

## CAP. XL.

An Act to re-enact and amend the law respecting dentists.

[Assented to 21st March, 1889.]

**W**HEREAS it is expedient to re-enact the law concern- Preamble.  
ing dentists by amending it so as to extend its provisions, concerning the practice of the profession, the examination of candidates, and the penalties and to provide for the protection of the profession and the public; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Section fifth of chapter fourth of title tenth of the R. S. Q., title 10, chap. 4, sec. 5 replaced.  
Revised Statutes of the Province of Quebec is replaced by the following :

## SECTION V.

## DENTISTS.

§ 1.—*Corporation of Dentists.*

## I.—CONSTITUTION OF THE CORPORATION AND ITS POWERS.

**“ 4053.** All persons residing within the Province Certain persons constituted a corporation.  
authorized by law to practise the profession of dentist therein, and who have obtained a certificate as a licensed surgeon dentist in this Province, and who are registered as such in virtue of this section, are incorporated under the appellation of the “Dental Association of the Province of Quebec,” having a common seal, with power to Name.  
change, amend, cancel or renew the same. Seal.

**2.** Under such name, the corporation shall be vested Powers.  
with all the powers conferred upon civil corporations under the laws of the country, but shall be precluded from acquiring any real estate of over ten thousand dollars Real estate to be held limited.  
in value.

## II.—SERVICES UPON THE CORPORATION.

**“ 4054.** All actions against the corporation shall be Services upon corporation.  
served in the ordinary form, upon the secretary of the board of examiners personally or at his professional office ; and all other services, which should be made upon the parties according to the laws of procedure and the rules of practice, shall likewise be made in the same manner.

§ 2.—*Management.*

## I.—BOARD ENTRUSTED THEREWITH AND COMPOSITION THEREOF.

Management of business. “ **4055.** The board of examiners is charged with the management of the business of the association.

Composition of board. 2. The board is composed of seven members of the association elected at a general meeting held for that purpose, every third year, on the third Wednesday of September

Election by ballot. 3. The election shall be by ballot by the members qualified to vote and present at the said meeting.

Qualification of persons voting. 4. No persons shall vote at such election unless they fulfill all the following conditions, namely :

1. Are members of the Association ;

2. Are regularly registered as such ;

3. Are, at the time, authorized to practise the profession of a dentist ;

4. Are present at the said election, and qualified to attend the same and take part in its proceedings ;

5. Have paid into the hands of the treasurer of the said association all dues imposed in virtue of this section as well as under any other act.

Term of office. 5. The examiners elected shall remain in office during three years.

Appointment of president and other officers. 6. The members of the board so elected shall appoint, from among their number, a president, a secretary, a treasurer, a registrar and such other officers as to them may seem desirable.

Term of office. Such officers remain in office until a new board of examiners shall have been appointed at a subsequent election.

Election if not held on day prescribed. 7. If, for any cause whatsoever, the election could not be held on the day prescribed, then it may be held at any adjourned meeting, provided that at the meeting so adjourned there shall be present at least ten members qualified to vote.

Notice if not sufficient members present. In case there should be not ten such members present, the secretary shall convene another meeting, by thirty days' notice in the Quebec Official Gazette, giving the place, date, and hour of the said meeting.

Next meeting for election of board. 8. The next meeting for the election of members of the board shall be held on the third Wednesday of September, one thousand eight hundred and eighty-nine.

Notice to be given. For that purpose, the secretary actually in office shall give thirty days' notice at least in the Quebec Official Gazette, of the place, date and hour when such meeting will be held.

## II.—POWERS OF THE BOARD.

Powers of board to enact 9. It shall be lawful for the Board of Examiners to enact rules and regulations, not inconsistent with the pro-

visions of this section, respecting the honor, the dignity and the discipline of the members of the association, the examinations for admission to the practice of dentistry, and generally for all matters and things in connection with the practice of dentistry.

§ 3.—*Contributions.*

“**4056.** Every member of the association shall pay into the hands of the treasurer of the association, on or before the third day of September, in every year, a contribution of two dollars.

Annual contribution by members.

“**4057.** In addition to his inability to vote as stated in article 4055, any member of the Association neglecting to pay his contribution, after a thirty days' notice given to him by registered letter by the treasurer, may be prosecuted for the recovery of the said contribution and arrears, before a civil court of justice of competent jurisdiction.

Suits for recovery of contributions.

§ 4.—*Candidates for study and practice.*

I.—CANDIDATES FOR STUDY.

“**4058.** Any person conforming to the by-laws of the association and the provisions of this section, may study the art of dentistry without any previous examination for the same.

Persons who may study dentistry.

2. Every student of dental surgery shall enter into a notarial indenture with a licensed surgeon dentist in this Province authorized to practice the said profession therein, and shall deliver into the hands of the secretary of the board of examiners a copy of the said indenture.

Students to be indentured.

Send copy to secretary.

These two conditions being complied with, the said person's name shall be registered by the secretary, and from that time only shall his time of study be computed.

Registration of name therewith.

3. The time of study in the office of a licensed surgeon-dentist is four years.

Term of study.

During that time the student is obliged to follow at least one course of lectures, in an authorized college of dental surgery, or a course of anatomy, of physiology and chemistry in any university of medicine in this Province.

Lectures to be attended.

II.—CANDIDATES FOR PRACTICE.

“**4059.** To be admitted to examination for admission to practice as a surgeon-dentist, a student must previously have gone through the examinations in French, English, Latin, History, Geography, Arithmetic and Geometry

Conditions for admission to practice. Preliminary examination.

prescribed by any medical college in this Province for admission to study and obtained a certificate establishing his having successfully passed the same.

Before whom  
to be passed.

Notice there-  
fore.

When exam-  
ination to be  
passed.

Notice.

When student  
may be ad-  
mitted to ex-  
amination for  
practice.

License if suc-  
cessful.

When student  
admitted to  
examination  
if holding a  
diploma.

License if suc-  
cessful.

Such examinations are passed before the examiner of the college then in office; and the student must give a written notice to the secretary of the association at least fifteen days previously of his intention to undergo such examination.

Any student regularly registered and under notarial indenture may, at any time, during his clerkship pass such examinations, provided it be at least thirty days before he gives notice of his intention to be examined for the practice of the profession.

2. By complying with the forms prescribed by the by-laws of the association, and filing a certificate of such college or university to the effect that he has there followed the course mentioned in the preceding article, he shall acquire the right of being admitted to examination for the practice of dental surgery.

If successful in his examination, he shall be entitled to be admitted as a licensed surgeon-dentist.

**"4060.** Any registered and indentured student, holding a diploma from a college of dental surgery, acknowledged by the association, shall, after three years of clerkship, including the time passed in such college, by complying with the provisions of this section and the formalities aforesaid, and by paying the fees fixed upon by the board of examiners, be entitled to be admitted to examination for the practice of dental surgery.

If successful in his examination, he shall be entitled to a license of surgeon-dentist.

### § 5.—*Examinations and Examiners.*

When examin-  
ers meet.

Fix time, &c.,  
for next meet-  
ing.

Notice to  
members.

If place, &c.,  
not fixed,  
when, &c.,  
held.

Meet at plea-  
sure on notice.

**"4061.** The examiners shall meet for the examination of candidates at the time prescribed by the by-laws of the association.

At such meeting they determine the locality in this Province and the date and hour when the next meeting shall be held for the said purposes.

2. The secretary shall give to each member of the board notice of the said meeting, by registered letter, through the post office, thirty days at least before said meeting.

If the locality, date and hour of the said next meeting have not been determined upon, the said meeting shall be held at the time, place, date and hour as it was held last time.

3. The examiners shall meet as often as they may deem fit, upon the written requisition of three of their number.

4. Four members of the board of examiners shall be a quorum.

5. The president or the chairman elected in his absence, in addition to his ordinary vote, shall have a casting vote.

Casting vote of chairman.

6. Each member of the board shall be entitled, in addition to his travelling expenses, for each sitting attended by him, to a fee to be determined upon by the board, and which shall not exceed five dollars.

Fees of examiners, &c.

7. In the event of the death or resignation of a member of the board, or of any vacancy for any cause whatever, the other members shall immediately elect a person qualified for such office.

Filling vacancies in board.

The new member shall replace the former one for the rest of the term for which he was elected.

Term of office of new member.

8. There shall be a vacancy in the case of the absence of a member from two sittings of the board.

When there is vacancy.

§ 6.—*Complaints before the Board for breaches of discipline.*

I.—SUMMONS OF THE ACCUSED.

"4062. The board of examiners, upon complaint in writing and under oath taken before the secretary of the said association, may cause to appear before them a member of the said association charged with violation of the by-laws or with any act derogatory to the honor or the dignity of the profession, or with following or practising a trade or industry inconsistent with the said profession.

Power of board to summons member accused.

II.—PRELIMINARY PROCEEDINGS UPON THE COMPLAINT.

2. The complaint shall state summarily the time, place, circumstances, and nature of the offense complained of.

Contents of complaint.

3. The secretary shall submit the said complaint immediately to the board, and the latter may, by registered letter, call before them, both the complainant and defendant for a certain fixed day.

Complaint to be submitted to board and parties to be summoned.

4. On the day so fixed, the board may hear both parties or the party in attendance, and if circumstances allow it, may conciliate and pacify the parties.

Preliminary hearing.

5. The board may grant or refuse permission to the complainant to proceed with his case, or to the defendant to file a counter-complaint if the complainant is a dentist legally practising his profession.

Power of board.

In each case, the board may exact, from the party authorized to prosecute, a deposit, the amount whereof shall be determined by them, and which shall be made with the treasurer as a guarantee of the adverse party's costs. The board may, according to circumstances, dispense with any deposit.

Security may be required.

Exception.

Summoning  
of defendant.

6. Upon the said permission to proceed being granted and the making of a deposit, if any be exacted, the accused, shall be, by a notice signed by the secretary, called upon to appear before the board of examiners at the place, time and hour when the complaint will be heard and considered.

Service upon  
him.

7. A true copy of the said notice and complaint, certified by the secretary, shall be served upon the accused by a bailiff of the Superior Court in the ordinary manner, fifteen days at least before that fixed upon for the hearing of the complaint, and another true copy of the complaint, also certified, shall be annexed to the original of the said notice, on the back whereof the bailiff shall make his return under his oath of office, to the said board, in the ordinary manner.

Service of no-  
tice upon  
complainant.

8. A notice, informing the complainant of the place, date and hour when the said complaint shall be heard, shall also be served upon the complainant, and a return made of said service according to the delays and in the manner herein above prescribed.

Bailiff's fees.

9. The bailiff's fees shall be similar to those he would be entitled to in a cause before the Superior Court.

Penalty on  
bailiff refus-  
ing to act.

10. Any bailiff who shall, without a legitimate reason, refuse or neglect to make any service or return required by this section, shall be liable to a fine of not less than forty dollars nor more than one hundred dollars, recoverable with costs in the manner prescribed by article 4067.

### III.—APPEARANCE, TRIAL AND HEARING.

Appearance  
and plea of  
defendant.

11. The accused shall be held to appear in compliance with the notice, and to submit immediately, in reply to the complaint and without in any manner delaying the hearing thereof, a defence either in writing or verbally.

No reply.

12. No written reply to the said defence shall be admitted.

Adduction of  
proof.

13. So soon as the accused shall have submitted his defence, the enquête will commence and will be continued from day to day.

Hearing on  
merits.

14. The evidence on both sides being completed, the parties shall be heard upon the merits of the complaint.

Proceedings  
by default.

15. If the accused makes default in appearing, or, if appearing, he fails in submitting a defence, the complainant shall proceed to the proof of the facts alleged in his said complaint.

Right of de-  
fendant to  
cross-examine  
witnesses in  
such case.

In the latter case, the accused shall have the right of cross-examining the complainant's witnesses, but will not be allowed to produce witnesses.

16. The evidence shall be taken down in writing by an enquête clerk, or a stenographer, at the discretion of the board of examiners. Evidence to be taken down in writing, &c.

17. The accused may cross-examine the complainant on his complaint, and give, if he desires, his own deposition. Examination of parties. Both in that case shall be sworn.

18. The accused and complainant may be summoned as witnesses and treated as such in all respects according to the provisions of this section. But neither they nor any other witness shall be bound to answer questions, if they swear that their answers might expose them to a criminal prosecution. Parties to be as other witnesses. Witness not compelled to answer certain questions.

19. The secretary shall summon to appear before the board, in the manner prescribed by the Code of Civil Procedure, any person to him indicated as a witness. Summoning of witness.

20. Every person, before being examined as a witness at the enquête, shall be sworn before the secretary and shall be bound to answer all pertinent questions put to him. Swearing of witness.

Any person, who without a legitimate excuse, shall refuse to be sworn or to answer such questions, shall incur, for each such refusal, a fine not exceeding forty dollars recoverable with costs in the manner hereinafter prescribed by article 4067. Penalty for refusal to take oath or to answer.

#### IV.—JUDGMENT UPON THE COMPLAINT.

21. After hearing the evidence on both sides, the board may dismiss the complaint or, according to the gravity of the offence, if the same is proved, may censure or reprimand the accused or deprive him of the privilege of attending and taking part in the meetings of the members of the association during a period not exceeding three years, or suspend him from the practice of the profession in this Province during the space of one year. Power of board after hearing evidence.

22. If judgment is not rendered at once, notice of the day when it will be rendered shall be given by the secretary to the parties concerned two days at least beforehand. Notice if judgment not given at once.

23. The members of the board deliberate with closed doors, and in no case shall their dissent be communicated to the public, under the penalties imposed paragraph 21 of this article. Deliberations private, &c.

24. All decisions of the board shall be rendered by the majority of votes. How decision rendered.

When the final decision on the complaint is to be given, the presence of all the members who have heard the evidence is not necessary. The decision may be given in the presence of the majority of the sitting members. All members need not be present. Majority suffices.

The final decision shall be registered in the minutes of the association. Decision to be registered.

## V.—COSTS.

Costs may be awarded, &c.

25. The board may condemn the unsuccessful party to pay such costs as to them may seem fit, or divide the costs, and may condemn him in addition to pay the successful party a certain sum as a compensation for all personal expenses incurred in connection with the said complaint.

## VI.—APPEALS.

Appeal to general meeting.

26. Any of the parties feeling aggrieved by reason of the final decision rendered by the board may appeal to a general meeting of the members of the association.

No other recourse.

No such decision shall be invalidated, annulled or altered by any other means than the said appeal, not even by *certiorari*.

Convening of meeting upon deposit of appeal and security.

27. The said meeting shall be convened without delay by the secretary, immediately after the appeal has been produced and the appellant has deposited in the hands of the treasurer a sum of one hundred dollars as a guarantee for the payment of the expenses to be incurred by the holding of the said general meeting, and of the expenses of the respondent.

What expenses to be included in costs.

If judgment is obtained by the appellant for his costs, the expenses of the general meeting shall be included therein.

Other security may be given in lieu of deposit.

In lieu of the said deposit, the board may accept security in such form and manner as to them may seem advisable.

Officers to be elected for appeal.  
Casting vote of chairman.

28. For that purpose, the general meeting elects a president and a secretary.

The president, in addition to his ordinary vote, has a casting vote.

Notice of appeal when to be given.

29. Notice of the appeal before the meeting shall be given within the fifteen days following the decision of the board, and filed with the secretary within the thirty days following the said decision.

Effect of filing notice and depositing security.

The filing of the appeal, accompanied with the deposit or security, as the case may be, shall have the effect of suspending the sentence of the board until the general meeting has decided upon the said appeal.

Notices to parties and to members.

30. Notice of the date, hour and place of the holding of the said meeting shall be addressed by the secretary to the appellant, to the respondent and to all members of the association qualified to attend the same.

When meeting to be held.

The said meeting shall not be held until the expiration of the ten days following the mailing of the notice at the post-office.

Transmission of record.

31. The secretary shall transmit the record of the complaint to the general meeting.

32. The decisions of the general meeting shall be rendered by a majority of the votes, in the same form and manner as the decisions of the board of examiners, provided fifteen members at least shall be present at the same; and in case a smaller number of members should attend, provided eight of them give their assent to the decision appealed from.

How decision shall be rendered.  
Number of members required.

33. Neither the appellant nor the respondent shall be allowed to attend the said meeting.

Parties not to be present.

34. No other evidence than the written depositions taken at the enquête before the board of examiners shall be admitted on the appeal; and no witnesses shall be examined.

No further evidence to be adduced.

35. The general meeting may either confirm unconditionally the decision of the board, or give the decision which the said board should have rendered, and adjudge, both as to the costs in the first instance and those of the appeal in the manner as to the said meeting may seem equitable.

Power of general meeting.

36. The decision of the general meeting, as well on the merits of the appeal as upon the amount of costs adjudged as hereinabove, shall be final, and shall not be invalidated, annulled or revised by any court of justice, not even by *certiorari*.

Decision to be final and without further recourse.

37. The decision of the general meeting together with the record shall immediately be transmitted by its secretary to the secretary of the board of examiners.

Transmission of decision and record.

In all cases, the said decision shall be registered in the register of the board of examiners and shall be executed as if it had been rendered by the board.

Registration thereof.

38. The secretary of the general meeting shall immediately transmit to the treasurer of the association, with the balance of the deposit, if any remains, a detailed memorandum certified by himself of the costs adjudged against any of the two parties on the appeal; and, out of the said balance so remaining, the treasurer shall indemnify the person entitled to the same both by reason of the decision of the board and of the general meeting.

Application of balance of deposit.

#### VII.—EXECUTION OF JUDGMENTS.

39. Should the party fail to pay the costs adjudged against him within fifteen days from the date of the final decision of the board of examiners, if there has been no appeal, or of the general meeting, if an appeal has been taken, the party to whom the said costs are due may obtain from the Superior Court of the district where the complaint has been made, an execution against the moveable or immoveable property of the person condemned to

Execution for costs in certain event.

How obtained  
and from  
what court.

pay the same, by depositing in the office of the prothonotary of the court a detailed statement of such costs, duly certified by the secretary of the board, together with a copy, under the seal of the association and certified by the secretary, of the judgment condemning the party to pay the same.

Costs to reach  
certain sum  
sum before  
execution can  
issue against  
immoveables.  
Dentist's  
name to be  
struck from  
list for non-  
payment of  
such costs.

No such execution shall issue against immoveables unless the amount of the costs to be recovered exceeds forty dollars.

40. In addition to the execution next above-mentioned to which he shall be liable, if the party in default of paying the costs or any other sum adjudged against him is a dentist, his name may be struck off the roll of members of the association, and he shall from that moment be deprived of the right to practise the profession in this Province.

How he may  
resume prac-  
tice.

But he may have his name reinscribed and resume the practice of the said profession by paying the sums adjudged against him and all costs incurred through his default.

#### § 7.—Of Penalties.

Dentist con-  
victed of cer-  
tain offences  
to lose right  
of practising.

“4063. Any dentist who shall have been found guilty, before any court of competent jurisdiction, of indecent practices in the exercise of his profession, felony, perjury or of any other offence under chapter 164 of the Revised Statutes of Canada concerning larceny and other offences of a like nature, or who shall render himself liable to civil interdiction, or become deprived of any of his civil rights, shall lose *ipso facto* the right of practising as a dentist within this Province.

Board to strike  
his name off  
of list.

“4064. It shall be the duty of the board to cause his name to be struck off the roll of the members of the association so soon as the board shall have been apprized of the said member's disqualification.

Replacing of  
name there-  
after.

The board may, nevertheless, upon petition of any dentist whose name has been so struck, replace the said member's name upon the said roll, on such conditions as to the board may seem fit and advisable.

Any person,  
except a phy-  
sician who :

“4065. Whosoever, except licensed physicians and surgeons, not being a holder of a license as a dentist legally granted by the board of examiners and whose name has not been registered as a member of the Dental association :

Practises den-  
tistry for re-  
ward, &c. :

1. Practises in the Province as a dentist for a remuneration or in the hope of being remunerated, rewarded or paid for his services, directly or indirectly ; or who

2. Attempts to evade the law by exacting payment, reward or remuneration for his services as a dentist by the sale of drugs or medicines, or by barter, exchange or otherwise ; or who

Evades law by accepting barter for services ;

3. Falsely pretends that he is registered as a dentist, or that he is the holder of a license granted by virtue of the law, or who makes use falsely of a name, title or quality, or places before or after his name letters or signs, of a description to induce the belief that he is duly authorized to practise as a dentist, or who makes use of a title of such a style as to induce the belief that he has obtained any diploma or degree from any college of dentistry, or who makes use of any sign, title or indication whatsoever so as to induce the belief that he has obtained the aforesaid degree or diploma ; or who

Falsely pretends he is a dentist ;

4. Without being previously registered as a dentist and without a license legally granted as aforesaid, practises for a remuneration or in the hope of being rewarded, remunerated or paid, directly or indirectly, under the name of a licensed dentist ; or who

Practises without being registered ;

5. Without being legally registered and licensed, practises dentistry for a remuneration or with the hope of being directly or indirectly rewarded, in the office or under the patronage of a physician or surgeon of this Province not duly authorized to practise as a dentist ; or who

Practises with another without being registered ;

6. After being suspended from the exercise of the dental profession by the board of examiners, or after being struck off the roll of dentists by the said board without his name having been regularly replaced thereon, practises dentistry.

Continues practising after being suspended ;

Shall be liable to a fine of not less than twenty-five dollars nor of more than fifty dollars for each offence, to be recovered with costs of suit in the manner prescribed by article 4067.

Liable to fine.

“ **4066.** The fact of any person, not being licensed according to law, extracting teeth or performing any other act of dental surgery in any street or public place, or in any hall or in any hotel and then and there, or on the following days, selling, tendering for sale or gratuitously, or advertising any medicine whatsoever, patented or not patented, or

Certain facts to be considered as evidence of practising for reward, &c., within meaning of art. 4065, § 1.

The fact of any person, not being licensed according to law, extracting teeth or performing any other act of dental surgery in any street or public place, or in any hall or in any hotel in the company or in the vehicle of any person, and then and there, or on the following days, selling, tendering for sale or gratuitously, or advertising any medicine whatsoever, patented or not patented.

Shall be considered as conclusive and irrefutable evidence that the said person is practising the profession of a dentist in the hope of being rewarded, remunerated and paid indirectly, within the meaning of the provisions of paragraph 1 of article 4065, and the said person shall be punishable accordingly.

§ 8.—*Of prosecutions.*

I.—COURTS BEFORE WHICH BROUGHT.

Recovery of fines.

“**4067.** The fines imposed by this section shall be recoverable:

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

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

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

Certain prosecution to be in name of association.

2. With reference to paragraphs 2 and 3 of this article, the prosecution shall be taken by and on behalf of the Dental Association of the Province of Quebec, to which the sole right of prosecuting appertains.

Allegations required.

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

II.—PROCEDURE.

Application of R. S. C., c. 178.

“**4068.** In all prosecutions upon information before any of the functionaries aforesaid, all the provisions of chapter one hundred and seventy-eight of the Revised Statutes of Canada, respecting summary proceedings, including the schedule, shall apply in all cases not specially herein provided for.

No appeal.

The decisions of such functionaries upon such prosecutions shall be without appeal, and no notice or writ of *certiorari* shall suspend or prevent the execution of the conviction pronounced by them, unless the party con-

demned, on giving notice of the *certiorari*, deposits with the clerk of the functionary who rendered judgment, the amount in full of the fine and costs imposed, and a sum of fifty dollars as security for the costs of the adverse party.

Deposit to be made on giving notice of *certiorari*.

“ **4069.** In actions brought before the courts of civil jurisdiction hereinabove mentioned, the procedure shall be summary, according to the provisions of chapter first of title second of book second of the second part of the Code of Civil Procedure, as contained in article 5977 of the Revised Statutes of the Province of Quebec.

Civil proceedings summary and to be governed by R. S. Q., art. 5977.

Any cause may be inscribed at the same time for proof and final hearing on the merits.

“ **4070.** The manner of proceeding to the seizure and sale of the defendant's goods, and all the other laws of procedure as well as the rules of practice and the tariff of the said courts, respectively, shall apply in all cases where no special provisions are enacted by this section.

Rules governing seizure, &c., of defendant's goods.

“ **4071.** In case of an information lodged before one of the functionaries named in paragraph 1 of article 4067, all the provisions of chapter 178 of the Revised Statutes of Canada, respecting summary proceedings, shall apply, in so far as they are not inconsistent with those of this section.

Law applicable to information.

The said functionary may allow the counsel of the successful party a fee in accordance with the tariff of the civil court of the district where the case is heard, as in an ordinary action of sixty dollars.

Counsel's fee.

### III.—PROOF.

“ **4072.** In all civil prosecutions and upon any information under article 4065, it shall be the duty of the defendant to prove that he had the right to practise as a surgeon-dentist in the Province, that he had the right to assume the title, name and quality, or to use the letters, signs or indications which he is charged with illegally using and assuming.

Burden of certain proof on defendant.

“ **4073.** No person, otherwise competent as a witness, in any action or upon any information under this section, shall be held as incompetent by reason of his being a member or an officer of the association.

Officers and members of association competent as witnesses.

“ **4074.** One witness only shall be sufficient to prove the offence in any prosecution or information for the recovery of penalties under this section.

One witness sufficient.

Copy or extract from register sufficient evidence.

“ **4075.** When the proof of the registry or want of registry is required under this section, a copy or an extract from the register, or the books of the association, under the seal of the same and the signature of the secretary shall be sufficient evidence of the contents of the said copy or extract, without its being necessary to produce the original.

Persons unlawfully practising not entitled to recover fees, &c.

“ **4076.** No person illegally following the profession of a dentist shall be entitled to recover, before any court of justice, any sum of money for his professional services, drugs or articles so rendered, sold and supplied.

#### IV.—EXECUTION OF JUDGMENTS.

Imprisonment in default of payment.

“ **4077.** In default of immediate payment of the fine and costs imposed, the defendant shall be imprisoned, during the space of not less than three months nor of more than six months in the common gaol of the district where the sentence has been rendered, unless the said fine and costs shall be sooner paid.

Court may grant delay.

2. The functionary or court by whom the judgment is pronounced may, however, in place of ordering the immediate imprisonment of the defendant, grant him a delay or order the attachment and sale of his real and moveable property for the acquittance of the fine and costs aforesaid and of all subsequent costs.

Imprisonment after delay granted or if distress is insufficient.

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

Signature to warrant of imprisonment.

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

Issue of commitment.

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

The above warrant of commitment may be *mutatis mutandis* in the forms O 1 and No. 5 of the schedule of chapter one hundred and seventy-eight of the Revised Statutes of Canada respecting summary proceedings, and shall be executed by any bailiff or constable. Form of commitment.

6. The writ of execution shall be executed by a bailiff. Execution of writ.

"4078. Any person so imprisoned may, in any case, be set free upon payment of the fine and costs, and of all costs subsequent to his condemnation, including the expense of his removal to gaol, or in case of the sale of his goods, upon payment of the balance remaining due. Release upon payment of fine.

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

#### § 9.—*Application of fines.*

"4079. All fines imposed by virtue of this section shall belong to the said association and shall be paid into the hands of the treasurer thereof. Fines to belong to association.

"4080. If the goods of the defendant are sold or if the said defendant is confined in gaol, the officer conducting the sale, or the gaoler, as the case may be, shall, without delay, remit into the hands of the said treasurer all sums of money received in partial or total acquittance of the fine and costs incurred. Payment over of moneys levied.

#### § 10—*Exceptional provisions.*

"4081. Save and except the privileges conferred upon physicians and surgeons by the different laws of this Province, no person shall carry on the profession of a dentist in the Province unless he is in possession of a license issued the Dental Association of the Province of Quebec. No person not a dentist, except physicians to practise dentistry.

Save the said privileges, should any physician or any one legally holding a license in virtue of the laws of this Province and authorized as such therein, desire to practise as a dentist and to make himself known publicly as such, he shall be obliged to previously obtain a license from the board of examiners of the association by passing an examination upon the mechanical and operative part of dental surgery, and paying the fee fixed by the regulations for the obtaining of the said license. Proceedings by physicians to obtain license as a dentist. Examination. Fee payable.

"4082. The privileges and exemptions conferred upon physicians and surgeons by the laws of this Province are hereby granted to licensed dentists. Certain privileges conferred on dentists.

Treasurer  
may act for  
secretary.

“**4083.** Everything that, under this section, may or must be made and performed by the secretary of the board of examiners, may, in his absence or default, be made and performed in the same manner and with a like effect by the treasurer.

Services may  
be made upon  
him.

This provision shall also apply to all services which are, under this section, to be made upon the said secretary.

Delays ex-  
piring on a  
holiday.

If the day on which a thing may be or ought to be done under this section, be a non-juridical day, then the said thing may or shall be done on the first following juridical day.”

Coming into  
force.

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

## C A P X L I .

An Act to amend the laws respecting land surveyors and the survey of lands.

[Assented to 21st March, 1889.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q., art.  
4084 replaced.

**1.** Article 4084 of the Revised Statutes of the Province of Quebec is repealed and the following articles 4084, 4084a, and 4084b, are substituted therefor :

### § 1.—*Interpretative and declaratory.*

“Land sur-  
veyors” what  
to mean.

“**4084.** The words “ land surveyors ” in this section mean “ land surveyors and geometers.”

Land survey-  
ors exempt  
from serving  
as jurors.

“**4084a.** Land surveyors authorized to practise their profession under the by-laws of the corporation are exempt from serving as jurors before any court of justice in this Province.”

### § 1a.—*Incorporation of land surveyors.*

Land survey-  
ors constitu-  
ted a corpo-  
ration.  
Name.

“**4084b.** The land surveyors authorized by this section to practise as such in the Province of Quebec are constituted a body politic and corporate under the name of “ Land Surveyors and Geometers of the Province of Quebec.”

Inscription on  
seal.

The seal of the corporation shall bear the following inscription “ Land Surveyors and Geometers of Quebec.”