



CHAPTER 89

An Act to amend the Notarial Code

[Assented to, the 17th of May, 1937]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 211 of the Notarial Code (Revised Statutes, 1925, chapter 211, as replaced by the act 23 George V, chapter 80, section 1) is amended by replacing the first paragraph thereof by the following:

“**211.** The certificate, bearing the seal of the institution, shall enumerate all the classical and scientific subjects which the candidate has studied in such institution and on which he has successfully passed the examinations required.”

Contents of certificate.

2. Article 212 of the said Code is replaced by the following:

R. S., c. 211, s. 212, replaced.

“**212.** The candidate having the qualifications required by sections 208 and 209 must also be a Bachelor of Arts, Bachelor of Science or Bachelor of Letters of a Canadian, French or English University.”

Additional qualification.

3. Article 213 of the said Code is replaced by the following:

R. S., c. 211, s. 213, replaced.

“**213.** Before being admitted to study, the candidate must give notice in writing to the secretary-treasurer, fifteen days at least before the sitting at which he intends to present his application. (*Form 14*).”

Notice prior to admission to study.

R. S., c. 211,
s. 215, re-
pealed.

4. Article 215 of the said Code is repealed.

Id., s. 216,
replaced.

5. Article 216 of the said Code is replaced by the following:

Certificate
of admission
to study.

“216. When the candidate’s file is found by the Board to be complete, the latter shall grant to the candidate a certificate of admission to study. (*Form 15*).”

Provisions
replaced.

6. Subdivision 2 of Division IX of the said Code, composing articles 218 to 226, and part of subdivision 3 of the said Division, comprising articles 227 to 237, are replaced by the following:

“§ 2.—*Admission to Practice*

Notice prior
to examina-
tion for ad-
mission to
practice.

“218. The candidate for admission to practice, desiring to undergo his examination, shall give to the secretary-treasurer of the Board a notice in writing to that effect, at least fifteen days before the sitting at which he intends to present himself. (*Form 16*).

Contents of
such notice.

“219. Such notice shall state the name in full of the candidate as given in his act of birth.

What must
accompany
same.

It must be accompanied by the sum prescribed by the by-laws of the Board, also, as the case may be, by his indentures, transfer of indentures, certificate of birth, and the certificates and other documents required by this code and by the by-laws of the Board. (*Form 16*).

Formalities
to be entitled
to admission
to practise.

“220. To be entitled to admission to practise the notarial profession the candidate must:

- a. not have lost his *status* as a British subject;
- b. be of the age of majority;
- c. have been regularly admitted to the study of the notarial profession;
- d. after admission to study, have, during three years, attended a regular course of law in a university of this Province and have there obtained a degree in law;
- e. after obtaining such degree, have successfully passed a written examination before the Board in the form and on the subjects determined by the Board;
- f. after successfully passing such examination, have served a stage of clerkship for one year, regularly and without interruption, during ordinary office hours,

under notarial indenture *en minute*, in a notarial office or in a registration office of this Province. Such indenture may be transferred by an authentic deed *en minute*. If the notary or registrar who is his patron dies, ceases or becomes unable to practise, the clerk must, within sixty days, transfer his indenture by an authentic deed *en minute* to another practising notary or another registrar;

g. after completing such stage of clerkship, have successfully undergone, before the Board of Notaries, a written examination on the general practice of the profession, in the form determined by the Board.

“**221.** To be admitted to the required examinations, the candidate must prove to the satisfaction of the Board of Notaries:

1. That he has not lost his *status* as a British subject;
2. That he resides in the Province;
3. That his behaviour has been good during his university studies or during his clerkship;
4. That he has *bona fide* served under a practising notary or under a registrar, during the time required by law.

Formalities to be complied with prior to admittance to required examination.

“**222.** The secretary-treasurer shall give a notice, in conformity with the by-laws of the Board, of the place, day and hour at which the examination shall take place.

Giving of notice of examination.

“**223.** Any candidate who has failed three times in the examination by the Board of Notaries can no longer be admitted to such examination.

Restriction.

“**224.** Before being allowed to make the proof required by section 221, any candidate, who has not undergone his final examination during the twelve months following the expiration of his stage of clerkship, must:

Conditions prior to making certain proof.

1. Obtain from the Board a by-law permitting him to make such proof; and
2. Pay to the secretary-treasurer the sum of one hundred dollars.

“**225.** The Board may summon before it, by an order under the hand and seal of the president and the countersignature of the secretary-treasurer, any person whom the candidate or those opposing his admission

Power of the Board to summon witnesses.

wish to call to contradict or to support the allegations concerning the behaviour and qualifications of the candidate.

Oath. The oath shall be administered to the witness by the chairman of the meeting.

Provision as to minor. “**226.** A minor may be admitted to the final examination, but his commission shall only be granted to him when he attains his majority.

When candidate may pass examination. “**227.** Notwithstanding the provisions of paragraph *g* of section 220, a candidate may pass his examination at the meeting which is the nearest to the termination of his stage of clerkship, but his commission as notary shall only be granted at the expiration of such stage of clerkship.

Examination public, etc. “**228.** The examination shall be held publicly at any ordinary meeting of the Board, in writing, in accordance with the by-laws of the Board.

Granting of commission. “**229.** If the final examination be satisfactory, but subject to the provisions of section 226, the Board shall grant the candidate his commission as notary, on payment to the secretary-treasurer of the sum fixed by the by-laws of the Board. (*Form 17*).

Restriction as to granting of commission. “**230.** The candidate, however, shall not be granted such commission unless he establish, to the Board’s satisfaction, that, prior to or after his admission to study, he has successfully followed the regular course in philosophy of a university recognized by the Board of Notaries.

§ 3.—*Stage of clerkship*

Indentures and transfers. “**231.** Indentures and transfers must be registered with the secretary-treasurer of the Board within thirty days from their date.

Permission to register deed after delay. “**232.** Nevertheless, the Board may, upon special application and upon payment to the secretary-treasurer of a sum of ten dollars, allow or validate the registration of any such deed after such delay, but such re-

gistration must be made at least three months before such candidate undergoes his final examination for admission to practice.

“**233.** The Board may, by by-law, upon such con-^{Powers of}ditions as it may deem expedient and upon payment of ^{Board.} the sum of two hundred dollars, make a candidate’s admission to study count from the date of his entering a law course, provided that the candidate possess the qualifications required by section 212.

“**234.** The Board may, after taking into consi-^{Idem.}deration a question respecting any irregularity in the stage of clerkship of any candidate for practice regularly admitted to study, afford relief therefrom by means of a by-law and upon payment being made of the sum of one hundred dollars.

“**235.** The Board may, by by-law, require, candi-^{Examina-}dates for practice, to undergo one or more examinations ^{tions during}during their university or clerkship studies. ^{studies.}

“**236.** The vacation, from the 1st of May to the ^{Long vaca-}1st of September, shall not be an interruption of the ^{tion.}regular stage of clerkship.”

7. Article 241 of the said Code is replaced by the ^{R. S., c. 211,} following: ^{s. 241, re-}
^{placed.}

“**241.** The Board may, by by-law, alter and amend ^{Certain by-}the provisions contained in sections 210, 211, 217 and ^{laws of}227, and otherwise provide for the matters governed by ^{Board.}the said sections.

R. S., c. 211, **10.** Form 16 of the said Code is replaced by the Form 16, re-placed. following:

“16.—(Section 219)

Notice by Candidate for Admission to Practice (1)

CANADA, }
PROVINCE OF QUEBEC, }

To

Secretary-treasurer of the Board of Notaries.

Sir,

I, the undersigned, (*name in full as in act of birth*), have the honour to inform you that I will present myself, at the next meeting of the Board of Notaries, to undergo the (preliminary or final) examination for admission to the practice of the notarial profession.

I have the honour to be,

Sir,

Your obedient servant,

(*Signature*). ”

R. S., c. 209, **11.** Section 2 of the Professional Matriculation Act s. 2, am. (Revised Statutes, 1925, chapter 209), as amended by the act 1 Edward VIII, chapter 5, section 6, is again amended by striking out the words: “notarial or”, in the second line thereof.

Coming into force. **12.** This act shall come into force on the 1st of August, 1937, but shall not affect students admitted to the study of the notarial profession before that date.

(1) The candidate must accompany this notice with a list of the documents in support thereof.