



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXI.

An Act for the organization of the Notarial Profession in that part of this Province called Lower Canada.

[28th July, 1847.]

WHEREAS it is of the utmost importance to the peace and welfare of families, that the Notarial Profession should be exercised by well educated and duly qualified persons, and abuses are found to have crept into the exercise of those functions, for which it is expedient to provide a remedy by constituting Boards of Notaries, and by establishing proper regulations with regard to admission to the Profession, and for the general organization of the Profession in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That after the passing of this Act, there shall be established in Lower Canada, in the manner hereinafter prescribed, three Boards of Notaries, one for the District of Quebec, including the District of Gaspé, to be called, "The Quebec Board of Notaries,"—one for the District of Montreal, to be called, "The Montreal Board of Notaries,"—and one for the Districts of Three-Rivers and St. Francis, to be called, "The Board of Notaries for Three-Rivers."

Preamble.

Boards of Notaries established in the several Districts.

II. And be it enacted, That each Board of Notaries shall be composed of members elected in the manner hereinafter explained; and the number of such members shall be twelve for the Quebec and Montreal Boards respectively, and nine for the Board of Notaries for Three-Rivers; and the Quorum for the despatch of Business shall be eight for the Quebec and Montreal Boards, respectively, and six for the Board for Three-Rivers.

How they shall be composed. Quebec and Montreal.

Three Rivers.

III. And be it enacted, That the Members of each Board shall elect,

What Officers they shall have. President. His duties.

First. A President, who shall only vote when the votes are equally divided, shall call special meetings of the Board when he shall deem it expedient, or on the requisition of two members, stating the purpose of the meeting, or on that of the *Syndic* hereinafter mentioned, and shall preserve order at all meetings.

Secondly.

Secretary.
His duties.

Secondly. A Secretary, who shall draw up and enregister the proceedings of the Board, shall have custody of all Records and deliver copies thereof, shall collect the facts relative to any charge brought against a Notary, and report the same to the Board.

Treasurer.
His duties.

Thirdly. A Treasurer, who shall have charge of the Common Fund hereinafter mentioned, shall receive and pay monies upon the order of the Board, and shall account for the same as the Board shall direct.

Syndic.
His duties.

Fourthly. A *Syndic*, who shall conduct the prosecution on any charge brought against a Notary.

Proviso as to officers being also Members of the Board.

Provided always, that in addition to the special powers hereby assigned to the Officers aforesaid each of them shall, if he be a member of the Board, vote as such in the same manner as the other members, at all meetings of the Board; except that with regard to any matter relating to any charge against a Notary, the *Syndic* conducting the prosecution shall not vote; and provided also, that in case any of the Officers aforesaid shall be absent or prevented from acting, his place may be supplied by the appointment of another *pro tempore* by the majority of the members present at any meeting at which there shall be a Quorum.

Proviso as to officers absent at any time.

How such Officers shall be appointed or removed.

IV. And be it enacted, That the President shall always be chosen from among the members of the Board, but the other Officers aforesaid may be chosen either from among the members of the Board or from among the Notaries within its jurisdiction; and the Board may remove any Officer at pleasure and appoint another in his stead; but no Officer shall be so removed except by the vote of at least two thirds of the members of the Board.

Powers and functions of the Board of Notaries.
Certificates of qualification.
Summoning Notaries.

V. And be it enacted, That each Board of Notaries shall have power,—

First. To grant or to refuse, after public examination, all certificates of qualification required by applicants for admission either as Students or as Notaries.

Secondly. To summon before it when need shall be, any Notary within its jurisdiction.

Punishing Notaries for offences.

Thirdly. To cause any such Notary to be punished according to the nature of his offence, by removal or suspension from office, or by depriving him of his vote at General Meetings, or by excluding him from the Board for a time not exceeding three years for the first offence, nor six years for a second or subsequent offence; Provided always, that if the charge brought before the Board against any Notary shall appear sufficiently serious to call for his suspension from the exercise of his functions, or his removal from office in cases of fraud or corruption, the Board shall associate with it by lot, a number of Notaries equal to the number of members of the Board, from among those within its jurisdiction, who shall be bound to serve, under a penalty of five pounds currency; and the Board thus composed may by a majority of the whole, pronounce its opinion as to such suspension and the duration thereof, or as to such removal from office; but no opinion shall be pronounced unless two thirds at least of all those summoned to attend the meeting be present; and in any such case the opinion so pronounced shall be submitted to the Court of Queen's Bench for judgment thereon, in the manner provided by the twenty-first section of this Act: Provided also, that

Proviso as to cases where a Notary shall be liable to suspension or removal.

Opinion to be submitted to Q. B.
Proviso.

nothing

nothing in this section shall deprive the party injured of any remedy which he may have against the Notary.

VI. And be it enacted, That the mode of proceeding at each Board of Notaries shall be as follows, that is to say: the *Syndic* shall bring before the Board all infractions of discipline, and he shall be bound to do so either *ex officio*, if the facts be within his personal knowledge, or at the instance of the parties interested, or at that of any member of the Board, and the said complaining parties shall prove the grounds of their complaint on oath before the President of the Board of Notaries having jurisdiction within the locality, or in his absence before a Justice of the Peace, and the said President and Justice of the Peace are hereby specially authorized to administer such oath; and it shall be the duty of the *Syndic* to summon any Notary inculpated to appear before the Board within a reasonable delay, (which shall not be less than that allowed on Writs of Summons to appear before the Superior Term of the Court of Queen's Bench for the District,) by a letter stating the object of the citation, to be signed by the *Syndic* and transmitted by the Secretary, who shall keep a note thereof, and shall prove the service of the letter upon the Notary inculpated either in person or at his domicile or office (*étude*), and such service may be made by any Bailiff of the said Court: Provided always, that the Board shall not proceed on any matter concerning any individual, except after having heard or duly summoned as aforesaid, the Notary inculpated or interested and such other parties as shall desire to be heard, who in all cases may be represented or assisted by a Notary or Advocate; the minutes of the proceedings of the Board shall mention the reasons on which the same are founded, and shall be signed by the President and by the Secretary, and shall contain the names of the members present, and shall be notified, if need be, to those whom they may concern, in the manner prescribed with regard to citations, and the fact of their having been so shall in such case be notified in the margin of the minute: Provided also, that no citation shall be made except by order of the majority of a *Quorum* of the members of the Board, and such order shall be entered on the Register of the Board.

Mode of proceeding by each Board.

Duties of the *Syndic*.

Notary inculpated to be summoned.

Service of notice.

Proviso: Board not to proceed until the parties inculpated be heard or duly summoned.
Reasons of decision to be recorded.

Proviso: citations must be by order of a majority of a *Quorum*.

Times at which the Boards shall meet.

Proviso: at least one general meeting to be held in each year.
Extraordinary meetings.

Proviso: meetings may be adjourned.

VII. And be it enacted, That the meetings of the said Boards of Notaries shall be held as follows: those of the Quebec Board of Notaries at the City of Quebec, those of the Montreal Board of Notaries at the City of Montreal, and those of the Board of Notaries for Three Rivers at the Town of Three Rivers,—on such days and at such hours as shall be appointed by the said Boards respectively, and in such places as shall be selected for the purpose; but there shall not be less than three meetings in each year for the examination of applicants for admission as Students or as Notaries; Provided always, that in each year there shall be one General Meeting of the Notaries within the jurisdiction of each Board, and that extraordinary General Meetings may be held whenever circumstances shall require them, or the Board shall deem them advisable, and such meetings shall be called by advertisements in two newspapers, and inserted in both languages at least fifteen days previously; and all Notaries within the jurisdiction of the Board shall be invited to attend either for the purpose of making the appointments mentioned in the eighth section, or to advise together on matters of interest to the Profession: And provided also, that any meeting of any Board of Notaries, or any General Meeting of the Notaries within its jurisdiction, may be adjourned by consent of the majority of the Notaries present thereat, to such day and hour as may be agreed upon.

How the Members of each Board shall be elected.

First election when to be had.

Notices thereof how given.

Who shall preside at such first election.

First meeting of the Board how called.

Another day may be appointed in case of failure to meet on that first named.

If the Members of any Board of Notaries be not appointed at the proper time, the Governor may appoint them.

Annual election of Officers.

Officers to be re-eligible.

Penalty on persons appointed and refusing to act

A common Fund established for certain purposes.

VIII. And be it enacted, That the Members of each Board of Notaries shall be elected by the Notaries within its jurisdiction at a General Meeting, and the election shall be by majority of votes and by ballot, each ballot containing a number of names not greater than the number of members to be elected; and a General Meeting shall be held for the purpose of making such elections, every three years, which shall be the period during which the members shall remain in office, but the same members may be re-elected: and the first election of members of each Board shall take place during the four months next after the passing of this Act, at General Meetings of the Notaries within the jurisdiction of each Board, to be held in the Cities of Quebec and Montreal, and in the Town of Three Rivers, respectively: and such first Meetings shall be called by advertisements published in the manner hereinbefore prescribed, and within two months after the passing of this Act, by the Clerks or Prothonotaries of the Courts of Queen's Bench for the Districts of Quebec, Montreal and Three Rivers respectively, each for his own District: and the said advertisements shall mention the day, hour and the place of the meeting, at which the said Clerks or Prothonotaries shall preside each in his own District, and shall draw up and sign the minute of the proceedings thereat, and file them among the Records of the Courts of Queen's Bench for the said Districts respectively, and shall deliver true copies thereof to the Board of Notaries at whose election they shall respectively have presided on the first meeting of such Boards, which first meeting shall be called by such Clerks or Prothonotaries, within a reasonable time, by a notice served on each member of the Board either personally or at his domicile or office, (*étude*) informing him of his election and of the day, hour and place of the said first meeting of the Board, at which such Clerk or Prothonotary shall preside until the Board shall have elected its President, of which election he shall draw up a minute and deliver the same to the President elect: and if it shall happen that the meeting cannot be held on the day appointed, the Clerk or Prothonotary shall appoint a future day for holding it.

IX. And be it enacted, That if at the time appointed for the election of any Board of Notaries, such election shall not be had in conformity to this Act, it shall be lawful for the Governor of this Province, by and with the advice and consent of the Executive Council, to appoint the Members of such Board by an instrument under his hand and seal; and any Board of Notaries so appointed by the Governor, and the members thereof, shall have the same powers and duties as if elected at a General Meeting of Notaries, and the first Meeting of any such Board shall be called in the manner aforesaid by the Clerk or Prothonotary of the District, and he shall preside thereat.

X. And be it enacted, That the Members of each Board of Notaries shall elect in the manner aforesaid, the President and other officers mentioned in the third section, and such election shall be renewed yearly, the same person being nevertheless capable of being re-elected, and the senior in age having the preference in any case of equality of votes: and any Notary who shall refuse to accept the office of Member of a Board, or to perform the duties of President, Secretary, *Syndic* or Treasurer, shall thereby incur a penalty of five pounds currency, which shall go to the Common Fund of the Notaries within the jurisdiction of the Board.

XI. And be it enacted, That it shall be lawful for each Board of Notaries to establish a Common Fund, which shall not however be more than sufficient to meet the necessary expenses, to be ascertained and approved at a General Meeting and to be levied

levied equally upon all the Notaries within its jurisdiction; but no order for levying the same shall be executory against any person until it shall have been homologated, at the instance of the President, by the Court of Queen's Bench for the District of Quebec, Montreal, or Three Rivers (as the case may be) in Superior Term: and such Court is hereby authorized to hear and determine all objections.

XII. And be it enacted, That towards the formation of the said Common Fund, and for the purposes of meeting the first expenses of each Board, there shall be paid, for the first year, to the Treasurer of each of the said Boards, and within one month after the appointment of that officer, the sum of ten shillings currency, by each Notary within the jurisdiction of such Board; and such sum, if not duly paid, may be recovered by the *Syndic* of such Board, by an action to be brought in any Court having jurisdiction to the amount.

Contribution of each Notary to the Common Fund.

How recoverable.

XIII. And be it enacted, That each Board of Notaries shall have power to make such Rules and Regulations as may from time to time be found necessary for the management of the matters under its control, and for carrying this Act into effect; but such Rules and Regulations shall not be in force until they shall have been approved by a General Meeting of the Notaries interested and subsequently homologated by the Court of Queen's Bench for the District in which the Board shall hold its meetings.

Each Board may make Rules and Regulations subject to homologation by the Court of Queen's Bench.

XIV. And be it enacted, That from and after the passing of this Act, no person shall be admitted as a Notary in Lower Canada, unless he shall prove, before one of the said Boards of Notaries, that he has *bonâ fide*, served a regular Clerkship (under articles in writing, deposited among the minutes of some practising Notary,) during five consecutive years, with a Notary duly appointed, and practising as such in Lower Canada, or during four consecutive years, if such person has gone through a regular course of studies, including *Belles Lettres*, Rhetoric and Philosophy, (comprising Logic, Ethics, Mathematics and Physics,) in one or more of the Seminaries or Colleges of Quebec, Montreal, St. Hyacinthe, Nicolet, or Ste. Anne de la Pocatière, or in any other College legally established in Lower Canada or elsewhere, in which the said courses of study shall be taught, and shall produce a certificate to that effect from the principal of such Seminary or College; nor unless such person shall produce proof of his good conduct during his Clerkship, and of his qualifications, of all which the Board shall give him a certificate, which shall not be granted until after such person shall have undergone a public examination as to his knowledge of the law and of Notarial practice, to which examination he shall be bound to submit, and shall draw up upon the spot any clause, instrument or contract which shall be required of him; and in order to such examination the applicant shall give notice to the Secretary of the Board at least one month previously, to the end that such Secretary may advertise in both languages during three weeks, and in two newspapers, the day and hour when the examination shall take place, so that any person may then and there state any reasons he may have to urge against the admission of such applicant; and on giving the said notice to the Secretary, the applicant shall pay into the hands of that Officer such sum as shall be requisite to defray the cost of publishing such advertisement as aforesaid; Provided always, that it shall be lawful for the Board of Notaries to summon before it, by an order under the hand and seal of the President, and countersigned by the Secretary, any person whom the applicant, or those opposing his admission, may wish to call in support of their allegations concerning the life, morals and qualifications of the applicant

Qualifications required of persons admitted as Notaries.

Notice to be given by persons intending to be examined.

Proviso: witnesses may be summoned.

Certificate to
be in form A.

applicant, and for this purpose the President is hereby authorized to administer all necessary oaths: and if the applicant shall have complied with all the requirements of the law and be found by the Board of Notaries to be duly qualified, he shall be entitled to obtain a certificate in the form of Schedule A, which he shall cause to be registered in the office of the Registrar of this Province.

Each person
admitted as a
Notary, to take
an oath of
office, &c.

XV. And be it enacted, That after his appointment, the person who shall have obtained a certificate of admission as a Notary, shall be sworn before one of the Judges of the Court of Queen's Bench for the District, for the faithful performance of the functions of his office; and he shall not be so sworn, except on his producing the certificate of his admission; and he shall cause the whole to be registered as well in the Prothonotary's Office of the said Court as in the Board of Notaries from which he shall have received his certificate, together with his signature, which he shall not alter thereafter, unless he be thereunto authorized by the Court of Queen's Bench for his District with the consent of the Board of Notaries; Provided always, that if any person shall hereafter be admitted as a Notary, and shall practise as such without having complied with the Requirements of this section, he shall for such offence incur a penalty of not less than five pounds, nor more than twenty-five pounds currency.

Penalty on
persons prac-
tising without
complying
with this sec-
tion.

Each Notary
shall register
his office,
(*étude*)

XVI. And be it enacted, That each person obtaining a certificate of admission as a Notary, shall also, before acting as such, cause to be enregistered in the Office of the Court of Queen's Bench, and with the Board of Notaries for the District in which he is to practise, a declaration of the place therein at which he intends to establish his office (*étude*), under a penalty of twelve pounds ten shillings currency.

Qualification
of persons ad-
mitted as stu-
dents in the
profession.

XVII. And be it enacted, That from and after the passing of this Act, no person shall be admitted as a Student with any Notary, unless he shall previously have passed an examination before one of the said Boards of Notaries, as to his qualifications and ability, and have made proof of having pursued for five years a regular course of study in some one or more of the Seminaries or Colleges named in the fourteenth section of this Act, or of otherwise having received a regular classical education, and shall have obtained a certificate thereof, which shall be annexed to his articles, and an authentic copy of such articles as well as of every assignment thereof shall be filed in the office of the Secretary of such Board within eight days from the date thereof on pain of nullity: Provided always, that nothing herein contained shall extend or be construed to extend to any Student whose articles shall have been executed before the passing of this Act, or to affect the right of any such Student to obtain his admission as a Notary at the expiration of the term of such articles, subject to the requirements of the laws in force at the time such articles were executed, save and except that every such Student shall cause an authentic copy of his articles to be filed in the office of the Secretary of the Board of Notaries within whose jurisdiction his patron resides, within thirty days after the establishment of such Board.

Proviso: this
shall not ex-
tend to per-
sons being
students before
the passing of
this Act.

Exception.

All Notaries to
file a certain
declaration in
Q. B. and
with the board
of Notaries
within 6
months after

XVIII. And be it enacted, That each and every Notary in Lower Canada, shall, within six months from the passing of this Act, and under a penalty of twelve pounds ten shillings, currency, transmit to and cause to be registered in the Prothonotary's office of the Court of Queen's Bench and with the Board of Notaries for his District, a declaration containing his name, the date of his admission, the several places in which

which he has resided and practised since his admission, (mentioning the time during which he resided and practised in each,) and the District in which he then resides and intends to practise.

the passing hereof
Penalty.

XIX. And be it enacted, That from and after the passing of this Act, every Notary who shall remove from one District to reside in another shall, within one month thereafter, cause to be enregistered in the manner aforesaid, in the office of the Court of Queen's Bench and with the Board of Notaries for his District, a declaration of his new place of residence, under a penalty of twenty-five pounds, currency.

Notaries removing from a district, to give notice of such removal.
Penalty.

XX. And be it enacted, That from and after the first day of January next, it shall be the duty of each and every Notary in Lower Canada to number consecutively all deeds, contracts, or instruments which may be executed before him, and remain of record in his office (*étude*), and to note the number of each and every such deed, contract, or instrument in the margin of his repertory opposite to the entry of such deed, contract, or instrument, as well as in every copy thereof.

Instruments passed before Notaries to be numbered.

XXI. And be it enacted, That any Notary who shall be convicted of having passed any deed, contract, or instrument, without entering therein the number thereof and the day, year, and place on and at which it was passed, and the christian and surnames, additions and places of residence of the parties and witnesses thereto, or shall use abbreviations not allowed by law, or shall neglect to insert all sums and dates in words at length, or to read over the instrument to the parties, and to make mention of his having done so, and also of their having signed the same or declared themselves unable to sign, or to cause all marginal notes and additions to be approved and authenticated, or to state the number of words struck out or marginal notes added, or shall make any interlineations, erasures, or additions in the body of the instruments, or shall contravene or fail to observe any of the other forms prescribed by law with regard to Notarial instruments, or shall neglect to keep his minutes and repertory in proper order and in a good state of preservation, and shall pass any instrument to which an interdicted person shall be a party when the interdiction shall have been duly notified, shall for each such offence incur a penalty not exceeding five pounds, currency, over and above all damages, which may be recovered by any party interested; and any Notary who shall (except when authorized by law or under the order of a Judge or some other competent authority) allow any minute to go out of his possession, or shall neglect to sign any minute, shall thereby incur a penalty of not less than five pounds, nor exceeding twenty-five pounds, currency.

Notaries omitting certain formalities in instruments passed before them, to be liable to a penalty over and above all damages sustained by any party.

The Penalty.

Also for allowing minutes to leave his possession without the order of a Judge.

XXII. And be it enacted, That the suspension or removal from office of any Notary, consequent upon the opinion pronounced by any Board of Notaries, shall in all cases be adjudged by the Court of Queen's Bench for the District, on petition to that effect, and at the instance either of the parties interested or of the *Syndic* of the Board acting *ex officio*, and it shall be the duty of the said *Syndic* to transmit to the said Court with the above mentioned petition, all the proceedings on the *Enquête* taken before the Board of Notaries with relation to the suspension or removal from office of such Notary.

Suspension or removal from office of a Notary to be pronounced by a Judge.

XXIII. And be it enacted, That any Notary who shall hereafter change his residence for the purpose of residing within the jurisdiction of another Board of Notaries, shall,

Notaries changing their District, to

cause their certificate of admission to be registered.

shall, under a penalty of twelve pounds ten shillings currency, within one month after he shall have first established his office within the jurisdiction of such other Board, cause the certificate of his admission as a Notary, with that of his oath of office and the registration of the same, to be enregistered with the Board of Notaries and in the office of the Court of Queen's Bench for the District in which he shall establish his new domicile.

Provisions for the safe keeping, &c., of Notaries' papers.

XXIV. And whereas it is necessary to make more safe and effective legislative provision for the keeping, transmission and preservation of Notarial Minutes, Records and Repertories—Be it enacted—

Minutes, &c., of Notaries dying, absent or interdicted, how deposited.

Firstly. That the minutes and repertory of any Notary who shall die, or shall become incapable of acting as such, or shall have been permanently interdicted or removed from office, or shall be absent from Lower Canada for more than two years, shall be deposited by him or by the party in whose custody he shall have deposited them, or by his heirs or legal representatives, with the Board of Notaries for the District wherein such Notary shall have resided.

Notaries withdrawing from practice.

Secondly. That it shall in like manner be lawful for any Notary desirous of withdrawing from practice, to deposit his minutes and repertory with the Board of Notaries for the District wherein such Notary shall reside.

Penalty on parties neglecting so to deposit such minutes, &c.
The Penalty.

Thirdly. That the heirs or legal representatives of any Notary deceased, interdicted, or being absent from Lower Canada, for more than two years as aforesaid, who shall neglect to comply with the foregoing requirements, shall incur a penalty of ten pounds currency for each month during which such neglect shall continue, reckoning from the day on which they shall have been called upon to make such deposit as aforesaid; without prejudice to the right of any party to recover damages for any injury by him sustained by reason of such neglect: Provided that whenever any Notary so interdicted or absent shall again be admitted to practise, he shall be entitled again to obtain possession of his minutes and papers, as shall also any Notary who shall have voluntarily ceased to practise and shall have deposited his minutes and repertory as aforesaid, and shall afterwards wish again to commence practising: Provided also, that any Notary who shall have been absent from Lower Canada for ten years, without having during that time resided at least two years therein, shall not again practise on his return until he shall have passed an examination as to his character and ability, to the satisfaction of the Board of Notaries for the District in which he intends to reside.

Proviso: If such Notaries shall again practise.

Proviso: Notaries absent 10 years to be re-examined.

Minutes, &c., may be closed under seal of Q. B. in certain cases.

Fourthly. That in case of the decease of any Notary or of his absence as aforesaid, any one of the Justices of the Court of Queen's Bench for the District, may, on petition to him presented, direct that the minutes and repertories of such Notary be closed under the seal of the Court, or that the same be provisionally deposited, until proceedings can be had in the manner hereinbefore prescribed.

Duty of the Secretary of the Board of Notaries.

Fifthly. That in all cases where by this Act or by the Laws in force in Lower Canada, the minutes and repertories of the acts and instruments passed by any Notary are required to be deposited as aforesaid, it shall be the duty of the Secretary to the Board of Notaries whom the same ought to be deposited, to prosecute the deposit thereof.

Sixthly.

Sixthly. That all copies of minutes so deposited, certified as such and signed by the Secretary having the custody thereof, shall be deemed authentic, and shall be received in evidence in the same manner as copies signed by the Notary who shall have passed the minute.

What copies shall be authentic.

XXV. And be it enacted, That the Prothonotaries of the Court of Queen's Bench for the Districts aforesaid, shall be entitled to demand and receive, for entering and enregistering the oath of office and certificate of admission of any Notary, the sum of five shillings currency, and six pence currency per hundred words for every copy thereof; and for drawing up the minute of the proceedings at any meeting of Notaries twenty shillings currency, over and above the cost of publishing the advertisement, and the Secretary of the Board of Notaries shall be entitled to demand and receive ten shillings currency for the certificate of character and qualification delivered to any applicant, over and above the cost of the advertisement hereinbefore mentioned, and also the sum of one shilling and three pence currency for each summons (if any) and six pence for each copy thereof.

Fees to the Prothonotaries of the Courts of Q. B. in certain cases.

XXVI. And be it enacted, That so much of the Ordinance passed in the twenty-fifth year of the reign of His late Majesty, King George the Third, intituled, *An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries, and for the more easy collection of His Majesty's Revenues*; or of any other Law, Statute, or Ordinance as may be inconsistent with this Act, shall be, and is hereby repealed.

So much of Ordinance 25 Geo. 3. c. 4 as is repugnant to this Act, repealed.

XXVII. And be it enacted, That so much of the said Ordinance in the next preceding Section cited, as enacts that no Notary shall hold the office of Clerk of any Court, shall be construed to apply only to the office of Clerk of any Court of Queen's Bench in Lower Canada; that no Notary shall act as such while holding the office of Registrar or Deputy Registrar of any County, or carrying on business as a Merchant, Trader, or Manufacturer; that any Notary, actually holding the office of Clerk of any Court of Queen's Bench, or Registrar or Deputy Registrar of any County, or carrying on business as a Merchant, Trader, or Manufacturer, is hereby required to elect or make choice of one of those avocations, within six months after the passing of this Act, and to transmit his declaration to that effect to the Board of Notaries, and to the office of the Court of Queen's Bench in their respective Districts: but any Notary who shall have made choice of the office of Clerk of any Court of Queen's Bench or of Registrar or Deputy Registrar of any County, or of the calling of a Merchant, Trader, or Manufacturer, may retain his minutes and repertory in his possession, and may issue copies or extracts of deeds and contracts passed before him; and may, also, after having ceased to hold the said office of Clerk or of Registrar or of Deputy Registrar, or to carry on business as a Merchant, Trader, or Manufacturer, exercise the functions of a Notary, after having transmitted his declaration to that effect in the manner hereinbefore prescribed; and any Notary who shall, after the expiration of the said term of six months, exercise the functions of a Notary while holding the said office of Clerk, or of Registrar or Deputy Registrar, or carrying on business as a Merchant, Trader or Manufacturer, shall, for the first offence, forfeit a sum of twenty pounds current money of this Province, and double that amount for any subsequent offence; and it shall be lawful for any of the said Boards of Notaries to suspend, for a time, or to dismiss from office any Notary within its jurisdiction, who shall be lawfully convicted of having carried on, at one and the same time, the profession of a Notary

How certain other parts of the said Ordinances shall be construed. Notaries not to act as such while exercising certain callings.

Those now practising must elect which they will follow within 6 months after the passing of this Act.

They may retain their minutes, &c. And may again practice when they disuse such other calling.

Penalty for contravening this Section.

Proviso : as to Registrars and deputies now appointed.

Notary and the business of a Merchant, Trader or Manufacturer; Provided always, that no Registrar or Deputy Registrar now appointed shall be affected by the provisions of this Act.

False swearing under this Act to be perjury.

XXVIII. And be it enacted, That any person who shall wilfully swear falsely, touching any matter with regard to which an oath is required by this Act, shall on conviction thereof before any Court of competent jurisdiction, be deemed guilty of wilful and corrupt perjury, and shall be liable to be punished accordingly.

Punishment of persons assaulting or obstructing Notaries.

XXIX. And be it enacted, That any person assaulting or otherwise obstructing a Notary in the due execution of his duty as such shall be guilty of a misdemeanor, and may on conviction thereof be sentenced to the same punishment as if he or they had been convicted of an assault upon a Peace Officer or a Revenue Officer in the execution of his duty.

Board of Notaries to make a Tariff of Notarial fees. Tariff to be subject to approval by Q. B.

XXX. And be it enacted, That each Board of Notaries shall make a tariff of the prices to be paid for all Notarial Deeds, Acts or instruments, and the fees to be allowed to Notaries for each sitting (*vacation*) and attendance (*transport*) which tariff shall be homologated and confirmed by the Court of Queen's Bench for the District, and any Notary contravening any of the regulations of the said tariff by demanding from parties more than the price and fees established by the said tariff, after fifteen days from the time when the said tariff shall have been homologated and published, shall for each such offence incur a penalty of five pounds currency.

Penalty for demanding higher fees.

Recovery of Penalties provided for.

XXXI. And be it enacted, That all penalties imposed by this Act may be sued for and recovered by the *Syndic* of the Board of Notaries within the jurisdiction whereof the offence shall have been committed; and being recovered shall be paid by the *Syndic* into the hands of the Treasurer of the said Board, and shall make part of the common fund thereof.

Vacancies in the Board of Notaries how filled.

XXXII. And be it enacted, That if any vacancy shall occur in any Board of Notaries, whether by the death of any member thereof or by his removal out of the jurisdiction of such Board, or otherwise, it shall be lawful for the remaining members of the Board, at the next meeting thereof, to fill such vacancy by electing another member by the votes of a majority of the members present.

Interpretation clause.

XXXIII. And be it enacted, That the word "Governor," whenever it occurs in this Act, shall be understood to mean the Governor, Lieutenant-Governor, or person administering the Government of this Province, and the words "Lower Canada," to mean and include all that part of this Province which formerly constituted the Province of Lower Canada.

SCHEDULE A.

FORM OF A CERTIFICATE OF ADMISSION AS A NOTARY.

This is to certify to all whom it may concern, that A. B. of
 in the District of _____ Esquire, hath duly passed his exa-
 mination before "The _____ Board of Notaries," and hath been
 found qualified to fill the Office and perform the duties of a Notary Public in and for
 Lower Canada, he having complied with all the requirements of the Law in that behalf.
 Wherefore the said A. B. is admitted to the said Office, and is by Law authorized to
 practice as a Notary Public in Lower Canada.

In witness whereof, we have signed this certificate, at _____ in the
 District of _____ in the Province of Canada, the _____
 day of _____ one thousand eight hundred and _____

C. D.

(Signature of the President of the Board of Notaries.)

E. F.

(Signature of the Secretary of the same.)

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