



63 VICTORIA

CHAP. 26

An Act to amend the law respecting Physicians and Surgeons

[Assented to 23rd March, 1900]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Articles 3972, 3973 and 3974 of the Revised Statutes R. S., 3972, are replaced by the following : to 3974, replaced.

“**3972.** The affairs of the college are conducted by a Board of Governors, hereinafter called “the Board” which comprises, saving the provisions of articles 3973 and 3974*u*, forty-three members elected for three years, chosen from among the members of the college, as regulated by the following articles.

“**3973.** Two governors are elected by each of the following institutions, namely : By whom elected.

The faculty of medicine of Laval University, at Quebec ;

The Montreal School of Medicine and Surgery, faculty of medicine of Laval University, at Montreal ;

The faculty of medicine of McGill College ;

The faculty of medicine of the University of Bishop's College.

Elected by faculties of medicine of certain Universities, &c.

The governors elected by the faculty of medicine of Laval University, at Quebec, shall be chosen from among the members of the college qualified according to the regulations of the Board, entered on the register mentioned in Qualifications required of such governors.

article 3988 and residing in the city of Quebec, and the governors elected by the other three institutions above mentioned shall be chosen among the members of the college qualified according to the regulations of the Board, entered on the said register, and residing in the city of Montreal.

Rules applicable to elections and term of office of such governors.

Each institution regulates, as it deems best, the manner and date of the election of the two governors who are to represent it on the Board ; but such governors, as well as those who represent the electoral divisions hereinafter mentioned, are elected every three years and about the same time as the latter, and a report of such election, setting forth the names, surnames and residence of the governors elected, is furnished by the secretary of such institution to the registrar of the College of Physicians and Surgeons, within a delay of one month after the date fixed for the election of the other governors.

Qualifications to be retained by such governors while in office.

The governors elected by the institutions above-mentioned are not obliged to have their election confirmed or approved by the college, but they shall, under penalty of being *ipso facto* deprived of office, continue to be, during the whole of their term of office, members of the college qualified in conformity with the regulations of the Board, entered on the register mentioned in article 3988, and domiciled in the city in which the institution they represent is established.

Vacancies in Board.

Vacancies arising in the representation of any of the said institutions are filled by it from among the members of the college qualified to represent such institution, and a report of such election is forwarded to the registrar of the college within a delay of one month after it was held.

Institutions ceasing to teach.

Every institution which discontinues teaching medicine, loses *ipso facto* the right to elect representatives on the Board of Governors, and such right revives only when such institution in good faith recommences teaching.

Governors elected by members of the College of Physicians and division of Province for such election.

“ 3974. The other governors are chosen by the members of the college, and, for that purpose the Province of Quebec, is divided into four districts, namely : the districts of Quebec, Montreal, Three Rivers and St. Francis.

DISTRICT OF QUEBEC

District of Quebec.

“ 3974a. The district of Quebec comprises the following electoral divisions :

1. The electoral division of Quebec Centre ;
2. The electoral divisions of Quebec West, Quebec East and St. Sauveur ;
3. The counties of Lévis and Lotbinière ;
4. The counties of Montmorency, Quebec and Portneuf ;

5. The counties of Charlevoix, Chicoutimi and Lake St. John ;

6. The counties of Beauce and Dorchester ;

7. The counties of Bellechasse, Montmagny and L'Islet ;

8. The counties of Kamouraska and Temiscouata ;

9. The counties of Rimouski, Matane, Gaspé, Bonaventure and Magdalen Islands.

Each of the two electoral divisions firstly and secondly above-enumerated elects three governors, and each of the other electoral divisions above-enumerated elects one governor. Number of governors.

DISTRICT OF MONTREAL

“ **3974b.** The district of Montreal comprises the following electoral divisions : District of Montreal.

1. Electoral divisions Nos. 1 and 2 of the city of Montreal ;

2. Electoral divisions Nos. 3 and 4 of the city of Montreal ;

3. Electoral divisions Nos. 5 and 6 of the city of Montreal ;

4. The counties of Joliette, L'Assomption, Montcalm and Berthier ;

5. The counties of Terrebonne, Two Mountains, Argenteuil and Laval ;

6. The counties of Ottawa and Pontiac ;

7. The counties of Beauharnois, Chateauguay, Huntingdon, Soulanges and Vaudreuil ;

8. The counties of Shefford, Brome and Missisquoi ;

9. The counties of St. John's, Chambly, Napierville, Iberville and Laprairie ;

10. The counties of St. Hyacinthe, Bagot and Rouville ;

11. The counties of Richelieu, Yamaska and Verchères ;

12. All that part of the county of Hochelaga, comprising the municipalities of Pointe-aux-Trembles, Longue Pointe, Rivière des Prairies, Sault-au-Récollet, the town of Maisonneuve, De Lorimier village, village of Petite Côte, St. Léonard, Port Maurice, and the town of St. Louis, and Hochelaga, Saint Denis and St. Jean Baptiste wards of the city of Montreal, together with all their present or future subdivisions,—which shall be known as “ Hochelaga East ” ;

13. The county of Jacques Cartier, and all that part of the county of Hochelaga, comprising the municipalities of

Verdun, the town of St. Paul, the municipality of the parish of Côte St. Paul, the cities of St. Henri and Ste. Cunégonde, the towns of Westmount, Outremont, Notre-Dame des Neiges, Notre-Dame de Grâces and Montreal West, and St. Gabriel ward of the city of Montreal, together with all their present or future subdivisions,—which shall be known as “Hochelaga West.”

Number of
governors.

The three electoral divisions firstly, secondly and thirdly above-enumerated shall each elect two governors, and each of the other divisions shall elect one governor.

DISTRICT OF THREE RIVERS

District of
Three Rivers.

“3974c. The district of Three Rivers comprises the following electoral divisions :

1. The counties of Drummond, Arthabaska and Megantic ;
2. The city of Three Rivers and the county of Champlain ;
3. The counties of St. Maurice, Maskinongé and Nicolet.

Number of
governors.

Each of these electoral divisions elects one governor.

DISTRICT OF ST. FRANCIS

District of
St. Francis.

“3974d. The district of St. Francis comprises the following electoral divisions :

1. The *county* of Sherbrooke ;
2. The counties of Compton, Stanstead, Richmond and Wolfe.

Number of
governors.

The electoral division firstly above-mentioned elects two governors, and the electoral division secondly above-mentioned elects one governor.

Counties, &c.,
to be those in
existence on
1st July,
1899.

“3974e. The counties and electoral divisions mentioned in articles 3974a, 3974b, 3974c, and 3974d, are those which were in existence on the first of July, 1899, for the purposes of representation in the Legislative Assembly of the Province of Quebec with the boundaries then respectively assigned to them.

How govern-
ors are elected
for such divi-
sions.

“3974f. The governors who represent the electoral divisions enumerated in the preceding articles are elected in the manner and at the time hereinafter mentioned by the mem-

bers of the college qualified in conformity with the regulations of the Board, entered in the register referred to in article 3988 and domiciled in the division, and they must themselves be members of the college qualified in accordance with the regulations of the Board, entered in the said register and be domiciled in the division which they represent.

" 3974g. General elections of the Board of Governors are held every three years, on the first Wednesday in September or, if it be a non-juridical day, on the following juridical day, commencing with the month of September in the year nineteen hundred and one. When general elections are held.

" 3974h. At its meeting of July in the year in which the general elections of Governors should be held or if no meeting of the Board be fixed or held in the month of July, then at its regular meeting nearest to the date of the elections, the Board appoints in each of the aforesaid electoral divisions, a returning-officer who shall be a member of the college qualified according to the regulations of the Board, entered in the register and domiciled in the said division. Appointment of returning-officer for each division.

If the returning-officer so appointed refuse to act as such, or if, after accepting, he resign the office, die or become incapacitated, or have not caused to be sent to the registrar of the college a notice of his acceptance within ten days after the day upon which the registrar had posted the letter notifying him of his appointment as returning-officer, the registrar shall, with the sanction of the president or of one of the vice-presidents, appoint a person to replace him chosen from the same electoral division and qualified as above-mentioned. Appointment, if first one appointed refuse, &c., to act.

Notice shall be given of the appointment of returning-officers for the various divisions and of their replacing if necessary, in at least two medical reviews published in the province and in a newspaper published in French and in one published in English in each of the cities of Montreal and Quebec, at least one month before the holding of the election. Publication of notice of appointment.

Before acting, the returning-officer shall make oath to faithfully perform the duties of his office without partiality, fear, favor or affection, before a justice of the peace or a commissioner of the Superior Court or other competent officer, according to form A in the annex to this act, which is furnished by him to the registrar, and such oath forms part of his proceedings and accompanies his report of the result of the election to the registrar. Oath of returning-officer, &c., before whom to be taken.

The returning-officer cannot be a candidate nor be elected at the election for which he acts. Not to be candidate or elected.

Ballot-papers
to be sent to
members and
when.

" 3974i. At least one month before the holding of the elections, the registrar of the college transmits, under envelope sealed and registered, to each qualified member of the college, to the member's address as entered in the register of the corporation, a ballot-paper in the form B, bearing the signature of the registrar and the name of the member to whom it is addressed, and an envelope also certified by his initials previously stamped with the postage and registration rate, bearing the address of the returning-officer of the division.

Duplicates
may be sup-
plied in cer-
tain event.

The registrar may, on written request, supply duplicates of the ballot-paper and envelope to any member who had not received those addressed to him, and such ballot-paper shall be marked "duplicate"; but no member of the college, shall vote more than once or transfer to another the ballot which had been addressed to him.

How votes are
to be given.

" 3974j. Votes are given by the entry upon the ballot-paper, at the place indicated for that purpose, of the name, surname and residence of the member of the college, or, if the division be represented by two or more governors, of the members for whom the member wishes to vote. The ballot shall bear the signature and address of the voter and is by him transmitted to the returning-officer by mail, in the envelope sent to him for that purpose by the registrar, which must be sealed and registered on or before the voting day, but so that it may be remitted to the person to whom it is addressed before the close of the voting.

Transmission
thereof to
returning-of-
ficer by mail.

Entry on en-
velope.

The returning-officer enters on each envelope the day and hour of its receipt.

Provision if
documents
not sent by
registered
mail.

However, anything which under these provisions must be sent by registered mail, may, with the same effect, be sent by express, charges paid, or by handing the document or paper to the person to whom it is addressed in person, but then no traveling expenses can be claimed or charged; and, in case it is handed to the person to whom it is addressed in person, the latter shall give a receipt for the document in question certifying to the date and hour of delivery.

Opening of
envelopes
containing
ballots.

" 3974k. At five o'clock in the afternoon of the voting day and not before, the returning-officer opens, in the presence of at least two witnesses, all the envelopes enclosing the ballot-papers received by him up to that hour, and carefully counts the ballot-papers. He shall reject any ballot which is not filled up according to the prescriptions of article 3974j, which does not bear the signature of the registrar and voter and which the voter has not transmitted to him in the en-

Rejection of
ballots.

velope bearing the initials of the registrar mentioned in articles 3974*i* and 3974*j*.

He certifies under his signature the number of votes received by each candidate, the number of votes which he had to reject, and the name of the candidate elected, and immediately transmits to the registrar this certificate, which shall be made according to form C, accompanying his report with his oath of office, all the ballot-papers he received and those he rejected, as well as those admitted, all the envelopes in which the said ballot-papers were sent to him, all the envelopes received by him after the close of the voting which shall not be opened by the returning-officer, and in general all documents which had been given to him in connection with the election.

Certificate as to number of votes and transmission of documents to registrar, &c.

"3974*l*. In the case of divisions which have to elect more than one governor, the two or three candidates, as the case may be, who have the largest number of votes must be declared elected, and the returning-officer complies in that respect with all that is prescribed in the preceding article.

If more than one governor to be elected.

"3974*m*. When, upon the final addition of votes, there is an equality of votes between the candidates, the returning-officer is obliged to give his vote for one of such candidates by a declaration written and signed by him, mentioned in his report, and he declares elected the candidate for whom he has so voted.

Vote by returning-officer in certain cases.

In the divisions which have to elect more than one governor, the returning-officer is obliged immediately to give his casting vote as above-prescribed, when a larger number of candidates than the division is to elect have an equality of votes, or when one or two, as the case may be, of the candidates having the majority of votes over the others, there is an equality of votes between a larger number of candidates than remain to be elected.

Idem.

In no other case shall the returning-officer vote.

Not to vote otherwise.

"3974*n*. Upon receipt of the certificates from the returning-officers mentioned in the preceding articles, the registrar sends, by registered letter, to the candidate declared elected, a notice of his election, and public notice of the result of all the elections is published in the manner indicated in article 3974*h*.

Notice of election to person elected, &c.

Every governor elected shall, on pain of forfeiture, *ipso facto*, continue, during the whole of his term of office, to be a member of the college, qualified according to the regulations of the Board, entered in the register mentioned in

Qualification of governor during term of office.

article 3988 and domiciled in the electoral division for which he is elected.

Duration in office.

The officers of the college remain in office until the semi-annual meetings of the Board in the month of September following the date of the general election exclusively.

Duty of officers going out of office as to books, &c.

The officers going out of office are obliged to remit immediately to their successors the books and other documents connected with the exercise of their office and belonging to the college.

Report by registrar, respecting election.

“3974o. At the first meeting of the Board of Governors following the holding of the elections, the registrar submits to the Board a detailed report of such elections, and he shall further immediately produce, if required, all documents whatever connected with the election, as well as the ballot-papers and the certificates of the returning-officers.

Certificates, &c., are *prima facie* proof of contents, &c.

“3974p. The certificates and other documents signed by the returning-officers or by the registrar in their official capacity, are *prima facie* proof of their contents, without it being necessary to prove the signature or the quality of the officer who signed it.

Petition for recount.

“3974q. Any member of the college qualified to vote at the election in question may, by a petition signed by him, served upon the candidate declared elected at least ten days before its presentation and filed before the Board of Governors at its first meeting after the holding of an election, require a recount of the votes given at such election, and the Board may of itself or through a committee of its members appointed by it proceed to count the votes given at such election. Its decision upon the recount is final and cannot be revised by any other tribunal, and it may reverse that of the returning-officer and declare elected the candidate who in its opinion has the majority of votes.

Decision of Board upon recount.

Penalty on returning-officer and registrar for neglect of duty.

“3974r. Any returning-officer or registrar, who, having accepted office, refuses or neglects to perform the duties imposed upon him by the preceding articles or by any regulation made by the Board to give them effect, is liable to a penalty of not less than ten dollars nor more than one hundred dollars for each offence, with imprisonment for a term not exceeding one month in default of payment, recoverable, with costs, upon suit taken in the name of the college before any court having civil jurisdiction to the amount claimed, without prejudice to any other penalty the offender may have otherwise incurred under the law.

"3974s. The Board of Governors may, at any time, adopt regulations, not incompatible with the provisions of this act, to determine the fees of the registrar and the returning-officers, as well as to attain the purpose intended by this act, and such regulations, subject to the approval of the Lieutenant-Governor in Council, shall come into force thirty days after their publication in the *Quebec Official Gazette*. Regulations by Board, respecting fees, &c.

"3974t. In the case in which the election could not be held in an electoral division on the day fixed, the Board may cause it to be held at another date by appointing, if necessary, a returning-officer and fixing the date of the election, and such election shall be held according to the provisions of this act. If election not held on day fixed.

However, if after all the formalities have been complied with by the Board, the registrar and the returning-officer, no ballot-paper filled up according to the prescriptions of this act is received by the returning-officer within the delay fixed, the Board may either order the election to be held at a later date in conformity with the first clause of this article, or make the election in question itself by electing by ballot a qualified member of the college entered on the register mentioned in article 3988 and domiciled in the electoral district. If no ballots produced.

"3974u. Any vacancy arising by resignation, death, incapacity, loss of qualification or otherwise in the representation of any electoral division is filled by a new election, which the Board, at its first meeting after the occurrence of the vacancy or if the vacancy occurs whilst the Board is in session, then at that session, shall order by appointing a returning-officer and fixing the date of the election, and such election is held according to these provisions. The governor so elected completes the term of office of the person whom he replaces on the Board. The existence of such a vacancy does not however in any way affect the powers of the Board. Vacancies on Board among elected governors. Term of office of replacing governor.

In the case of vacancies occasioned by any of the institutions mentioned in article 3973 ceasing to teach, the mandate of the representatives of such institution *ipso facto* ceases. Vacancies if institutions cease to teach.

"3974v. At its first meeting after a general election, the Board appoints its officers in accordance with its regulations. Appointment of officers.

2. Pending the first general election of governors under this act, the Board fills any vacancy arising amongst its members, other than those that represent the institutions Filling of vacancies pending first election under act.

enumerated in article 3973 of the Revised Statutes, by selecting a member to fill such vacancy among the members of the college duly entered and qualified, who reside in the district for which the member to be replaced had been elected under the provisions of the articles repealed by section 1 of this act.

R. S., 3986,
amended.

3. Article 3986 of the Revised Statutes is amended by striking out in the first clause all the words after the words :
“ their admission as members ” in the fifth line to the end of the said clause. ~~1914~~

Coming into
force.

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

A N N E X

Form A

OATH OF RETURNING-OFFICER

College of Physicians and Surgeons of the Province of Quebec

DISTRICT OF *(name it)*.

ELECTION OF A GOVERNOR to represent the electoral division
of the counties of *(enumerate them)*.

I, the undersigned A. B., *(name, surname and residence)*,
returning-officer for the electoral division of the counties of
(enumerate them), solemnly swear that I will act in my qual-
ity of returning-officer, faithfully, without partiality, fear
favor or affection. So help me God.

(Signature) A. B.,
Returning-officer.

Sworn before me, at , this }
day of 19 . }
 (Signature) C. D., }

Justice of the Peace, or
Commissioner of the Superior Court, etc.

Form B.**BALLOT-PAPER**

COLLEGE OF PHYSICIANS AND SURGEONS
OF THE PROVINCE OF QUEBEC

—
DISTRICT OF *(name it)*.

196 ELECTION OF A GOVERNOR to represent the electoral
division of the counties of *(enumerate them)*.

—
BALLOT-PAPER supplied to Mr. *(name)* M.D.,
of *(place and county)*.

(Signature) A. B.,
Registrar.

COLLEGE OF PHYSICIANS AND SURGEONS
OF THE PROVINCE OF QUEBEC

—
DISTRICT OF *(name it)*.

ELECTION OF A GOVERNOR to represent the electoral
division of the counties of *(enumerate them)*.

—
I, the undersigned, residing at _____ in the
county of _____ in the said division declare that
I vote for Mr. *(name and surname)* M.D., resident
of _____ in the county of _____ and I have
signed this _____ day of _____ 19 _____

(Signature)

Form C.**ELECTION REPORT**

College of Physicians and Surgeons of the Province of Quebec

DISTRICT OF (*name it*).

ELECTION OF A GOVERNOR to represent the electoral division of the counties of (*enumerate them*).

To the registrar of the College of Physicians
and Surgeons of the Province of Quebec.

Sir,

1. In my capacity of returning-officer of this division, I report and certify to you, under my oath of office, that on the day of the month , 19 , the day fixed for the election of a governor to represent the said electoral division, in presence of (*name, surname, residence and occupation of the witnesses*) at five o'clock in the afternoon, I carefully counted the number of votes given at this election by opening the envelopes bearing your initials which had been remitted to me up to that hour, and I ascertained that (*name and surname*) had received votes and (*name and surname*) votes.

2. And the said (*name and surname*) having received the majority of the votes given at the said election, I declared him duly elected to the office of governor for the said division, and make this report to you to avail as by law required.

And I have signed, at , this day of the month of , 19 .

(*Signature*) A. B.,
Returning-officer.

SCHEDULE.

The following documents are annexed to the present report.

1. Oath of the returning-officer ;
2. Envelopes and ballot-papers received on the day of the month of 19 before five o'clock in the afternoon ;
3. Envelopes received after five o'clock in the afternoon of the same day, which I return to you, unopened, as I received them ;
4. List of any other documents received.

(Signature.)

A. B.
Returning-officer.

N. B.—*If the division elect more than one representative, the following clause shall be substituted for clause 2 of the report of the returning-officer.*

“2. And the said (*names and surnames*) having received the majority of the votes given at the said election, I declared them duly elected to the office of governors for the said division, and I make this report to you to avail as by law required.”

N. B.—*If the candidates have received an equal number of votes, the returning-officer certifies to the same in his report and adds in place of clause 2 of the report the following :*

“2. In consequence whereof, the candidate (*names and surnames*) having an equal number of votes, I voted for the candidate (*name and surname*) and I declared him duly elected to the office of governor for the said division, and I make this report to you to avail as by law required.”

N. B.—*If one or two, as the case may be, of the candidates have a majority of votes over the others, and there is an equal number of votes between a larger number of candidates than remain to be elected, the returning officer shall modify this form so as to meet the requirements of article 3974m.*

If the returning officer have rejected any votes as irregular, he must mark upon such ballots the word “rejected” with his signature, and make special mention thereof in his report giving his reason for such rejection.