

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 215

An Act to establish a Board of Notaries for the Districts of Kamouraska and Gaspé, and further to amend the Act for the organization of the Notarial Profession in Lower Canada. Assented to 14th June, 1853.

Whereas from the distance between the Districts of Kamouraska and Gaspé, and the City of Quebec, where the meetings of the Quebec Board of Notaries are held, and the increasing importance of the said Districts, it is expedient to constitute a separate Board of Notaries for the same: 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 from and alter the fifteenth day of August, one thousand eight hundred and fifty-three, all Notaries residing in the said Districts of Kamouraska and Gaspé shall cease to be subject to the control and jurisdiction of the Quebec Board of Notaries, and ail such Notaries as may be then Members of the said Board shall thereafter cease to form part thereof, and a separate Board shall be established in and for the said Districts, to be called "The Kamouraska Board of Notaries," which shall consist of eight Members who shall be elected by the Notaries residing in the said Districts; and the meetings of the said Board shall be held in the Parish of Saint Louis de Kamouraska, at the chief place of the said District of Kamouraska.

II. And be it enacted, That the *quorum* of the said Board, for the despatch of Business, shall consist of five, and the first election of the Members of the said Board shall take place at a general meeting of the Notaries of the said Districts, to be held within three months after the passing of this Act, such meeting having been previously called by the Prothonotary of the Superior Court in the District of Kamouraska, by advertisement, published in two newspapers printed in the District of Quebec, one in the French and the other in the English language.

III. And be it enacted, That the said Board shall be governed in every respect by the provisions of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for the organization of the Notarial Profession in that part of this Province, called Lower Canada*, as amended by any other Act of this Province, except in so far as the same may be inconsistent with this Act, as if the said Board had been specially named in and created by the said Act.

IV. And be it enacted, That it shall be the duty of the Quebec Board of Notaries, after suitable vaults shall have been provided by the Kamouraska Board of Notaries, and within one month after notice in writing to that effect shall have been given to them through their Secretary by the Secretary of the said last mentioned Board, to transmit to the said Board all the Minutes and

Repertories of Notaries who shall at the time of their decease or of their ceasing 10 practise, have resided in the said District of Kamouraska or of Gaspé, or within the limits of the territory now comprised in the said Districts, and which may be in the possession of the said Quebec Board of Notaries; and in the event of the refusal or neglect of the said Quebec Board of Notaries to transmit such Minutes and Repertories within the said period, they shall forfeit and incur a penalty not exceeding One Hundred Pounds currency, for each and every portion thereof which they shall so refuse or neglect to transmit, which, penalty shall be recoverable by the said Kamouraska Board of Notaries for their own use, from the said Quebec Board of Notaries, before any Court of competent jurisdiction: Provided always, that the cost, of transmitting such Minutes and Repertories shall be defrayed by the said Kamou-raska Board of Notaries.

V. And whereas the provision contained in the Act above cited, requiring that no Notary shall act as such, while carrying on business as a merchant, trader, or manufacturer, is fraught with serious inconvenience, especially to Notaries residing in the country parts: Be it enacted, That so much of the twenty-seventh Section of the said Act as prohibits any Notary from carrying on business as a merchant, trader or manufacturer, shall be and is hereby repealed.

VI. And whereas Notaries who were Registers or Deputy Registers at the time of the passing of the Act above mentioned, have continued to exercise their functions as Notaries at the same time as those of Registers or Deputy Registers, while others who have been appointed Registers or Deputy Registers since the passing of the said Act, have been deprived of the exercise of their functions as Notaries, and thus subjected to great injustice: Be it enacted, That so much of the twenty- seventh Section of the said Act, as enacts that no Notary shall act as such while holding the office of Register or Deputy Register of any County, shall be and is hereby repealed.

VII. And be it enacted, That the three weeks' notice to be given as provided by the fourteenth Section of the said Act, of the day and hour when the examination of Candidates for the practice of the Notarial profession shall take place, shall, instead of being published in two newspapers, be posted up by the Secretary during the same period in the office of the Board of Notaries before which the Candidates are to undergo their examination.

VIII. And be it enacted, That the Annual General Meeting of Notaries within the jurisdiction of each Board mentioned in the seventh Section of the said Act, shall take place on the first Thursday of November at two o'clock in the afternoon; and if the said Thursday shall happen on a holiday, the meeting shall take place on the following day.