CHAPTER 163.

An Act respecting Dentistry.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as The Dentistry Act. 1 Geo. V, Short title. c. 39, s. 1.

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO.

2. The Royal, College of Dental Surgeons of Ontario Royal College of Dental Surgeons of Ontario, hereinafter called "the College," is continued, and every person who holds a valid and unforfeited certificate of licence to practise dentistry granted to him by such College shall be a member of the corporation. 1 Geo. V. c. 39, s. 2.

3.—(1) The College may purchase, take and possess for the purposes of the college, but for no other purpose, and, after acquiring the same, may sell, mortgage, lease or dispose of any real estate.

(2) Such real estate shall not be sold, mortgaged, leased or disposed of, except with the consent of the Board of Directors, given at a meeting duly called for that purpose.

(3) Notice of such meeting shall be given to every member of the Board by letter mailed to his last registered address, seven days before the day appointed for such meeting, stating the object thereof. 1 Geo. V. c. 39, s. 3.

BOARD OF DIRECTORS.

4.—(1) There shall continue to be a Board of Directors of the College, hereinafter called "the Board."

(2) The Board shall consist of eight members, all of whom shall be members of the College, and they shall hold office for two years, and any four of them shall form a quorum.

(3) One member shall be elected for each electoral district mentioned in Schedule A by the members of the College resident in such district.

(4) No person shall be qualified to be elected as a member for an electoral district unless he is a resident in it and is not a member of the faculty of the School of Dentistry.
(5) One member shall be elected by and from the faculty of the School of Dentistry.

(6) When a vacancy occurs in the representation of the faculty such vacancy shall be filled by the faculty. 1 Geo. V. c. 39, s. 4.

5. The Province of Ontario shall, for the purposes of this Act, be divided into the seven electoral districts described in Schedule A. 1 Geo. V. c. 39, s. 5.

6.—(1) An election of the Board shall be held on the second Wednesday of December in every second year, reckoning from the year 1912; and the present Board shall hold office until the first meeting of the new Board.

(2) No person shall be qualified to vote at such election if he is in arrear in respect of any fees payable by him.

(3) The votes at such election shall be given by closed voting papers, Form I, which shall be delivered, or, if sent by mail, shall be received, at the office of the Secretary of the College not earlier than the third Wednesday in November and not later than the second Wednesday in December in the year in which the election takes place.

(4) The manner of holding such election with respect to notification of the electors of the time and place of holding the election, the nomination of candidates, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, and other necessary details shall be determined by by-law of the Board, and in default of such by-law, may be prescribed by the Lieutenant-Governor in Council. 1 Geo. V. c. 39, s. 6.

7. Any member of the Board may at any time resign by notice in writing to the Secretary, and in the event of such resignation, or of a vacancy occurring by death or otherwise, the remaining members of the Board shall, from the members of the College resident in the electoral district in which the vacancy occurs, elect some fit and proper person to fill the vacancy for the remainder of the term. 1 Geo. V. c. 39, s. 7.

8.—(1) Every newly elected Board shall hold its first meeting in the City of Toronto on the first Monday in May, or at such other time as may be fixed by the retiring Board, and the members of the Board shall hold office until the first meeting of their successors.

(2) Other meetings shall be held at such time and place as the Board appoints.
(3) Special meetings shall be called by the President on the request in writing of four members of the Board.

(4) All meetings shall continue from day to day until the business is finished, but no meeting shall continue for more than one week. 1 Geo. V. c. 39, s. 8.

OFFICERS OF BOARD.

9.—(1) Every Board shall at its first meeting elect a President and President, a Vice-President and a Registrar, and shall appoint a Treasurer and a Secretary, and such other officers as the Board considers necessary.

(2) The Treasurer and the Secretary shall receive such remuneration for their services as the Board may fix.

(3) The Board shall, if the President and Vice-President are absent, elect one of its members to preside at its meeting, who, while so presiding, shall have the same powers and exercise the same functions as the President. 1 Geo. V. c 39, s. 9.

10. There shall be paid to each member of the Board such fees for attendances as shall be fixed by by-law, not exceeding $20 per day, and such reasonable travelling expenses as may be allowed by the Board. 1 Geo. V. c 39, s. 10.

11. All moneys under the control of the Board shall be paid to the Treasurer, and shall be applied for the purpose of the College. 1 Geo. V. c 39, s. 11.

SCHOOL OF DENTISTRY.

12. The School of Dentistry in the City of Toronto established by the Board is hereby continued. 1 Geo. V c 39, s. 12.

13.—(1) The Board may appoint one or more examiners for the matriculation or preliminary examination of all students entering the profession, or may accept in lieu of such matriculation or preliminary examination evidence that a student has passed any other satisfactory examination.

(2) Such examination shall be passed prior to entering into articles with a Licentiate of Dental Surgery. 1 Geo. V. c. 39, s. 13.

14.—(1) The Board may prescribe a curriculum for students, period for which every student shall be articulated and employed under a duly licensed practitioner, the examination neces-
sary to be passed and the fees to be paid to the Treasurer before a certificate of license to practise dental surgery is issued.

(2) The Board may prescribe the conditions upon which dentists residing elsewhere than in Ontario, and students and graduates from other dental colleges may be admitted to membership in the College. 1 Geo. V. c. 39, s. 14.

15. The College may, subject to the approval of the Lieutenant-Governor in Council, make arrangements with any university or college in Ontario for the attendance of students of the School of Dentistry at such lectures or classes in such university or college as may come within the course or subjects of instruction prescribed by the by-laws of the College, and may, subject to such approval, agree with any such university or college for the use of any library, museum or property belonging to or under the control of such university or college, and may affiliate with any such university or college, and may enter into all arrangements necessary to that end upon such terms as may be agreed upon. 1 Geo. V. c. 39, s. 15.

16. The Board may by by-law provide that any licentiate in dentistry, being a member of the College of not less than five years' standing, shall receive the title of 'Master of Dental Surgery,' upon passing such examination and complying with such regulations as the Board may prescribe. 1 Geo. V. c. 39, s. 16.

BY-LAWS OF BOARD.

17.—(1) The Board shall make such by-laws as it may deem necessary for the proper and better guidance, government, discipline and regulation of the Board, the College, the members of the College and the profession of dental surgery, and the carrying out of the provisions of this Act, and such by-laws shall be published for two consecutive weeks in the Ontario Gazette, and shall not take effect until so published.

(2) Such by-laws or any of them may be annulled by the Lieutenant-Governor in Council. 1 Geo. V. c. 39, s. 17.

CERTIFICATES OF LICENSE.

18.—(1) All persons, being British subjects by birth or naturalization, who were engaged on the 4th day of March, 1868, in the practice of the profession of dentistry, or who, not having been residents of Ontario, had then had three years' experience in the practice of dentistry, shall be entitled to the certificate of "Licentiate of Dental Surgery," upon furnishing to the Board satisfactory proof of their having been
so engaged, or having had such experience, passing the
required examination and paying the prescribed fees.

(2) All persons, being British subjects by birth or natur-
alization, who were continuously engaged for five years and
upwards in established office practice, next preceding the 4th
day of March, 1868, in the practice of the profession of
dentistry in Ontario shall, upon satisfactory proof thereof,
and upon payment of the prescribed fees, be entitled to such
certificate without passing any examination. 1 Geo. V. e 39,
s. 18.

19.—(1) The Board, once at least in every year, shall
cause to be held at a time fixed by the Board, an examination
of the candidates for certificates and such titles as the Board
has authority to grant.

(2) At every such examination the candidates shall be
examined orally or in writing or otherwise, by examiners to
be appointed for that purpose by the Board, in such subjects
as the Board shall prescribe.

(3) The examiners shall receive such remuneration as
may be fixed by the Board.

(4) Each examiner shall, if required, subscribe and take
the following declaration:

"I solemnly declare that I will perform my duty of Examiner
without fear, favour, affection or partiality towards any candidate,
and that I will not knowingly allow to any candidate any advan-
tage which is not equally allowed to all."

1 Geo. V. e. 39, s. 19.

20.—(1) If the Board is satisfied by the examination that
the candidate is duly qualified to practise the profession of
dental surgery, and that he is a person of integrity and
good moral character, it shall, subject to the by-laws, grant
him a certificate of license and the title of "Licentiate of
Dental Surgery," which certificate and title shall entitle him
to all the rights and privileges conferred by this Act.

(2) The Board shall hold at least one meeting in each
year in the City of Toronto for the purpose of granting such
certificates and titles and for the transaction of such other
business as may properly come before it. 1 Geo. V. e. 39,
s. 20.

21. Every certificate of license shall be sealed with the
 corporate seal of the College and signed by the President
and Secretary of the Board; and the production of such cer-
 tificate of license shall be prima facie evidence in all courts
and upon all proceedings of its execution and contents.
1 Geo. V. e. 39, s. 21.
22. The Secretary of the Board shall, on or before the 15th day of January in each year, transmit to the Provincial Secretary a certified list of the names of all persons to whom certificates of license have been granted during the year ending on the next preceding 31st day of December. 1 Geo. V. c. 39, s. 22.

23. Every person desirous of being examined touching his qualifications for the practice of the profession of dental surgery shall, at least one month before such examination, pay to the Treasurer the prescribed fees, and deliver to the Secretary the Treasurer’s receipt for the same, together with satisfactory evidence of his service under articles and compliance with the rules and regulations prescribed by the Board, and of his integrity and good morals. 1 Geo. V. c. 39, s. 23.

ANNUAL FEES.

24.—(1) Every member of the College engaged in the practice of dental surgery in Ontario shall, on or before the first day of November in each year, pay to the Treasurer, or to a person deputed by him to receive the same, such annual fee, not less than $1 and not more than $3, as may be prescribed by by-law of the Board, towards the general expenses of the College, and such fee shall be recoverable by suit in the name of the Royal College of Dental Surgeons of Ontario in the Division Court of the division in which the member in default resides.

(2) For any services rendered in the practice of dental surgery while he is in default in respect of any annual fee a member shall not be entitled to recover in any Court. 1 Geo. V. c. 39, s. 24.

PENALTY FOR PRACTISING WITHOUT LICENSE.

25.—(1) No person who is not a member of the College shall, by himself or by any other person, practise the profession of dental surgery, or perform any dental operation upon or prescribe any dental treatment for any person for hire, gain or hope of reward whether by way of fees, salary, rent, percentage of receipts or in any other form, or shall pretend to hold or take or use any name, title, addition or description implying that he holds a certificate of license to practise dental surgery, or that he is a member of the College, or shall falsely represent or use any title representing that he is a graduate of any Dental College.

(2) Every person who contravenes any of the provisions of this section shall, for the first offence, incur a penalty not exceeding $50, and for every subsequent offence a penalty not exceeding $100, and he shall not be entitled to sue or recover
in any Court for any services which he performed, or materials which he provided, in the ordinary and customary work of a dental surgeon.

(3) This section shall not prevent any duly articled student of dental surgery from receiving instruction in clinics and practice under the personal supervision of a member of the college.

(4) The penalties shall be recoverable under The Ontario Recovery and Summary Convictions Act, and shall be paid over by the convicing justice to the Treasurer of the College. 1 Geo. V. c. 39, s. 25.

26. In any prosecution under section 25 the burden of proof of qualification shall be upon the defendant. 1 Geo. V. c. 39, s. 26.

SUSPENSION OR CANCELLATION OF CERTIFICATE.

27.—(1) The Board may suspend or cancel the certificate of license of a member of the College who has been heretofore or shall hereafter be convicted in Canada or elsewhere of an indictable offence if his conviction remains unreversed, or who has been or shall be guilty of any infamous, disgraceful or improper conduct in a professional respect; but this power shall not be exercised if the conviction is for a political offence committed out of His Majesty's Dominions, or for an offence which, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to disqualify the person convicted from practising dentistry.

(2) Where a member has been guilty of infamous, disgraceful or improper conduct in a professional respect the power conferred by subsection 1 may be exercised, notwithstanding that he has been acquitted of a criminal charge in respect of the same matter.

(3) The Board may of its own motion, and upon the application of any four members of the College shall, cause inquiry to be made into any case in which it is alleged that a member of the College has become liable to the suspension or cancellation of his certificate of license for any of the causes mentioned in subsection 1.

(4) The Board shall appoint and shall always maintain a Committee of its own body for the purpose of ascertaining the facts of each case which may become the subject of inquiry.

(5) The Committee shall consist of such number of members, not less than three nor more than five, as the Board may prescribe, three of whom shall be a quorum.
(6) The Board may pass by-laws for determining the tenure of office of the members of the Committee and for the regulation and conduct of its proceedings.

(7) Subject to the provisions of this section and of the by-laws of the Board the Committee may regulate the time and place for the holding, the manner of the convening and giving notice, and the conduct of its meetings.

(8) If a vacancy occurs in the membership of the Committee the remaining members may appoint a member of the Board to fill the vacancy, and the member appointed shall hold office until the next meeting of the Board.

(9) Notwithstanding any vacancy in the Committee, so long as there are at least three members thereof, it shall be competent for the committee to exercise all or any of its powers.

(10) The Committee may employ, at the expense of the Board, for the purposes of any inquiry, such legal or other assistance as the Committee may deem necessary.

(11) The member whose conduct is the subject of inquiry shall have the right to be represented by counsel.

(12) All meetings of the Committee for taking evidence or otherwise ascertaining the facts shall be held within the county or district in which the member whose conduct is the subject of inquiry resides.

(13) At least fourteen days' notice of the meeting of the Committee for taking the evidence or otherwise ascertaining the facts shall be given to the member whose conduct is the subject of inquiry.

(14) The notice shall contain a statement of the matter which is to form the subject of the inquiry.

(15) The testimony of the witnesses shall be taken under oath, which the Chairman or any member of the Committee may administer, and there shall be full right to cross-examine all witnesses called and to adduce evidence in defence and in reply.

(16) If the person whose conduct is the subject of the inquiry though duly notified does not attend, the Committee may proceed in his absence, and he shall not be entitled to notice of the future meetings or proceedings of the Committee.

(17) The Committee and any party to the proceedings may obtain on præcipe from the Supreme Court a subpoena for the attendance of witnesses and the production of books, documents and things, and disobedience thereof shall be deemed a contempt of court.
(18) Witnesses shall be entitled to the like allowances as witnesses attending upon the trial of an action in the Supreme Court.

(19) The Committee shall report to the Board the evidence adduced and the Committee’s findings thereon.

(20) The Board may act upon the report of the Committee and may make such order thereon as the Board may deem just.

(21) Where the complaint is found to be frivolous or vexatious the Board may pay such costs as to it may seem just to a member whose conduct has been the subject of inquiry.

(22) Where the Board directs the certificate of license of a member to be suspended or cancelled it may direct that the costs of and incidental to the inquiry be paid by such member, and after taxation of such costs by one of the taxing officers at Toronto, execution may issue out of the Supreme Court for the recovery thereof in like manner as upon a judgment in an action in that Court. 1 Geo. V. c. 39, s. 27.

28. No action shall be brought against the Board or the Committee or any member thereof for anything done in good faith under this Act on account of any want of form or irregularity in their proceedings, but a member whose certificate of license has been suspended or cancelled may, at any time within six months from the date of the decision of the Board, appeal from the decision of the Board to a Divisional Court. 1 Geo. V. c. 39, s. 28.

29. The practice and procedure upon and in relation to an appeal shall be similar to that provided by the County Courts Act as to appeals from the County Court, except that the appeal shall be set down for argument at the first sittings of a Divisional Court which commences after the expiration of six months from the date of the decision complained of, and except that the proceedings and evidence shall be certified by the Registrar to the Appellate Division. 1 Geo. V. c. 39, s. 29.

30. The Board may direct the restoration of the certificate of license of any member whose certificate has been cancelled under the powers conferred by this Act upon such terms and conditions as the Board may deem just. 1 Geo. V. c. 39, s. 30.

31. Nothing in this Act shall affect or interfere with the rights and privileges conferred upon legally qualified medical practitioners by The Ontario Medical Act. 1 Geo. V. c. 39, s. 31.
 Electoral District No. 1 shall be composed of the following counties: Carleton, Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Lennox and Addington, Prescott, Russell, Renfrew and Stormont.

 Electoral District No. 2 shall consist of the following districts and counties:—Algoma, Durham, Haliburton, Hastings, Kenora, Manitoulin, Muskoka, Nipissing, Northumberland Ontario, Prince Edward, Parry Sound, Peterborough, Rainy River, Sudbury, Temiskaming, Thunder Bay, Victoria and York except the city of Toronto.

 Electoral District No. 3 shall consist of the City of Toronto

 Electoral District No. 4 shall consist of the following counties:—Halton, Dufferin, Lincoln, Peel, Simcoe, Wentworth and Welland.

 Electoral District No. 5 shall consist of the following counties: Brant, Elgin, Haldimand, Norfolk, Oxford, and Waterloo.

 Electoral District No. 6 shall consist of the following counties:—Bruce, Grey, Huron and Wellington.

 Electoral District No. 7 shall consist of the following counties: Essex, Kent, Lambton, Middlesex and Perth.

 1 Geo. V. c. 39, Sched. A.

 FORM 1.

 (Section 6.)

 VOTING PAPER.

 Election 19

 Electoral District No.

 I, of the of the
 in the county or district of member of the
 Royal College of Dental Surgeons of Ontario, declare:

 1. That the signature affixed hereto is my proper handwriting.

 2. That I am a voter in the Electoral District No. and that
 I vote for of the of
 in the county or district of a member of the Royal College of Dental
 Surgeons of Ontario and an elector in said Electoral District to
 be a member of the Board of Directors of the College for the said
 district.

 3. That I have not in this election signed any other voting paper
 and that this voting paper was executed on the day of the date
 thereof.

 Witness my hand this day of 19.

 1 Geo. V. c. 39, Form I.