

2. The privilege of a shortened term of apprenticeship shall also be accorded to any person holding a commission in the royal navy or corps of royal engineers, or in the french marine, or *corps des ingénieurs des ponts et chaussées*, or *ingénieurs militaires* of France. Privilege of shortened term of apprenticeship extended.

Such person shall only be holden to serve under articles with a land surveyor during twelve months of actual practice, and may then, on sufficient documentary evidence of these facts being furnished to the board, undergo the examination required by law to admit them to practice as provincial land surveyors.

3. The privileges granted by the preceding section shall be limited to a period of five years from the passing of this act. Limited to 5 years.

## C A P. X X V I.

An act to amend and consolidate the acts relating to the profession of medicine and surgery in the province of Quebec.

[Assented to 28th December, 1876.]

**W**HEREAS 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 the Medical Act, respecting the practice of medicine, surgery and midwifery, require amendment; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: Preamble.

I. From and after the passing of this act, the act 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 practicing physic and surgery within the province of Quebec, or midwifery within the towns of Quebec and Montreal, without licence*, and all other acts or part 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relating to the mode of obtaining licenses to practice medicine, surgery or midwifery therein, shall be and are hereby repealed, except in so far as relates to any offence committed against the same or any of them before the passing of this act, or any penalty or forfeiture incurred by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. Acts repealed. Proviso.

Corporation  
of the college  
of Physicians  
and Sur-  
geons.

Corporate  
name.

General  
powers.

Limit of real  
estate.

Name of  
members.

Board of  
governors.

Quebec ;  
Montreal ;  
Three Rivers ;  
St. Francis.

Residences.  
Delegates  
from Univer-  
sities, etc.

2. All persons resident in the province of Quebec and licensed to practice medicine, surgery or midwifery therein, at the time of the passing of the present act, and all persons who may hereafter obtain a license to practice medicine, surgery and midwifery in this province, 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, 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.

3. From and after the passing of this act, the persons who compose the college of physicians and surgeons shall be styled "Members of the college of physicians and surgeons of the province of Quebec."

4. The affairs of the said college shall be conducted by a board of governors, forty in number, and elected for three years; fifteen of whom shall be elected from among the members of the college, resident in the district of Quebec; nineteen from among its members resident in the district of Montreal; three from among its members resident in the district of Three Rivers; and three from among its members resident in the district of St. Francis; and of the said board of governors neither more nor less than eight shall be resident in the city of Quebec; and neither more nor less than eight in the city of Montreal; provided always that not less than two members out of the city members shall be delegates from each of

the Universities, Colleges and incorporated medical schools now existing in the province of Quebec, to wit: the University of Laval, the University of McGill, the University of Bishop's College, and the incorporated schools of medicine and surgery of Montreal affiliated with the University of Victoria College or with any other British University; and 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 Districts. 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;

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, by an election by ballot, at the next ensuing meeting subsequent to the occurrence of such vacancy; and it shall be lawful for the Board of Governors to exercise during such vacancy the powers of the board hereinafter mentioned. Term of office.  
Resignation ;  
vacancy.

5. The said board of governors shall be, and are hereby constituted "The provincial medical board," in which 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. Name of board.  
Number of meetings.  
Quorum.

6. From and after the passing of this act, no person shall practice medicine, or surgery, or midwifery, in the License required from

practicing  
physicians.

province of Quebec, unless he shall have obtained a license from the provincial medical board who are hereby authorized to issue such license.

Degrees giving right to practising 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 license without examination as to his qualifications; provided always that the provincial medical board shall have the power and option of extending the same privilege to the holders of medical degrees and diplomas of other British or Colonial Universities and Colleges.

Certificate for the 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 Provincial Medical Board.

Examination required.

And no one shall be entitled to the license of the college on presentation of a diploma unless he has been previously admitted to the study of medicine in accordance with the provisions of this act, or unless he has passed an equivalent preliminary examination before an authorized college or licensing board in Her Majesty's Dominions, acceptable to the board created by this act.

Appointment of 4 examiners, for admission to study.

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 to the continued 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 skilled in the french language, and one skilled in the english language for the city of Montreal, and one skilled in the french language and one skilled in the english language 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 and 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, or incorporated school, or provincial medical board, shall not be required to pass before the examiners mentioned in this section.

Subjects for preliminary examination.

Actual students.

Examination required from those who

10. Every person wishing to obtain a license to practice 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 clause 4 of this act, shall, before being entitled to such license 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 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 license to practice medicine, surgery and midwifery in the province of Quebec.

have no university certificate, &c., for admission to practice.

**11.** The said board of governors of the college of physicians and surgeons shall have power :

Powers of board of governors. Studies, &c.

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 license to practice; provided always that such rules shall not be contrary to the provisions of this act;

Proviso.

2. To examine all credentials purporting to entitle the bearer to a license to practice, and all degrees or qualifications sought to be registered in this province, and to oblige the bearer of such credentials, degrees or qualifications 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;

Examinations of credentials, degrees, &c.

3. To cause every member of the profession now practicing, or who may hereafter practice in the province of Quebec, to enregister his name, age, place of residence, nativity, the date of his license and the place where he obtained it, in the books of the college;

Registration of names of practicing physicians.

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 in council of this province after the same shall have been submitted to him for approval and by him allowed.

Eligibility of governors.

General government. Election of officers.

Approval of lieutenant-governor required.

**12.** The "provincial medical board;"

1. Shall from time to time, as occasion may require, make rules and regulations for the guidance of the "examiners," and may prescribe the subjects and mode

Guidance of examiners.

Examina-  
tions.

of the examinations, the time and place of holding the same, and generally may make all such rules and regulations in respect to such examinations not contrary to the provisions of this act, as they may deem expedient and necessary ;

Studies.

2. It shall regulate the study of medicine, surgery and midwifery by making rules with regard to the preliminary qualifications, duration of study, curriculum of studies to be followed by the students ;

Proviso.

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 ;

Tariff of  
physicians.

3. It shall have power 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 ;

Assessors to  
assist at  
university  
examina-  
tions, &c.

4. It shall 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 one 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 case and under such circumstances have the power to refuse the registration of the degree or diploma of the institution so reported upon, until such examination shall have been amended. 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 ;

Their report.

Notice of  
examinations.

5. 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.

Salary of  
officers.

**13.** 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 the license to practice medicine, surgery and midwifery, as well as the fee 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 how  
disposed of.

**14.** The qualifications to be required from a candidate for examination to obtain a license to practice, shall consist in his not being less than twenty-one years of age; that he has followed his studies uninterruptedly 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,—and 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 an 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 year immediately succeeding the preliminary examinations.

**15.** All persons obtaining the license to practice 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.

**16.** The provincial medical board shall have the

Qualifications  
for license.

Members of  
the college.

Governors.

Yearly  
subscription.

Admission of

women to  
practice  
midwifery.

power to make rules and regulations respecting the admission of females to the practice of midwifery in this province.

Register and  
registration  
of practicing  
physicians.

**17.** The provincial medical board shall cause to be kept by the registrar, a book or register, to be called the Register, in which shall be entered, from time to time, the names of all persons who have complied with the enactments hereinafter contained, and with the rules or regulations made or to be made by the provincial medical 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 practice 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.

**18.** It shall be the duty of the registrar to keep the register correct 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.

If convicted  
of felony.

**19.** If the registrar be convinced of a felony he shall be disqualified from again holding any office in the college.

Registration  
of actual  
physicians.

**20.** Every member of the medical profession who, at the time of the passing of this act, may be possessed of a license from the college of physicians and surgeons of Lower Canada, to practice medicine, surgery and midwifery in the province of Quebec, shall, on the payment of the fee of one dollar, 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 he register within one year after the passing of this act.

Delay.

Disqualifica-  
tion of non-

**21.** Any person entitled to be registered under this act, but who shall neglect or omit to be so registered,

shall not be entitled 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 pay a fine of five dollars every year until he is registered.

registered physicians.  
Fine.

**22.** No person 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.

Registration required for collection of accounts.

**23.** No certificate required by any act now in force, or that may hereafter be passed in this province from any physician or surgeon or medical practitioner, shall be valid, unless the person signing the same be registered under this act.

Idem, to give certificates.

**24.** Any registered member of the medical profession who shall have been convicted of any felony in any court, 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 have power to refuse such registration.

Physician convicted of felony.

**25.** Any person not entitled to be registered in this province, who shall be convicted upon the oath of one or more witnesses in accordance with the provisions of 38 Vict., ch. 35 of this province, of having practiced medicine, surgery or midwifery in the province of Quebec, for hire, gain, or hope of reward shall, upon summary conviction before a sheriff, or district magistrate or recorder, or judge of the sessions of the peace, be condemned to pay a fine of not less than twenty-five dollars, nor exceeding one hundred dollars.

Illegal practicing.  
Fine.

2. A like penalty shall be incurred by every person assuming the title of doctor, physician or surgeon, or any other name implying that he or she is legally authorized to practice medicine, surgery or midwifery, in this province, if unable to establish the fact by legal proof, and every person who by advertisement in any newspaper, or by printed or written circulars, or by card, or by sign-board assumes any addition, name or description implying or calculated to lead persons to infer that he or she is a duly

Illegal assumption of title of doctor, &c.

registered or qualified practitioner of medicine, surgery, and midwifery or any one of them, or any person offering or giving his or her services as physician, surgeon or midwife, if not duly licensed and registered in this province, shall in each such case, be liable to be condemned to a like penalty.

Fine.

Proof.

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

Tribunal.

4. All prosecutions under this act, shall take place before any sheriff, district magistrate, or recorder, or judge of special sessions of the peace having jurisdiction in the locality where the offence was committed, and such sheriff, district magistrate, or recorder or judge of special sessions of the peace, besides the fine above mentioned, shall have power to condemn in costs; and in the event of the costs and the fine not being paid, to order an imprisonment for a term not exceeding thirty days, unless the fine and costs be sooner paid.

Costs.

Imprisonment.

Recovery and disposal of fines.

26. 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 the penalties being recovered, shall belong to the said corporation for the use thereof.

Physicians competent as witnesses.

And neither in any such suit or 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.

Fines where and when paid.

2. All penalties recoverable under this act, shall be paid over to the court convicting, and by the latter, to the treasurer of the provincial medical board. The provincial medical board may authorize any person to prosecute in his own name, any person, for any infringement of this act, and the provincial medical board shall have power to allow the prosecutor the whole or a portion of the penalties recovered.

Suits authorized.

Certified copy of register to make proof.

27. In all cases where proof of registration under this act is required, the production of a printed or other copy of 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 register; and any certificate upon such printed or other copy of the 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.

**28.** 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 Lower Canada, shall remain in force until repealed or modified under the provisions of this act.

Present board.

Present regulations.

**29.** 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.

Present officers and register.

**30.** 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.

Property &amp;c., of old college transferred.

**31.** Nothing in this act contained shall be construed to affect the rights of any persons under the provisions of the act 28 Vict., cap. 59 and amendments thereto: 29 Vict., cap. 95.

Rights of homoeopaths reserved.

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

An act to amend and repeal certain acts and enactments therein mentioned.

[Assented to 28th December, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, hereby enacts, in relation to the following acts of the said Legislature of Quebec, passed in the 38th and 39th years of Her Majesty's reign, as follows :

**I** The word "parliamentary" wherever used in the act 38 Victoria, chapter seven, intituled : "An act respecting the election of members of the legislative assembly of the province of Quebec," shall be held and construed to mean and apply to the election of members of the legislative assembly of Quebec only.

38 V. c. 7, (Electoral act) amended.

The sections fifty-six and fifty-seven of the said act are hereby repealed, and the following clauses enacted in lieu thereof which shall be read and construed as if

ss. 56, 57, replaced.