

An Act respecting the Dental Association of Manitoba.

Contributors

Manitoba.
Royal College of Surgeons of England

Publication/Creation

[Winnipeg] : [publisher not identified], [1884?]

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CHAPTER 44.

An Act Respecting the Dental Association of
Manitoba.

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WHEREAS the profession of dentistry is extensively practised in the Province of Manitoba, and it is expedient for the protection of the public that a certain standard of qualification should be required of each practitioner of said profession and that certain privileges and protection should be afforded to such practitioners; 46 and 47 V. c. 53, Preamble.

Now, therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

SHORT TITLE.

Short title. **1.** This Act may be cited as "The Dental Association Act." 46 and 47 V. c. 53, s. 32, *part*.

ORGANIZATION.

Organization and powers. **2.** The Association heretofore incorporated under the name of "The Manitoba Dental Association" is hereby continued, and shall be deemed to be a body corporate and politic, and by the said name shall have perpetual succession and a common seal, with power to break, alter, change or make new the same, and by the name aforesaid may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts and places whatsoever, and may have, hold, receive, enjoy, possess and retain for the purposes of said Association all such sums of money as may at any time be given or bequeathed to and for the use of the same, and by the said name may purchase, take, hold and enjoy any real estate, or any estate or interest derived or arising out of real estate, for the purpose aforesaid and for no other purpose, and may sell, grant, lease or otherwise dispose of the same, but the real estate so held by the said Association shall at no time exceed in annual value the sum of five thousand dollars. 46 and 47 V. c. 53, s. 2, *part*.

Persons who shall be members. **3.** The following persons shall be members of and shall constitute the said Association, namely:—

Every person duly qualified and registered, &c. (a.) Every person who at the time of the coming into force of this Act is a duly qualified and registered member of said Association under the provisions of the "Manitoba Dental Association Act" and Acts amending the same, or under any other Act of the Legislature of Manitoba relating to the said Association.

(b.) Every person who shall hereafter be duly licensed and registered under the provisions of this Act. 46 and 47 V. c. 53, s. 1, *part*; 51 V. c. 45, s. 1. Everyone hereafter licensed and registered.

BOARD OF DIRECTORS.

4. There shall be a Board of Directors of said Association, which shall consist of five members who shall hold office for three years. Any Director may at any time resign by letter directed to the Secretary, and in the event of any such resignation or of a vacancy occurring by death or otherwise, the remaining members of the Board shall elect some fit and proper person from among the members of the said Association to supply such vacancy. 46 and 47 V. c. 53, s. 3. Board of Directors, composition of.

5. An election of Directors of said Association shall be held in the City of Winnipeg on the second Tuesday of January in every third year; and one month's notice by circular of such intended election shall be given by the Secretary to each member of the Association. 46 and 47 V. c. 53, s. 5. Election of Board.

6. The persons qualified to vote at the said election shall be those licentiates who have obtained certificates of license under the provisions of this Act or any of said former Acts, and who are at the date of such election duly registered under this Act. 46 and 47 V. c. 53, s. 6; 51 V. c. 45, s. 2. Qualification of voters.

7. The members of the present Board of Directors and the officers of the said Association as at present constituted, until their successors are duly elected, shall continue to act and exercise all powers and authority as if they were elected under this Act. Members of present Board and officers continued.

8. A new Board of Directors shall be elected pursuant to the provisions of this Act on the second Tuesday of January, in the year one thousand eight hundred and ninety-four. Election of new Board.

9. The election of Directors shall be by ballot, and the licentiates receiving the highest number of votes shall be the Directors for the then ensuing term. 46 and 47 V. c. 53, s. 7. Voting to be by ballot.

10. The Secretary of the Association shall publish in the *Manitoba Gazette* the names of those persons who have been elected members of the Board of Directors, such publication to be in two successive issues of said *Gazette* next after the said election shall have been held. 46 and 47 V. c. 53, s. 8. Publication of Board.

OFFICERS.

11. The Board of Directors at their first meeting shall elect from among themselves a President, a Secretary, a Treasurer and a Registrar. 46 and 47 V. c. 53, s. 10, *part*. Election of officers.

MEETINGS.

Meetings of
Board for
examination,
&c.

12. The said Board shall hold one meeting in each and every year in the city of Winnipeg, at such places as may from time to time be fixed by the Board, for the purpose of examining students, granting certificates of license and doing such other business as may properly come before them; such meetings shall be held on the second Tuesday of January of each year and shall continue from day to day until the business before the Board is finished; but no such meeting shall continue for more than one week. 46 and 47 V. c. 53, s. 18.

Majority must
be present.

13. The said Board shall have no power to transact any business of the Association, unless a majority of the members of such Board are present. 46 and 47 V. c. 53, s. 10, *part*.

POWERS OF BOARD.

By-laws and
rules.

14. The Board of Directors shall from time to time make such rules, regulations and by-laws as may be necessary for the better guidance, government, discipline and regulation of the said Board and of the profession of dentistry, and for the carrying out of this Act. 46 and 47 V. c. 53, s. 14; 51 V. c. 45, s. 6.

Examination
of candidates.

15. The Board of Directors of said Association shall also have authority to examine candidates and grant certificates of license to practise dental surgery in this Province. 46 and 47 V. c. 53, s. 17.

Appointment
of examiners.

16. The said Board shall have power and authority to 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 any student has passed any other satisfactory examination. 46 and 47 V. c. 53, s. 15, *part*; 51 V. c. 45, s. 7.

Curriculum of
studies.

17. The said Board shall also have the power and authority to fix and determine from time to time a curriculum of studies to be pursued by students, and to fix and determine the period for which every student shall be articulated and employed under some duly licensed and registered practitioner, and the examination necessary to be passed before the Board, and the fees to be paid into the hands of the Treasurer of the Association before the applicant shall receive a certificate of license to practise the profession of dentistry and be entitled to registration under this Act. 46 and 47 V. c. 53, s. 16; 51 V. c. 45, ss. 8, 16.

EXAMINATIONS.

18. A matriculation or preliminary examination of students desiring to enter the profession shall be held once in every year; and, except as provided in the sixteenth section of this Act, such examination shall be passed by all students prior to entering into articles of indenture with a licentiate of dentistry, and the commencement of study shall date from the signing of said articles. 46 and 47 V. c. 53, s. 15, *part*.

Matriculation examination to be held each year.

19. The Board of Directors shall at their annual meeting examine all candidates for a license to practise dentistry and for registration under this Act, who present themselves pursuant to the provisions of the next succeeding section. 46 and 47 V. c. 53, s. 19, *part*.

All candidates for licenses to be examined by Board.

20. Every person being desirous of being examined by the said Board touching his qualifications for the practice of the said profession of dentistry shall, at least one month before the sitting of said Board, pay into the hands of the Treasurer the required fees, and furnish him satisfactory evidence of his term of apprenticeship having been fulfilled, and as to the applicant's integrity and good morals. 46 and 47 V. c. 53, s. 19, *part*; 51 V. c. 45, s. 16, *part*.

Payment of fees, &c., before examination.

21. The following persons, upon payment of the required fees, shall be entitled to receive certificates of license to practise dentistry in this Province, from the Board of Directors of said Association, namely:—

Who entitled to a license.

(a.) All persons in the Province of Manitoba who were and had been in regular and continuous office practice as dentists for a period of not less than six months immediately preceding the seventh day of July in the year one thousand eight hundred and eighty-three;

All persons practising six months prior to 7th July, 1883.

(b.) Any person who is a member of any College of Dentistry of any of the Provinces of the Dominion of Canada having authority by law to grant certificates of license or diplomas to practise dentistry, or who is a member of any Association or School of Dentistry having the like powers in the United Kingdom of Great Britain and Ireland, and who produces in either case sufficient evidence of such membership and testimonials of good character and conduct;

Members of other Provincial or British colleges admitted to practise on certain terms.

(c.) Any person, other than those possessing the qualifications hereinbefore mentioned, upon his satisfying the said Board of his proficiency and upon production of satisfactory evidence of membership in a College or School of Dentistry approved of by said Board;

Members of schools of dentistry, approved of by Board.

Every person
passing
examination.

(d.) Every person who shall satisfy the said Board, by passing the examination provided by this Act, that he is duly qualified to practise the profession of dentistry and that he is a person of integrity and good moral character. 46 and 47 V. c. 53, s. 13, s. 20, *part*; 51 V. c. 45, s. 4, s. 5, *part*.

Board to
grant license
to practise.

22. If the Board is satisfied by the examination provided for in the nineteenth section of this Act, that the person is duly qualified to practise the profession of dentistry, or that he possesses any other of the foregoing qualifications, and is further satisfied that the applicant is a person of integrity and good moral character, it shall grant him a certificate of license, subject to the rules, regulations and by-laws promulgated under the authority of this Act, and the title of Licentiate of Dental Surgery, which certificate and title shall entitle him to all the rights and privileges of this Act, subject however, to the provisions of this Act respecting registration. 46 and 47 V. c. 53, s. 20; 51 V. c. 45, s. 9.

License to be
sealed and
signed.

23. Every certificate of license shall be sealed with the corporate seal of the Association and signed by the President, Secretary and Registrar of said Association and the production of such certificate of license shall be *prima facie* evidence in all Courts of law, and in all proceedings of whatever kind, of its execution and contents. 46 and 47 V. c. 53, s. 21; 51 V. c. 45, s. 17.

No one under
21 entitled.

24. No diploma or certificate of license shall be granted to any person under the age of twenty-one years. 46 and 47 V. c. 53, s. 20.

REGISTER—REGISTRATION FEES.

Registration
how made,
who entitled
to.

25. Every person holding a valid and unforfeited certificate of license to practise dentistry under the provisions of this Act, and who on or before the second Tuesday of January in each year shall have paid to the Registrar appointed by said Board a registration fee of two dollars, or who, having during the then current year obtained a certificate of license from said Association to practice the profession of dentistry, forthwith pays to the said Registrar a registration fee of two dollars shall, subject to the other provisions of this Act, be entitled to have his name entered in the register referred to in the next succeeding section of this Act; and a copy of such register, certified by the said Registrar, shall be evidence in any Court of justice in Manitoba, that the persons therein named are the members of the said Association for the said year. 51 V. c. 45, s. 11.

Register to be
kept.

26. It shall be the duty of the Registrar, as early as possible in each year, to make a correct register, in the form

in Schedule A to this Act, of the names and addresses of all persons who may be entitled to registration under this Act as members of the said Association for the then current year. 51 V. c. 45, s. 11, s-s. (a.)

27. No person shall be entitled to have his name on the said register, unless the Registrar is satisfied by proper evidence that such person is entitled to be registered, and any appeal from a decision of the Registrar shall be decided by the Board of Directors of said Association. 51 V. c. 45, s. 11, s-s. (b.)

Registrar to decide right, subject to appeal.

28. If it shall at any time be proved to the satisfaction of the said Board that the name of any person has been improperly inserted in the Register for the year, such name may be erased therefrom by order of said Board. 51 V. c. 45, s. 11, s-s. (c.)

Name improperly inserted may be erased.

29. Upon any person being registered under this Act he shall be entitled to receive a certificate under the corporate seal of said Association and signed by the Registrar, in the form in Schedule B to this Act or to the like effect. 51 V. c. 45, s. 11, s-s. (d.)

Person registered entitled to certificate.

30. The Secretary of the said Association shall, on or before the first day of February in each and every year, enclose to the Provincial Secretary a certified list of the names of all persons then registered as members of the said Association for the then current year. 46 and 47 V. c. 53, s. 22; 51 V. c. 45, ss. 10, 17.

List of licentiates to be sent to Provincial Secretary.

WHO MAY PRACTISE.

31. All persons registered under this Act, and no others, shall be entitled to practise the profession of Dentistry in the Province of Manitoba, and no person shall be entitled to any of the privileges of a licentiate or member of the said Association, or to practise the profession of dentistry, who is in default in respect of any fees payable by him by virtue of this Act. 51 V. c. 45, s. 12.

Only registered persons entitled to practise.

32. No person shall be entitled to recover in any Court of law for any professional services rendered or materials provided by him in the exercise of the profession of a dentist, unless he be a duly and legally qualified licentiate of dentistry and duly registered under the provisions of this Act. 46 and 47 V. c. 53, s. 30; 51 V. c. 45, s. 18.

Only duly qualified practitioners entitled to recover fees, &c.

FORFEITURE—PENALTY.

Persons not holding a proper certificate forbidden to practise under a penalty.

33. If any person, not holding a valid certificate of license and duly registered, shall practise, within this Province, the said profession of dentistry, either publicly or privately, for hire, gain or hope of reward, or shall voluntarily and falsely pretend to be a duly qualified licentiate of dentistry, or assume any title, addition or description other than he actually possesses and is legally entitled to, or use any name, title, addition or description implying or calculated to lead people to infer or believe him to be a duly qualified licentiate of dentistry, he shall be liable, upon conviction in a summary manner before any justice of the peace having jurisdiction where the offence is committed, to a penalty not exceeding two hundred dollars and not less than fifty dollars for the first offence, and for each and every subsequent offence to a penalty of four hundred dollars. 46 and 47 V. c. 53, s. 26; 51 V. c. 45, s. 13, *part*.

Charges of misconduct against a licentiate.

34. In case a charge is made against any licentiate of unprofessional conduct, or other misconduct provided for by the by-laws passed or to be passed under the provisions of any of said former Acts or this Act, the Board of Directors shall have power to hear and determine the same, and for this purpose to summon witnesses before them and administer an oath or affirmation to such witnesses; and if any licentiate shall be found guilty of the charge preferred against him, he shall forfeit his certificate and title and the same shall be cancelled; such forfeiture, however, may be annulled and the said license and all rights and privileges thereunder fully renewed and restored by said Board, in such manner and upon such conditions and terms as the said Board shall think fit:

Provided, however, that nothing in this Act contained shall empower the said Board to deal with any criminal or other offence provided for by law. 46 and 47 V. c. 53, s. 24.

Forfeiture of license for malpractice.

35. Any licentiate who shall be convicted of any malpractice shall forfeit his license, and the same shall be cancelled; but the Board shall have power to restore the same if it shall think fit and proper, notice of such restoration to be given for two weeks in some local newspaper to be determined upon by the Board. 46 and 47 V. c. 53, s. 25.

Before whom prosecutions may be brought, and how penalty recovered.

36. All prosecutions under the provisions hereof may be brought and heard before any justice of the peace having jurisdiction where the offence is committed; and such justice of the peace shall have power, in addition to the aforesaid penalty, to award payment of costs; and in case such penalty and costs be not paid forthwith after conviction, he shall have power to issue a warrant of distress therefor against the goods and chattels of the party so convicted, or, in default of distress

to order imprisonment for any period not exceeding six months. 46 and 47 V. c. 53, s. 27; 51 V. c. 45, s. 14.

37. Any penalties imposed by this Act may be also proceeded for and recovered by suit in any Court of law having jurisdiction, and one half of all penalties recovered shall go to the prosecutor and the remainder shall be paid to the Treasurer of the said Association and form part of the funds of the Association. Any person may be complainant or prosecutor:

Penalties may also be recovered by suit.

Provided, always, that every such prosecution shall be commenced within six months of the alleged offence. 46 and 47 V. c. 53, s. 29; 51 V. c. 45, s. 16.

38. In any such prosecution and trial, the *onus* of proof as to being a legally qualified licentiate of dentistry and a duly registered member of said Association is upon the person charged. 46 and 47 V. c. 53, s. 28; 51 V. c. 45, s. 15.

Onus of proof.

39. Nothing in this Act contained shall interfere with the privileges conferred upon physicians and surgeons by the various Acts relating to the practice of medicine and surgery in this Province; but in case a regular physician or surgeon shall desire to practise dentistry as a profession and to publicly avow himself as a practitioner of said profession of dentistry, he shall first obtain a license from said Board of Directors, by paying the necessary fees and passing an examination in operative and mechanical dentistry only. 46 and 47 V. c. 53, s. 31.

Act not to interfere with certain privileges of physicians, surgeons, &c.

40. Nothing in this Act shall prevent any duly indentured and registered student of dentistry from receiving clinical instruction and practice under the personal supervision of a member of the said Association, 51 V. c. 45, s. 13, s-s. 2.

A duly indentured student may receive instructions, &c.

MONEYS—FEES.

41. All moneys forming part of the funds of the said Association shall be paid to the Treasurer, and shall be applied to carry on the objects of this Act. 46 and 47 V. c. 53, s. 11.

Treasurer to receive all Association's funds.

42. All fees that are now payable under the provisions of this Act and Acts referred to in the third section of this Act and the by-laws of the said Association shall continue to be payable until duly changed by the by-laws of the Association pursuant to the provisions of this Act.

Present fees continued.

FORMER BY-LAWS, &c.

43. All rules, regulations and by-laws in force at the passing of this Act shall be the rules, regulations and by-laws of the said Association, until amended, altered or repealed under this Act.

All rules, &c., continued.

SCHEDULES.

The following are the Schedules referred to in this Act :—

SCHEDULE A.

(Section 26.)

REGISTER.

Form of
Register.

NAME.	RESIDENCE.	QUALIFICATION.
A. B.	Winnipeg.	Certificate of License, 15th March, 1885.
C. D.	Portage la Prairie.	6 month's practice prior to 7th July, 1883.
E. F.	Brandon.	Member of (<i>Stating name of College or School and where situate.</i>)

51 V. c. 45, s. 11, Sch. A.

SCHEDULE B.

(Section 29.)

Form of
certificate of
registration.

CERTIFICATE OF REGISTRATION.

I hereby certify that A. B., being the holder of a Certificate of License to practise the profession of Dentistry from the Manitoba Dental Association, was on the _____ day of _____ 18____ duly registered as a member of the Manitoba Dental Association, and is authorized to practise his said profession up to the 31st day of December, 18____, subject to the provisions of "The Dental Association Act."

*Corporate
Seal of the
Association.*

(Signed), E. F.,

Registrar of the Manitoba
Dental Association.

51 V. c. 45, s. 11, s-s. (d.), Sch. B.