, other than dismissal from the College, are imposed separately or simultaneously. Dismissal from the College can only be imposed in the cases provided for in articles 5082*f* and 5082*g*.

Charges by
the regis-
trar.

"5083b. The Board may, whenever it deems expedient, order the registrar to bring any charge properly drawn up before the Council, in his own name; but the members of the Council on Discipline shall not take any part in the deliberations of the Board.

"§ 10.—Appeal to Provincial Board of Dental Surgery

Appeal.

"5083c. 1. Every decision of the Council on Discipline, entailing suspension or dismissal, shall be subject to appeal to the Board. Notice of such appeal shall be served by a bailiff upon the registrar who has reported the decision to the member of the College who has been suspended or dismissed, within fifteen days following that of the service. Such appeal shall be taken into consideration only at a session of the Board.

2. A member of the Council cannot sit in appeal from a judgment rendered by the Council of which he forms part.

3. Articles 237 and 238 of the Code of Civil Procedure shall apply to the members of the Board sitting in appeal.

4. The quorum of the members of the Board sitting in appeal shall be twelve members.

5. The appellant shall deposit, with his notice of appeal, the sum of fifty dollars on account of the costs occasioned by such appeal.

6. If he succeeds in such appeal, the said sum shall be returned to him. The losing party shall be condemned to pay to the Board the costs occasioned by such appeal.

7. The Board shall decide the appeal summarily and the registrar shall within eight days forward a certified copy of such decision to the appellant, by registered letter.

8. An appeal shall lie to the courts from the decision rendered by the Board, except in the case of suspension or dismissal of a member of the College.

9. The Board is empowered to pass by-laws for the procedure to be adopted before it, sitting in appeal from the decisions of the Council on Discipline.

"§ 11.—Penalties

Offences.

"5083d. Whosoever, other than licensed physicians and surgeons, not being a holder of a license as dental surgeon

legally granted by the Board and whose name has not been registered as a member of the College:

1. Practises in the Province as a dentist or dental surgeon;
2. Attempts to evade the law;
3. Falsely pretends that he is registered as a dental surgeon, or that he is the holder of a license granted by virtue of the law, or who makes use falsely of a name, title or quality, or places before or after his name letters or signs, of a description to induce the belief that he is duly authorized to practise as a dental surgeon, or who makes use of a title of such a style as to induce the belief that he has obtained any diploma or degree from any college of dentistry, or who makes use of any sign, title or indication whatsoever so as to induce the belief that he has obtained such degree or diploma;
4. Without being previously registered as a dental surgeon and without a license granted as aforesaid, practises for a remuneration or in the hope of being rewarded, remunerated, or paid, directly or indirectly, under the name of a licensed dental surgeon;
5. After being suspended from the exercise of the dental profession by the Council on Discipline, or after being struck off the roll of dental surgeons without his name having been regularly replaced thereon, practises dentistry;

shall be liable to a fine of not less than fifty dollars nor more Penalties.
than one hundred dollars for the first offence; of not less than one hundred dollars nor more than two hundred dollars for the second offence, and of not less than two hundred dollars nor more than five hundred dollars for each subsequent offence, to be recovered with costs of suit in the manner prescribed by article 5084.

"5083e. It shall be unlawful for any student or person, Offence.
other than the holder of a license in dental surgery of this Province actually practising therein, to take charge of an office or act before the public in the capacity of a regular dentist or dental surgeon, or for a licentiate to represent to the public that such person is qualified and entitled to so act, the whole subject to the penalties provided by article 5083d.

"5083f. No licentiate shall keep open more than one Dental
dental office, unless each additional office be under the offices.
direct control and attendance of a registered dental licentiate of this Province.

“§ 12.—*Prosecutions*

“I.—*Courts before which brought*

Recovery of
fines.

“**5084.** The fines imposed by this section shall be recoverable:

1. Before any district magistrate, judge of the sessions of the peace, police magistrate, recorder or justice of the peace, who shall then, upon the written and sworn complaint of any person of the age of majority, immediately issue against the defendant a summons which shall be returnable at once and which shall be decided without delay;

2. Before the Circuit Court of the county or district where the defendant resides or where the action is served upon him or where the offence has been committed;

3. Before the Superior Court of the district wherein the defendant resides or where the writ is served upon him, or where the offence has been committed, when more than one fine is claimed by the same action, or when the amount claimed comes under the jurisdiction of the Superior Court.

Certain
prosecu-
tions in
the name of
the College.

“**5084a.** In the case of paragraphs 2 and 3 of article 5084, the prosecution shall be taken by and on behalf of the College of Dental Surgeons of the Province of Quebec, to which the sole right of prosecuting belongs.

Allegations
required.

In such prosecutions, it shall be sufficient to allege the offence or the particular causes by reason of which the said prosecution is instituted, and that the defendant has acted in violation of the law.

“II.—*Procedure*

Provisions
applicable.

“**5084b.** In all prosecutions upon information before any of the functionaries mentioned in paragraph 1 of article 5084, all the provisions of Part I of the Quebec Summary Convictions Act (12 George V, chapter 98), including the applicable forms, shall apply in all cases not specially provided for in this section.

Decision
without
appeal.

The decisions of such functionaries shall be without appeal, and no notice or writ of *certiorari* shall suspend or prevent the execution of the conviction pronounced by them, unless the party condemned, on giving notice of the *certiorari*, deposits with the clerk of the functionary, who rendered judgment, the amount in full of the fine and costs imposed, and a sum of fifty dollars as security for the costs of the adverse party.

Summary
procedure.

“**5084c.** In actions brought before the civil courts hereinabove mentioned, the procedure shall be summary, ac-

cording to the provisions of articles 1150 to 1162 of the Code of Civil Procedure.

"5084d. The law respecting the seizure and sale of the defendant's goods, and all the laws of procedure as well as the rules of practice and the tariffs of the said courts, respectively, shall apply in all cases where no special provisions are enacted by this section. Provisions applicable.

"5084e. In case of an information lodged before one of the functionaries named in paragraph 1 of article 5084, the said functionary may allow the counsel of the successful party a fee in accordance with the tariff of the civil court of the district where the case is heard, as in an ordinary action for sixty dollars. Counsel fees.

"III.—Proof

"5084f. In all civil prosecutions, and in any prosecution under articles 5083*d* and 5083*e*, it shall be incumbent on the defendant to prove that he had the right to practise as a dental surgeon in the Province, or that he had the right to assume the title, name and quality, or to use the letters, signs or indications which he is charged with illegally using and assuming. Burden of certain proof on defendant.

"5084g. When proof of registration or want of registration is required under this section, a copy or an extract from the register, or the books of the College, under the seal of the same and the signature of the registrar, shall be sufficient evidence of the contents of the said copy or extract without its being necessary to produce the original. Copy or extract from register sufficient evidence.

"5084h. No person illegally practising the profession of dental surgeon shall be entitled to recover, before any court of justice, any sum of money for his professional services, drugs or articles so rendered, sold or supplied. Persons unlawfully practising not entitled to recover fees, etc.

"IV.—Execution of judgments

"5084i. 1. In default of immediate payment of the fine and costs imposed, the defendant shall be imprisoned, for not less than three months nor more than six months, in the common gaol of the district where the sentence has been rendered, unless such fine and costs be sooner paid. Imprisonment in default of payment.

2. The functionary or court by whom the judgment is pronounced may, however, instead of ordering the immediate imprisonment of the defendant, grant him a delay, or order the seizure and sale of his moveable and immove- Court may grant delay.

able property for the discharge of the fine and costs aforesaid and of all subsequent costs.

Imprisonment after delay granted or if distress is insufficient.

3. If, at the expiration of the delay granted, the said fine and costs are not paid, or if the sale of the said property of the defendant has not been sufficient to pay the said fine and costs, the said defendant shall, in any of such cases, be imprisoned in the said gaol for not less than three months nor more than six months, unless the amount of the fine and costs, and all subsequent costs incurred through his default, be sooner paid.

Warrant of commitment.

4. When the defendant, in default of immediate payment, is sentenced to be imprisoned at once, the warrant of commitment shall be signed and issued without delay by the prothonotary or the clerk, as the case may be, no special request to that effect being necessary.

Idem.

5. All warrants of commitment in default of payment after the expiration of the delay granted, or in case of insufficiency of the defendant's property, or any writ of execution against him, shall be signed and issued by the prothonotary or clerk, as the case may be, upon the *fiat* of an attorney, wherein it shall be alleged that the amount of the condemnation and costs is still due in whole or in part.

Idem.

6. The above warrant of commitment may be, *mutatis mutandis*, in the form as contained in the Quebec Summary Convictions Act, and be executed by any bailiff or constable.

Writ of execution.

7. The writ of execution shall be executed by a bailiff.

Release upon payment.

"**5084j.** Any person so imprisoned may, in any case, be set free upon payment of the fine and costs, and of all costs subsequent to his condemnation, including the expense of his removal to gaol, or, in case of the sale of his goods, upon payment of the balance remaining due.

Amount to be paid to be endorsed on warrant.

The total sum to be paid for the discharge of the person so imprisoned must, in all cases, be mentioned on the back of the warrant of commitment.

"§ 13.—Application of Fines

Fines to belong to College.

"**5084k.** All fines imposed by virtue of this section shall belong to the College and shall be paid into the hands of the registrar.

Payment over of moneys received.

"**5084l.** If the goods of the defendant are sold or if the defendant is confined in gaol, the officer conducting the sale, or the gaoler, as the case may be, shall, without delay, pay into the hands of the said registrar all sums of money

received in partial or total discharge of the fine and costs incurred.

"5084m. Saving the privileges conferred upon physicians and surgeons by the laws of this Province, no person shall carry on the profession of a dental surgeon in the Province without a license issued by the College of Dental Surgeons of the Province of Quebec, under penalty of the fine enacted by article 5083*d*, which shall be recoverable as mentioned in article 5084. License required.

Saving the said privileges, any physician or surgeon legally holding a license in virtue of the laws of this Province and authorized as such therein, who desires to practise as a dental surgeon and to make himself known publicly as such, must previously obtain a license from the Board by passing an examination upon the mechanical and operative part of dental surgery, and pay the fee fixed by the regulations for the obtaining of the said license." Proceedings by physician to obtain license as dentist.

2. The first election of members of the Provincial Board of Dental Surgery shall be held before the fourth Monday of October, 1924, at a date to be fixed by the members of the Board of Governors mentioned in section 3 of this act. Date of first election.

3. The eleven members of the College of Dental Surgeons elected as governors of the said College and holding that position, on the 15th of March, 1924, shall remain in office until the first meeting of the Provincial Board of Dental Surgery, notwithstanding the foregoing provisions, and they shall continue until then to administer the affairs of the College in the place and stead and with the powers of the Provincial Board of Dental Surgery and of the Executive Council created by this act; but all by-laws adopted by them before that date shall only be of a provisional nature and shall be repealed and cease at such first meeting above mentioned, immediately after the nomination of the new Executive Council. Remaining in office.

4. The said members of the College are specially authorized to pass by-laws providing for the manner of holding the first election of the Provincial Board of Dental Surgery. Holding of first election.

5. The provisions of this act regarding the first election of members of the Provincial Board of Dental Surgery shall come into force on the day of the sanction of this act, but the other provisions of the act shall only come into force upon the opening of the first session of the said Board, and, until then, the College of Dental Surgeons of the Province Application.

of Quebec shall continue to be governed and administered under the same laws and by the same functionaries and in the same manner as before the passing of this act.

Coming into
force.

6. This act shall come into force on the day of its sanction.

CHAP. 55

An Act to amend the Cities and Towns' Act, 1922

[Assented to, the 15th of March, 1924]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

13 Geo. V, c. 65, s. 416, am. **1.** Section 416 of the Cities and Towns' Act, 1922, (13 George V, chapter 65), is amended by adding to subsection 18 thereof the following paragraphs:

Power of
regulation
respecting
pulp mills,
etc.

"Notwithstanding the provisions of the first paragraph of this subsection 18, in the case of pulp mills, paper mills, or pulp and paper mills, the power of regulation is limited to the authorization or confirmation of the location of such mills, which mills shall, however, continue to be governed by the laws respecting public health, and no person may prevent or limit the operation of such mills by way of injunction or any other legal proceedings, if such mills have been so authorized by municipal by-law, the recourse of any person suffering damages by reason of such operation being limited in such case to a claim for such damages and interest.

Injunction,
etc., prohi-
bited.

Recourse in
damages.

No repeal.

No such municipal by-law, after adoption, may be repealed."

13 Geo. V, c. 65, s. 510, am. **2.** Article 510 of the said act 13 George V, chapter 65, is amended by adding thereto the following paragraphs:

Provisions
made ap-
plicable.

"Any city or town municipality not governed by the provisions of this article may enact by by-law of its council, approved by the Lieutenant-Governor in Council, that these provisions shall apply to the said municipality.

Publication
of approval.

The Minister of Municipal Affairs shall publish, in the *Quebec Official Gazette*, a copy of the order-in-council approving such by-law."

13 Geo. V, c. 65, s. 571, am. Provisions

3. Article 571 of the said act 13 George V, chapter 65, is amended by adding thereto the following paragraph:

"Any city or town municipality not governed by the