

CAP. XXXIV.

An Act to amend and consolidate the law respecting the
Dental Association of the Province of Quebec :

(Assented to 30th March, 1883.)

Preamble.

WHEREAS it is necessary to amend and consolidate the laws now in force in the Province of Quebec, regulating the practice of the profession of dentist, the examination of candidates for the study and for the practice of the said profession in the Province of Quebec, and the imposing of penalties upon persons contravening the provisions of the laws relating to the practice of dentistry in this Province; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

37 Vic., c. 14
and other acts
repealed.

1. The act passed by the Legislature of Quebec, 37 Vict., cap. 14, and all other acts, relating especially to the Dental Association of the Province of Quebec, are hereby repealed, excepting so far as relates to offences in contravention of the said acts or of any one of them, and to the penalties incurred for such offences.

Proviso.

Certain per-
sons constitu-
ted a corpora-
tion.

2. All persons, residing in the Province of Quebec, authorized to practise as dental surgeons, who at the time of the passing of this act have obtained a certificate of licentiate of dental surgery, in accordance with the provisions of the act 37 Vict., cap. 14, hereby repealed, and have complied with the requirements of that act, and all persons, who shall hereafter obtain a certificate of licentiate of dental surgery in this Province, and shall be registered in accordance with this act, shall be and are hereby constituted a body politic and incorporated under the name of the "Dental Association of the Province of Quebec," and shall, under that name, have perpetual succession, and a common seal which they may change, alter, destroy or renew; and they and their successors, under the above name, may sue and be sued, plead and be impleaded in all courts and places whatever, and may, under such name, lawfully own, have, receive, and retain, for the purposes of this act, and for the benefit of the said association, all sums of money which have been or shall hereafter at any time be paid, given, or bequeathed to the said association and for its use; and they may, at any time hereafter, under the said name, and without letters of amortization, acquire, take, receive, have, hold and possess real estate, and enjoy the same, as well as the profits and interest accruing there-

Name of the
corporation.

General
powers.

from, for the purposes of the said association and for no other, and may sell, grant, lease and dispose of the same, and do therewith anything lawful: provided always that the value of the immoveables thus owned by the said association shall never exceed the sum of ten thousand dollars currency.

3. The affairs of the said association shall be administered and conducted by the board of examiners as hereinafter constituted, and the officers elected or named, by and in virtue of the act 37 Vic. cap. 24, hereby repealed, shall remain in office until the election of a new board of examiners, which shall take place on the third Wednesday of September, 1883, in the manner hereinafter provided.

Management of the association.
Board of examiners.

4. The secretary, now in office, shall give a notice of at least one month, in the Quebec Official Gazette, of the day and place in the city of Montreal, or other place in the Province, where the next meeting is to be held.

Next meeting.

At such meeting, the members of the said association shall elect seven of their number, who shall form a board of examiners for the management of the affairs of the association, and the examination of candidates for admission to the practice of dental surgery.

Election of members of board of examiners.

5. The examiners, so elected, shall select from among themselves a president, a secretary, a treasurer, a registrar, and such other officers as they may deem it advisable to appoint.

Election of officers.

6. The election of the board of examiners shall be by ballot, by the members qualified to vote at the general meeting held on the third Wednesday of September, every three years, beginning on the third day of September, 1883, and if such day be a holiday, the said meeting shall be held on the next following juridical day.

Method of electing board.

The persons qualified to vote are all the members of the association, who have the right to practise dental surgery, either under this act or under the act 37 Vict., cap. 14, hereinabove repealed, and have paid to the treasurer all dues and arrears under this act or previous acts.

Right to vote

If, for any reason, the election cannot take place on the day stated, it may take place at any adjournment of the said meeting, provided that at such adjourned meeting there are not less than ten members present; and, if there are not ten members present, the secretary shall call a new meeting by giving notice during one month in the Quebec Official Gazette, as provided in the fourth section of this act.

Adjourned meeting in certain cases.

Duration of office.

7. The examiners, elected under the preceding sections, shall remain in office for three years.

Powers of board to make by-laws, &c.

The board of examiners shall have power to make by-laws to maintain the honor, dignity and discipline of the members of the association, to determine the period of study and the manner of examining candidates for the practice of dental surgery, and generally with reference to all matters connected with the exercise of the said profession; provided that such by-laws are not inconsistent with the provisions of this act; provided always that no person shall study dental surgery before having previously undergone the examinations prescribed by the college of physicians and surgeons, and having obtained the certificate required to be admitted to the study of medicine. All students, who at the time of the passing of this act have been under indentures for two years, shall be exempt from passing such examination.

Proviso.

Proviso.

Certain persons considered medical students.

And, notwithstanding the provisions of section 8 of the act, 42-43 Vict., chap. 37, every person, who has lawfully practised dental surgery for ten years or more before the passing of this act, shall thereupon be considered admitted to the study of medicine, and fit to attend the lectures and undergo any examination required for the practice of medicine, in the colleges or universities of this Province, upon complying with the rules of such colleges or universities.

Meeting of board of examiners.

8. The board of examiners shall meet at such times as are fixed by the by-laws, and also as often as it shall be deemed necessary upon the written request of three of the said examiners.

Place of meeting.

The board of examiners shall, at each meeting, decide the place and locality, in the Province of Quebec, where its next meeting shall be held, and the secretary shall give notice of such meeting to each of the examiners by registered letter sent at least thirty days before such meeting; if the examiners should omit to determine the place where the next meeting of the board is to be held, then the meeting shall be held in the same place as the last meeting.

Notice of such meeting.

Quorum of board.

The quorum of the board of examiners shall be four.

Fees, &c., to members of board.

9. The members of the board shall be entitled to a fee, in addition to their travelling expenses, for every day the board shall sit; the amount of such fees shall be fixed by the board and shall not exceed five dollars per diem.

Vacancies in board how filled.

10. In the event of the death, resignation or absence of a member, from more than two sittings of the board of examiners, as also in the event of a vacancy occurring in such board for any cause whatsoever, the other members

of the board shall elect a person qualified for such office, as soon as such vacancy occurs or is ascertained, and such new member shall replace the former one for the rest of the term for which he was elected.

11. The board of examiners may, upon a complaint made by any person lawfully practising the profession of dentist, bring before the board any member of the said association accused of infringing the by-laws passed by the board or of any act derogatory to the honor and dignity of the profession of dentist, or of exercising a calling, trade or industry incompatible with such profession. Proceedings upon complaints.

12. The member so accused shall be notified of the day and place at which such accusation shall be taken under consideration by the board, at least eight days beforehand by a registered letter, signed by the secretary and addressed to the domicile or place of business of such accused member. Notification to persons accused.

13. Witnesses may be heard on behalf of the complainant and of the accused, which witnesses shall be sworn by the secretary, who is hereby empowered to administer the oath or affirmation required, and he may also summon before the board any person who may be called upon to give evidence as aforesaid, in the manner prescribed by the Code of Civil Procedure ; and every person who does not comply with such summons shall, for each infringement, incur a penalty not exceeding twenty dollars, recoverable in the manner hereinafter set forth for the other penalties incurred for violation of this act. Hearing of witnesses.

14. The board, after having heard the complainant and defendant, who may be represented by an attorney *ad litem*, may, according to circumstances and in its discretion, censure and reprimand any member found guilty of any of the offences above enumerated, prevent him from attending and taking part in the meetings of the members of the said association for a period not exceeding three years, and may even, according to the gravity of the offence, suspend the said member from the exercise of his profession in the Province of Quebec for a period not exceeding one year. Power of board to censure, &c., offender.

15. Every accused member, who shall consider himself aggrieved by any decision rendered by the said board as above mentioned, may appeal from such decision to a general meeting of the members of such association, which shall be convened by the secretary without delay, immediately after such appeal, provided the appellant deposits Appeal from decision of board.

Deposit upon such appeal. with the treasurer a sum of one hundred dollars, as security for the payment of the costs occasioned by the calling of such general meeting and of those of the complainant.

Appeal with whom lodged. **16.** Such appeal shall be lodged with the secretary within the thirty days following the rendering of the decision of the board of examiners, and the appeal shall suspend the effect of the sentence of the board until the general meeting has given its opinion on such appeal.

Decisions upon complaints and appeals. Decisions upon a complaint made against a member, as aforesaid, shall be rendered by the majority of votes, either of the board of examiners or of the general meeting, provided not less than fifteen members attend the general meeting, and if the members present be less, provided at least eight members concur in the decision upon the appeal.

Proviso. The board of examiners, as well as the general meeting, may condemn, to such costs as may be deemed proper, the party who shall have failed in his complaint or who shall have been found guilty of any infringement as aforesaid.

Condemnation to costs. **17.** Every dentist, who shall be found guilty, before any court of competent jurisdiction, of unlawful practices or of felony or who shall hereafter come under the effect of a civil interdiction or be deprived of any of his civil rights shall, *ipso facto*, cease to have the right to practise as dentist in the Province of Quebec and the board shall strike his name from the list of its members, as soon as the cause of such member's disqualification shall come to the knowledge of the board.

Effect of condemnation. **18.** The board may, however, upon the application of the persons so struck from the roll, re-instate them upon such conditions as the board may deem proper to impose.

Member may be re-instated. **19** After the passing of this act, every person who, not being the bearer of a dentist's licence granted by the board of examiners, constituted in virtue of this act or by the board of examiners constituted in virtue of the act, 37 Vict., chap. 14, shall practise in this Province the profession of dentist, for a remuneration or in hope of a reward or of payment, either directly or indirectly, or who attempts to elude the law by causing his services as dentist to be indirectly paid, by means of the sale of drugs or medicines, or who willingly and falsely claims to be in possession of a licence, granted under this act or the acts above mentioned, or shall falsely make use of names, titles and qualities, calculated to convey the impression that he is authorized to practise the profession of dentist or shall make use of any title

Penalty for practising without licence.

calculated to convey the impression that he is a graduate of a college of dentists, may, upon complaint or information sworn to before a justice of the peace, made by a person of at least twenty-one years of age, be brought by a simple writ of summons or by a warrant of arrest in the discretion of any court of competent jurisdiction, and, upon conviction of any of the offences above mentioned, be condemned to pay a fine not exceeding two hundred dollars, with costs, for each offence, and in default of payment of such fine and costs, the defendant may be condemned to an imprisonment in the common gaol of the district, in which the sentence has been pronounced for a period not exceeding three months, unless the said penalty and costs be sooner paid;

Amount of
penalty.

If the person, so found guilty of any of the offences above enumerated, should be again accused and convicted of any of the offences above enumerated, he shall then be condemned to pay a fine not exceeding four hundred dollars, including costs for each offence, and in default of payment, to an imprisonment not exceeding six months, unless the said penalty and costs be sooner paid.

Penalty for
subsequent
offence.

20. No person, so unlawfully practising the profession of dentist, shall recover, before any court of justice, any sum of money for the professional service so rendered, or for the medicines or other materials supplied in such unlawful practice.

Fees of den-
tists illegally
practising.

21. The fines, imposed by this act, shall be payable to the treasurer of the association and shall form part of the funds of such association.

Application of
fines.

22. Nothing in this act shall be construed as restricting the privileges conferred upon physicians and surgeons in the Province of Quebec, by the various acts relating to the practice of medicine and surgery therein, nor affect dentists, actually practising, in virtue of a diploma granted by a dental college, either in the United Kingdom of Great Britain and Ireland or in other countries, and they shall enjoy the same rights and privileges as the holders of certificates of licentiates of dental surgery in Canada under this act; but in the event of a physician or surgeon desiring to practise as a dentist and to be publicly known as such, he shall, before doing so, be obliged to obtain a licence from the board of examiners of such association, by submitting to an examination upon the mechanical and practical part of dental surgery, and by paying the fee fixed by the by-laws for the obtaining of such licence.

Application of
act restricted.

Privileges and
exemptions of
dentists.

23. The same privileges and exemptions, conferred upon physicians and surgeons by the laws of this Province, are hereby granted to licensed dentists, and they are entitled to practise their profession in the Province of Quebec, in accordance with the provisions of this act.

Act in force.

24. This act shall come into force on the day of its sanction, and shall have no retroactive effect.

CAP. XXXV.

An Act to amend the Act, 45 Victoria, chapter 16, intituled :
“ An Act respecting the land surveyors of the Province
of Quebec and the survey of lands.”

[Assented to 30th March, 1883.]

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

45 Vic., c. 16,
s. 4, repealed.

1. Section 4 of the act 45 Victoria, chapter 16, is repealed.

Id. s. 14,
amended.

2. Section 14, of the said act, is amended, by adding thereto the following, as paragraph 8 thereof :

Resignation.

“ 8. Every surveyor, who, three months previous to the general meeting in the month of July, gives notice to the secretary-treasurer that he no longer wishes to belong to the Corporation of Land Surveyors, shall, *ipso facto* cease to be a member of the said corporation and can no longer exercise the profession of land surveyor.

Re-admission.

A land surveyor, who abandons the Corporation of Land Surveyors, after having given notice as above, and who desires to re-enter the said corporation, may be re-admitted by the Board of management, provided that he pays his contributions for all the years during which he did not belong to the corporation.”

Id. s. 34,
amended.

3. Section 34, of the said act, is amended, by adding, after the word “drawing,” in the ninth line thereof, the words “levelling and all other questions relating to practical surveying.”

Id. sec. added
after s. 38.

4. The following section is added to the said act, as section 38a :

Oath of alle-
giance and of

“ 38a. Every land surveyor, as soon as he is admitted and before being able to practise his profession, shall take and