

C A P . X X X V I I .

An act to further amend and consolidate the acts relating to the Profession of Medicine and Surgery in the Province of Quebec.

[Assented to 31st October, 1879.]

WHEREAS it is necessary to further amend and con-^{Preamble.}
solidate the laws now in force in the Province of Quebec, for regulating the qualifications and examination of candidates for the study of medicine, surgery and midwifery; for the registration of medical practitioners, and for the infliction of penalties upon persons infringing the provisions of this act, respecting the practice of medicine, surgery and midwifery; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. From and after the passing of this act, the act^{Acts' repealed} or ordinance of the legislative council of the late province of Quebec, passed in the twenty-eighth year of the reign of his late Majesty King George the third, and intituled: *An Act or ordinance to prevent persons practising physic and surgery within the Province of Quebec, or midwifery within the towns of Quebec and Montreal, without license*, and all other acts or parts of acts, in any manner relating to the practice of medicine, surgery or midwifery in the Province of Quebec, or in any manner relating to the mode of obtaining licenses to practise medicine, surgery or midwifery therein, as well as the Act 40 Vict., chap. 26, intituled: "An act to amend and consolidate the acts relating to the profession of medicine and surgery^{Proviso.} in the Province of Quebec," assented to on the 28th of December 1876, shall be and are hereby repealed, except in so far as relates to any offence committed against the same or any of them, before the passing of this act, or any penalty or forfeiture incurred by reason of such offence.

2. All persons resident in the Province of Quebec,^{Corporation of College of Physicians and Surgeons} authorized to practise medicine, surgery or midwifery therein, and who, at the time of the passing of the present act, shall have been registered under the Act 40 Vict., chap. 26, and all persons resident in the Province of Quebec and licensed to practice medicine, surgery and midwifery therein, who, at the time of the passing of this act, shall not have been registered under 40 Vict., chap. 26, but who shall hereafter become registered under the present act,—and all persons who may hereafter obtain a license to practise medicine, surgery and midwifery, in

this province, and become registered under the present act, shall be and are hereby constituted a body politic and corporate by the name of: *The College of Physicians and Surgeons of the Province of Quebec*, and shall, by that name, have perpetual succession and a common seal, with power to change, alter, break or make new the same; and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto in all courts and places whatsoever, and, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess and retain for the ends and purposes of this act, and for the benefit of the said college, all such sums of money as have been or shall at any time hereafter be paid, given or bequeathed to and for the use of the said college; and by the name aforesaid, shall and may, at any time hereafter, without any letters of mortmain, purchase, take, receive, have, hold, possess and enjoy any lands, tenements or hereditaments, or any estate or interest derived or arising out of any lands, or tenements or hereditaments for the purposes of the said College, and for no other purposes whatever; and may sell, grant, lease, demise, alienate or dispose of the same, and do or execute all and singular the matters and things that to them shall or may appertain to do; provided always that the real estate so held by the said corporation, shall at no time, exceed in value, the sum of twenty thousand dollars.

Name of
Members.

3. From and after the passing of this act, the persons who compose the College of Physicians and Surgeons, shall be called: "Members of the College of Physicians and Surgeons of the Province of Quebec."

Board of
governors.

4. The affairs of the said College shall be conducted by a board of governors, forty in number and chosen as hereinafter set forth, for three years; viz: fifteen shall be chosen from amongst the members of the College, resident in the District of Quebec, nineteen from amongst the members resident in the District of Montreal, three from amongst the members resident in the District of Three Rivers, and three from amongst the members resident in the District of St Francis; and of the members of the said board of governors, not less nor more than eight shall reside in the city of Quebec, and not less nor more than ten shall reside in the city of Montreal, provided always that the University of Laval, at Quebec, shall name two, and the same shall be chosen from amongst the members of said College, residing in the City of Quebec;—the University of Laval at Montreal, shall name two,—the

Governors
appointed by
Universities
and Schools.

University of McGill, two, — the University of Bishop's College, two, — and the incorporated school of medicine and surgery of Montreal, affiliated with the University of Victoria College, or with any other British University, two;—which said nominated governors shall be chosen from amongst the members of the said College of Physicians and Surgeons residing in the City of Montreal; provided that at any time, the city of Montreal shall not have more than ten governors, and the city of Quebec, eight. The governors to be appointed by the institutions mentioned in this section, shall not require to have their appointment confirmed or approved by the said College, but on presenting their certificate of nomination, shall have the right to take their seats and enter upon their functions.

Residence.
Proviso.

Entry into
office of
governors.

In case any of the Universities, Colleges or incorporated medical schools now existing in the Province of Quebec, should cease to have its students taught the science of medicine, the power of appointing delegates, as hereinbefore provided, shall cease *ipso facto*, and can only be revived when such institutions or any of them, shall *bonâ fide* resume their teaching.

Universities,
&c., ceasing
to teach.

At each election of the board of governors, every member of the said corporation shall have the right of voting by proxy;

Vote by
proxy.

2. Of the aforesaid districts, the district of Quebec shall comprise the present judicial districts of Quebec, Gaspé, Saguenay, Chicoutimi, Rimouski, Montmagny, Beauce and Kamouraska;—the district of Montreal shall comprise the present judicial districts of Montreal, Terrebonne, Joliette, Richelieu, Bedford, St. Hyacinthe, Iberville, Beauharnois and Ottawa;—the district of Three-Rivers shall comprise the present judicial districts of Three Rivers and Arthabaska; — and the district of St. Francis shall consist of the present judicial district of St. Francis;

Corporation
of districts.

3. The members of the Board of Governors shall be elected for a period of three years, but any member may resign his appointment at any time, by letter addressed to the secretary of the said board, and upon the death or resignation of any member of the said board, it shall be the duty of the secretary forthwith to notify the University or body wherein such vacancy may occur, of such death, resignation or removal, and such University or body, shall have the power to nominate another duly qualified person to fill such vacancy; or if the vacancy be caused by the death, resignation or removal from the electoral city or district, of any member elected from the electoral cities or districts, the Board of Governors shall fill up such vacancy from amongst the eligible members of the college in the city or district where such vacancy shall have occurred,

Duration of
office.

Resignation.

Vacancies.

by an election by ballot, at the next ensuing meeting subsequent to the occurrence of such vacancy; and in the event of any vacancy occurring in the said board of Governors in consequence of any of the said institutions ceasing to teach, the place of said Governors shall be filled in the same manner, from amongst the members of the said college, residing in the city wherein such institution was located, during the suspension of such institution to teach as hereinbefore set forth; and it shall be lawful for the Board of Governors to exercise, during any such vacancy, the powers of the board hereinafter mentioned.

Name of the Board.

5. The said board of governors shall be, and are hereby constituted: "The Provincial Medical Board;" and in such capacity, they shall meet to perform the several duties devolving upon them under this act, as the Board of Governors of the College, not less than twice in each year, at such time and place as by them shall be deemed most fit, and on which occasions seven shall be a quorum, for the transaction of business.

Number of meetings.

Quorum.

License required by practising physicians.

6. From and after the passing of this act, no person shall practise medicine, surgery or midwifery, in the Province of Quebec, unless he shall have obtained a licence from the Provincial Medical Board which is hereby authorized to issue such licence.

Degrees entitling to a license.

7. Every person who has obtained or may hereafter obtain, a medical degree or diploma in any University or College mentioned in section 4 of this act, shall be entitled to such licence, without examination as to his medical knowledge and skill; provided that such diploma shall have only been given after four years of study of the medical profession, from the date of his admission to study, and according to the requirements of the existing law; provided also that the "Provincial Medical Board," shall have the power to grant the same privilege, to holders of degrees or diplomas of Medicine and Surgery from other British, Colonial or French Universities or Colleges.

Certificate for study of Medicine.

8. From and after the passing of this act, no person shall be admitted as a student of medicine, surgery or midwifery, unless he shall have obtained a certificate of qualification from the said Provincial Medical Board.

Examination required.

And no one shall be entitled to the licence of the college, on presentation of a diploma, unless he shall have been previously admitted to the study of medicine, in accordance with the provisions of this act, or unless he shall have

passed an equivalent preliminary examination before a college, school or board, authorized by law to require and cause such preliminary examinations to be passed in Her Britannic Majesty's possessions, elsewhere than in the Province of Quebec, and acceptable to the board created by this act.

9. At the first regular meeting of said board, after the passing of this act, there shall be appointed by the Provincial Medical Board, for three years, (subject always to the approval of the board), four persons actually engaged in the work of general education in the Province of Quebec, to examine all persons about to begin the study of medicine, surgery and midwifery, on the subjects of general education hereinafter mentioned, as belonging to the preliminary qualification of medical students, viz : — one examiner of French and one of English nationality for the city of Montreal, and one of French and one of English nationality for the city of Quebec. The subjects of the preliminary qualification to be English and French, Latin, geography, history, arithmetic, algebra, geometry, belles-lettres and any one of the following subjects;—Greek, natural or moral philosophy; and the candidate to present a certificate of good moral character; provided that all medical students who, before the passing of this act, shall have passed their preliminary examination, before the examiner or examiners of any University, incorporated school of medicine or Provincial Medical Board, shall not be required to pass before the examiners mentioned in this section.

Appointment of four examiners for admission to study.

Subjects of preliminary examination.

Students already admitted.

10. Every person wishing to obtain a licence to practise medicine, surgery and midwifery in this province, and to be registered under this act, and who shall not have obtained a degree or diploma in medicine, surgery and midwifery, from any of the institutions mentioned in section 4 of this act, shall, before being entitled to such licence, and to registration in this province, pass an examination as to his knowledge and skill, for the efficient practice of medicine, surgery and midwifery before this board; and, upon passing the examination required, and proving to the satisfaction of the examiners, that he has complied, in an institution for the teaching of Medicine, in Her Majesty's Dominions, with the rules and regulations made by the Provincial Board, and, on payment of such fees as the Board may, by general by-law, establish, such person shall be entitled to a licence to practice medicine, surgery and midwifery, in the province of Quebec.

Examination required from persons who hold no diplomas from their sureties, &c., authorizing them to practice.

License for persons outside of British possession.

11. All persons coming from any recognized college outside of Her Majesty's possessions, and who are desirous of obtaining a licence from the College, must previously pass the preliminary examination, before the examiners appointed by the Provincial Medical Board, or establish, to the satisfaction of the Board, that they have already passed an equivalent examination; they must, moreover, follow, in one of the Schools of Medicine in this Province, a complete course, (for six months) of lectures, and such other course or courses as shall be necessary to complete the curriculum required by the board; they shall also pass a professional examination before the Provincial Medical Board. Such persons may pass their professional examination immediately after their preliminary examination.

Powers of the Board of Governors.—
Study.

12. The said Board of Governors of the College of Physicians and Surgeons shall have power:

Proviso.

1. To regulate the study of medicine, surgery and midwifery, by making rules with regard to the preliminary qualification, duration of study, curriculum to be followed, and the age of the candidate applying for a licence to practise, provided always that such rules shall not be contrary to the provisions of this act;

Examination of credentials, diplomas &c.

2. To examine all credentials, all certificates of admission to study or of attendance at lectures and all other documents purporting to entitle the bearer to a licence to practise, and all diplomas, degrees or other qualifications sought to be registered in this Province, and to oblige the bearer thereof, to attest on oath, (to be administered by the chairman for the time being,) that he is the person whose name is mentioned therein, and that he became possessed thereof legally;

Registration of names, &c., of practitioners.

3. To cause every member of the profession now practising, or who may hereafter practise in the Province of Quebec, to enregister his name, age, place of residence, and nativity, the date of his licence and the place where he obtained it, in the books of the College;

Eligibility of governors.

4. To fix the period of probation which persons must undergo before being eligible for election as governors of the College, which period shall not be less than four years; and to make all such rules and regulations for the government and proper working of the said corporation, and the election of a president and officers thereof, as to the board of governors may seem meet and expedient, which said rules and regulations shall, before they shall come into effect, be sanctioned by the Lieutenant Governor of this Province, after the same shall have been submitted to him for approval and by him allowed.

General management.

Election of officers.—
Sanction of Lieutenant Governor, required.

13. The Provincial Medical Board shall, from time to time, as occasion may require, make rules and regulations:

Rules made by Board for guidance of examiners.

1. For the guidance of the examiners, and to prescribe the subject and mode of the examinations, the time and place of holding the same, and generally shall make all such rules and regulations in respect of such examinations, not contrary to the provisions of this act, as they may deem expedient and necessary ;

2. To regulate the study of medicine, surgery and mid-wifery, with regard to the preliminary qualifications, duration of study and curriculum of studies to be followed by the students ; provided always that such rules shall not be contrary to the provisions of this act, and that any change in the curriculum of studies fixed by the board, shall not come into effect, until one year after such change is made ;

Study.

Proviso.

3. To appoint assessors either out of its own body, or from among the registered members of the College, to visit and attend the medical examinations of the various Universities, colleges and incorporated schools of the province, and to report to the Provincial Board, upon the character of such examinations ; but such assessors shall not be chosen out of any of the teachers, in any one of the said Universities or incorporated schools, and should such report be, at any time, unfavorable to any University, college or incorporated school, the Provincial Board shall, in such cases, and under such circumstances, have the power to refuse the license and the registration of the degrees or diplomas of the institutions so reported upon, until such examination shall have been amended.

Appointment of assessors to attend examinations of Universities, &c.

For such purpose the Provincial Board shall appoint or elect assessors, two or more of whom shall attend the examinations at each University, college or incorporated medical school, in accordance with a by-law to be hereafter passed by the Board.

It shall be the duty of the above institutions, to notify the Provincial Board, of the time or times at which their examinations shall be held, at least one month previous to such examinations.

4. To make tariffs of rates to be charged in towns and country, for medical, obstetrical or surgical advice, or for attendance—or for the performance of any operation, or for any medicines which shall have been prescribed or supplied ;

T. rriff of fees.

5. Such a tariff, to be valid, must be approved by the Lieutenant Governor of the Province of Quebec, in Council, and can only come into force six months after the publication of such tariff, as well as of the

Tariff to be approved by Lieut. Gov. in Council.

order in council approving the same, at least once in the Quebec Official Gazette ;

Restriction
as to proof of
advice, &c.

Such tariff shall not, in case of suit, obviate the necessity of proof of the giving of advice, care, prescriptions, medicines and other things therein mentioned, according to the laws then in force.

Salary of
officers.

14. The Provincial Medical Board shall have the power to fix, by by-law, the salary or fees to be paid to the officers, to the examiners and to the assessors appointed by the said board ; as well, also, the fees to be paid by all candidates entering on the study of medicine, as also by all candidates for licence to practise medicine, surgery and midwifery, as well as the fees to be paid for registration ; and the said board may dispose of all fees received in whatever manner they may think most conducive to the interests of the college.

Fees and the
disposal
thereof.

Qualifications
required for
a license.

15. The qualifications to be required from a candidate for obtaining a licence, authorizing him to practise medicine, surgery and midwifery, shall consist in his holding a certificate of study from a licensed physician, for the period intervening between the course of lectures which he has followed ; that he is not less than twenty one years of age ; that he has followed his studies during a period of not less than four years, commencing from the date of his admission to the study of medicine by this board, and that, during the said four years, he shall have attended, at some University, college or incorporated school of medicine, within Her Majesty's dominions, not less than two six months' courses of general or descriptive anatomy,—of practical anatomy,—of surgery,—of practice of medicine,—of midwifery. — of chemistry, — of *materia medica* and general therapeutics,—of the institutes of medicine or physiology and general pathology,—of clinical medicine and of clinical surgery,—one six months' course or two three months' courses of medical jurisprudence,—one three months' course of botany, — one three months' course of hygiene, and a course of not less than twenty-five demonstrations, upon microscopic anatomy, physiology and pathology ; also, that he shall have attended the general practice of a hospital in which are contained not less than fifty beds, under the charge of not less than two physicians or surgeons, for a period of not less than one year and a half, or three periods of not less than six months each ; and that he shall also have attended six cases of labour, and compounded medicine for six months. And to remove all doubts with regard to the number of lectures which the incorporated schools of

medicine of the province of Quebec are bound to give, it is enacted and declared, that each six months' course shall consist of one hundred and twenty lectures, except in the case of clinical medicine, clinical surgery and medical jurisprudence. Of the four years study required by this act, three six months' sessions at least, shall be passed in attendance upon lectures at a University, college or incorporated school of medicine recognized by this board, the first whereof shall be so passed, the session immediately succeeding the preliminary examination.

16. All persons obtaining the licence to practise from the College of Physicians and Surgeons of the Province of Quebec, shall be styled members of the said college, but shall not be eligible as governors within a period of four years from the date of their admission as members ; and the said election of governors shall be made under such rules and regulations therefor, and in such manner as the said Board of Governors shall ordain. The members of the College shall pay the sum of two dollars a year for the use of the College.

Members of Colleges.

Governors. Contribution by members.

17. The Provincial Medical Board shall have the power to make rules and regulations respecting the admission of females to the study and the practice of midwifery, in this province, and shall determine the degree, the nature and extent of knowledge and qualifications required from women who wish to practise midwifery ; provided always that all females who, at the time of the passing of this act, shall have been legally qualified to practice as midwives in this province, shall retain that right, but shall be required to conform to such rules and regulations as may hereafter be made by the college of physicians and surgeons of Quebec, respecting them.

Admission of females for midwifery.

Proviso.

Females practising midwifery in the country, excepted.

Nothing in this section or in the by-laws which may be made, shall prevent as it occurs often, women in the country, from practising midwifery or assisting midwifery without being admitted to the study or the practise of midwifery ; but they must obtain a certificate from a duly licensed physician ascertaining that they have the necessary knowledge.

Proviso as to certificate from a licensed physician.

18. The Provincial Medical Board shall cause to be kept by the registrar, a book to be called Register, in which shall be entered, from time to time, the names of all persons who shall have been duly licensed and registered under the act 40 Vict., chap. 26, or under this act, and who shall have complied with the enactments hereinafter contained, and with the rules or regulations made or to be made by the Provincial Medi-

Registers of practitioners.

cal Board, respecting the qualifications to be required from practitioners of medicine, surgery and midwifery, in the Province of Quebec; and those persons only whose names have been or shall hereafter be inscribed in the register above mentioned, shall be deemed to be qualified and licensed to practise medicine, surgery and midwifery, in the Province of Quebec. And such register shall, at all times, be open and subject to inspection by any duly registered practitioner in the province, or by any other person.

Examination
of register.

Registrar, his
duties.

19. It shall be the duty of the registrar to keep the register correctly, in accordance with the provisions of this act, and the orders and regulations of the Provincial Medical Board, and he shall, from time to time, make the necessary alterations in the addresses or qualifications of the persons registered under this act; and the said registrar shall perform such other duties as shall be imposed upon him by the Provincial Medical Board.

Publication
of Register
by the
Registrar.

20. The Registrar of the College, under the direction of the Board of Governors, shall cause to be printed and published and distributed to the members of the college, from time to time, a copy of the register of the said names, which he shall place in alphabetical order, inserting the names and surnames, respective residences, medical titles, diplomas and qualifications conferred by the College or other medical body, with the dates of the same, of the persons appearing on the then existing register, at the date of such publication, and such register shall be called the: "Quebec Medical Register;" and a printed copy of such register, certified under the hand of such Registrars as such, shall be *primâ facie* evidence before all courts, and all justices of the peace and others, that the persons therein named and entered, have been registered in accordance with the provisions of said act; and the absence of the name of any person from such copy, shall be *primâ facie* proof that such person has not been registered in accordance with the requirements of the said act; provided always that in such case, where a person's name does not appear on such printed copy, a copy or an extract from the Register certified by the Registrar of the College, of the entry of such person's name, on the Register, shall be proof that such person is registered in accordance with the provisions of the present act. And a certificate under the hand of the Registrar, that any member whose name appears on the Register, has paid his annual contributions to the college, shall be received in all court of justice as *primâ facie* evidence that such payments have been made.

Name of
register.

Value of
certified
copies.

21. If the registrar be convicted of a felony, he shall be disqualified from again holding any office in the College.

Felon registrar.

22. Every member of the medical profession who, at the time of the passing of this act, may be possessed of a licence from the College of Physicians and Surgeons of Lower Canada, to practise medicine, surgery and midwifery, in the Province of Quebec, and who shall not have been registered under the act 40 Vict., chap. 26, shall, on the payment to the registrar, of the fee of one dollar, and of all annual dues and contributions by him due and payable to the heretofore college of physicians and surgeons of this province, enacted under the act 40 Vict., chapter 26, be entitled to be registered, on producing to the registrar, the document conferring or evidencing the qualification, or each of the qualifications, in respect whereof he seeks to be so registered, or upon transmitting by post, to such registrar, information of his name and address, and evidence of the qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively obtained; provided always that he so register within one year after the passing of this act.

Registration of physicians already licensed.

Delay.

23. Any person required or entitled to be registered under this act, but who shall neglect or omit to be so registered, shall not be entitled to practise medicine, surgery or midwifery, or to any of the rights or privileges conferred by this act, so long as such neglect or omission continues, and he shall be liable to all the penalties imposed by this act, or by any other act which may now be in force, against unqualified or unregistered practitioners, and he shall, moreover, pay to the College of Physicians and Surgeons of the Province of Quebec, a fine of five dollars, every year, until he is registered, which fine or penalty may be recovered before the Circuit Court for the county or district in which such person so in default, shall reside, for, by and in the name and to the use of the said Corporation constituted by the present act, under the name of: "The College of Physicians and Surgeons of the Province of Quebec."

Incapacity of physicians not registered.

Fine.

Recovery of

24. Any person who has attended medical lectures, during three sessions of any medical school, in the British Dominions, and who has been actually engaged in the practice of the profession of medicine, for a period of over thirty years, in this province, may, on proof of these facts, to the satisfaction of the provincial medical board, and produces moreover, a certificate signed by

Persons who may practise without examination.

two resident medical practitioners, in the neighbourhood where he has practised, that he has succeeded in his profession, and is entitled to the consideration of the board, be entitled to a license to practise medicine, surgery and midwifery in this province and to registration without examination.

Registration,
required for
recovery of
charges, &c.

25. No person, unless otherwise duly authorized, shall be entitled to recover any charge, in any court of law, for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have prescribed or supplied, nor be entitled to any of the rights or privileges conferred by this act, unless he shall prove that he is registered under this act, and has paid his annual contribution to the College.

Idem for
giving of
certificates.

26. No certificate required by this or any act now in force, from any physician or surgeon or medical practitioner, shall be valid, unless the person signing the same be registered under this act.

Felon
physician.

27. Any registered member of the medical profession, who shall have been convicted of any felony, in any court of law, shall thereby forfeit his right to registration, and, by the direction of the Provincial Medical Board, his name shall be erased from the Register; or, in case a person known to have been convicted of felony, shall present himself for registration, the registrar shall refuse such registration.

Illegally
practising.

28. Any person not entitled to be registered in this province, who shall be convicted, upon the oath of one or more witnesses, of having practised medicine, surgery or midwifery, in the province of Quebec, in contravention of the provisions of this act, after the passing of this act, for hire, gain or hope of reward, shall incur a penalty of not less than twenty-five dollars, nor exceeding one hundred dollars;

Fine.

Persons
illegally
assuming
title, &c ;

2. A like penalty of not less than twenty-five dollars, nor exceeding one hundred dollars, shall be incurred by every person assuming, after the passing of this act, the title of doctor, physician or surgeon, or any other name implying that he or she is legally authorized to practise medicine, surgery or midwifery, in this Province, if unable to establish the fact, by legal proof as required by the present act, and the laws of the country;

Or seeking to
lead his qua-
lification to
be supposed.

3. Any person who, after the passing of this act, in an advertisement published in a newspaper, or in written or printed circulars, or on business cards, or on signs,

assumes a title, name or designation of such a nature, as to lead the public to suppose or believe that he or she is duly registered or qualified as a practitioner of medicine, surgery or midwifery, or any of such branches of the medical profession, or any person who offers or gives his or her services as physician, surgeon or *accoucheur*, for hire, gain or hope of reward, if he or she be not duly authorized or registered in this Province, shall, in each such case, incur a like penalty of not less than twenty five, nor more than one hundred dollars ;

4. In every prosecution under this act, the proof of registration shall be incumbent upon the party prosecuted ;

5. The recovery of the penalties enacted by the present section 28, shall be sued for in the same form as ordinary simple civil actions, before any circuit or superior court of the district, in which the delinquent may reside, or of the district in which the infringement of this act was committed, in the name of the : " College of Physicians and Surgeons of the Province of Quebec ; " and the court so seized of the suit, shall, if the proof appear satisfactory, condemn the delinquent or defendant to pay, in addition to the penalty, the costs of suit, and in cases in which the penalty and costs shall not have been paid, it shall order that the delinquent or defendant be imprisoned for a period not exceeding thirty days, in the common gaol of the District in which the action has been instituted ; provided always that he may, at any time, claim his discharge, before the expiration of the said thirty days, on paying the penalty and costs to which he shall have been condemned.

6. The penalties imposed by this act, shall be recoverable with costs, and the same may be sued for and recovered by the said : " College of Physicians and Surgeons of the Province of Quebec, " by its corporate name, and being recovered, shall belong to the said corporation for the use thereof.

And neither in any such suit nor in any other civil action, to or in which the said corporation may be a party or interested, shall any member of the corporation be deemed incompetent as a witness by reason of his being such member.

29. In all cases where proof of registration under this act is required, the production of a printed or other copy or extract from the register, certified under the hand of the registrar of the College of Physicians and Surgeons of the Province of Quebec, for the time being, shall be sufficient evidence that all persons therein named, are registered practitioners, in lieu of the production of the original

Fine.

Proof.

How and by whom the penalties are recoverable.

Imprisonment in default of payment of fine and costs.

Employment of fines.

Physicians, to be competent witnesses.

Certified copy of Register to be evidence.

register ; and any certificate upon such printed or other copy of the register, or extract from such register, purporting to be signed by any person, in his capacity of registrar of the College, under this act, shall be *prima facie* evidence that such person is such registrar, without any proof of his signature, or of his being in fact such registrar.

Present board.

30. The present board of governors elected under the provisions of the acts hereinbefore repealed, shall be continued, and shall act until after the next triennial election, but subject in all other respects to the provisions of this act ; and all by-laws, rules and regulations heretofore made by the said College of Physicians and Surgeons of the Province of Quebec, shall remain in force until repealed or modified under the provisions of this act.

Present by-laws.

Present officers and registers.

31. The officers appointed under the provisions of the acts repealed, shall retain their respective offices, and perform their respective duties under the provisions of this act, and all books and registers heretofore kept by them in conformity with the acts hereby repealed, shall be continued in use for their respective purposes under this act.

Property of former College, transferred.

32. The College of Physicians and Surgeons of the province of Quebec is hereby vested with all the rights, powers, privileges, property and assets, heretofore belonging to the College of Physicians and Surgeons of Lower Canada and of the college of Physicians and Surgeons erected under the act 40 Vict., Chap. 26.

Obligations already contracted, not discharged.

33. No person licensed to practise as aforesaid, and registered under the said act 40 Vict., chap. 26, shall, by reason of anything contained in this act, be relieved or discharged from the fulfilment of all and every his requirements and obligations, fees, dues, fines and penalties, due and incurred under the said act, to and in favor of the heretofore College under the said late act, and specially in and by the 15th, 20th and 21st sections of the said act, all which shall be recoverable and enforceable against delinquents therefor, by the said College established by this act ; and until the same shall have been complied with and settled with the said present College, such delinquents shall not be entitled to any of the rights and privileges conferred upon registered licenciates under this act.

Replacement of certain

34. It shall be lawful for the president of the College if he shall deem it expedient so to do, at any time, by an

authority under his hand and seal, to authorize, name, constitute and appoint any person or persons other than any of the officers of the said College, whoever he may select, to institute any proceeding against any person who may be supposed to have infringed any of the provisions of this act, and to collect any and all sums of money payable to the said College by any person under this act. officers for certain purposes.

35. Nothing in this act contained shall be construed to affect the rights of any persons, under the provisions of the act 28 Vict., chap. 59, and amendments thereto, 29 Vict., chap. 95. Rights of homœopaths, not affected.

36. This act will come into force on the day of the sanction thereof. Act in force.

C A P . X X X V I I I .

An Act to further amend chapter 76 of the consolidated statutes of Canada, respecting the practice of Medicine and Surgery, and the study of anatomy.

[Assented to 31st October, 1879.]

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

1. Section 4 of chapter seventy-six of the Consolidated Statutes of Canada is amended so as to read as follows : S. 4, C.S.C., amended.

“ 4. The Lieutenant Governor in council shall appoint at pleasure, any coroner or physician, not attached to any public or private school of medicine, or any other qualified person, to be inspector of anatomy for any city, town or locality where there is a public institution or school of medicine, as aforesaid.” Appointment of an inspector of anatomy.

C A P . X X X I X .

An Act to establish Mutual Assurance Companies,

[Assented to 31st October, 1879.]

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

1. The council of any rural municipality may make a by-law establishing a Mutual Assurance Company in Mutual assurance companies.