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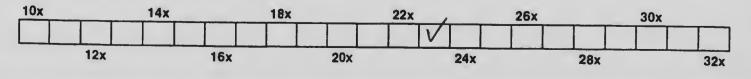
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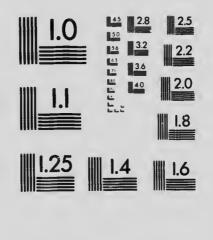
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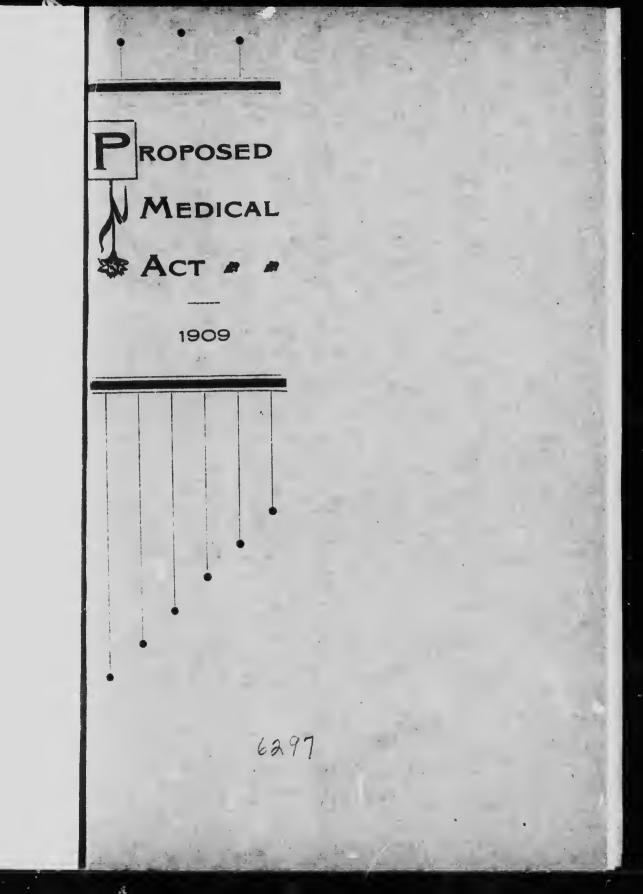


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PROPOSED

MEDICAL ACT

1909



PROPOSED MEDICAL ACT

Law revising and replacing the laws respecting physicians and surgeons of the Province of Quebec, comprised in articles 3969 and following up to article 4002 inclusively of the Revised Statutes of the Province of Quebec, as well as all the laws amending the said articles 3969 to 4002 inclusively.

Considering that the College of Physicians and Surgeons of the Province of Quebec, has by petition set forth, that the law incorporating it contained in the second section of the revised Statutes of the Province of Quebec, together with its amendments, no longer meet the requirements of members, and has consequently requested that such law and the amendments be revised ;

His Majesty upon the advice and with the consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts the following :

SECTION I

DECLARATORY PROVISIONS

I. — The law mentioned in the above preamble, as well as all the amendments thereof including the Statute 61 Vict, Chap. 31, 63 Vict. Chap. 27, and all the laws relating to the Imperial Medical Act of 1886, as well as all the provissions ar regulations incompatible with the present law are repealed; the Corporation constituted by the present law assuming all the obligations of the aforesuid Corporation of the College of Physicians and Surguons of the Province of Quebec, and being subrograted in all its rights.

2. — The present law may be cited as "the Quebec Medical Act."

3. — In case of any difference arising between the French and English texts, the French text shall prevail.

SECTION II

INCORPORATING OF THE COLLEGE OF PHY SICIANS & SURGEONS

4. — All persons residing in the Province of Quebec, duly authorized to practice medicine, surgery, and obstetrics, and registered in pursuance of the present law, are constituted a body corporate and politic under the name and style of the "College of Physicians and Surgeons of the Province of Quebec", and are designated as "members of the College of Physicians and Surgeons of the Province of Quebec"; and enjoy under this name a perpetual succession with a common seal, and with the power to modify, change, renew, or destroy the same.

Under this name they may either sue or be sued, pleal, or defend themselves from any action at law, or appear before any Court, and they are also competent to own, receive and preserve for the purpose set forth in the present law, and for the advantage of the College, all monies which may from time to time be paid, given or bequeathed to the College and for its use.

The Corporation may at any time acquire, receive, hold or possess without letters of mortmain, lands, tenements or inheritances, and enjoy the same, as well as the interest and profit thereof, but only to the ends and purposes of the College, and may also sell, grant, lease, alienate, dispose of or deal with the same in any way permitted by law.

The value of the immoveable property owned by the

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Corporation must not exceed at any time the sum of \$100.000.

5. — The Corporation must have a place of business in the City of Quebec or in the City of Montreal, kept by a Registrar appointed in pursuance of article 31 of the third section of the present law.

This place of business, shall be located either in Quebec or in Montreal as provided in a by-law ireafter enacted.

Writs of summons addressed to the Corporation are served at its place of business by speaking to the Registrar or to a person employed there, and in every legal proceeding, the domicile c the Corporation is sufficiently designated by the words "having its place of business in the City of Quebec or in the City of Montreal."

SECTION III

ADMINISTRATION OF THE COLLEGE OF PHY-SICIANS & SURGEONS

§ I.-Provincial Medical Board

6. — The affairs of the College are administered by a board of governors known as the "Frovincial Medi Board", which shall comprise, save the previsions of tained in the fifth paragraph of article 18 of the present law, 41 members elected for four years, of whom 35 elected by the members of the Colle is, and $t_{22,25}$ by each of the following institutions viz :=-

The Medical Faculty of Laval University of Quebec ;

The Medical and Surgical School of Laval University of Montreal;

The Medical Faculty of McGill University, of Montreal. 7. — The general election of governors chosen by the College shall be held every four years, on the first Wednesday of September, or if such happens to be a nonjuridical day, on the following juridical day, beginning with the month of September 1910. 8. — For the purpose of such elections, the Provin of Quebec is divided into four districts viz. : — the ditricts of Montreal, Three Rivers and St. Francis.

District of Quebec.

9. — The district of Quebec comprises the followin electoral divisions :

1. - The electoral division of Quebec Centre;

2. — The electoral divisions of Quebec West, Quebe East and St Sauveur;

3. - The counties of Lévis and Lobtinière;

4. — The counties of Montmorency, Quebec and Port neuf;

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

6. - The counties of Beauce and Dorchester;

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

8. - The counties of Kamouraska and Temiscouata

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

The two electoral divisions above mentioned in the lirst and second instance elect three governors, and each of the remainder elect one governor.

District of Montreai.

10. — The district of Montreal comprises the following electoral divisions :

I. - Electoral divisions I and 2 of the City of Montreal;

2. - Electoral divisions 3 and 4 of the City of Montreal;

3. — Electoral divisions 5 and 6 of the City of Montreal;

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

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

6. - The counties of Ottawa and Pontiac;

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

8. - The counties of Brome, Shefford and Missisquoi;

9. - The counties of St. Johns, Chambly, Napierville, Iberville and of Laprairie;

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

11. - The counties of Richelieu, Yamaska, Verchères and of Nicolet.

I — All that section of the county of Hochelaga comp. using the municipalities of Pointe-aux-Trembles, Longue-Pointe, Rivière des Prairies, Sault-aux-Recollets, the town of Maisonneuve, the Village of de Lorimier, Petite Cote, the village of St. Leonard de Fort Maurice, the town of St. Louis and Hochelaga, St. Denis and St. Jean Baptiste Wards, in the City of Montreal and their present or future dismemberments to be known as "Hochelaga East."

13. — The county of Jacque-Cartier and all that section of the county of Hochelaga comprising the municipalities of Verdun, the town of St Paul, the towns of Westmount and Outremont, Mount Royal Ward, the towns of Notre-Dame de Grâce and of Montreal West, St Gabriel, St Henry and St Gunégonde Wards in the city of Montreal and then present and future dismemberments to be known as "Hochelaga West."

Each of the electoral divisions enumerated in the first, second and third instances elect two governors, and each of the other divisions elect one governor.

District of Three Rivers

11. — The district of Three Rivers comprises the following electoral divisions : 1. — The counties of Drummond, Arthabaska and Megantic;

2. — The City of Three Rivers and the county Champlain.

3. — The counties of St. Maurice and Maskinonge. Each of these divisions elect one governor.

District of St. Francis

The district of St. Francis comprises the follows electoral divisions :

I. -- The city of Sherbrooke;

2. - The counties of Richmond and Wolfe;

3. - The counties of Stanstead and Compton;

Each of these electoral divisions elect one governor

13, — The counties and electoral divisions enumerat in articles 9, 10, 11 and 12 are those which existed on t 1st of July 1899 for purposes of representation in the I gislative Assembly of the Province of Quebec with t limits then assigned to them respectively.

14. — Besides the other conditions required under b laws, every governor representing any of the elector divisions mentioned in the foregoing articles must ha his office in the division which he represents and be lik wise chosen by members of the College having their of fices in such division.

15. — Every governor who has been elected must, u der the penalty of forfeiting his office IPSO FACTO, r tain during his entire term of office the quality of men ber of the College and have his office in the elect division which he represents.

16. — The manner and process of the aforesaid eletions are determined in the by-laws of the Provincial Me dical Board, in the absence of which by-laws, the Lieur Governor may fix the date and prescribe the manner of holding such elections.

17. — In case any doubt or discussion arises regarding the validity of the election of a governor chosen b

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the College, the Provincial Medical Board shall be at liberty to hold an investigation for the purpose of finding out whether such election be regular or not. If the Board finds such election to be irregular it may order a new election and no appeal shall lie from its decision.

18. — Each institution mentioned in article 6 of the present section, determines as it sees fit the manner and date of the election of the two governors who are to be its representatives in the Provincial Medical Board. These governors are chosen among the members of the College, being duly qualified to represent such institution; they are elected every four years, as in the case of those chosen by the College and at about the same time.

A report of such election indicating the names, surnames and residence of the governors elected, is transmitted by the respective secretary of these institutions, to the Registrar of the College of Physicians and Surgeons within a delay of one month after the date fixed for the election of the other governors.

Any vacancy in the representation of any of the said institutions is filled by each of them respectively, and a report of the election to which such vacancy has given rise, is transmitted within a delay of a month to the Registrar of the College.

The governors elected by the above mentioned institutions are not bound to have their elections confirmed or sanctioned by the College, but they must, under the penalty of being IPSO FACTO disqualified, retain during their entire term of office the quality of member of the College.

Every institutions above mentioned ceasing to give instruction in medicine loses IPSO FACTO the power to elect representatives to the Board of Governors and this right does not revive unless the institution in good faith resume such instruction; the mandate of the representatives of such institutions shall IPSO FACTO come to an end.

19. — In case it appear that a member elected did not

possess at the time of his election the required qualitions, or if a member of the Provincial Board give practice, or die, or incur civil degradation, the B may declare his seat vacant.

20. — The members of the Provincial Medical B must meet in order to discharge the various duties posed upon them not less than twice a year at the and place fixed in the by-laws.

21. — Every governor who, without valid reafails to attend two regular and consecutive meeting the Board shall be deemed to have resigned from or and the Board may, upon the vote of two thirds of members present, declare the seat of such member to vacant, and order a new election according to the visions of the present law.

22. — The quorum of the Provincial Medical Be shall be composed of 15 members.

23. — Every contested question is settled by a volume of the majority of the governors present including vote of the present President, and in the case of an enumber of votes, the President shall moreover have casting vote.

24. — Officers who are members of the Provin Board may vote in that capacity together with or members at all meetings of the Board.

25. — The President of the Provincial Medical Bo upon the requisition of at least 12 members of the a Board must convoke, at any time, a special meeting, notice indicating the date, place, and purpose of a meeting, must be sent by registered mail to each m ber of the Board at least thirty days before the of fixed for such meeting.

\$ 8 .- Powers of the Provincial Medical Board

26. — The Provincial Medical Board has power enact, repeal amend or enforce by-laws for the well ired qualificaloard give up on, the Board

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and good government of its members, and every matter interesting or affecting or which might interest or affect thê College; provided however, these by-laws are not incompatible with the laws of this Province or with the laws of Canada, nor contrary to ally special dispositions of the present law; and provided cuch by-laws do not restrict in any way the right of members of the College to exercise their profession out of philantrophy and charity in favour of benevolent institutions or mutual benefit societies of the Province.

27. — And without limiting the powers and authority conferred on the Provincial Medical Board by the last preceding article, the said Board, for the ends and purposes comprised in the last preceding article as well as for matters enumerated in the present article has authority;

(I) To regulate the manner and process of the election of governors chosen by the College, as well as the election of the President and offices of the said Board.

(2) To define in so far as it may be necessary, the duties of officers and other functionaries of the College.

(3) To appoint examiners for the examinations of candidates for admission to study and practice of medicine, as well as for the examination of women seeking admission to the study or to the practice of obstetrics.

(4) To name as many permanent or special committees which shall be deemed necessary for the good government of the College or for the advancement of medical studies; to delegate its power to these committees to the ends and purposes for which they were named, and to fix the quorum thereof.

(5) To define the duties of examiners of candidates for the study and practice of medicine.

(6) To fix the fees payable to the examiners, to the officers and other functionaries of the College.

(7) From time to time to fix the indemnity, travelling and lodging expenses payable to the members of the Provincial Board for each day's attendance at the meet-

ing of the Board as well as to the members of the (cil and to the members of the committees sitting d holidays.

(8) To frame and modify the tariff of fees for before the Council a: well as for costs in appeal to Provincial Board.

(9) To determine the fees to be paid by candid for admission to the study of medicine, by students ing up for matriculation before the Medical Board of aminers hereinafter mentioned, by those seeking ac sion to practice as well as the registration fees.

(10) To regulate the study and practice of medof surgery and obstetrics, to determine the subject ter of and manner of holding examinations for those ing admission to study or practice, as well as qualifications required from candidates, apart from lifications hereinafter specified.

(11): To fix a tariff of fees which members shall act in towns, cities and courtry places for consultat prescriptions, operations and generally for all profess services.

(12) To regulate the admission of women to the dy and practice of obstetrics, to determine the na and scope of knowledge required, the fee exigible f license to practice obstetrics as well as the annual r bership fee.

(13) To fix the location of the College Board's p of business either in Quebec or in Montreal.

28. — The by-laws passed by the Board in pursu of sub-sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, and 13, of ticle 27, unless another time is fixed therein, shall o into force from the day of their enactment.

29. — The by-laws passed by the Board in pursu of sub-sections 8 and 11 must be sanctioned by the L Governor in council and shall not come into force til ter the 30th dath day following their publication in Quebec Official Gazette.

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§ 3.-Officers of the College and their duties

30. — At the first meeting following a general election, the Provincial Medical Board proceeds to the appointing of its officers in pursuance of the present law.

31. — The personnel of the officers comprises :

A president, three vice presidents and a Registrar. These officers are elected by the governors and remain in office till the first meeting of the Board of Governors which follows every general election.

32. — The Registrar may be chosen outside the members of the Provincial Medical Board, provided he be a member of the College of Physicians.

33. — The Board of governors may appoint all other officers we med necessary to carry out the ends and purposes of the present law and for its putting into effect.

34. — The president acts also as chairman at all the meetings of the College and of the Provincial Medical Board.

35. — In the event of absence or death of the president, the vice presidents, in their order *ci* appointment, shall replace him, temporarily in the case of absence, and till the next general election of the Board Officers in the case of death.

36. — The Registrar acts as recording secretary at the meetings of the Provincial Medical Board. His duty consists in giving notice of the date and place of these meetings.. Under the direction of the president, he shall also cause a report of the deliberations of the meetings, to be printed and distributed to each member.

37. — The Registrar also keeps a book called the "Medical Register of Quebec" made out according to the schedule annexed to the present law, in which he registers in alphabetical order, the names and surnames of every person entitled to such registration, the place and date of birth, domicile and address of such person, as well as all other qualifications, and the name of the institution where the degrees of such person has been obtained.

Upon the instructions of the Board, the Registrar must also cause an exact copy of this register to be printed and distributed to each member of the College.

38. — The Registrar also keeps a book in which he registers the names, surnames, the place and date of birth, as well as the domicile of all those who have obtained from the Provincial Medical Board the certificate as to qualification mentioned in article 58 of the present law.

39. — He must also keep another register in which he registers the names, surnames, the date and place of birth, the domicile and address, the date of license and other qualifications of every woman who has complied with regulations of the Board respecting the practice of mid-wifery in this Province.

40. - The Registrar is the keeper of the College Seal.

41. — Every member of the College of Physicians and Surgeons of Quebec has the right to examine the books of the Provincial Medical Board.

42. — The copies of registers kept by the Registrar, as well as the copies of tariffs and by-laws of the College and extracts thereof duly certified and purporting to be signed by the Registrar, are authentic and make proof of their contents before the Courts of Justice.

43. — The Registrar recovers monies owing to the Col lege for any cause whatever.

44.— The Registrar must forthwith deposit the funds of the Board in one of the incorporated savings banks of the Province, or invest the same in securities at the order of the Board.

45. — At each semi-annual meeting and at any other time when called upon to do so by the president, the Registrar must produce, with the corresponding vouchers, a full statement of all their receipts and disbursements of the College.

46. - He shall have to take out in a guarentee com-

pany an insurance policy for an amount to be determinby the Provincial Medical Board, and a premium shall be paid by the College.

47. — The Registrar shall pay by cheque all accounts due by the College after previous approval by the president.

48. — At the direction of the president the Registrar is charged with the putting into effect of the provisions of the present law as well as of the by-laws of the Provincial Medical Board.

49. — In the event of absence or death of the Registrar, the president of the Board appoints a member of the College to act in his stead, either temporarily in the case of absence, or till the following regular meeting of the Provincial Board in the case of death.

50. — Officers going out of office are bound to hand over forthwith to their successors the books and other documents relating to the exercise of their functions.

51. — The Provincial Board has power to dismiss at will every officer and to appoint another instead, but no officer shall be dismissed unless an absolute majority of the members vote in favor of his dismissal.

§ 4.-Auditors.

52.—The Board shall appoint outside of the members of the Medical profession one or two auditors for the purpose of making each year a minute examination of the books, accounts, vouchers, securities, etc., in possession of the Registrar, and of preparing under a signature, a complete and correct report of the financial standing of the College.

These auditors shall finish their report early enough to enable the president to submit it to the second semiannual meeting of the Provincial Board, and also to the meeting immediately preceding the general election of governors.

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\$ 5.-Council of the Provincial Medical Board.

53.—For the purpose of representing the Provincial Medical Board, and in order to govern and put into effect disciplinary measures, and other matters of interest to the profession, a Council is created, composed of five members chosen from the governors to be known as the "Council of the Provincial Medical Board."

The president of the Provincial Medical Board shall be ex-officio member and president of the Council; the other four members being appointed by the Provincial Board of the first session following the general election of governors.

Any vacancy in the Council during the interval of the sessions of the Provincial Medical Board may be filled by the Council.

54. — The Provincial Medical Board is authorized to frame and pass by-laws for the purpose of delegating to this Council all and each of the powers which the Board enjoys in pursuance of the laws incorporating and governings it, and this Council has power to pass by-laws for its own government and for the procedure to be followed in connection with it.

55. — The quorum of the Council, shall consist of three members and the Regist. r of the College shall act as Secretary.

56. — The members of the Council shall remain in office until they are replaced.

Nevertheless members of this Council or the majority who have taken into consideration any matter submitted to them, must render their decision notwithstanding the expiry of the term for which they have been appointed, whether or not they have been re-elected members of the Provincial Medical Board.

57. — Every member of the Council, who upon being duly notified to attend a meeting of the Council, fails to do so, may be replaced by the Council, and his successor remains in office till the renewal of the Council.

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SECTION IV

ADMISSION TO THE STUDY OF MEDICINE

58. — No one shall be admitted to the study of medicine, surgery, obstetrics, without first obtaining a certificate as to qualification and capacity from the Provincial Medical Board.

59. - Are entitled to such certificate :

(I) All those holding a Bachelor of Arts or Bachelor of Sciences degree conferred to them by a Canadian University or University of the United Kingdom.

(2) Those who have successfully passed the examination required by the Provincial Medical Board from candidates for admission to study;

(3) Those who have passed successfully a preliminary examination deemed equivalent by the Provincial Medical Board, before a college or a board authorized by law to hold such preliminary examinations in his Majesty's possessions, or in a foreign country;

60. — Bachelors must send in to the Registrar at least ten days before the date fixed for the meeting of the Provincial Medical Board, their degrees as well as their acts of birth and the fee required in the by-law governing candidates for admission to study. They must moreover annex to the above documents a sworn declaration made before a Judge of Peace or a commissionet of the Superior Court according to Schedule 2 found in the present law.

61. — Before being allowed to take the examination for admission to the study of medicine from the Board of Examiners, the candidate must give notice in writing to this effect to the Registrar according to Schedule 3 at least fifteen days before the examination.

The notice must state the names, surnames, date, and place of birth and residence of the candidate, the institutions and places where he followed a course of studies, and be accompanied by the act of birth of such candidate

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and the fees fixed in a by-law passed by the Provincial Medical Board,

62. — The reports on the above mentioned examinations held according to Schedule 4 annexed to the present law, are transmitted to the Board of Governors of the College of Physicians & Surgeons, the latter according to these reports, delivers to the candidate the certificate as to the qualification mentioned in article 58 and identuring begins to run from the date of such certificate.

63. — At a regular meeting after the expiry of the term of office of the present Board, the Provincial Medical Board shall appoint for a period of four years and so on, every four years, five persons of whom four are engaged in instruction within the Province of Quebec, two of the French language, and two of the English language, and one member of the Board Governors, for the purpose of examining candidates for admission to the study of medicine, surgery and of obstetrics on the matters of science and literature hereinafter mentioned, viz : —

Geometry, arithmetic, algebra elementry physics and chemistry, philosophy, botany, zoology, constituting the science group; Latin, literature, history, geography, French and English, one as mother and the other as a foreign tongue, constituting the belles-lettres group.

SECTION V

STUDY OF MEDICINE

64. — Every student in medecine surgery and obstetrics must attend for a period of five years lectures in medicine, surgery and obstetrics in a university of the province ol Quebec and the following subjects constitute the course : —

Organic and Inorganic Chemistry and Toxicology; Descriptive Anatomy

Practical Anatomy or Disecting;

General and Special Physiology;

Theorotical and Practical Medical Electricity and

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Physiotherapy ; Yormal histology ; Comeral Pathology ; Higgiene ; Materia Medica, Practical and Theoritical Pharmacology ; Clinical Therapeutics ; Theoritical and Practical Obstetrics ; Theory and Practical of Medecine ; Theory and Practice of Surgery ; Madical Junioranderse Mantal and Nervous Disease ;

Medical Jurisprudence, Mental and Nervous Disease; Surgical Clinics in a Hospital of at least fifty beds; Medical Clinics in a Hospital of at least fifty beds;

Clinical Obstetrics in a Maternity affiliated to or recognised by the university, including attendance at a certain number of confinement fixed in the by-laws Operative Medicine and Minor Surgery;

Ophthalmology, Otology and Practical and Theoretical Rhino-Laryngology;

Practical and Theoretical Pediatrics;

History of Medicine and Medical Deontology;

Practical and Theoretical Dermatology and Syphilography;

Theoritical and Practical Bacteriology.

65. — The number of practical, theoretical, and clinical lessons are determined in the by-laws according to the agreement between the Medical Faculties and the Provincial Medical Board.

SECTION VI

ADMISSION TO THE PRACTICE OF MEDICINE, AND PRACTICE OF MEDICINE

66. — For the purpose of examining candidates, a Board called the "Medical Board of Examiners" is created which is composed of the professors of the University Medical Faculties mentioned at article 6 of z present law to the extend of two thirds, and of representatives of the College of Physicians & Surgeons of the Province of Quebec to the extent of two thirds and of representatives of the College of Physicians and Surgeons of the Province of Quebec to the extent of one third.

The examiners of this Board shall remain in office for four years.

67. — The date of examinations, and the total number of examiners shall be determined by the deans of the Medical Faculties of each of the Universities and the president of the Provincial Medical Board.

French and English are the only official languages for the purpose of such examination. The examination are held in each of the Universities.

68. — Candidates for admission for the practice of medicine who wish to undergo examination before the Medical Board examiners must, apart from other conditions required in the ky-laws, give a notice in writing to this effect to the Registrar according to Schedule 5 at least fifteen days before such examination and the notice must be accompanied by the fee fixed in the by-laws.

69. — This notice must contain the names, and surnames of the candidates, such as they appear in the candidate's act of birth, and mention the name of the university where the examination is to be taken.

70. — The examiners delegated by the Board of governors to Laval University of Quebec and to Laval University of Montreal shall be physicians speaking the French language, and those appointed by McGill Universny be physicians speaking the English language.

71. — The universities and the College of Physicians and Surgeons shall bear respectively the indemnity of the examiners appointed by them.

72. — The report of the above examinations nade out according to Schedule 6 annexed to the present by-law shall be transmitted to the Board of Governors; the latter, according to such reports and upon the presentation of an academic diploma of Doctor of Medecine, grants the license. The rights conferred by duch license can be exervince entaf the

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de out by-law he laiitation ats the e exercised only from the time that the candidate takes the oath according to Schedule XIII.

73. — No one can practice medicine, surgery or obstetrics in the Province of Quebec without obtaining a licen se from the Provincial Medical Board. In order to obtain this license the requirements of the present law must have been complied with, and one must hold an academic degree of Doctor of Medicine.

74. — Without intending to restrict the meaning of the words "to practice medicine" it is hereby enacted that to act as accoucheur, to participate either by habitual attendance or advice in the treatment of diseases or surgical affections, either by administrating drugs or process or of radio-therapy or of X rays, constitute the practice of medicine.

75. — The license authorising the practice of medicine. surgery and obstetrics in this Province must be signed by the President, by the Registrar and one of the vicepresidents. This license shall bear the seal of the College.

76. — Every member of the Medical profession, who at the time of the passing of the Statute 40 Vict. Chap. 25 held a license from the College of Physicians and Surgeons of Lower Canada, and who did not subsequently register according to the present law shall be entitled to do so, provided he establish his credentials to the satisfaction of the Registrar and pays the fee required for the obtaining of the license. Vide Schedule VII.

77. — Every person who after having followed a regular and complete course in a university outside the Province of Quebec, has obtained a degree of Doctor of Medicine from such University, and morover who has followed a medical course deemed equivalent by the Provincial Board to that afforded by the Universitics of Quebec, and who can prove to the satisfaction of the Board, that he has successfully passed a preliminary examination equivalent to that required in the Province of Quebec, shall be entitled to a license upon paying the required fees : provided such person follow in one of the medical schools of the Province the courses set down in the curriculum for the final year, and provided such person successfully pass the examination for admission to practice, before the Medical Board Examiners.

78. — Notwithstanding the last preceding article, every person who, having followed a regular and complete course in a University of France and obtained a degree of Doctor of Medicine from such university and who can prove to the satisfaction of the Medical Board that he has succesfully passed a preliminary examination equivalent to that required in the Province of Quebec, may obtain a license upon paying the necessary fees : provide such person successfully passes the examination for admission to practice before the Medical Board Examiners.

79. — Those whose names are inscribed in the Medical Register of the United Kingdom of Great Britain and Ireland in pursuance of Imperial Medical or other acts amending the same shall be entitled, upon producing sufficient proof of such inscription and of their good conduct, and upon paying the fees then exigible for the obtaining of the practising license, to such license, without having to undergo any examination; provided they establish to the satisfaction of the Provincial Medical Board :

(1) That they have obtained from the Provincial Medical Board a "Brevet" or certificate of admission to the study of medicine, five years at least before their inscription in the Medical Register of the United Kingdom.

(2) That they were registered in the Medical Register of the United Kingdom and became qualified to exercise their profession in the said United Kingdom in the course of a period of not less than five years, during which time they must have resided without interruption in the United Kingdom.

80. — The decision of the Board of Governors regarding the accepting of certificates mentioned in the last three preceding articles shall be final and without appeal.

81. - As soon as a Medical Board Examiners shall

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egarde last ppeal. shall be established similar to that created in pursuance of this law, or an institution recognized by the Legislature of any of the other provinces of Canada, as the only Board Examiners for the purpose of granting certificates asto qualification, and where the course of studies shall be deemed equivalent to that afforded in the Province of Quebec, the holder of every such certificate, upon making sufficient proof, shall be entitled to registration by the Provincial Medical Board of the Province of Quebec; provided the same privilege be granted by such Board of Examiners or institution, to the holder of certificates of the Province of Quebec.

82. — Every person entitled to be registered according to the present law, and who, practicing medicine, surgery and obstetrics in the Province of Quebec, neglects or fails to obtain such registration, cannot claim any of the rights and privileges accorded by the present law, and is liable to all penalties imposed by such law or any other law, on all persons practicing medicine, surgery, or obstetrics without registering as required.

83. — It is forbiden to practice under a pseudonym medicine, surgery and obstetrics under the penalty enacted under article 140.

84. — Midwives are prohibited from using any instrument. In cases of painful labor they shall summon a licensed physician under the penalty enacted under Art. 140.

85. — Every physician holding a public or any other position in a professional capacity is equally bound to obtain registration, and shall be subject to all the other obligations of the members of the College.

86. — Members of the College of Physicians and Surgeons of the Province of Quebec shall pay an annual membership fee of \$4.00. This contribution is payable in advance at the office of the Registrar on the Ist of July each year, and every action at law for the recovery of such fee must be instituted, in the district where the said office is situated. 87. — Every physician giving up practice may free himself from the payment of the membership fee during all the time that he ceases to exercise his profession, by paying up beforehand all the arrears which he owes, and by notifying the Registrar in writing of his intention to give up practice. See Schedule VIII.

The Registrar must strike his name from the Medical Register at the time fixed in the notice.

If after the time mentioned in such notice, he continues to exercise his profession, he remains subject to all the previsions of the present law as though no notice had been given.

88. - Such Physician may resume practice by notify ing the Registrar of the College. See Schedule IX.

Upon payment of his membership fee for the current year, the Registrar transmits his request to the president of the College.

In the event of any objection from the President of the College on account of the occupation followed by such physician during this interval, or on account of any other cause, the matter is submitted to the Provincial Board which, after having heard the parties, may refuse or grant the physician the right to exercise his profession and the reasons shall be stated in the judgment.

An appeal lies from this decision to the Provincial Medical Board.

89. — Annual membership fees and arrears thereof are recoverable both from the physician himself and from his heirs and representatives, by the Registrar in the name of the College of Physicians and Surgeons of the Province of Quebec.

90. — In every action for the recovery of such fees it is sufficient to give the initials of the first names of the defendant such as they appear in the Medical Register. of Quebec.

91. — It is sufficient to allege that the physician defendant or his heirs or representatives are indebted to the College for the annual fees demanded. free ring , by and n to

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an defted to 92. — The account against the physician from whom fees or arrears are sought or from his heirs or representative, bearing the seal of the College and purporting to be signed by the Registrar, is admitted before the Courts of Justice as prima-facie proof of its contents.

93. — The action for the recovery of annual membershipees is prescribed in ten years.

94. — The fiscal year of the College of Physicians and Surgeons of the Province of Quebec dates from the 1st of July.

95.... No member of the College shall be allowed to vote at the election of the members of the Provincial Medical Board or be eligible as governor who has not paid on or before the 1st of July previous to the election, all that he owes to the College.

96. — In the course of the month of August of each year, the Registrar prepares a list of all the physicians who, apart from the contribution for the current year, owe also the contribution for the fiscal year ending on the 1st of July previous, or all other arrears for the years previous.

97. — After the list has been made out the Registrar transmits with all reasonable dilligence to all the physicians whose names appear on such list, a notice to the effect that he will require their suspension at the next session of the Provincial Board.

This notice must be mailed at least thirty days before the meeting at which suspension is to be required.

98. — The sworn certificate of the Registrar showing that such notice has been sent in compliance with article 97 constitutes sufficient proof that such notice has been mailed.

99. — The Provincial Board, may, without any other formality at every ordinary meeting, issue an order suspending all physicians who have not paid up their membership fees beyond the current year. or any one of them. and notice of the suspension is given by the Registrar to such physician. 100. — The effects of such suspension lasts till the physician suspended releases himself by the payment :

(I) of the arrears which he owes;

(2) of costs incurred to bring about his suspension, such as taxed by the Provincial Board in its order;

(3) of costs of publishing such order.

101. — No one has a right to recover any account before the Courts of Justice, for medical or surgical advice, or for professional services, operations, prescriptions, medicine or apparatus which he may have prescribed or supplied, nor can he avail himself of any right and privilege conferred upon him by the present law unless he has registered in the Medical Register of Quebec, and paid his annual membership fee to the College.

102. — No certificate given by a person in the professional capacity of physician and surgeon is valid unless such person have registered in the Medical Register of Ouebec.

103.—Physicians are believed under oath as to the requisition, nature, and duration of services rendered by them, but contrary evidence may be adduced as in the case of any other testimony.

104. — A physician cannot be compelled to divulge what has been disclosed to him in his professional capacity.

105.—Article 832 of the Civil Code of Procedur' applies to physicians.

106. — Physician are not bound to accept any municipal office or office under the school board, or serve as trial jurors.

\$ 6-.Breaches of Discipline and General Provisions.

SECTION 7.

107. — Apart from other duties assigned to it the Council has power to investigate, hear and adjucate upon definitely and to exclusion of every other tribunal

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the icate ounal saving appeal to the Provincial Medical Board, any charge or complaint against a member of the College by reason of any infraction to his professional duties or acts derogatory to the honour of the profession or which may be so declared. Are declared derogatory to the honor of the profession :

(A.) Accepting money or any other emolument or promise of money or emolument whatever, by a member of the Provincial Medical Board for contribution or for having contributed towards the adopting of a measure or decision whatever by the Provincial Medical Board.

(B.) Divulge a professional secret.

(C.) Abandon a patient in danger, without sufficient reason and without giving such patient an opportunity to retain the services of another doctor.

(D.) Through complacency or otherwise for any other motive, to issue false certificates concerning birth, death, the nature of diseases, state of health, vaccination and disenfection.

(E.) The sharing between physicians (dichotomy) or between physicians and druggists of the benefits resulting either from consultations, prescriptions or surgical operations, without the knowledge of the patient.

(F) To associate or hold consultations with charlatans and bone setters.

108. — The Provincial Medical Board may, through by-laws to this effect, fix the time and place of the meetings of the Council and the manuer of convoking the same . "d may pass provisions for the holding of general or special meetings.

109. — In the exercice of the powers conferred upon it the Council proceeds by way of deliberation and may have recourse to all means which it deems necessary to find out the facts to be ascertained, and to enable the accused to make his defense.

110. — The commission by a member of any criminal offense legally proved and followed by final conviction ordering imprisonment in the penetentiary, entails DE PLANO expulsion from membership of the College of Physicians and Surgeons in the Province of Quebec.

III.—The clerk of any Court having criminal jurisdiction in this province before which a member of the College of Physicians and Surgeons was tried, must forthwith notify the Registrar of the College of the sentence passed upon him, and transmit a certified copy of such sentence.

112. — A member of the College convicted of criminal offense and followed by a final condemnation by a competent court, but not sentenced to the penitentiary may be suspended or expelled by the Council, upon the production of a certified copy of the judgement.

113. — If it appear in the final judgement from which there is no appeal, that a member of the College has committed any serious breach of professional duty or has committed any act derogatory to the honour of the profession, the Council may, suspend or expel such member without enquiry and upon the production of a certified copy of the judgement.

114. — In both above mentioned cases the clerks of the Courts which have passed sentence, are bound to forthwith transmit a certified copy of such sentence to the Registrar of the College.

\$ 2.- Complaints against Physicians

115. — Every complaint against a member of the College must be in writing and sworn before a Judge of Peace and addressed to the Registrar.

116.—The Provincial Medical Board has power to enact by-laws to determine the manner and delay within which such charge shall be dealt with, and to summon the accused and the witnesses, and to fix in a general way every mode of procedure to be followed in connection with a complaint against a member of the College.

117. — Every complaint against a member of the College may be heard by the Council at a general meeting or at a special meeting. ris-Col thnce uch

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118. — Every complaint made to the Registrar must be accompanied by a deposit of \$25.00, but in case such complaint is to be dealt with by the Council at a special meeting, at the request of the complainant, the deposit shall be \$100.00. But in either case, the complainant and the accused must moreover make the necessary disbursements when requested to do so in the course of proceeding, to cover costs and fees fixed by the tariff.

119. — The complaint must state summarily, the nature, time and circumscances of the offense and be accompanied by a list containing the names, sur-names, qualities and residences of the principal witnesses hat the complainant wishes to be heard.

120. — While exercising its functions, the Council may summon witnesses, and in order to compel their appearance for the purpose of giving evidence, has all the powers of the Superior Court. Every member of the Council has a right to swear in the parties and the witnesses and to cause them to affirm or declare the truth.

121. — The Council has the right to compel the production of any document deemed necessary for adjudication on any complaint. He enjoys, in order to compel such production, the powers of the Superior Court.

122. — The Council may charge one of its members with the investigation and with the making of a report on any complaint pending before it or touching upon any question or matter within its jurisdictions according to the present law and he may be authorized by the Council to go to such places as he may deem advisable for the ends and purposes of such investigation.

123. — The Council has power in giving its decision, to charge up costs against either parties or to divide them, or to tax costs not provided for by the tariff.

124. — The disciplinary penalties which may be imposed by the Provincial Board or the Council according to the gravity of breach of discipline or of the act derogatory to the honour of the profession are :

(1) Deprivation of the right to vote at the election

of the governors as well at the general meetings of the members of the College during a certain time;

(2) Deprivation of the right of being elected to the office of governor;

(3) Deprivation, in the case of a member of the Provincial Board, of the right of attending one or more meetings.

(4) Censure;

(5) Forfeiture of membership in the Provincial Board;

(6) Suspension from the practice of Medecine and surgery, which DE PLANO entails the forfeiture of membership in the College of Physicians and Surgeons;

(7) Expulsion from membership of the College of Physicians and Surgeons in the Province of Quebec.

125. — Penalties other than expulsion from membership of the College of Physicians and Surgeons are imposed separately and simultaneously.

126. — The Provincial Medical Board whenever it so deems necessary, may order the Registrar to lay before the Council any charge drawn up in due form.

APPEAL TO THE PROVINCIAL MEDICAL BOARD.

:47. — Every decision of the Council entailling suspension or dismissal is subject to appeal to the Provincial Medical Board. Notice of such appeal is served by a Bailiff to the Registrar who reports the decision to the member of the College suspended or dismissed within fifteen days from service. This appeal can be taken into consideration at a regular meeting of the Provincial Medical Board.

128. — Members of the Council cannot sit in appeal from a judgment rendered by the Council of which they form part.

129. — The grounds of recusation against judges enumerated in articles 237 and 238 of the Code of Civil Procedure apply to members of the Provincial Medical Board sitting in appeal.

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130. — The quoruns of the Provincial Board sitting in appeal shall consist of 12 members.

131. — The appellant must deposit together with his notice of appeal," a sum of \$50.00 by way of contribution to the costs occasioned by such appeal.

This sum is returned him in the event of his succesful appeal. The losing party shall be condemned to pay costs to the Provincial Medical Board together with other costs occasioned by such appeal.

132. — The Provincial Medical Board adjudicates upon the appeal summarily and the Registrar tranmits, within eight days a certified copy of this decision to the appellant by registered letter.

133. — There in no appeal to the Courts of Justice from the decisions of the Provincial Medical Board or of the Council except in the case of suspension or expulsion of a member of the College.

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ENFORCING OF THE DECISIONS OF THE COUNCIL. AND RECOVERY OF COSTS.

134. — After the expiry of the delays of appeal or after final judgement as the case may be, a copy of the decision of the Provincial Medical Board or of the Council certified by the Registrar, is served by a bailiff within thirty days, to the member of the College who has been dismissed or suspended, or to any other losing party or to the prothonotary of the Superior Court or the district where such member of the College or such losing party resides.

The prothonotary of the Superior Court of the distrist where the losing party resides must, upon the production of a certified copy of the decision of the Board or of the Cou il issue a writ of excution for the recovery of the costs fixed by the tariff or taxed by the Council or by the Board, before as well as after the decision, in the same way as for a judgement of the Superior Court.

135. — If the losing party is a member of the College, such party is incapable of execting his profession, and is suspended "DE PLANO" until ne has paid all the costs to which he has been condemned.

138. — In every case of suspension or expulsion of a member of the Conege notice of the same is given under the signature of the Registrar in four issues of the Quebec Official Gazette, immediately after the judgement of the Provincial Board has been rendered or after the expiry of the delay allowed for appeal in case there is no appeal.

137. — The effects of the suspension or expulsion dates from the last of these four publications only.

138. — Saving the exception mentioned in article 139 a public notice of this suspension or expulsion, signed by the Registrar, must forthwith be read aloud and posted during two consecutive Sundays by a bailiff of the Superior Court or by the Sccretary Treasurer of the Municipal Council, at the door of the Parish Church or Church of the Canton where the physician suspended or expelled has his domicile.

139.— In the Cities of Quebec, Montreal, Three Rivers and Sherbrooke and Sorel as well as in the Cities of St-Hyaciathe and St-Johns, this notice is published three times in a French newspaper and three times in an English newspaper, and if there is but one newspaper in the locality, or that all be published in the same language, notice must be inserted in both languages in the same newspaper.

SECTION VIII

PENALTIES AND PROSECUTIONS.

140. — Every person not registered in this province who is convicted on the oath of one or several witnesses, of having practiced medicine, surgery, or obstetrics in contrevention to the provissions of the present law, even gratuitously, incurs a penalty of fifty dollars for the first offence, hundred dollars for the second offence, and two hundred dollars for every subsequent offence.

A like penalty of fifty dollars for the first offence, hundred for the second, and two hundred for every subsequent offense, is incurred by every person who assumes a title of doctor, physician, or surgeon or any other name which might lead one to believe that such person is duly authorized to practice medicine, surgery and obsttrics in this Province, unless such person is able to establish this fact by legal proof as required by the present law and other laws of the country.

Every person who assumes in an advertisement, in a newspaper or in written or printed circulars, or on cards or on signs, a title name, or designation, of such a nature as to make one suppose or lead the public to believe that he is duly registered or is qualified to practice, medicine surgery, or obstetrics, or any person who, either by himself or on behalf of a licensed physician, offers or gives his services as a physician, surgeon or accoucheur, in return for fees, for money or in the hope of obtaining a reward or even gratuitously, if such person, be not duly authorized and registered in this Province, is, in each of these cases, liable to a like fine of fifty dollars for the first offence, hundred for the second, and two hundred for hundred dollars for every subsequent offense.

In every prosecution instituted in pursuance of the present section, the burden of proving registration is on the party prosecuted.

The penalties imposed by this section are recoverable with costs by action in the corporate name of the College Physicians and Surgeons of the Province of Quebec, and belong to the College for its use.

In any of these prosecutions or in any other civil action to which the College is a party and in which it. is interested, no member of the Corporation shall be deemed an incompetent member by reason of his quality of member.

The penalties imposed by the present law may be recovered by an ordinary civil action in the name of the College of Physicians and Surgeons of the Province of Quebec before the Circuit Court of the County or district of the domicile of the defendant, or of the district where the offence was committed, or by the prosecution by a Judge of Peace in conformity with the provisions of part 15 of the Revised Criminal Code of 1906.

The Court upon sufficient proof, condemns the defendant to pay the above mentionned penalty, besides the costs, within a delay fixed by itself, and sixty days imprisonment in the common jail of the district upon default to satisfy such condemnation in the delay prescribed.

In this case, the warrant of imprisonment is issued under the signature of a clerk of the court at the request in writing of the prosecuting Attorney and may be MU-TATIS MUTANDIS, according to formula 41 appearing in part 25 of the Revised Criminal Code 1906 and executed in the ordinary manner.

141. — Irrespective of the damages which may be occasioned to the parties, the physician expelled or suspended who keeps exposed to view a placard or any other indication of such a nature as to conccal his expulsion or suspension from the public or who practices obstetrics, medicine or surgery, incurs a penalty of a hundred dollars for each infraction.

142. — Every fine or penalty imposed by the last preceding article is such for and recovered by the Registrar, in the name of the College of Physicians and Surgeons of the Province of Quebec with prior authorization of the Provincial Board, or of its President before the Circuit Court sitting in Quebec or in Montreal, the decision of which shall be final and without appeal.

If the Registrar is the person who is to be sued, the president shall act, ex-officio in the name of the Provincial Board. 143. — The President of the College may at any time, if he deem it expedient, appoint, authorize or empower by an order under his Seal and signature, any person of his choice other than the Registrat its institute proceedings against whomsoever is suspected of having violated the provisions of the present section.

English translation by

Gustave DUTAUD,

Acting Court Interpreter

MONTREAL



SCHEDULE I 190

Quebec Medical Register

Titles ànd Qualification.	
Residence.	
Date of Birth.	
Names and Surnames.	
Date of Registration.	· · ·

SCHEDULE II

AFFIDAVIT FOR BACHELORS (Article 60)

I, the undersigned, county of of do swear on the Holy E day of therein are my own and	, province of , province of University vangelists that the deg 190 , is my own that I have obtained i	I, the undersigned, county of , province of , Canada, domiciled at county of , province of , bachelor of of University in the province of do swear on the Holy Evangelists that the degree which I produce, dated the day of 1900, is my own property, that the names and surnames written therein are my own and that I have obtained it in a legitimate and regular manner.
Sworn before me at		
this	day	(Signature of the Applicant.)
of .	. 0 <u>0</u> 1	•
J. P. or Com.	I. P. or Com. of the Superior Court.	

SCHEDULE III

Notice of candidates for admission to study (Art. 61)

To the Registrar,

Coll. of Physician and Surgeons, P. Q.

Sir: -

to inform you that I will come up for examination for admission to the study of Medicine on the I, the undersigned...... have the honour

Respectfully yours

Signature

N. B. This notice must be accompananied by a certificate from the director of the institution which the candidate attended, together with a certificate of birth and the required fee.

SCHEDULE IV

Report of examiners on the examinations for admission to the study of medicine (Art. 62,

	Conditional address	Re	Results	Ramarka
Names & Suname	Canaldates address	Science	Literature	

We the undersigned, Rxaminers duly appointe d by the Provincial Medical Board, certify habrought to a close onand declare that the above report is in every respect conformaving attended the preliminary examinations at ble with the facts observed and with the truth,

In WITNESS WHEREOF we have signed thisday of190 Signature

This report must be addressed to the Registrar.

SCHEDULE V

Notice to Registrar from the candidate for examination (Art. 68)

To the Registrar,

Sir: -

mined on the following subjects.....

Respectfully yours

Signa ture....

N. -B. This notice must be accompanied by all certificates which entitle the candidate to undergo examination on the various subjects.

SCHEDULE VI

Report of examiners to the Provincial Medical Board (Art. 72)

 NOTE	
SUBJECT	
OK BIRTH	
ADDRESS	
NAMES AND SURNAMES	
DATE	· · · · · · · · · · · · · · · · · · ·

We, the undersigned, examiners duly appointed, certify having begun examinations in

in the day of 190	day of
day of	ce that the above report is in every respect conformable
with the facts observed and with the truth.	
To address wheeled as here sized.	

In witness whereof we have signed-

the

Signature.....

SCHEDULE VII

Notice of a candidate for the obtaining of a practicing license

To the Registrar,

College of Physicians and Surgeons, P. Q.

Sir . -

I will come up at the next meeting of the Board of Governors at......................... on the day of in order to obtain a practicing licerce for the Province of Quebec.

N.-B. This notice must be accompanied by all certificates which entitle the candidate to seek the obtaining of the license, brevet, degree, fee, certificate ol birth, etc. etc.

SCHEDULE VIII

Notice from physicians wishing to cease the exercise of their profession

Date.....190

To the Registrar,

Coll. of Phys. and Surgeons.

Str : -

I have the honor to inform you that beginning with the......day ofI will cease to practice as physician, and I beg you to strike out my name from the Register

19.51

of physicians an surgeons of the Province of Quebec.

Respectfully yours

1

Signature

SCHEDULE IX

Notice from a physician wishing to resume the exercise of the profession after having fiven up practise during a certain period.

Date....

To the Registrar,

Coll. of Phys. and Surgeons.

Sir: -

I have the honor to inform you that beginning with this day, I will resume practice as physician and surgeon and that my address is.....

Respectfully yours.

Signature-

3e

SCHEDULE X

Notice of the Registrar to the effect that we will require the supension of a physician for non payment of the membership fee. (Art. 97)

To A M. Dr

Residing at.....

Sir: -

ce of Quebec, the annual membership fees for the years.....amounting altogether tobefore the next meeting of the Provincial Medical Board, I shall be obliged by law, to re-Take notice that it appears you owe the College of Physicians and Surgeous of the Prov .quire that your name be struck out from the Register.

Respectfully yours,

Signature

SCHEDULE XI

Notice to a physician whose name has been struck out from the Register (Art. 99)

To Dr....address

Sir : --

You are hereby notified by me the undersigned Registrar of the College of Phissician and Surgeons of the Province of Quebec, being duly informed that by a decision of the Provincial Medical Board rendered at a meeting held atyour name was struck out from the Medical Register of the Province of Quebec, for.....

In witness whereof

I have signed.

SCHEDULE XII

Notice from a practicing physician requiring a change of address

To the Registrar,

Col. of Phys. and Surgeons. /

Sir : --

was admitted to practice as physician and surgeon by the College of Physicians and Surgeons of the where I intend to practice and reside in the future. Province of Quebec and that I have practiced and resided at..... that since the (name in full) (residence)

Signature.....

Date.....

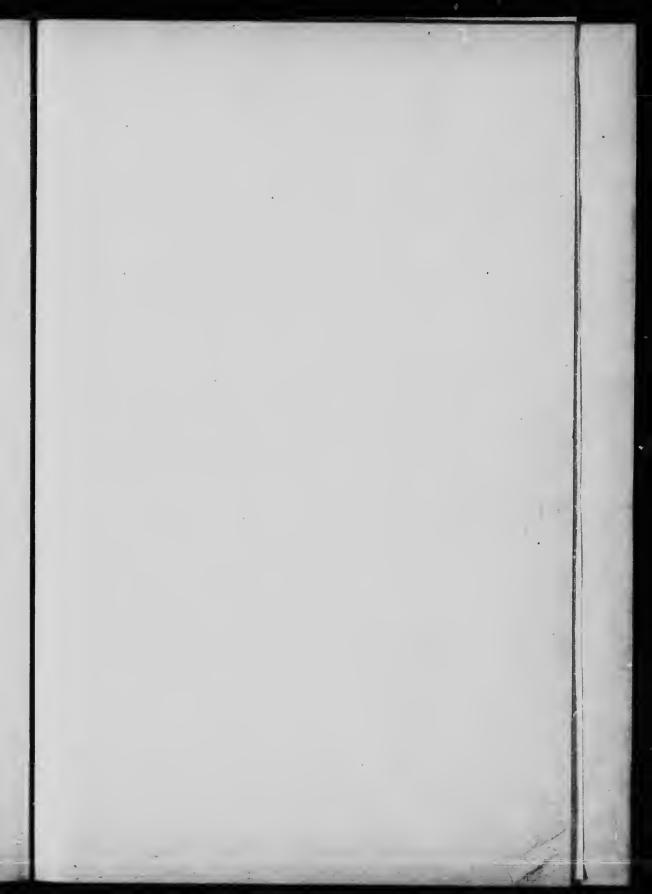
SCHEDULE XIII

Form of Oath for admission to the practice of Medicine.

with all the formalities required. that I have honestly and honourably obtained such certificates and degrees, after complying produced by me for the purpose of obtaining my admission to the practice of Medicine, and I swear on the Holy Evangelists that I am the person named and described under the

that I will submit to all the regulations and by-laws adopted by the College of Physicians and Surgeons of the Province of Quebec for the guidance of the members of the profession. I moreover swear to faithfully discharge the duties devolving upon me as Physician and

So help me God.



IMPRIMERIE INDUSTRIELLE, Enreg. 197 Rue Notre-Dame Est, Mentréal.

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