



## CHAPTER 80

### An Act to consolidate the Notarial Code

[Assented to, the 13th of April, 1933]

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

**1.** The Revised Statutes, 1925, are amended by re-R. S., c. 211,  
placing Chapter 211 thereof by the following: replaced.

### “CHAPTER 211

#### “AN ACT RESPECTING THE NOTARIAL PROFESSION

“**1.** This act may be cited as the *Notarial Code*. R. S. Short title.  
(1925), c. 211, s. 1.

#### “DIVISION I

##### “DECLARATORY AND INTERPRETATIVE

“**2.** When there is any difference between the French Difference  
and English texts of this code the French text shall prevail. between  
R. S. (1925), c. 211, s. 2. versions.

“**3.** Saving what is mentioned in section 126, the words “Practising  
“practising notary” or “notary”, made use of in this code, notary”.  
mean a notary entered on the roll of the Order. R. S.  
(1925), c. 211, s. 3.

“**4.** For the purpose of describing his official quality “Notary”.  
every notary shall style himself “Notary”.

"Order of  
Notaries".

The notaries entitled to practise their profession who are entered on the roll constitute a professional body designated by the title of "Order of Notaries." R. S. (1925), c. 211, s. 4.

## "DIVISION II

### "FUNCTIONS, RIGHTS AND PRIVILEGES OF NOTARIES

Duties, etc.,  
of notaries.

"5. Notaries are public officers, whose chief duty is to draw up and execute deeds and contracts, to which the parties are bound or desire to give the character of authenticity attached to acts entered into under public authority, to assure the date thereof, to have and preserve the same in safe keeping, and to deliver copies thereof or extracts therefrom.

Duration of  
office, etc.

Notaries are appointed for life, with concurrent jurisdiction throughout the Province.

Deeds  
received  
outside of  
Province.

Deeds received by them outside of the Province are authentic when their object is an immoveable or real rights within the Province, or when the domicile of the party or parties, or any one of them, is in the Province. R. S. (1925), c. 211, s. 5.

Rights of  
notaries in  
voluntary  
partition  
proceedings.

"6. Notaries have and always have had the right to take the proceedings necessary: (a) for a voluntary partition, and (b) for a voluntary licitation of property in which persons suffering legal incapacity or absentees have an undivided interest as co-proprietors, provided that all the other co-proprietors of age have agreed with the tutors or curators of such persons or absentees to proceed in this way. In such cases, it has always been legal to proceed by petition instead of by suit. R. S. (1925), c. 211, s. 6.

Protection  
in course of  
duties.

"7. Notaries are under the safeguard of the law, and are protected in the performance of their professional duties. R. S. (1925), c. 211, s. 7.

Professional  
secrecy.

"8. Article 332 of the Code of Civil Procedure shall apply to notaries. R. S. (1925), c. 211, s. 8.

Privilege.

"9. No notary need accept any municipal or school office. R. S. (1925), c. 211, s. 9.

Exemption  
from seizure  
of records,  
etc.

"10. In addition to the exemptions mentioned in Article 599 of the Code of Civil Procedure, the records of notaries, the notarial records of which they are the assignees, and their safes and law books are not liable to seizure. R. S. (1925), c. 211, c. 10.

**"11.** A notary, who passes a deed, is not obliged to in-<sup>Notary</sup>form the contracting parties of any fact within his knowl-<sup>passing a</sup>edge. <sup>deed.</sup>

With the exception of his own acts, he is not the warrant-<sup>Not bound</sup>or of anything recited in the deed being passed before <sup>to declare</sup>him; he is not even bound to declare debts evidenced by <sup>facts known</sup>documents previously passed before him. R. S. (1925),  
c. 211, s. 11.

**"12.** Notaries are entitled to emoluments or fees for the <sup>Emolu-</sup>deeds which they execute, and the professional services they <sup>ments and</sup>render, over and above their costs and expenses. R. S. <sup>fees.</sup>  
(1925), c. 211, s. 12.

**"13.** Such fees shall be regulated by the tariffs made in <sup>Tariff of</sup>accordance with the provisions of this code, and, in case <sup>fees.</sup>of doubt, or, in default of any provision of the tariff applicable to the particular case, by valuation before the court by one or more members of the profession.

The Board of Notaries may, nevertheless, by by-law, <sup>By-law for</sup>provide for the taxing of such fees. The by-law shall de-<sup>taxing of</sup>termine the manner, conditions and cost thereof. Such <sup>fees.</sup>taxation shall bind the parties who have consented thereto. R. S. (1925), c. 211, s. 13.

**"14.** Professional services for which emoluments or <sup>Professional</sup>fees may be charged include, among others, travelling, <sup>services.</sup>attendance, written or verbal consultations, and examination of deeds and papers, negotiation of loans and other acts or proceedings for which the remuneration is fixed in the tariff of notarial fees in the Province of Quebec. R. S. (1925), c. 211, s. 14.

**"15.** The oath of the notary shall be admitted as to the <sup>Proof as to</sup>notarial services having been required, and the nature and <sup>services.</sup>duration of the services rendered; but such oath may be contradicted in the same manner as any other testimony. R. S. (1925), c. 211, s. 15.

**"16.** No person other than a practising notary or an <sup>Drawing</sup>advocate on the roll of advocates may draw up or prepare, <sup>up, etc., of</sup>for payment, writings under private signature (*sous seign* <sup>writings</sup>*privé*) affecting immoveables and requiring to be registered, <sup>under</sup>and passed in a municipality wherein there is such a notary <sup>private</sup>or advocate, resident during the preceding six months. <sup>signature.</sup>  
R. S. (1925), c. 211, s. 16.

Parties  
liable for  
fees, etc.

**"17.** Parties to deeds executed before a notary shall be jointly and severally liable for his disbursements and fees. R. S. (1925), c. 211, s. 17.

Presump-  
tion of pay-  
ment of  
fees.

**"18.** The furnishing of copies, extracts, title-deeds or deeds of any nature whatsoever shall not be considered a presumption of the payment of the costs and fees of the notary. R. S. (1925), c. 211, s. 18.

Furnishing  
copies, if not  
paid for  
original.

**"19.** Notwithstanding section 68, so long as the first copy of a deed has not been delivered, no notary is bound to furnish copies of or extracts from a deed or an annex, or to grant communication thereof, if he has not been paid his fees for drawing up the original minute, or if at the time prescription has not been acquired.

Retaining  
of papers,  
etc., until  
payment.

The notary has the right to retain the papers and other documents of those bound for the payment of his disbursements and fees under section 17, so long as payment of the same has not been effected. R. S. (1925), c. 211, s. 19.

### "DIVISION III

#### "DUTIES OF NOTARIES

#### "§ 1.—*General Duties*

Notarial  
duties.

**"20.** The chief duties of a notary in addition to those above mentioned, or which may be contained in any other provisions of this code, are:

1. To have a suitable place for his office and to keep his minutes, repertory and index in a proper state of preservation in a fire-proof and damp-proof vault or safe ;

2. To keep in his office, available to the public, the list of interdicted persons and of persons assisted by a judicial advisor, as sent by the clerk or prothonotary of his district;

3. To make the declarations required by law;

4. To keep his repertory and index in the form hereinafter prescribed;

5. To pay the annual subscription;

6. To submit to the orders and by-laws of the Board;

7. To accept the office of member or officer of the Board;

8. To avoid all occasions of dispute, and to maintain the most perfect courtesy in his relations with other notaries;

9. To keep secret the confidences made to him professionally;

10. To observe, in the practice of his profession, the rules of the most scrupulous honesty and impartiality;

11. To keep a regular account of all sums of money received or collected by him for others, in his capacity of notary;

12. To comply with the provisions of the tariff in force.

The Board of Notaries may, by by-law, establish penalties for any infraction committed by a notary by giving his services for fees other than those fixed in the tariff. Penalty for violation of tariff of fees.  
R. S. (1925), c. 211, s. 20.

#### “§ 2.—*Roll of Interdicted Persons*

“**21.** Every notary shall keep, in his office, available to the public, after receipt of the notice which the clerk or prothonotary of the district, wherein he keeps his office, is bound to give him without delay and gratuitously, a roll of all persons, who are either interdicted, or to whom a judicial adviser has been appointed. Keeping of roll of interdicted persons. R. S. (1925), c. 211, s. 21.

#### “§ 3.—*Repertories and Indexes*

“**22.** Notaries shall have and keep in good order and in a proper state of preservation a repertory of all deeds passed by them *en minute*, in which they shall enter, consecutively, the date, the number, and the nature or character of such deeds and the names of the parties. Repertory of deeds en minute.  
R. S. (1925), c. 211, s. 22.

“**23.** With the same care, notaries must make and pre-serve an index to the repertory. Index to repertory. R. S. (1925), c. 211, s. 24.

“**24.** Notaries may keep a special repertory, with or without an index, as they choose, for notings and protests of bills of exchange and notes and other papers of a commercial nature. Special repertory. R. S. (1925), c. 211, s. 25.

“**25.** The deeds entered in such repertory shall bear a series of numbers different from those which are to be entered in the ordinary repertory and index. Numbering of deeds therein. R. S. (1925), c. 211, s. 26.

#### “DIVISION IV

##### “DISABILITIES AND DISQUALIFICATIONS OF NOTARIES

“**26.** No notary shall keep his office in the office of a prothonotary, a sheriff or a registrar, in a public administration building, or in any other place which the Board deems unsuitable. Place where office may not be kept. R. S. (1925), c. 211, s. 27.

Professions  
incompa-  
tible.

**"27.** The profession of notary is incompatible with that of advocate, physician, land surveyor or minister of religion. R. S. (1925), c. 211, s. 28.

Deposit,  
etc., of  
records in  
certain case.

**"28.** No notary who becomes an advocate, physician or land surveyor, or enters holy orders or becomes a minister of any religious denomination whatever, may continue to practise the profession of notary, and he must deposit or transfer his records without delay. R. S. (1925), c. 211, s. 29.

Exclusion of  
certain  
notaries  
from  
practice.

**"29.** Notaries, who are appointed sheriffs, deputy-sheriffs, prothonotaries, deputy-prothonotaries, registrars, or deputy-registrars, Collector of Succession Duties for the Province at Quebec, or Collector of Provincial Revenue at Montreal, or secretary-treasurer or inspector under section 147, are also forbidden to practise the profession of notary. R. S. (1925), c. 211, s. 30.

Keeping of  
minutes by  
such  
notaries.

**"30.** Any notary appointed to one of the offices mentioned in section 29, whatever may be the date of his appointment, may, however, keep his minutes, repertory and index, and deliver authentic copies thereof or extracts therefrom.

Deeds only  
avail as  
private  
writings.

The deeds executed by a notary, after the date of his appointment to an office which renders him incapable of practising the notarial profession under sections 27, 28 and 29 of this code, or under the by-laws which the Board may enact in conformity with paragraph 3 of section 166, are not authentic and can only avail as private writings, within the meaning of Article 1221 of the Civil Code. R. S. (1925), c. 211, s. 31.

Continua-  
tion of liabi-  
lity to sub-  
scription to  
Board.

**"31.** A notary who has been admitted to the profession of advocate, physician or land surveyor, or appointed to one of the offices mentioned in section 29, or who takes holy orders or becomes a minister of any religion whatsoever, shall continue to be liable to pay the subscription to the Board of Notaries, until he has given notice to the secretary-treasurer of the Board of his admission or appointment, together with a certificate of the deposit or transfer of his records. R. S. (1925), c. 211, s. 32.

Termina-  
tion thereof.

Resump-  
tion of  
practice.

**"32.** Any notary, appointed to any one of the offices mentioned in sections 28 and 29, may, if he owes nothing to the Board and has no disciplinary penalty to undergo, resume the practice of his profession, so soon as his

incapacity has ceased. He shall transmit a notice to that effect to the secretary-treasurer of the Board.

The same rule shall apply to any notary who has voluntarily ceased practising, and who wishes to resume the practice of his profession. Notary ceasing to practise.

Nevertheless, a notary who has assigned his minutes, repertory and index to another notary cannot resume the practice of his profession in the same judicial district without the consent of the Board. When minutes, etc., have been assigned.

Special provisions are established in section 110 for a notary resigning. Notary resigning. (*Form 1.*) R. S. (1925), c. 211, s. 33.

**"33.** Every notary not qualified to practise in virtue of the provisions of this code, who, directly or indirectly, practises his profession, either alone, or jointly with a practising notary, or who shares in the fees of the latter or receives any part thereof, is deemed to practise illegally the profession of notary, and is liable, over and above any disciplinary penalties, to a fine of not less than twenty-five dollars and not more than seventy-five dollars for each offence, recoverable in the manner prescribed by section 247. Practising, etc., of notary not entitled to practise.

A practising notary, who, directly or indirectly, practises his profession with a notary not qualified, according to the provisions of the preceding paragraph, or abandons all or part of his fees to the latter, is liable to the disciplinary penalties prescribed by section 284. R. S. (1925), c. 211, s. 34. Practising notary practising with non-qualified notary.

#### "DIVISION V

##### "NOTARIAL DEEDS, MINUTES, COPIES AND EXTRACTS—THEIR PRESERVATION, TRANSFER OR DEPOSIT

#### "§ 1.—*Notarial Deeds*

**"34.** Notarial deeds are those executed before one or more notaries. They are authentic. R. S. (1925), c. 211, s. 35. Notarial deeds.

**"35.** Notaries may lawfully, if they so wish, draw deeds, and make and date acts of voluntary jurisdiction on Sundays, feasts of obligation and legal holidays; but they may not do so as regards acts of contentious jurisdiction. R. S. (1925), c. 211, s. 36. Drawing of certain deeds.

**"36.** Deeds passed by a notary who is related or allied to one or other of the parties in any degree are nevertheless authentic, saving the provisions of Article 845 of the Civil Code with respect to wills. R. S. (1925), c. 211, s. 37. Deeds passed by notary related to parties.

Deeds prohibited. **"37.** No notary may execute a deed or contract in which he is one of the contracting parties.

When notary is officer, etc., of corporation. A deed executed by a notary who is a director or officer of a corporation is nevertheless authentic, provided that such notary is not acting in the deed as mandatary, attorney or in any other capacity, for the corporation of which he is director or officer. R. S. (1925), c. 211, s. 38.

Use of blank forms. **"38.** Notaries are not bound to write themselves the deeds which they receive; and they may use printed or written blanks. R. S. (1925), c. 211, s. 39.

Designation of commercial firms, etc. **"39.** A commercial firm, whose declaration has been deposited at the place prescribed by law, shall be sufficiently described by the name of the firm, and a corporation by its corporate name; it may act in any notarial deed under such name, mention being made in the deed of the place where it carries on business, and the names, callings and residences of the person who represents it. R. S. (1925), c. 211, s. 40.

Names, etc., of parties. **"40.** The names, callings and residences of the parties must be known to the notaries or be certified in the deed by a person of full age, who is known to them, intervenes in the deed, and is able to sign his name. R. S. (1925), c. 211, s. 41.

Paper, etc., to be used. **"41.** Notarial deeds must be written on good foolscap paper, with good ink, without abbreviations, blanks or spaces not filled up by a stroke of the pen.

Dates, etc. Sums, dates and numbers, which are other than simple indications or references not absolutely essential, must be written in full.

Original. In typewriting, only the sheet of paper on which the typing was directly done may serve as an original, to the exclusion of any carbon copy. R. S. (1925), c. 211, s. 42.

Uniformity of paper etc., may be prescribed by by-law. **"42.** The Board of Notaries may by by-law prescribe uniformity in the paper for the minute and copy, in the repertory and index; the manner and the conditions of sale and distribution of the paper, repertory and index, notwithstanding the provisions of sections 22, 23, 24, 38 and of the first paragraph of section 41.

Penalties. The Board has the right to prescribe suitable penalties for any infringement of such by-law. R. S. (1925), c. 211, s. 43.



**"43.** Every notarial instrument must set forth the name in full, official quality and place of business of the notary who executes it; the names in full, callings and residences, with a description of the powers of attorney or authorities of the parties produced; the presence, the name in full, official quality and place of business of the assisting notary; the presence, the names in full, callings and residences of the requisite witnesses; the place where the deed is passed; the number of the minute: the date of the deed: and the fact of the reading of the deed to the parties or the declaration that the notary has been exempted from reading or causing to be read a trust deed, in accordance with section 50, and must contain the official signature of the notary or notaries and the signatures of the witnesses, and of the parties, or their declaration that they are unable to sign and the cause thereof. R. S. (1925), c. 211, s. 44.

**"44.** The locality where the deed is passed shall be sufficiently indicated by specifying the city, town, parish or other place. R. S. (1925), c. 211, s. 45.

**"45.** Whenever a deed, to which several persons are parties, has been signed or executed by each of them on different days or at different places, the notary may specify such plurality of dates and places by mentioning that, as regards such a party, the deed was signed or executed on such a day and at such a place, and that, as regards such other party, it was also signed or executed on such a day and at such a place. The deed shall not be closed and signed by the notary until the day when the last signature has been placed thereon, and the place where it is declared to have been passed and closed may be that where one of the parties has signed. R. S. (1925), c. 211, s. 46.

**"46.** There must not be, in the body of the deed or in the marginal or foot notes, any words written over, or any interlineations or additions; and any words written over, interlined or added, shall be null.

Erasures shall be made in such manner that the words erased or struck out may be counted. R. S. (1925), c. 211, s. 47.

**"47.** Notes, additions and extended lines must be written in the margin only; and must be signed by the initials of the subscribers to the deed, under pain of the nullity of such notes, additions and extended lines. R. S. (1925), c. 211, s. 48.

Initialling  
of notes.

**“48.** If the length of the note requires that such note be placed at or carried to the end of the deed, it must also be signed by the initials of the subscribers, in the same manner as marginal notes, under pain of the nullity of such part of the note so placed or carried over, and the same rule applies to foot notes and other notes, which the margin cannot contain, and which are written at the end of the deed. R. S. (1925), c. 211, s. 49.

Number and  
approval of  
marginal  
notes, etc.

**“49.** Mention must be made in the deed of the number and approval of the marginal notes and foot-notes, the number and nullity of the words erased or struck out, and the number and approval of the extended lines. R. S. (1925), c. 211, s. 50.

Reading of  
deed.

**“50.** The deed may be read by the notary or by another person in the presence of the notary. It is not necessary for a trust deed to be read to the parties, or to that one of them, declaring to have taken cognizance of the deed and to have exempted the notary from reading it or causing it to be read. Mention must be made of such declaration in the deed or at the foot of the deed before the signature of the party who exempts the notary from reading it, or, if such party cannot or does not know how to sign, the declaration must be made before a witness, in accordance with the provisions of Article 1208 of the Civil Code.

Authentic  
wills.

These provisions shall not apply to authentic wills. R. S. (1925), c. 211, s. 51.

Conclusion  
of deed.

**“51.** A notarial deed is concluded by the signatures of the parties, of the assisting notary or the witnesses, and of the notary receiving the deed. R. S. (1925), c. 211, s. 52.

Use of firm  
name.

**“52.** Two or more notaries, practising their profession together, cannot sign deeds or contracts passed before them, in the name of their firm.

Exception.

They may, however, use the signature of their firm in advertisements, notices, petitions and other documents not being notarial deeds. R. S. (1925), c. 211, s. 53.

Powers of  
attorney,  
etc.

**“53.** Powers of attorney or other documents, of which there are minutes, and in virtue of which the principal deed is executed, need not be annexed if sufficiently described.

Descrip-  
tion, etc.

Powers of attorney or other documents *en brevet* or by private writing when produced must be also sufficiently described, and then annexed to the minute or to the deed *en brevet*.

Private writings so annexed must be acknowledged as <sup>Private</sup> true, and be signed by the parties who produce them, in the <sup>writings.</sup> presence of the subscribing notaries and witnesses. R. S. (1925), c. 211, s. 54.

“54. Other formalities for notarial deeds are prescribed <sup>Other</sup> in the Civil Code and in the Code of Civil Procedure, and <sup>formalities.</sup> shall be followed in so far as they are not contrary to the formalities specified in this code. R. S. (1925), c. 211, s. 55.

“55. The following table shows the parties who are en- <sup>Choice of</sup> titled to choose the notary to pass the deed in the absence of <sup>notary to</sup> special agreement between them: <sup>pass certain</sup> <sup>deeds.</sup>

NATURE OF DEED	PARTIES
Contract of marriage.....	The future wife.
Deed of composition.....	The debtor.
Donation.....	The donor.
Discharge, when it contains no subro- gation respecting the sum which is applied in payment.....	The debtor.
Discharge with subrogation.....	The new creditor.
Inventory.....	The person obliged to make it.
Lease.....	The lessor.
Obligations, security bonds, new title, constitution of rents and other similar deeds.....	The creditor.
Rendering of accounts.....	The person who renders it.
Sale:	
1. When the purchaser pays the pur- chase price in full.....	The purchaser.
2. When the purchaser does not pay the full price or when the vendor receives all that is coming to him but charges the purchaser with the payment to the vendor's discharge of a sum due by him.....	
Transfers of rents, debts, etc.....	The vendor.
	The transferee.

If there are several persons obliged to make an inventory <sup>In case of</sup> and they do not agree upon the choice of a notary, he shall <sup>disagree-</sup> be appointed by a judge in chambers on the application of <sup>ment.</sup> one of the parties interested.

When a loan is repaid with the monies realized from a <sup>Choice of</sup> fresh loan, the new creditor has the choosing of the notary <sup>notary when</sup> for drawing up and executing the discharge, notwithstanding <sup>loan repaid.</sup> any agreement to the contrary between the debtor and the creditor being reimbursed. The latter, however, is entitled to have the draft of the discharge examined by a notary chosen by him, at the debtor's expense. R. S. (1925), c. 211, s. 56.

Second  
notary.

**"56.** Any party to a deed may have a second notary appear, but at his own expense, saving the case provided for by Article 1390 of the Code of Civil Procedure. R. S. (1925), c. 211, s. 57.

**"§ 2.—Deeds en Minute**

Deed *en*  
*minute*.

**"57.** A deed *en minute* is that which a notary executes and retains in his office to deliver copies thereof or extracts therefrom. R. S. (1925), c. 211, s. 58.

Minutes of  
certain  
deeds.

**"58.** Notaries are bound to keep the minutes of all deeds which they receive, except those hereinafter mentioned, which they may execute and deliver *en brevet*, if the parties so require. R. S. (1925), c. 211, s. 59.

Numbering  
of minutes.

**"59.** Deeds *en minute* are numbered consecutively. R. S. (1925), c. 211, s. 60.

Separate  
entry.

**"60.** Notaries must receive and enter deeds *en minute* separately. R. S. (1925), c. 211, s. 61.

Suppression,  
etc., of  
minute.

**"61.** A notary shall in no case suppress, destroy, or alter any minute when once signed by him, or deliver it to the parties or to any of them.

Making of  
changes.

If it be necessary to make changes, the parties may do so only by another deed. R. S. (1925), c. 211, s. 62.

Custody of  
minutes,  
etc.

**"62.** No notary shall allow any minutes or papers annexed thereto to go out of his possession, except in the cases provided by law.

Exact or  
photograph-  
ed copy  
thereof.

Before allowing any original out of his possession, he shall draw up and sign an exact or photographed copy thereof, which, after having been certified by the sitting judge, shall be substituted for the minute, which it shall replace until such minute is restored.

Photogra-  
phing, etc.,  
of minute,  
etc.

For the same purpose, if this has not been done it may be ordered that a photograph be taken of the original minute or of any part thereof, or of any annex, or of the signatures, which photograph, likewise certified by the judge, shall be annexed to the exact copy mentioned in the preceding paragraph. R. S. (1925), c. 211, s. 63.

Loss of ori-  
ginal of any  
notarial ins-  
trument.

**"63.** When the minute or original of any notarial instrument has been lost, destroyed or carried away, a copy of an authentic copy thereof makes proof of the contents of

the minute or original, provided that such copy be attested by the notary or other public officer with whom the authentic copy has been deposited by judicial authority, for the purpose of granting copies thereof as hereinafter provided. R. S. (1925), c. 211, s. 64.

**“64.** The holder of such copy or of an authentic extract may, by petition, apply to the court or judge for leave to deposit such copy or extract with such notary as the court or judge may name, to be there used and considered as an original, the copies of which shall be deemed authentic. Application to deposit copy or extract. R. S. (1925), c. 211, s. 65.

**“65.** A similar application may be made by any party to a deed, in order to oblige any other party to the same, who is in possession of an authentic copy thereof or extract therefrom, to deposit such copy or extract for the same purpose, and such other party shall be bound to comply with the order of the court or judge in that behalf, under pain of all damages, the whole nevertheless at the costs and charges of the party applying for such deposit, who shall furnish him with a certified copy of or extract from the deed, and indemnify him for all travelling and other expenses. Idem. At whose cost. R. S. (1925), c. 211, s. 66.

**“66.** The petition must be served upon all other interested parties mentioned in the deed. Serving of petition. R. S. (1925), c. 211, s. 67.

**“67.** Upon satisfactory proof, the court or judge shall order the document produced to be deposited in the notary's office, in which the original was, or, if the notary be dead or have ceased to practise, then in the office in which his records are deposited; and every copy of the document thus deposited shall avail for proof in the same manner as if such document were the original. Deposit of document. R. S. (1925), c. 211, s. 68.

**“68.** A notary shall, upon payment of his lawful fees and dues and without any judge's order, give communication or copies of or extracts from any deed or document forming part of his records, to any party thereto or to his heirs or legal representatives. Copies, etc. R. S. (1925), c. 211, s. 69.

**“69.** He is not bound to give communication, copies or extracts to other parties without an order from a judge, unless the deed be one which requires to be registered. Extracts, etc., for parties concerned. R. S. (1925), c. 211, s. 70.

Issuing of  
compulsory  
order for  
contracts,  
etc.

**“70.** If the notary refuses to give such communication, copies or extracts, as required, the person applying therefor may, by petition duly served upon such notary, apply to a judge for the issuing of a compulsory order, upon proof of his right or his interest. R. S. (1925), c. 211, s. 71.

Contents of  
order.

**“71.** If communication only be applied for, the order shall fix the day and hour when communication of the deed must be given.

Idem.

If a copy or extract be applied for, the order shall fix the time when it must be furnished. R. S. (1925), c. 211, s. 72.

Serving of  
order.

**“72.** The order of the judge must be served upon the notary, and give a sufficient delay for compliance therewith. R. S. (1925), c. 211, s. 73.

Certifying  
of copy, etc.

**“73.** The copy or extract must be certified to have been delivered in compliance with the order; and the notary shall mention the fact at the foot of the copy of the order left with him. R. S. (1925), c. 211, s. 74.

Effect of  
failure to  
comply.

**“74.** If the notary fails to comply with the order of the judge, he shall be liable for all consequent damages and to coercive imprisonment. R. S. (1925), c. 211, s. 75.

### “§ 3.—*Deeds en brevet*

Deed *en  
brevet*.

**“75.** A deed *en brevet* is that of which the notary delivers to the parties the original, whether single, in duplicate or in multiple. R. S. (1925), c. 211, s. 76.

Deeds which  
must be  
*en brevet*.

**“76.** 1. Declarations, advice of family councils, appointments and reports of experts in matters respecting minors and other incapable persons, shall be received and delivered *en brevet*.

Deeds which  
may be  
*en brevet*.

2. Life certificates, powers of attorney, authorizations, acts of notoriety, receipts for farm or house rent, wages, arrears of pension or of rent, and other ordinary deeds may be received *en brevet*. R. S. (1925), c. 211, s. 77.

### “§ 4.—*Copies and Extracts*

Right to  
furnish  
copy, etc.

**“77.** The right of furnishing copies of or extracts from notarial deeds, belongs only to the notary or prothonotary who is custodian of the original or to the notary empowered by a special mandate in the cases provided for by section 78.

No notary or prothonotary of the Superior Court, the Copy, etc., custodian of the notarial minutes of a notary, shall grant of will. communication or copies of any last will and testament forming part of such minutes, until fully satisfied of the decease of the testator or testatrix therein named.

Such decease may be established by burial certificate, Proof of statutory declaration, or such other evidence as shall be death. satisfactory to the custodian of such last will and testament. R. S. (1925), c. 211, s. 78.

**"78.** Any notary may, by a notarial power of attorney Certifying *en minute* and for a stated period, empower a notary re- of copies siding permanently or not in his district, to certify, after under power having compared them with the originals, copies of or of attorney. extracts from his deeds or the deeds whereof he is by law the custodian.

Any notary on active military service outside the Prov- Notary on ince may likewise give a power of attorney to the same active mili- effect for the whole duration of his service, until his return tary service. to the Province, and in such case such power of attorney shall be certified to by two witnesses and a staff-officer of his military unit. Such power of attorney must be deposited amongst the minutes of a notary.

In his certificate, the notary so empowered shall mention Contents of the date and duration of his power of attorney, the name of certificate. of the notary before whom it was passed, or of the notary with whom it is deposited, the fact of the military service of the notary who gave it, and the date when the copy or extract was made.

Mention of the date when such copy or extract was given Mention of shall also be made on the original. date.

Such copies or extracts so certified are authentic, not- Authentic- withstanding anything to the contrary in Article 1215 of the city of Civil Code. copies, etc.

The mandator is bound to notify the secretary-treasurer Notification in writing of such mandate and of its duration. (Form 2). by manda- R. S. (1925), c. 211, s. 79. tor.

**"79.** Copies are the faithful reproduction of the text of Copies. the minute or annex, certified as true copies of such minute or annex.

It is not however necessary to mention therein the num- Proviso. ber of marginal notes initialed or of words erased in the original minute or annex. R. S. (1925), c. 211, s. 80.

**"80.** The notary, to whom notarial records are trans- Mention of ferred, shall, in the copies and extracts which he delivers, date of

order-in-council.

mention the date of the order-in-council under which such records were placed in his possession. (*Form 3.*) R. S. (1925), c. 211, s. 81.

Contents of extracts.

“**81.** Extracts shall contain the date of the deed, the place where it was passed, its nature, the name and description of the parties, the name of the notary who received it, and the text of the clauses or portions of clauses which are required as extracts, and finally the day on which the extract was made, mention whereof must also be made on the minute. R. S. (1925), c. 211, s. 82.

“§ 5.—*Transfer and Assignment of Notarial Records*

Transfer, etc., of minutes, etc.

“**82.** The minutes, repertory and index of any notary, as well as the records of which he may be the assignee may, under the conditions and with the formalities hereinafter set forth, be assigned or transmitted, by deed *inter vivos* or in contemplation of death, notwithstanding Article 778 of the Civil Code, or by will, to another practising notary who either resides or is about to reside in the district where the assigning or deceased notary had his professional domicile.

Disposal of records of deceased notary.

If the deceased notary has not disposed of his records, the right to do so belongs to the heirs or representatives of the deceased notary, whether they accept the succession or not.

Formalities prior to transfer, etc.

Such assignment or transmission cannot be validly accomplished unless all subscriptions and costs due to the Board by the assigning or deceased notary and the assignee respectively have been paid.

Powers not affected.

The provisions of this section shall not prevent the provisional custody of the records, files and other documents, in conformity with section 95 of this code, or the placing of seals. R. S. (1925), c. 211, s. 83.

Permission for transfer, etc.

“**83.** No assignment or transmission can be effected without the permission of the Lieutenant-Governor in Council. (*Form 4.*) R. S. (1925), c. 211, s. 84.

Publication of application for permission.

“**84.** Before granting such permission, the Provincial Secretary shall publish a notice of the application therefor for one month in the *Quebec Official Gazette*, and the permission granted shall have no effect until after its publication in the said gazette. R. S. (1925), c. 211, s. 85.



**"85.** Application for such permission shall be made by <sup>How appli-</sup> petition, and the Lieutenant-Governor in Council shall not <sup>cation</sup> grant the same unless the notary, to whom the assignment <sup>made.</sup> is made, produces the following documents in support thereof:

1. A certificate of the Board of Notaries signed by the <sup>Certificate.</sup> secretary-treasurer of the said Board, establishing that he is a notary and has a right to practise the notarial profession and is not undergoing any disciplinary penalty imposed by the said Board:

2. A report over his signature, specifying the number and <sup>Report.</sup> condition of the said minutes, together with the number of the minutes missing, if any;

3. A certificate that he is provided with a safe, sufficient <sup>Certificate.</sup> as a protection against fire or damp, wherein to deposit the minutes, repertory and index;

4. A certificate from the secretary-treasurer of the <sup>Idem.</sup> Board establishing that there are no arrears of subscription, or costs due to the Board either by the assigning or deceased notary or by the assignee.

5. A consent from the Board of Notaries or its council. <sup>Consent.</sup> (*Forms 5, 6, and 7.*) R. S. (1925), c. 211, s. 86.

**"86.** The inspection, for the purpose of ascertaining the <sup>Cost of</sup> condition of the vault or of the safe, shall be made at the <sup>inspection</sup> cost of the applicant, who shall pay the same immediately <sup>of vault,</sup> and before he can obtain an order for the possession of the <sup>etc.</sup> notarial records assigned and transferred to him. R. S. (1925), c. 211, s. 87.

**"87.** Every notary, to whom records are assigned or <sup>Obligation</sup> transmitted, must permit such inspection of the vault or of <sup>to permit</sup> the safe as the Board of Notaries may require by an order <sup>inspection</sup> under the signature of the president of the Board and the <sup>of vault, etc.</sup> counter-signature of the secretary-treasurer. R. S. (1925), c. 211, s. 88.

**"88.** Every notary, to whom records are assigned or <sup>Notice of</sup> transmitted, shall, within one month from the granting of <sup>records</sup> the permission of the Lieutenant-Governor in Council, <sup>assigned,</sup> give notice thereof to the secretary-treasurer of the Board. <sup>etc.</sup> (*Form 8.*) R. S. (1925), c. 211, s. 89.

**"89.** The fees paid to a notary who is the assignee or <sup>Fees paid to</sup> provisional custodian of notarial records, for searches, copies <sup>assignee,</sup> and extracts, shall be the same as those which he receives <sup>etc.</sup> for his own deeds. R. S. (1925), c. 211, s. 90.

**Duration of transfer.** “**90.** Every transfer or transmission of records shall be made for fifty years only, dating from the order-in-council authorizing the first transfer.

**Extension of period.** The Lieutenant-Governor in Council may, on the recommendation of the Board, extend such period from time to time, provided that each extension do not exceed fifty years. R. S. (1925), c. 211, s. 91; 22 Geo. V, c. 74, s. 1.

**Deposit of assigned records.** “**91.** If the notary, who is an assignee of notarial records, changes his judicial district, he must deposit them with the prothonotary of the district or assign them to another notary domiciled therein.

**Notice.** The said assignee must give notice of such deposit to the secretary-treasurer. R. S. (1925), c. 211, s. 92.

**Formalities for re-assignment of records.** “**92.** Any notary who is not under any disciplinary penalty and owes nothing to the Board and who has the right to resume the practice of his profession may secure the re-assignment of his records without other formality than a notice in the *Quebec Official Gazette*, and a declaration transmitted to the secretary-treasurer of the Board.

**Consent for resuming practice.** Such notary cannot, however, without the consent of the Board resume the practice of his profession in the district within which are the minutes, repertory and index assigned to another notary. R. S. (1925), c. 211, s. 93.

“§ 6.—*Preservation, Deposit and Provisional Custody of Minutes, Repertories and Indexes*

**Deposit of records after fifty years.** “**93.** When fifty years have elapsed since the date of the order-in-council authorizing the first transfer, the notary, or other person then in possession of such notarial records, shall deposit the same in the office of the prothonotary of the district, except in the case of the extension contemplated in the second paragraph of section 90.

**Exception.**

**Notice of deposit.** Whenever a notary deposits in the prothonotary's office one or more sets of records which have been assigned or transmitted to him, he shall give immediate notice thereof to the secretary-treasurer of the Board. R. S. (1925), c. 211, s. 94.

**Deposit of records of deceased notary.** “**94.** Except in cases of lawful assignment or transmission of notarial records under subdivision 5 of this Division (sections 82 to 92), and, except where it is permissible for a notary to retain his minutes, repertory and index in conformity with section 30, the records of every practising

notary who dies, leaves the Province, or who, for any other cause, ceases to practise or has no longer the right to do so, according to the provisions of this code, shall be deposited by his widow, his children, his heirs or legatees, his curator, by himself or by the person who has possession of them, as the case may be, in the office of the prothonotary of the Superior Court for the district in which such notary last practised, even when concurrent jurisdiction is given to the court of another district.

Such deposit shall be made within thirty days of the Period for occurrence occasioning it or within sixty days of the death, deposit. as the case may be.

Such deposit shall not prevent the assignment of the Assignment records in accordance with the provisions of subdivision 5 of not prevented. this Division.

As soon as a set of records is deposited, and when the Notice of deposit. deposit is followed by an assignment, the prothonotary shall forthwith and free of charge give notice of such deposit to the secretary-treasurer of the Board, and, in the case of an assignment, the notice must mention the name of the assignee. R. S. (1925), c. 211, ss. 95, 96.

**“95.** Notwithstanding the provisions of section 99 and Appointing of provisional guardian. of subdivision 5 of this Division so long as a transfer or transmission has not been definitely effected, the council or the president may appoint a provisional guardian of the records, files and other documents of any notary who dies, leaves the Province, becomes insane, or who becomes unable to act as such on account of his performing functions inconsistent with his practising, or of suspension or removal from office, or who voluntarily ceases practising or who resigns in accordance with section 110, or against whom there is an accusation or complaint.

The document appointing such guardian must mention Duration of guardianship. the duration of his guardianship which is renewable, if the council or president deem expedient, until the definite disposal of such records, files and other documents. Such Powers of guardian. guardian, chosen from amongst the practising notaries, may deliver copies of or extracts from the minutes and annexes of the records of such notary. In his certificate, he must mention the date and duration of the deposit, and, as the case may be, the renewal thereof, the date of the copy or extract, mention whereof shall be made on the minute.

In the warrant appointing the provisional guardian, the Council, etc., may determine certain matters. council or the president may also determine in what manner he shall dispose of the files and other documents. The

guardian shall be entitled to the fees fixed by the council in addition to his expenses. Such costs shall be charged to the set of records placed under the provisional guardian.

Handing over of records by commissioned notary.

The notary so commissioned, must, upon notification from the secretary-treasurer, hand over such records and files and other documents, which he has not delivered to the person entitled thereto, to the definitive assignee, even if his mandate has not expired.

Sealing of minutes, etc.

The minutes, repertory and index, files and other documents of any notary whose records are subject to provisional custody as well as the titles, securities, files and other documents whereof he was depositary may be placed under seals, on the petition of the council or of the president to the prothonotary of the Superior Court for the district in which such notary last practised and resided, until another notary has been provisionally given charge thereof or until definitive disposal of the records, in accordance with the provisions of the preceding section.

Provisions applicable.

Articles 1362 to 1386 of the Code of Civil Procedure shall apply to this subdivision 6 of this Division, *mutatis mutandis*. (Forms 9, 10, 11).

Penalty for neglecting to make deposit.

**"96.** Every person obliged to make the deposit, who refuses or neglects to make the same, shall be liable to a penalty of fifty dollars for each month's delay, counting from the delay specified in section 94.

Obligation to comply with order of council.

Every person in possession of such records, files, titles or other documents is obliged to comply with the order of the council or of the president regarding the provisional custody, in virtue of section 95, under penalty of a fine of ten dollars for each day's delay from the signification thereof made to him by a notary or bailiff, and, in default, to an imprisonment which must not exceed one month.

Notary subject to penalties.

The notary himself is further subject to the disciplinary penalties hereinafter mentioned; the whole without prejudice to any action for damages on the part of the party injured.

Recovery, etc., of records, etc., may be sued for.

The recovery or possession of the records, files, titles and other documents subject to the provisional custody may be sued for before a judge of the Superior Court sitting in the district, in term or vacation. The provisions of section 100 shall apply to this subdivision 6 of this Division, *mutatis mutandis*. R. S. (1925), c. 211, s. 97.

Notice by syndic that deposit has not been made.

**"97.** As soon as the syndic is informed that a notary's records ought to be deposited, and that such deposit has not been effected within the required delay, he shall give notice

thereof to the prothonotary of the district in which the deposit must be made. (*Form 12.*) R. S. (1925), c. 211, s. 98.

**“98.** Upon the refusal or neglect of any person, obliged thereto, to make such deposit, the prothonotary shall, within thirty days from the notice which is given to him by the syndic of the Board of Notaries, proceed, in a summary manner, to recover and obtain possession of such minutes, repertory and index, by an action in revendication, before a judge of the Superior Court of the said district, either in term or vacation. Duty of prothonotary, etc.

He shall also report such proceedings to the secretary-treasurer of the Board of Notaries, without delay. Report.

In default of the prothonotary discharging such duty, he shall be personally liable to a penalty of fifty dollars for each month's delay. R. S. (1925), c. 211, s. 99. Penalty.

**“99.** Whenever an accusation or complaint is made against a notary, the council or the president may, immediately or during the inquiry, instruct the syndic to have his minutes, repertory and index, and those of which he is assignee, as well as the files and other documents relating to the practice of his profession in his possession, deposited in the office of the prothonotary of the district of such notary. Such minutes, repertory and index, and such files and other documents shall, upon the order of the syndic to the notary or to any other person who has possession thereof, be deposited within forty-eight hours of the service of such order, in the office of the prothonotary of the Superior Court of the district in which the accused notary practises or practised his profession, even if the court of another district has concurrent jurisdiction. R. S. (1925), c. 211, s. 100. Deposit of minutes, etc., of accused notary.

**“100.** If any person refuses or neglects to comply with the order mentioned in section 99, the syndic or any notary practising in the district to which the accused notary belongs, designated for the purpose by the syndic with the approval of the president, may, by a summary petition, accompanied by an affidavit in support of its allegations and addressed to the Superior Court of the district above mentioned, or to a judge of such court, apply in the name of the Board of Notaries for the issuance of an order upon the person in default, to make the deposit within the delay fixed. Such petition shall be served upon the notary in the case at least one clear day before its presentation, or, in the event of his absence, it shall be served in the manner determined by the court or judge. Procedure on refusal to comply with order.

Order by  
court or  
judge.

The court or judge, having taken cognizance of the petition and of all further evidence it or he deems expedient, shall order the immediate deposit, in the office of the prothonotary, of the records of the accused notary, as well as his files and other documents, until the final judgment on the petition, notwithstanding any written or oral contestation the defendant may set up.

Applica-  
tion.

This section shall apply, *mutatis mutandis*, wherever the recovery and possession of the records, files and other documents subject to provisional custody, are concerned. R. S. (1925), c. 211, s. 101.

Assignment  
of minutes,  
etc., of  
accused  
notary.

**"101.** Notwithstanding any other provision of this code, every notary against whom an accusation or complaint has been brought before the council, is forbidden to assign his minutes, repertory and index, or the minutes, repertory and index assigned or transmitted to him, without the consent of the council, until judgment has been rendered upon such accusation or complaint. The council is, however, at liberty to give such consent before judgment.

Consent of  
council.

Possession  
of records.

In rendering judgment on the complaint or accusation, the Board or the council may decide upon the definitive possession of the records of the accused notary.

Delivery by  
prothono-  
tary.

If such minutes, repertories and indexes are, under the judgment rendered, definitively deposited in the office of the prothonotary, the latter must see to the delivering to the persons entitled thereto of the files and other documents, upon payment of the fees fixed by the council for their custody.

Persons who  
may be  
given cus-  
tody, etc., of  
files, etc.

Notwithstanding the deposit of records prescribed by section 99, the council or the president may commission an officer of the Board or a practising notary to have the custody and distribution of such files and documents to the persons entitled thereto, upon payment of the fees fixed by the council, which shall, in each case, determine the manner in which the provisional custody and delivery of such files and documents to their respective owners shall be effected. R. S. (1925), c. 211, s. 102.

Decision as  
to costs.

**"102.** The council may, after having adjudicated upon the complaint, decide that the costs occasioned by the deposit made under sections 99 and 100, or the provisional custody ordered under section 95 when an accusation or complaint has been made, be paid by the Board of Notaries or by the notary in question. R. S. (1925), c. 211, s. 103.

Deposited  
minutes,  
etc.

**"103.** The minutes, repertory and index of notaries transmitted to the prothonotaries of the Superior Court, shall form part of the archives of their office. R. S. (1925), c. 211, s. 104.

**"104.** The prothonotary of the Superior Court of any district shall be entitled to receive for every copy and for every extract delivered by him, of any notarial deed or annex whereof he is custodian, fifty cents for the first four hundred words or under, ten cents for every additional one hundred words, and fifty cents for the certificate of authenticity, and a further sum of ten cents for each year's search in the repertory and index collectively. R. S. (1925), c. 211, s. 105. Fees to prothonotary.

**"105.** The prothonotary, with whom have been deposited the records of a notary who has been suspended or removed from office, or who has resigned or ceased to practise his profession, shall, for ten years from the date of the deposit, pay to such notary one-half of the fees received for searches, copies and extracts from the deeds deposited. R. S. (1925), c. 211, s. 106. Payment by prothonotary to depositing notary.

**"106.** If the notary dies within ten years from the date of the deposit of his records, his heirs shall be entitled to receive one-half of the fees until the expiration of the ten years. R. S. (1925), c. 211, s. 107. Rights of heirs.

**"107.** If the deposit be due to the death of a notary, his heirs shall have the same rights even if they renounce the succession, during the ten years following his death. R. S. (1925), c. 211, s. 108. When deposit due to death.

**"108.** The prothonotary may nevertheless deduct from the fees, payable under sections 105, 106 and 107, the amount which the Attorney-General has authorized him to pay for making or preparing the indexes or repertories of the records deposited at his office, and for putting such records in good order, or the amount of costs taxed by the council according to section 102, and remit the same to the secretary-treasurer of the Board. R. S. (1925), c. 211, s. 109. Deductions by prothonotary.

**"109.** The portion of the fees which the prothonotary is to pay over, in virtue of sections 105, 106 and 107, shall not be liable to seizure. Fees not liable to seizure.

Nevertheless before remitting such half of the fees to those entitled thereto, the prothonotary shall first pay to the Board of Notaries the amount of arrears of subscription and the costs due to the Board by the notary whose records are thus deposited, according to the statement produced and certified by the secretary-treasurer of the Board. Payment by prothonotary prior to remitting fees.

Extension of preferential right. The same preferential right of the Board shall apply to the price of the assignment or transmission of the records, made in accordance with section 82. R. S. (1925), c. 211, s. 110.

Resignation subject to acceptance. **"110.** Any practising notary may resign, but his resignation shall be subject to acceptance by the Board. If it be accepted, the notary resigning must definitively deposit his records as well as the files, titles and other documents in his possession, by assignment to another notary or by deposit in the archives of the prothonotary of his district.

Consent for resuming practice. The resigning notary cannot resume practice of the profession without the consent of the Board which may refuse its consent for reasons of which it shall be the sole judge.

Restoration of records. The assigned or deposited records of a notary who has resigned and who is entitled to resume the practice of his profession may be restored to him subject to the provisions and according to the formalities prescribed in sections 92 and 111. (*Form 1.*)

Possession of minutes, etc., on re-admission. **"111.** Whenever any notary is readmitted to practise, he shall be entitled to possession of his minutes, repertory and index deposited.

Proviso. But in no case shall the prothonotary allow the record to go out of his possession before the notary has paid all his arrears of subscription and costs to the Board or to the prothonotary, and has delivered to him a certificate from the secretary-treasurer of the Board of Notaries that he is not under any disciplinary penalty and that he has a right to practise. R. S. (1925), c. 211, s. 111.

#### "DIVISION VI

##### "GENERAL MEETINGS OF NOTARIES

Special general meetings. **"112.** Special general meetings of notaries may be held whenever the Board or its council thinks fit. R. S. (1925), c. 211, s. 137.

Calling of other special meetings. **"113.** Other special general meetings of notaries may also be called by the secretary-treasurer of the Board, on a written request addressed to such secretary-treasurer and signed by ten members of the Board of Notaries, or by twenty-five practising notaries. R. S. (1925), c. 211, s. 138.

How meetings convened. **"114.** All such meetings shall be convened by notice, given by the secretary-treasurer, at least fifteen days be-



fore such meeting, and inserted in two newspapers, published one in French and the other in English, in each of the districts of Quebec and Montreal.

A copy of such notice shall be sent to each practising Copy of notary entered on the list, at least eight days before the notice. holding of such meeting. R. S. (1925), c. 211, s. 139.

## "DIVISION VII

### "BOARD OF NOTARIES

#### "§ 1.—*Constitution and Composition of the Board*

"**115.** The notaries of the Province of Quebec shall be Board of represented and governed by "The Board of Notaries". Notaries. R. S. (1925), c. 211, s. 112.

"**116.** The Board of Notaries is a body politic, enjoying Body all the privileges conferred by law upon civil corporations. politic.

It may acquire and hold moveable and immoveable Power to property the annual revenue whereof does not exceed fifty acquire, etc. thousand dollars.

It may also alienate its property.

Alienation.

Its corporate seat shall be in the city of Montreal. R. S., Corporate (1925), c. 211, s. 113. seat.

"**117.** Every service upon the Board of Notaries or upon Service its council, must be made at the office of the secretary- upon treasurer. R. S. (1925), c. 211, s. 114. Board.

"**118.** The Board of Notaries shall be composed of the Compositi- former presidents of the Board, who shall be members *de* tion of *jure*, and of forty-three members, elected in the manner Board. hereinafter prescribed, and distributed as follows:

Nine for the district of Montreal; eight for that of Quebec; four for that of Three Rivers; three for that of St. Hyacinthe; two for each of the districts of Richelieu, Iboville, Joliette and Kamouraska; one for each of those of Ottawa, Terrebonne, Montmagny, Beauce, Arthabaska, St. Francis, Bedford, Beauharnois, Rimouski and Gaspé; and one for the united districts of Chicoutimi and Saguenay.

The subdivisions of the judicial districts made since the Application coming into force of the Notarial Code (March 30th, 1883), of certain and those which may be hereafter made, shall not affect provisions. this section.

District of Charlevoix. Notaries practising in the electoral district of Charlevoix shall, for the purposes of this section only, form part of the judicial district of Quebec. R. S. (1925), c. 211, s. 115.

Election of members. **"119.** The members of the Board, except the former presidents, shall be elected by the practising notaries residing in the above-named districts, respectively, at general meetings, at the times and places hereinafter prescribed, at the chief place in each of the said districts, at which at least five notaries shall be present; but as regards the united districts of Chicoutimi and Saguenay such meetings shall be held at the town of Chicoutimi. R. S. (1925), c. 211, s. 116.

Place and date of election. **"120.** The election shall be held at the court house, at one o'clock in the afternoon, on the first Wednesday of June of the year in which it is to be held, by the majority of votes of the notaries present, taken by ballot; and the sheriff of every district shall provide a fit and proper room for such meetings. R. S. (1925), c. 211, s. 117.

Non-judicial day. **"121.** If the day fixed for the holding of general meetings be a non-judicial day, they shall be held on the first judicial day following, R. S. (1925), c. 211, s. 118.

General meetings, etc. **"122.** Counting from the meeting to be held at the end of the triennial term expiring in 1933, general meetings shall be held every three years, to which period the functions of the members of the Board are limited.

Reelection of members. Nevertheless they shall remain in office until their successors are elected or appointed, and they may be reelected if they consent thereto. R. S. (1925), c. 211, s. 119.

Chairman of meeting. **"123.** Such meeting shall be presided over by a notary, chosen by the majority of the notaries present entitled to vote at such meeting. R. S. (1925), c. 211, s. 120.

Right to vote, etc. **"124.** Practising notaries shall alone be entitled to vote or preside at such meetings or to be elected members of the Board. R. S. (1925), c. 211, ss. 121, 122.

Qualification of members. **"125.** They must, in addition, have paid, before the first of April preceding such meetings, the subscription then due and the arrears as well as all costs or other debts due to the Board. R. S. (1925), c. 211, s. 122.

"Practising notary". **"126.** A "practising notary", within the meaning of this Division, is one who, having paid his subscription,

arrears, costs and other debts due to the Board in accordance with the preceding section, is not deprived of the right of practising under the provisions of this code. R. S. (1925), c. 211, s. 123.

**"127.** During the month of April of the year in which the general election of the members of the Board of Notaries is to be held, the secretary-treasurer of the Board, the syndic or the president, that is to say, in default of either, any of the others in the order above enumerated, shall forward, by registered letter to the sheriff of each district in which the general election is to be held, the list of all the practising notaries of such district who have paid their indebtedness to the Board, in accordance with section 125. R. S. (1925), c. 211, s. 124.

Forwarding of list of practising notaries to sheriff.

**"128.** As soon as the list comes into the sheriff's possession, he shall give communication thereof, gratis, to all notaries who apply to him, so as to have it corrected by the secretary-treasurer, and, in his default, by the person who sent the list. R. S. (1925), c. 211, s. 125.

Access to list.

**"129.** As soon as the chairman of the meeting is appointed, the sheriff shall deliver the list to him, with all the corrections which may have been made therein, and the chairman of the meeting shall not accept any ballot from a notary whose name is not on the list.

Delivery of list to chairman.

The chairman himself may also cast his ballot, and, when the votes are counted, he shall, in case of a tie, give his casting-vote. R. S. (1925), c. 211, s. 126.

Vote and casting-vote.

**"130.** The notary called upon to preside over the meeting draws up and signs the minutes of the proceedings, and files the same, with the list used for the election, among the archives of the Superior Court sitting in his district, and, within eight days, shall deliver a true copy thereof to the secretary-treasurer. The latter shall, within the same delay, give a written notice to each of the members elected. R. S. (1925), c. 211, s. 127.

Minutes of proceedings.  
Delivery of true copy thereof.

**"131.** If, by the report of the secretary-treasurer of the Board of Notaries, it appear that in any district no election was held at the time fixed by law, the Board shall then, notwithstanding the provisions of section 118, consist of the members elected in the other districts, unless the Board fills the vacancy by appointing thereto a practising notary of such district. R. S. (1925), c. 211, s. 128.

Composition of Board when no election held.

Effect of  
election of  
unqualified  
member,  
etc.

**"132.** If it appear that a member elected did not, at the time of his election, possess the required qualifications, or if a member of the Board accepts one of the offices mentioned in sections 28 and 29, or if a notary ceases to practise, resigns, or dies, or incurs civil degradation, the Board must declare his seat vacant. R. S. (1925), c. 211, s. 129.

Vacancies  
in Board.

**"133.** There shall be a vacancy in the Board of Notaries:

1. When one of its members:
  - a. Refuses to accept or to continue to occupy the office;
  - b. Is absent from two consecutive meetings of the Board;
  - c. Removes his domicile without the Province or without the district for which he was elected;
  - d. Resigns his office with the consent of the Board;
  - e. Comes within one of the cases provided for by section 132;
  - f. Incurs a disciplinary penalty entailing deprivation of office;
2. When an election has been annulled by final judgment of a court of competent jurisdiction. R. S. (1925), c. 211, s. 130.

Filling of  
vacancies.

**"134.** A vacancy in the Board of Notaries shall be filled by the Board, by the majority of votes of the members present at one of the meetings following the occurrence of such vacancy, or at the meeting at which such vacancy is announced. R. S. (1925), c. 211, s. 131.

Selection of  
members.

**"135.** The members, so appointed to fill vacancies, shall be chosen from among the practising notaries of the district among whose representatives the vacancy occurs. R. S. (1925), c. 211, s. 132.

Powers, etc.,  
of notary so  
appointed.

**"136.** Every notary so appointed shall have the same powers and rights, and shall be subject to the same duties, as those who are elected by the notaries at a general meeting. R. S. (1925), c. 211, s. 133.

## *"2.—Sittings of the Board*

Holding of  
general  
meetings  
of Board.

**"137.** General meetings of the Board of Notaries shall be opened at ten o'clock in the forenoon, at Quebec and Montreal, alternately, on the second Tuesday of July in each year. If the day so fixed be a non-judicial day, the meeting shall be opened the next judicial day. R. S. (1925), c. 211, s. 134.

**"138.** Special meetings of the Board of Notaries may also be convened by the president, when he thinks proper, or upon a requisition of the syndic or of the majority of the members of the Board. R. S. (1925), c. 211, s. 135. <sup>Special meetings.</sup>

**"139.** Notice of such special meetings shall be sent by post to all the members of the Board, at least fifteen days before the day fixed for the holding of such meeting. R. S. (1925), c. 211, s. 136. <sup>Notice of special meetings.</sup>

**"140.** The quorum for the despatch of business shall be twelve, and eight for the examination of candidates for study and practice, until the Board under the powers conferred upon it by section 167 has entrusted such examination to one or more standing or select committees. R. S. (1925), c. 211, s. 140. <sup>Quorum.</sup>

**"141.** Every meeting of the Board of Notaries and every general meeting of notaries, which is not concluded on the day on which it was opened, shall be continued from one day to another, at ten o'clock in the forenoon, until finally closed, and may, further, be adjourned by the majority of the notaries present, to such place, day and hour as shall be then decided upon. R. S. (1925), c. 211, s. 141. <sup>Continuation of meetings.</sup>

**"142.** The minutes of every sitting of the Board shall be signed on the minute-book of the proceedings by the secretary-treasurer, and countersigned by the chairman of the meeting, and shall be authentic. <sup>Signatures to minutes.</sup>

Nevertheless the omission of the signature of the president shall not invalidate the authenticity of the minutes, when signed by the secretary-treasurer alone. R. S. (1925), c. 211, s. 142. <sup>Proviso.</sup>

**"143.** The members of the Board are entitled to be indemnified for the travelling expenses they incur in proceeding to attend meetings of the Board or of the Council and of standing and select committees sitting in vacation, and in returning therefrom. R. S. (1925), c. 211, s. 143. <sup>Travelling expenses of members of Board.</sup>

**"144.** The members of the Board are further entitled to an indemnity which the Board shall determine by by-law, but which must not exceed ten dollars for each day they attend the meetings of the Board, of the council, or of committees sitting in vacation, and for the time absolutely required to take them to the place of meeting and return, counting the day they leave their residences and the day <sup>Indemnity for meetings</sup>

Night meetings. of their return. The Board may, by by-law, fix an indemnity of five dollars for each night meeting.

Sitting in vacation. The committees sitting in vacation are entitled to the indemnity fixed for the council under section 182. R. S. (1925), c. 211, s. 144.

Payment of indemnities, etc. **"145.** The indemnity and travelling expenses shall be paid by the secretary-treasurer upon a certificate from the president, vice-president or temporary chairman of the Board.

Certificate. In the case of the council or of a committee sitting in vacation, the certificate shall be given by the chairman or secretary of the council or of such committee, the whole nevertheless subject to the formalities, requirements, and forfeitures enacted by the by-laws of the Board. R. S. (1925), c. 211, s. 145.

*"§ 3.—Officers of the Board and their Duties*

Election of officers. **"146.** At the first session of each triennial term, the Board shall elect for such term the following officers, who shall all be eligible for reëlection:

1. A president;

2. A vice-president;

3. A syndic;

4. All other officers required for the carrying out of the law or the orders of the Board. R. S. (1925), c. 211, s. 146.

Election of secretary-treasurer and an inspector. **"147.** The Board shall elect, from among the practising notaries, a secretary-treasurer and an inspector who shall remain in office during good conduct and their capacity to act. They can only be removed by the Board after an inquiry and on the vote of the absolute majority of its members.

Oath. Such officers shall take an oath, before the president, to perform faithfully the duties of their office.

Salaries. Their salaries shall be fixed by a by-law of the Board.

Choice of president, etc. **"148.** The president, the vice-president or temporary chairman and the syndic, shall always be chosen from among the members of the Board; the other officers may also be chosen from among practising notaries. R. S. (1925), c. 211, s. 147.

Removal of officers. **"149.** The Board may at pleasure remove any officer and appoint another in his stead, but no officer may be so remov-

ed except by the vote of the absolute majority of the members of the Board and for cause deemed sufficient by the Board after inquiry. R. S. (1925), c. 211, s. 148.

**"150.** In the case of the absence or death of any of the officers aforesaid or of their being prevented from acting, substitutes shall be appointed by the majority of the members present at any meeting at which there is a quorum unless it be provided otherwise in this code. R. S. (1925), c. 211, s. 149. In case of absence of officers.

**"151.** The officers, who are members of the Board, may vote as such with the other members at all the meetings of the Board except the president who shall vote in accordance with section 153. R. S. (1925), c. 211, s. 150. Voting of officers.

**"152.** The principal duties of the officers of the Board are set forth in this subdivision, but others are incidentally included in other provisions of this code. R. S. (1925), c. 211, s. 151. Principal duties of officers.

**"153.** The president shall call the special meetings of the Board, and preserve order thereat. He shall have a vote only when the votes are equally divided, or when an absolute majority of the Board is required. R. S. (1925), c. 211, s. 152. President's duties.

**"154.** At the first session of each triennial term the retiring president shall present a report of the principal proceedings of the previous term and of all the important events which have happened and may be of interest to the profession. R. S. (1925), c. 211, s. 153. Report of retiring president.

**"155.** The vice-president shall replace the president in case of illness, absence or other cause. R. S. (1925), c. 211, s. 154. Vice-president.

**"156.** The president and vice-president shall be replaced, if both are absent, by a temporary chairman appointed by the members present. R. S. (1925), c. 211, s. 155. Temporary chairman.

**"157.** It is the special duty of the syndic to supervise the discipline of the notarial profession. He shall immediately inform the president of the Board of Notaries of every violation of the by-laws and of all conduct of any of the members derogatory to the honour of the profession. Duties of syndic.

Acting as  
prosecutor.

The syndic shall act as prosecutor in the name of the Board for the collection of fees and against accused notaries before the Board or before the council of the Board.

Syndic  
*pro tem.*

Whenever the syndic cannot act on account of illness or absence, or in the event of the death of the syndic, the council may, if the Board be not in session, name a practising notary to temporarily exercise the office of syndic, all of whose powers and duties he shall be vested with.

When syn-  
dic is accu-  
sed person.

If the syndic be the person against whom the accusation or complaint is made, the secretary-treasurer of the Board shall act in the place and stead of the syndic so long as another notary has not been named by the council as aforesaid.

Report by  
syndic.

The syndic must make a report to the secretary-treasurer without delay of all his proceedings prescribed by this code or by the by-laws of the Board. R. S. (1925), c. 211, s. 156.

Syndic to  
form part of  
quorum.

**"158.** In the case of an accusation brought against a notary, the syndic shall form part of the quorum, and shall take part in the proceedings, but shall have no right to vote on any decision of the Board on the accusation or proceedings in connection therewith. R. S. (1925), c. 211, s. 157.

No vote.

Sole office of  
secretary-  
treasurer.

**"159.** The secretary-treasurer shall cease the practice of his profession from the time of his appointment and cannot hold other remunerated office, without the consent of the Board or of the council.

Qualifica-  
tions.

He must possess the qualifications required by the nature of his duties, to the satisfaction of the Board or of the council, which determines, by by-law or otherwise, what such qualifications shall be.

Drawing up  
minutes,  
etc.

He shall draw up the minutes of meetings of the Board, keep the minute books, and shall be custodian of the archives and deliver copies thereof.

Charge of  
funds, etc.

He shall have charge of the funds of the Board, receive its revenues and pay the expenses when authorized and account for the same as the Board shall direct.

Other  
duties.

He shall moreover duly discharge all other duties, charges or functions entrusted to him at any time by the Board or the council.

Special  
duty.

He shall especially receive instructions respecting any complaints laid against a notary and report the same to the syndic. R. S. (1925), c. 211, ss. 158, 161.

Appointing  
of substi-  
tute.

**"160.** The secretary-treasurer may appoint a practising notary as his substitute in case of sickness, absence or other impediment.



Such appointment shall be made under the signature of the secretary-treasurer, and shall be entered in the minutes of the proceedings of the Board and is subject to the approval of the Board, or, during vacation, to that of the council. How appointment made.

Should the secretary-treasurer fail to appoint a substitute, the Board or the council may appoint one. Appointment by Board, etc.

The secretary-treasurer shall, with the approbation of the Board or of the council, appoint a representative in the city of Quebec, whose remuneration shall be fixed by the Board or by the council. Representative in city of Quebec.

When the secretary-treasurer cannot act through sickness, absence or other cause and has not appointed a substitute, or, in the case of death, the council, if the Board be not in session, may appoint a practising notary who shall fill the office and have all the attributes thereof until the definitive appointment of a new secretary-treasurer. R. S. (1925), c. 211, s. 159. When secretary-treasurer cannot act.

**"161.** The office of the secretary-treasurer shall be in the city of Montreal. Office.

The secretary-treasurer shall be under the direction of the Board during the sessions, and of the council in vacation. Direction of Board.

The office shall be open every day, except Sundays and holidays, during the hours fixed by the council. R. S. (1925), c. 211, s. 160. Office hours.

**"162.** The secretary-treasurer, before entering upon his duties, shall give security, the amount of which shall be determined by the Board, by means of a guarantee policy approved by the Board, and which shall remain in the hands of the president. R. S. (1925), c. 211, s. 162. Furnishing of security by secretary-treasurer.

**"163.** The secretary-treasurer shall deposit in the name of the Board, in the monetary institutions approved by it, the moneys received by him. Deposit of moneys.

None of the moneys deposited in the name of the Board may be withdrawn, except upon a cheque or order signed by the president and countersigned by the secretary-treasurer. R. S. (1925), c. 211, ss. 163, 164. Without drawal.

#### *"§ 4.—Powers of the Board*

**"164.** In addition to the powers which are inherent in the Board of Notaries as a corporation, and those which are incidentally included in other provisions of this code, it shall also possess the general powers enumerated in this subdivision. R. S. (1925), c. 211, s. 165. General powers of Board.

Increase in  
quorum.

**"165.** It may, at any time, increase its quorum for the despatch of business, and restore it to the original number established by this code. R. S. (1925), c. 211, s. 166.

Tariffs and  
by-laws.

**"166.** It may establish tariffs and enact by-laws for the administration and management of the matters under its control and for the proper carrying out of the provisions of this code and especially to:

Imposing of  
penalties.

1. Impose, as a penalty for the infringement of its by-laws and of the provisions of this code, notwithstanding any provision to the contrary, fines to a maximum of one hundred dollars for each infringement, except for infringements of sections 98, 120, 128, 129, 244, 245, 246, 275, 279, 298, 302 and 303 wherein penalties are provided against offenders who are not under the Board's control;

"Regular  
account".

2. Define the meaning of the words "regular account" in paragraph 11 of section 20, and to order the employment of any uniform system of books for notaries and their inspection;

Professions,  
etc., incon-  
sistent with  
notarial  
profession.

3. Determine and define the professions, trades, industries, businesses or offices inconsistent with the duties or profession of notary. Such by-law shall come into force on the date fixed in the by-law which shall be published in the *Quebec Official Gazette*, but cannot affect notaries who are exercising or filling such professions, trades, industries, businesses or offices at the time of the coming into force of such by-law.

Programme  
of subjects.

4. Determine the programme of subjects for candidates to the study and the practise of the profession before the Board and the qualifications required of candidates, in addition to those specified in this code.

Idem.

5. Determine the programme of subjects and the number of lessons to be attended in the various law faculties by candidates for the practice of the profession, after agreement with such faculties;

Indemnity  
for officers,  
etc.

6. Provide for a remuneration or indemnity, other than that prescribed in this code, for its officers, the members of the Board, council, select and standing committees or for all employees;

Founding  
associations.

7. Found notarial associations in the Province under the direction of the Board;

Changing  
dates of  
meetings,  
etc.

8. Fix a date, other than that prescribed in section 137, for holding general sessions of the Board and accordingly fix the election of the members of the Board at a date other than that in section 120;

Id., for ex-  
aminations.

9. Fix a time other than that prescribed in section 215, for holding the examination for admission to study, and

delegate its powers to the council as regards such written and oral examinations;

10. Provide for the establishing of a guarantee system in connection with funds entrusted to notaries in the exercise of their duties. Establishing of guarantee system.

All by-laws of the Board may be amended, changed or cancelled, and shall come into force on the day fixed by such by-laws, except where otherwise provided in this code. R. S. (1925), c. 211, s. 167. Amending of by-laws, etc.

“**167.** It may delegate its powers to any standing or select committee, and determine the quorum thereof. R. S. (1925), c. 211, s. 168. Delegation of powers.

“**168.** It shall grant or refuse, after examination, the certificates of admission required by candidates for admission to study or practice. R. S. (1925), c. 211, s. 169. Certificates of admission.

“**169.** It may prevent and reconcile all differences between notaries, and dispose of all complaints and claims by third parties against notaries concerning their functions. Differences between notaries.

It may simply express an opinion respecting the damages which may then arise. R. S. (1925), c. 211, s. 170. Damages.

“**170.** It may summon any notary before it or before its committees. R. S. (1925), c. 211, s. 171. Summoning of notary.

“**171.** According to the gravity of the offence and in accordance with the provisions of this code, the Board, itself or through its council, shall punish every notary found guilty of contravening its provisions, by imposing the disciplinary penalties defined and enumerated in this code, or in the by-laws adopted in accordance with paragraph 1 of section 166, without prejudice to recourse to the courts of law, if need be. Punishing of notary found guilty.

Without recourse to any proceedings, it may impose, in its discretion, similar penalties summarily upon any notary who renders himself amenable thereto in the meeting-room of the Board during its sittings. It may remit a suspension penalty or reduce the period thereof. R. S. (1925), c. 211, s. 172. Summary penalties in certain cases.

“**172.** It shall maintain discipline among notaries, and, when necessary, censure or enforce other disciplinary penalties. R. S. (1925), c. 211, s. 173. Maintaining of discipline, etc.

## Seal.

**"173.** The Board of Notaries may adopt, for the members of the profession, the design of a seal representing, in a uniform manner, the arms of the Province. R. S. (1925), c. 211, s. 174.

## Use of such seal.

**"174.** The use of such seal, upon deeds *en brevet*, and copies of and extracts from notarial deeds, shall be obligatory upon notaries admitted since the nineteenth day of July, 1899, upon which day a by-law to that effect was passed, and optional for those who were admitted before that time. R. S. (1925), c. 211, s. 175.

## Tariffs of fees.

**"175.** The Board of Notaries may make, increase, reduce or otherwise alter the tariffs of fees which notaries may exact for professional services. R. S. (1925), c. 211, s. 176.

## Coming into force of tariffs and amendments.

**"176.** Every such tariff and every amendment thereto shall come into force, after having been approved by the Lieutenant-Governor in Council, fifteen days after the last publication thereof in four consecutive numbers of the *Quebec Official Gazette*. R. S. (1925), c. 211, s. 177.

## Printing of tariff, etc.

**"177.** The Board of Notaries shall print, for the use of practising notaries, each tariff, or amendment thereto, and address to each of them by mail, as well as to each of the prothonotaries of the Superior Court, a copy authenticated by the signature of the secretary-treasurer.

## Posting thereof.

The prothonotaries must keep the same posted up in a conspicuous place in their offices. R. S. (1925), c. 211, s. 178.

## Indemnity for officers.

**"178.** The Board may, by by-law, provide for the indemnity to be paid to its officers and to those of the standing committees, for all the services required of such officers in the performance of the duties of their offices. R. S. (1925), c. 211, s. 179.

## Tariffs of fees and costs before Board.

**"179.** The Board may make and amend tariffs of fees, as well for the costs of proceedings before the Council, as for the costs in appeal before the Board. R. S. (1925), c. 211, s. 180.

## Copies of tariffs and amendments.

**"180.** Copies of the tariffs and amendments mentioned in this subdivision, as well as the extracts therefrom, certified to be true and purporting to be signed by these secretary-treasurer of the Board, shall be authentic. R. S. (1925), c. 211, s. 181.

“§ 5.—*Council of the Board of Notaries*

“**181.** For the purpose of representing the Board and Council and administering and carrying out urgent business respecting <sup>its composition.</sup> discipline and other matters of interest to the profession, there shall be a council of five members, called “Council of the Board of Notaries”.

The president of the Board shall be *de jure* member and President. president of the council, the four other members of which shall be appointed by the Board at the first session of each triennial meeting.

Any vacancy arising in the council between the sessions <sup>Filling of</sup> may be filled by the council. R. S. (1925), c. 211, s. 193. <sup>vacancies.</sup>

“**182.** The council shall, in vacation, possess all the <sup>Powers of</sup> powers of the Board; during sessions of the Board, such <sup>council.</sup> powers are only exercised by the council in matters of discipline. The following powers, however, belong to the Board alone: examinations, admissions to the study and practice of the notarial profession, the powers contemplated by paragraphs 3, 7, 8, 9 and 10 of section 166 and those contemplated by section 178 of this code.

The Board of Notaries may enact by-laws to delegate <sup>Delegation</sup> to the council the powers reserved to the former under the <sup>of powers to</sup> preceding paragraph. <sup>council.</sup>

The members of the council shall be entitled to their <sup>Remunera-</sup> travelling and board expenses and to the same indemnity <sup>tion of mem-</sup> as members of the Board in session. For evening sittings, <sup>bers of</sup> the indemnity shall be the same as in daytime. R. S. <sup>council.</sup> (1925), c. 211, s. 194.

“**183.** The quorum of the council shall be three, and <sup>Quorum.</sup> the secretary-treasurer of the Board or his substitute, as the case may be, shall act as secretary. R. S. (1925), c. 211, s. 195.

“**184.** The members of the council shall remain in <sup>Term of</sup> office until replaced. <sup>office.</sup>

Nevertheless, the members of the council, or the majority <sup>Decision</sup> thereof, who have taken cognizance of any matter sub- <sup>after retir-</sup> mitted to them shall render their decision, notwithstanding <sup>ing from</sup> the expiration of the triennial period for which they were <sup>office.</sup> elected, whether they have or have not been reelected as members of the Board. R. S. (1925), c. 211, s. 196.

“**185.** Every member of the council notified to attend <sup>Replacing of</sup> two consecutive sittings thereof, who makes default without <sup>member in</sup> certain case.

valid reason, may be replaced by the council, and his successor shall remain in office until the renewal of the council. R. S. (1925), c. 211, s. 197.

Hearing,  
etc., of com-  
plaints.

**"186.** In addition to its other functions, the council shall inquire into, hear and decide finally, and to the exclusion of every court, saving appeal to the Board, every accusation or complaint against any notary for breach of his professional duties, or for any act derogatory to the honor of the profession, or which may be declared to be such. R. S. (1925), c. 211, s. 271.

Regular and  
special  
sittings.

**"187.** The council may hold regular sittings at fixed dates and special sittings. It shall hold at least one regular sitting a year at the time and place of the annual session of the Board; it shall hold special sittings at the places which the president of the Board may deem suitable. R. S. (1925), c. 211, s. 272.

Procedure  
on com-  
plaints.

**"188.** In the exercise of the powers vested in it, the council shall proceed deliberatively, and may have recourse to all means which it deems expedient to ascertain the facts to be proved, and to permit the accused to defend himself.

No special  
procedure.

The council is not subject to any special form of procedure and may have recourse to any means of proof whatsoever and shall decide according to equity. R. S. (1925), c. 211, s. 273.

Decision in  
cases not  
provided  
for.

**"189.** The council may, in default of a by-law applicable to any special case, decide finally and to the exclusion of any court, saving appeal to the Board, whether any act of which a notary is accused is derogatory to the honor, dignity or discipline of the profession. R. S. (1925), c. 211, s. 274.

#### *"§ 6.—Subscription to and Finances of the Board*

Annual sub-  
scription.

**"190.** In order to defray the expenses of the Board, each practising notary, as well as every one who has kept his minutes or who has not transmitted the declaration required by section 31, shall pay, in advance, each year, on the 1st of March, at the office of the secretary-treasurer of the Board, a subscription fixed by the by-laws, but which shall not be more than twenty-five dollars.

No remis-  
sion.

As soon as the subscription becomes payable in accordance with the preceding paragraph, no remission thereof can be made. R. S. (1925), c. 211, s. 183.

**"191.** The subscription may be diminished or restored <sup>Alteration of amount.</sup> to the original amount, by a by-law adopted by an absolute majority of the Board. R. S. (1925), c. 211, s. 184.

**"192.** The subscription, fixed or diminished as provided <sup>Recovery of subscriptions.</sup> for in sections 190 and 191, is recoverable, both from the notary in arrears and from his heirs and representatives, by the syndic, in the name of the Board of Notaries, before the Circuit Court, sitting at Montreal, or before the Magistrates Court, sitting at Quebec. R. S. (1925), c. 211, s. 186.

**"193.** In every action brought under section 192, it <sup>Defendant's</sup> shall be sufficient to give the initials of the defendant's <sup>names, etc.</sup> Christian names and his domicile as shown on the roll of notaries. R. S. (1925), c. 211, s. 187.

**"194.** It shall likewise be sufficient to allege that the <sup>Sufficiency</sup> notary, who is the defendant, is, or his heirs or represent- <sup>of allega-</sup> atives are, indebted to the Board of Notaries, for the years' <sup>tion.</sup> subscriptions demanded of him or them. R. S. (1925), c. 211, s. 188.

**"195.** The statement of account rendered against a <sup>Statement of account against notary.</sup> notary, his heirs or representatives, as the case may be, bearing the seal of the Board and purporting to be signed by its secretary-treasurer, shall be received in all courts of justice as evidence of its contents, and may be filed at any stage of the suit before the evidence is closed. R. S. (1925), c. 211, s. 189.

**"196.** The fiscal year for the Board of Notaries shall <sup>Fiscal year.</sup> commence on the 1st of June, unless the Board fixes another date by by-law. R. S. (1925), c. 211, s. 190.

**"197.** At each annual meeting the secretary-treasurer <sup>Accounts by secretary-treasurer.</sup> shall render his accounts to the 1st of June, unless the Board shall fix another date. R. S. (1925), c. 211, s. 191.

**"198.** A statement of the receipts and expenditure <sup>Statement of receipts, etc.</sup> shall afterwards be published in the Notarial Review <sup>(Revue du Notariat),</sup> within three months following the closing of the session. R. S. (1925), c. 211, s. 192.

#### "DIVISION VIII

##### "GENERAL ROLL OF NOTARIES

**"199.** The secretary-treasurer shall draw up a general <sup>General</sup> roll of all the notaries of the Province. R. S. (1925), c. 211, <sup>roll.</sup> s. 198.

Printing,  
etc., of roll.

**"200.** The printing and distribution of such roll to the practising notaries shall be as ordered by the Board of Notaries. R. S. (1925), c. 211, s. 199.

First part.

**"201.** The first part, containing the names of the practising notaries, shall be made in alphabetical order, by districts and by names, mentioning the date of the commission, and the residence of each notary, as well as the records of which he is the depositary. R. S. (1925), c. 211, s. 200.

Second part.

**"202.** The second part, containing the names of notaries who have not the right to practise, shall also be made in alphabetical order, by districts and by names, and shall mention the date of the commission and the residence of all the notaries who, at the time of the preparation of the roll, have not the right to practise, either voluntarily or because they are suspended or removed from office, or hold one of the offices mentioned in section 29, or because they have embraced one of the professions mentioned in section 28, or for other cause, and opposite each name, the reason for which he is not qualified to practise, and the name of the person with whom his records are deposited. R. S. (1925), c. 211, s. 201.

Third part.

**"203.** The third part, containing the names of the notaries who have died since the preparation of the previous roll, shall also be made in alphabetical order, by districts and by names, and shall mention the date of the commission, and the place of the last residence of each of the notaries so deceased, and the name of the person with whom his records are deposited. R. S. (1925), c. 211, s. 202.

Fourth part.

**"204.** The fourth part, containing the list of all the records deposited with the various prothonotaries of the Province, and of all those transferred to practising notaries, shall also be made in alphabetical order, by districts and by names, and shall mention the years during which each notary whose records have been deposited or transferred, has practised.

Proviso.

The Board of Notaries may, by by-law, order that such fourth part shall contain only the list of records which have been deposited since the preparation of the last roll. R. S. (1925), c. 211, s. 203.

Other in-  
formation.

**"205.** The Board of Notaries may, by by-law, order that the roll contain any other information and that it be made in another manner, notwithstanding sections 201 to 204. R.S. (1925), c. 211, s. 204.



**"206.** Every notary who changes his domicile to another locality shall, within thirty days after such change, send to the secretary-treasurer of the Board a declaration mentioning such change. (*Form 13.*) R. S. (1925), c. 211, s. 205. Notification of change of domicile.

**"207.** All practising notaries must give the secretary-treasurer the information he may need; and the members and officers of the Board must assist him in the preparation of the roll. R. S. (1925), c. 211, s. 207. Furnishing of information, etc.

#### "DIVISION IX

##### "ADMISSION TO STUDY—STUDENTSHIP—ADMISSION TO PRACTICE

##### "§ 1.—*Admission to Study*

**"208.** British subjects only, of the male sex, shall be admitted to study the notarial profession. R. S. (1925), c. 211, s. 208. Persons admitted to study.

**"209.** In order to be admitted to the study of the notarial profession, the candidate must also have taken and concluded a complete course of classical and scientific studies, in French or English, in an incorporated institution, within or without the Province, in which a complete course of such studies is given. R. S. (1925), c. 211, s. 209. Conditions of admission.

**"210.** The production before the Board of Notaries, of a certificate from the principal or superior of the institution wherein the candidate has studied, shall be proof of his having taken and completed the course of studies required by section 209. R. S. (1925), c. 211, s. 210. Production of certificates as proof.

**"211.** The certificate shall enumerate all the classical and scientific subjects taught in the institution, and shall bear its seal. Contents of certificate.

If the institution does not possess a seal, the signature of the principal or superior shall be authenticated by a notary. R. S. (1925), c. 211, s. 211. Authentication.

**"212.** Subject to the exception created by section 2 of the Professional Matriculation Act (Chap. 209), the candidate having the qualifications required by sections 208 and 209 must also undergo a public examination before the Board upon his classical and scientific attainments and upon his knowledge of the French or English language. R. S. (1925), c. 211, s. 212. Other conditions.

Notice prior  
to examina-  
tion.

**"213.** Before being allowed to go up for his examination, the candidate must give notice in writing to the secretary-treasurer, fifteen days at least before the sitting at which he intends to present himself. (*Form 14.*) R. S. (1925), c. 211, s. 213.

Contents of  
notice.

**"214.** Such notice must state the name in full, age, and residence of the candidate for study, and the institutions and places where he has been educated; and if he has held any office, exercised any function, or followed any trade, industry, business or calling whatsoever, he shall also state it in detail. (*Form 14.*) R. S. (1925), c. 211, s. 214.

Holding of  
examina-  
tions.

**"215.** The examination shall be held publicly, at any ordinary sitting of the Board, in writing and *vivâ voce*, according to the by-laws and regulations of the Board. The written examination must be considered satisfactory before the candidate may be admitted to the oral examination. R. S. (1925), c. 211, s. 215.

Certificate  
of admission  
to study.

**"216.** If the oral examination be also satisfactory, the Board shall grant to the candidate a certificate of admission to study, but his studentship shall not begin to run until he has executed an indenture before a notary, which must state the date of his admission to study. (*Form 15.*) R. S. (1925), c. 211, s. 216.

Fees  
payable.

**"217.** Before obtaining his certificate of admission to study, the candidate must pay to the secretary-treasurer a fee of twenty dollars over and above the secretary-treasurer's fees. R. S. (1925), c. 211, s. 217.

#### "§ 2.—Studentship

Indentures  
and transfer  
thereof.

**"218.** After having obtained a certificate of admission to study, the student must, by authentic deed, *en minute*, become articulated to a practising notary. Such articles may be transferred by authentic deed, *en minute*. If the patron under whom the student is serving dies or becomes incapable of acting or ceases to practise, the student shall transfer his articles within sixty days to another practising notary in the same manner.

Registration  
thereof.

All articles of studentship and transfers must be registered with the secretary-treasurer of the Board within thirty days from their date, under pain of nullity. R. S. (1925), c. 211, s. 218.

Permission  
to register

**"219.** Nevertheless the Board may, upon special application and upon payment to the secretary-treasurer of

a sum of ten dollars, allow or make valid the registration of deed after any such deed after such delay, but such registration must be made at least three months before such candidate undergoes his examination for admission to practice. R. S. (1925), c. 211, s. 219.

**"220.** Every holder of a degree of Bachelor of Arts, Bachelor of Science or Bachelor of Letters, conferred upon him by any Canadian or English university, may pass a deed of indenture with a notary, but he must present himself for admission to study at any meeting of the Board preceding the one at which he must take his examination for admission to practice. Provisions as to holders of degrees.

The Board may, by by-law, and upon payment to the secretary-treasurer of a sum of one hundred dollars: Powers of Board.

1. Make the clerkship of the holder of any such degree count from the date of his indenture, passed before his admission to study;

2. Validate any indenture prior to the date of admission to study of a candidate, and make the same effective from the day of such admission to study, if the clerkship of such candidate has been otherwise regular. R. S. (1925), c. 211, s. 220.

**"221.** Notarial students, after admission, must study for five entire and consecutive years. R. S. (1925), c. 211, s. 221. Duration of study.

**"222.** Nevertheless, a student who has followed a regular course of law in a university of this Province, for two years, and who has passed the regular examinations during such two years, may be admitted after four consecutive years of studentship, and, if he has followed a complete and regular course of law for three years and obtained a degree in law from such university, he may be admitted at the end of three years' studentship. R. S. (1925), c. 211, s. 222. Students who have followed a university law course.

**"223.** The Board may, by by-law, require notarial students to undergo one or more examinations during their studentship. R. S. (1925), c. 211, s. 223. Examinations during clerkship.

**"224.** The word "consecutive", in sections 221 and 222, means that all the interruptions during a candidate's studentship have not together exceeded three months. R. S. (1925), c. 211, s. 224. "Consecutive".

**"225.** The vacation, from the 1st of May to the 1st of September, shall not be an interruption. R. S. (1925), c. 211, s. 225. Long vacation.

Waiving of  
irregularity.

**"226.** If the interruptions together exceed three months, the Board may, by by-law, waive such irregularity, upon the candidate paying to the secretary-treasurer of the Board a sum of twenty-five dollars, without prejudice to the payment of the other sums which he is obliged to pay before obtaining his commission. R. S. (1925), c. 211, s. 226.

**"§ 3.—Admission to Practice**

Notice by  
candidates  
for practice.

**"227.** 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*). R. S. (1925), c. 211, s. 227.

Contents of  
notice.

**"228.** Such notice shall state the name in full of the candidate as given in his certificate of birth.

Sum, etc., to  
accompany  
same.

It must be accompanied by the sum prescribed by the by-laws of the Board, also 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*). R. S. (1925), c. 211, s. 228.

Notice of  
holding of  
examina-  
tion.

**"229.** The secretary-treasurer shall give a notice, in the French and English languages, posted up in his office and published in the newspapers, in conformity with the by-laws of the Board, of the day and hour at which the examination shall take place. R. S. (1925), c. 211, s. 229.

Preliminary  
proof by  
candidates  
for practice.

**"230.** To be entitled to undergo his examination for admission to practice, 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 behavior has been good during his clerkship;
4. That he has *bonâ fide* served under a practising notary, during the time required by section 221 or section 222, according to the legal studies he has gone through. R. S. (1925), c. 211, s. 230.

Conditions  
precedent to  
making  
proof in  
certain  
cases.

**"231.** If he has not presented himself for examination during the twelve months following the expiration of his clerkship, the candidate shall not be allowed to make the proof required by section 230, unless he has:

1. Obtained from the Board a by-law permitting him to make such proof;

2. Paid to the secretary-treasurer the sum of one hundred dollars. R. S. (1925), c. 211, s. 231.

**"232.** The Board may summon before it, by an order <sup>Power of the Board to summon witnesses.</sup> under the hand and seal of the president and the counter-signature of the secretary-treasurer, any person whom the candidate or those opposing his admission wish to call to contradict or to support the allegations concerning the behaviour and qualifications of the candidate.

The oath shall be administered to the witness by the <sup>Oath.</sup> chairman of the meeting. R. S. (1925), c. 211, s. 232.

**"233.** A notarial student, being a minor, may be examined for admission to practice, but his commission shall <sup>Provision as to minor.</sup> only be granted to him when he attains his majority. R. S. (1925), c. 211, s. 233.

**"234.** A notarial student may pass his examination at <sup>When student may pass examination.</sup> the meeting which is the nearest to the termination of his clerkship, but his commission as notary shall only be granted at the expiration of such clerkship. R. S. (1925), c. 211, s. 234.

**"235.** The examination shall be held publicly at any <sup>Examination public, etc.</sup> ordinary meeting of the Board, in writing and *vivâ voce*, in accordance with the rules and by-laws of the Board; but in order to be admitted to the oral examination, the written examination must be deemed satisfactory. R. S. (1925), c. 211, s. 235.

**"236.** The examination shall comprise the science of <sup>What examination comprises.</sup> law, the practice of the notarial profession and the drawing up of notarial deeds, and the general elements of accountancy. R. S. (1925), c. 211, s. 236.

**"237.** If the oral examination be also satisfactory, the <sup>Granting of commission.</sup> Board shall grant him his commission as notary, on payment to the secretary-treasurer of the sum fixed by the by-laws of the Board. (*Form 17.*) R. S. (1925), c. 211, s. 237.

**"238.** Before commencing to practise, every notary <sup>Oaths of office and allegiance.</sup> must take the oaths of office and allegiance before a judge of the Superior Court, a certificate whereof shall be entered on his commission. R. S. (1925), c. 211, s. 238.

**"239.** The commission, with the certificates of his <sup>Registration of commission.</sup> having taken the oaths of office and of allegiance, must be

missions, etc. registered in the office of the secretary-treasurer of the Board of Notaries and in the office of the Provincial Registrar. R. S. (1925), c. 211, s. 239.

Registration of declaration. **"240.** On registering his commission in the office of the secretary-treasurer of the Board, a notary must also register a declaration of the place where he intends to practise, and deposit the signature which he intends to use as his official signature, and which he must not change without the authority of the Board. R. S. (1925), c. 211, s. 240.

Certain by-laws of Board. **"241.** The Board may, by by-law, alter and amend the provisions contained in sections 210, 211, 217 and 234, and otherwise provide for the matters governed by the said sections. R. S. (1925), c. 211, s. 241.

#### "DIVISION X

#### "DISCIPLINE

#### "§ 1.— *Penalties and their Recovery*

Penalties for infringements. **"242.** Apart from any liability in damages to the parties, every notary who infringes the provisions of the sections hereinafter specified, shall be amenable to the penalties enumerated in this section and in section 243, or to those fixed by by-law of the Board in accordance with paragraph 1 of section 166:

For every infraction of the provisions,—

1. Of section 20, paragraph 2, ten dollars;
2. Of section 37, 41, 43, 46, 47, 48, 49, 52, 53, 58, 59, 60, 87, 88, 130, or 206, fifteen dollars.
3. Of section 22 or 23, relating to the keeping of repertoires and indexes, or of section 77, 238, 239 or 240, twenty-five dollars;
4. Of section 26, fifty dollars;
5. Of section 28, 29, 61 or 62, one hundred dollars.

Idem. This latter penalty shall also be incurred as well by any one who has been forbidden to practise under section 28 or 29, and who has any share or pecuniary interest in the practice of another notary, as by the latter. R. S. (1925), c. 211, s. 242.

Other penalties. **"243.** The following penalties or those fixed by by-law of the Board in accordance with paragraph 1 of section 166 shall also be incurred:

1. By a notary refusing to accept the office of member of the Board of Notaries or to discharge its duties, when he is not exempt, or by a notary who refuses to discharge the duty of inspector of records, in accordance with section 260, twenty-five dollars;

2. By any officer of the Board, who refuses or neglects to fulfill any of the duties imposed upon him by this code, ten dollars;

3. By any sheriff, who refuses or neglects to fulfill any of the duties imposed upon him by section 120, 128 or 129, or by any clerk who refuses or neglects to comply with section 275 or 279, fifty dollars;

4. By any notary, who, having been removed from office or suspended, displays a sign or other notice, tending to conceal his removal or suspension, or gives a notarial form to any deed passed by him, or directly or indirectly acts in a manner to cause the public to believe that he has not lost his qualification of practising notary, one hundred dollars for every offence, and, in default of payment, imprisonment for not more than six months. Nevertheless in the case of a subsequent offence, the dismissed or suspended notary shall be liable to both the above fine and imprisonment cumulatively. R. S. (1925), c. 211, s. 243.

**“244.** Every person, who, not being a practising notary under the laws of this Province:

1. Practises the notarial profession; or

2. Usurps its functions; or

3. Assumes verbally or in writing, directly or indirectly, the title of notary, whether he uses such title alone or with other words; or

4. In any manner or by any means advertises himself as such; or

5. Acts so as to induce the belief that he is authorized to perform its functions and to make notarial deeds;—

shall be liable to a fine of one hundred to two hundred dollars for a first infringement, and of three hundred to five hundred dollars for every subsequent infringement.

If an association, partnership, company or corporation commits one of the acts mentioned in the preceding paragraphs, such association, partnership, company or corporation, and each of its officers, shall be liable to the same fines as if an individual were concerned.

Offences and penalties for persons other than practising notary.

Id., for association, etc.

**“245.** Any individual, being neither a practising notary nor an advocate entered on the roll of advocates, any partnership not composed of such notaries or advocates,

Consultations, etc., forbidden.

or any company or corporation, who or which gives or pretends to give, for remuneration, consultations on legal questions, or infringes the provisions of section 16 of this code, shall be liable to the fines prescribed in the preceding section.

Offences and penalties for persons other than practising notary.

“**246.** Every person, not a practising notary, who directly or indirectly shares the fees, commissions or other professional earnings of a notary, wholly or in part, or has the same abandoned to himself or to any other person, whether in consideration of legal business which he procures or promises to procure for such notary, or by acting or promising to act as intermediary between the notary and the client, shall incur the fines prescribed in section 244 of this code.

Idem.

If an association, partnership, company or corporation infringe the provisions of the preceding paragraph, such association, partnership, company or corporation, and each of its officers, shall also incur the fines prescribed in section 244.

Restriction.

The provisions of this section shall not apply to the widow and heirs or legatees of a deceased notary, respecting the agreements which may be entered into between the notary who is assignee of the records of the deceased notary and his widow, heirs or legatees.

Payment and recovery of fines.

“**247.** The payment of any fine imposed by this code shall be sued for and recovered by the syndic, in the name of the Board and with its authorization or that of its president, before the Circuit Court or the Magistrate's Court sitting at Quebec, or before the Circuit Court sitting at Montreal, or before a district magistrate or a judge of the Sessions of the Peace, under the Quebec Summary Convictions Act, from which an appeal lies; and when recovered, shall be paid by the syndic into the hands of the secretary-treasurer, to form part of the funds of the Board.

Assimilation to annual subscription. Suspension in certain case.

The amount to which a notary is condemned by the judgment rendered, and the amount of the costs taxed against him, are assimilated to the annual subscription. On failure by such notary to pay such amounts, he may be suspended in accordance with sections 249 and 254.

If syndic proceeded against.

If the syndic be the person to be proceeded against, the secretary-treasurer shall act *ex officio* in the name of the Board.

Condemnation to penalty, etc.

In case of a prosecution for a penalty incurred under the authority of paragraph 4 of section 243, the court, if the proof be sufficient, shall condemn the accused to pay the



penalty, within a delay of thirty days, and, on the failure of the accused to satisfy the condemnation within such delay, to imprisonment for not more than six months in the common gaol of the district in which the accused has his domicile, and, in the case of a subsequent offence, to payment of the fine and to imprisonment. R. S. (1925), c. 211, s. 244.

**"248.** The provisions of section 193 shall also apply to Application suits for the recovery of fines. R. S. (1925), c. 211, s. 245. <sup>of section 193.</sup>

**"§ 2.—***Suspension for Refusal to pay Subscriptions*

**"249.** In addition to the action under sections 192 to Suspension 195, the Board may also summarily suspend notaries who when sub- do not pay their subscriptions. R. S. (1925), c. 211, s. 246. <sup>scription not paid.</sup>

**"250.** During the month of May in each year, the List to synd- secretary-treasurer of the Board shall deliver to the syndic <sup>dic of</sup> the list of all the notaries, who, in addition to the subscrip- <sup>notaries in</sup> tion for the current year, also owe the subscription for the arrears. fiscal year ended on the first of March preceding or any other arrears due for previous years. R. S. (1925), c. 211, s. 247.

**"251.** At the same time as the sending of such list to Notice that the syndic, the secretary-treasurer shall send, by registered <sup>suspension</sup> letter, to all the notaries whose names are entered upon it, <sup>will be</sup> a notice that, at the next ensuing meeting of the Board, <sup>applied for.</sup> the syndic will apply for their suspension, unless, in the interval, the subscriptions and arrears have been discharged as well as the cost of the notice. (*Form 18.*) R. S. (1925), c. 211, s. 248.

**252.** The certificate of the secretary-treasurer under Proof of his professional oath that he has caused such notice to be <sup>notice being</sup> sent in accordance with section 251 shall be sufficient proof <sup>sent.</sup> of its having been sent. R. S. (1925), c. 211, s. 249.

**"253.** The Board may, at any ordinary meeting, with- Suspension out other formality, by an order, suspend the notaries <sup>of notaries</sup> mentioned in section 250. (*Form 19.*) R. S. (1925), c. <sup>in arrears.</sup> 211, s. 250.

**"254.** The effects of such suspension shall last until Duration of the suspended notary relieves himself therefrom by the pay- <sup>suspension.</sup> ment:

1. Of his arrears;
2. Of the cost incurred in suspending him, as taxed by the Board in the order of suspension;
3. Of the costs occasioned for his readmission. R. S. (1925), c. 211, s. 251.

“§ 3.—*Inspection of Records of Notaries*

Inspection  
of records.

“**255.** The Board, as often as it deems it advisable, may, of its own accord, order the inspection of one, several or all notarial records, and provide for the appointment of the number of inspectors requisite for such purpose, with the same powers of inspection as the permanent inspector. R. S. (1925), c. 211, s. 252.

Inspection  
of records  
upon com-  
plaint.

“**256.** The Board must order the inspection of a notary's records, if a sworn complaint be lodged with the syndic, alleging that the complainant has reason to believe and suspect and does in fact believe and suspect that a notary:

1. Does not keep a repertory or index; or
2. Does not keep the same in accordance with the provisions of this code; or
3. Does not number or sign his minutes regularly; or
4. Does not keep them in a good state of preservation; or
5. Keeps no regular office in which to preserve his minutes; or
6. Does not conform to the provisions of the first paragraph of section 41 or to the provisions of sections 46, 47, 48 and 49, or to one or more of such provisions; or
7. Does not appear to keep regular accounts in accordance with paragraph 11 of section 20. (*Form 20.*) R. S. (1925), c. 211, s. 253.

Powers of  
Board out  
of session.

“**257.** When the Board is not in session, its president shall have all the powers vested in the Board by sections 255 and 256. R. S. (1925), c. 211, s. 254.

Proceedings  
on com-  
plaint for  
inspection  
of records.

“**258.** The syndic shall, without delay, deliver a copy of the complaint, certified by him, to the president of the Board. The latter shall lay it before the Board, if in session, and, if not, he shall order the inspection of the records. R. S. (1925), c. 211, s. 255.

Duties of  
permanent  
inspector.

“**259.** The permanent inspector appointed by the Board under section 147 shall cease the practise of his profession from the time of his appointment and cannot hold any other remunerated office without the consent of the Board or of the council.

He must possess the qualifications required by the nature of his duties, to the satisfaction of the Board or of the council which may determine by by-law or otherwise what are such qualifications. Qualifications.

He shall be under the immediate direction of the Board, during sessions, and of the council in vacation, and must submit to all the orders given to him from time to time. By whom directed.

All the sections of this code relating to inspection shall apply to such officer, except sections 260 and 267. Provisions applicable.

Nevertheless, the president may always appoint a practising notary to inspect a specified set of records, with the same powers as those of the permanent inspector. R. S. (1925), c. 211, s. 256. Appointment by president.

**"260.** No notary so appointed, in accordance with section 255 and the fifth paragraph of the preceding section, to inspect a set of records may be compelled to inspect more than one set of records during any one triennial term of the Board. R. S. (1925), c. 211, s. 257. Limitation of inspection duty.

**"261.** The inspector, before proceeding to inspect a set of records and the accounts of a notary, shall give notice by registered letter, posted at least eight days beforehand, to such notary, of the day and hour at which such inspection will be made, accompanied by a copy of the resolution or order enjoining the inspection, certified by the secretary-treasurer. Notice prior to inspection.

For the inspection contemplated by section 256, the notice shall be forty-eight hours and must be accompanied by a copy of the complaint certified by the syndic. (*Form 21.*) R. S. (1925), c. 211, s. 258. Notice in certain case.

**"262.** Before being permitted to make his inspection, the inspector shall deliver to the notary whose records are to be inspected, a true copy of the order under which he is acting. (*Form 22.*) R. S. (1925), c. 211, s. 259. Copy of order to inspector.

**"263.** The notary whose records are being inspected may be present at such inspection and be assisted or represented thereat by an agent. R. S. (1925), c. 211, s. 260. Presence of notary and agent.

**"264.** The inspection shall cover everything which may give rise thereto according to section 256 and everything which may constitute an infringement of the provisions of this code or of the by-laws of the Board. Extent of inspection.

When the Board or the Council, as the case may be, takes into consideration the report of the inspector, the Proviso.

complainant shall be allowed to prove that at the time he brought the complaint it was well founded. R. S. (1925), c. 211, s. 261.

Transmis-  
sion of  
report.

“**265.** The inspector must, without delay, transmit to the secretary-treasurer the report of his inspections with any remarks that he deems he should make.

Id., by  
secretary-  
treasurer.

The secretary-treasurer shall then send to the council, at each of its sittings, a report of the inspections in the intervals between such sittings. Such report must contain the remarks of the inspector and of the secretary-treasurer. R. S. (1925), c. 211, s. 262.

Action of  
Board, etc.

“**266.** The Board or the council upon such report shall decide as it may deem expedient. R. S. (1925), c. 211, s. 263.

Indemnity  
to notary  
inspecting  
records.

“**267.** The notary inspecting a set of records in virtue of section 255 or of an order of the president, shall be entitled to recover from the Board, upon a certificate of the secretary-treasurer to whom he has sent his report, the same indemnity and travelling expenses as members of the Board.

Other in-  
demnity.

The Board or the council, as the case may be, may, however, fix a different indemnity. R. S. (1925), c. 211, s. 264.

Report to  
syndic if  
inspection  
be wholly or  
partly  
refused.

“**268.** On the day and hour appointed for the inspection, if the door of the domicile of the notary whose records are to be inspected, be closed, or if entrance thereto be refused, or if his office be apart from his domicile and the door thereof be closed, or if entrance thereto be refused, or if the inspection be otherwise either wholly or partially refused, the inspector shall at once report the same to the syndic. R. S. (1925), c. 211, s. 265.

Notice of  
application  
for suspen-  
sion.

“**269.** On such report the syndic shall immediately give, by registered letter, notice to the notary who has refused the inspection, that he will apply for his suspension at the next ensuing meeting of the Board or of the council, unless in the interval he submits to such inspection and pays the costs thereof. (*Form 23.*) R. S. (1925), c. 211, s. 266.

Costs.

“**270.** Such costs shall include the fees of the syndic and the indemnity and travelling expenses for the second journey made by the inspector. R. S. (1925), c. 211, s. 267.

**"271.** The certificate of the syndic under his professional oath, stating that he has sent such notice in accordance with section 269, shall be sufficient proof of the sending. Certificate as proof of sending of notice. R. S. (1925), c. 211, s. 268.

**"272.** The Board, at the meeting following such notice or at any subsequent meeting, or the council, as the case may be, may, by an order, without any other formality, suspend the notary who refused to allow the inspection, until he submits to the same and pays the costs as specified by section 270, as well as all the costs incurred for his suspension and for his reinstatement. Suspension of notary refusing. (*Form 24*) R. S. (1925), c. 211, s. 269.

**"273.** The Board may make all the by-laws which it shall deem necessary respecting the selection, government and direction of the inspectors of records, subject to sections 147 and 259 of this code. By-laws re inspection of records. R. S. (1925), c. 211, s. 270.

*"§ 4.—Infringement of Discipline*

**"274.** The commission of a criminal offence legally proved, and followed by a final condemnation of a court of competent jurisdiction ordering imprisonment in a penitentiary, shall involve *pleno jure* removal from the office of notary. Removal from office for certain convictions. R. S. (1925), c. 211, s. 275.

**"275.** The clerk of any court of criminal jurisdiction in this Province, before which a case is tried against a notary of this Province, shall without delay advise the secretary-treasurer of the sentence pronounced by sending him a true copy of such sentence. The latter must immediately notify the president of the Board thereof. Notification of convictions. R. S. (1925), c. 211, s. 276.

**"276.** Any notary found guilty of forgery before a civil or criminal court, and who does not come within one of the cases provided for by section 274, may be suspended or removed from office by the council upon the production of a copy of the judgment, without other evidence. Suspension, etc., of notary found guilty of forgery. R. S. (1925), c. 211, s. 277.

**"277.** Any notary found guilty of a criminal offence, followed by a final condemnation of a court of competent jurisdiction, but not condemned to the penitentiary, may be suspended or removed from office by the council upon production of a copy of the judgment, without other evidence. Id., in certain cases. R. S. (1925), c. 211, s. 278.

Suspension,  
etc., upon  
final judg-  
ment of  
court.

**"278.** If it be proved by the final judgment of a court from which there is no appeal, that a notary has committed forgery, or a serious breach of his professional duties, or has committed an act derogatory to the honor of the profession, or one which may be declared to be such, the council may suspend such notary or remove him from office, without other inquiry, upon the production of a copy of such judgment. R. S. (1925), c. 211, s. 279.

Forwarding  
of copies of  
sentences.

**"279.** In the above three cases, the clerks of the courts which pronounced the sentences shall send, without delay, a copy of such sentences to the secretary-treasurer of the Board, who shall at once notify the president of the Board thereof. R. S. (1925), c. 211, s. 280.

Hearing of  
complaints.

**"280.** Any complaint against a notary may be heard by the council at a general or special session.

Deposit  
for costs.

Every complaint shall be made to the syndic and shall be accompanied by a deposit of twenty-five dollars on account of the costs; but, if such complaint must be heard by the council at a special session upon the application of the complainant, the deposit shall be one hundred dollars. But, in both cases, the complainant and the accused shall further pay, upon demand, during the course of the proceedings, the costs and fees fixed by the tariff.

Summary  
investiga-  
tion.

The syndic, when a complaint is brought before him, shall investigate in a summary manner the facts complained of and the grievances alleged against the accused, and may, with the approval of the president, exempt the complainant from making the deposit mentioned in the preceding paragraph.

Exemption  
from costs.

The council may also, in its discretion, either wholly or in part exempt, during the course of the proceedings, the complainant and the accused from paying the disbursements and fees fixed by the tariff, and in that case, such fees and disbursements shall be borne by the Board. R. S. (1925), c. 211, s. 281.

Decision as  
to costs.

**"281.** The council may, on rendering its decision, impose the costs incurred, upon either of the parties, or divide them or order that they be borne, either wholly or in part, by the Board, and tax the costs which are not provided for by the tariff. R. S. (1925), c. 211, s. 282.

Acts deroga-  
tory to the  
honour of  
the profes-  
sion.

**"282.** In addition to acts which the Board or its council may, as occasion arises, declare derogatory to the honour of the profession, the following are expressly declared to be such;

1. The acceptance of money or any other reward, or the promise of money or of any reward whatever, by a member of the Board, for contributing or having contributed to any proceeding or decision whatsoever by the Board;

2. Any agreement or contract made with the object of handing over any portion of the notary's fees to third parties;

3. Bringing an accusation against a fellow member of having committed an act derogatory to the profession, if such action is declared frivolous and vexatious by the council;

4. Habitual drunkenness;

5. Revealing secrets confided to him in his professional capacity;

6. Embezzling, or employing for a purpose other than that specified by the depositor, any moneys deposited with or handed to such notary in the practice of his profession or otherwise;

7. Appropriating to his own use moneys desposited with or handed to such notary in the practice of his profession or otherwise. R. S. (1925), c. 211, s. 283.

**"283.** The council of the Board may remove from office or suspend any notary who has been legally convicted: Suspension, etc., of notary.

1. Of having joined with his profession any of the professions declared, by section 28, to be incompatible with that of a notary;

2. Of having joined to the practice of his profession that of any other public office, the holding of which is by section 29 declared to be incompatible therewith. R. S. (1925), c. 211, s. 284.

**"284.** The disciplinary penalties, which may be imposed by the Board or the council, according to the gravity of the breach of discipline or of the act derogatory to the honour of the profession shall be: Disciplinary penalties.

1. Deprivation of the right to vote at elections of members of the Board, and at the general meetings of notaries, during a certain period;

2. Deprivation of the right to be elected member of the Board;

3. Deprivation on the part of a member of the Board of the right of sitting at one or more meetings;

4. Fine;

5. Censure;

6. Forfeiture of membership of the Board;

7. Suspension from the right of practising the notarial profession, which shall *ipso facto* deprive him of membership of the Board;

8. Removal from the office of notary. R. S. (1925), c. 211, s. 285.

Imposition  
of penalties.

“**285.** All penalties, other than removal from the office of notary, may be imposed separately or simultaneously. R. S. (1925), c. 211, s. 286.

“§ 5.—*Complaints against Notaries*

Form of  
complaint.

“**286.** Every complaint against a notary must be in writing, under oath taken before the syndic or a practising notary, and addressed to the syndic.

By-laws  
respecting  
procedure.

The Board may make by-laws to determine the manner in which and the delay within which such complaint shall be disposed of, and to summon the accused and the witnesses, and, generally, to prescribe the procedure in the case of a complaint brought against a notary. R. S. (1925), c. 211, s. 287.

Contents of  
complaint.

“**287.** The complaint shall indicate, in a summary manner, the nature, time, place and circumstances attending the offence, and shall be accompanied by a list containing the names in full, occupations and residences of the principal witnesses whom the complainant desires to have examined. R. S. (1925), c. 211, s. 288.

Powers of  
council as to  
witnesses.

“**288.** In the exercise of its functions, the council may summon witnesses, and shall have, for compelling them to appear and answer and for punishing them in case of refusal, power to impose a fine not exceeding twenty dollars recoverable before any court of competent jurisdiction. Any member of the council shall have the right to administer the oath to the parties and witnesses. R. S. (1925), c. 211, s. 289.

Production  
of original  
deeds.

“**289.** The council may cause to be produced before it all the originals and copies of notarial deeds, repertories, indexes, and generally all papers or documents deemed necessary for the decision of any complaint. It shall have, for the purpose of compelling the production of such documents, the powers of the Superior Court.

Proceedings  
before sur-  
rendering  
original.

Every notary, before surrendering an original, the production whereof is required by the council, shall draw up and sign an exact or photographed copy, which, after



having been certified by the president of the council, shall be substituted for the original, which it shall replace until it is restored. R. S. (1925), c. 211, s. 290.

**"290.** The Board, or its president, may order the Complaint syndic to bring any accusation, sufficiently set forth, in <sup>in name of</sup> his own name before the council. R. S. (1925), c. 211, s. <sup>syndic.</sup> 291.

*"§ 6.—Appeals to the Board of Notaries*

**"291.** An appeal to the Board shall lie from every <sup>Appeals to</sup> judgment of the council which entails suspension or re-<sup>Board.</sup> moval from office of a notary. Notice of such appeal shall be served by a bailiff upon the secretary-treasurer within fifteen days following that of the service of the council's judgment upon the notary who is suspended or removed.

Such appeal shall be taken into consideration at a general <sup>Hearing of</sup> or special session of the Board. R. S. (1925), c. 211, s. 292. <sup>appeal.</sup>

**"292.** The appellant shall deposit with his notice of <sup>Deposit for</sup> appeal a sum of three hundred dollars, on account of the <sup>costs.</sup> costs occasioned by the appeal. R. S. (1925), c. 211, s. 293.

**"293.** If the appellant does not proceed with his appeal <sup>Default to</sup> at the next ordinary or special session, he shall be entitled <sup>proceed</sup> to the reimbursement of only one-half of the deposit made <sup>with appeal.</sup> under section 292, the other half remaining the property of the Board.

If he succeeds in his appeal, this sum shall be returned to <sup>Return of</sup> him. R. S. (1925), c. 211, s. 294. <sup>costs.</sup>

**"294.** The Board shall decide the appeal summarily, <sup>Decision of</sup> and the secretary-treasurer shall within eight days forward <sup>Board.</sup> to the appellant, by registered letter, a copy of such decision. R. S. (1925), c. 211, s. 295.

**"295.** There shall be no appeal to the courts from any <sup>No appeal to</sup> decision of the Board or the council, either upon questions <sup>courts.</sup> of discipline, or in connection with inspections of records, or for suspension for non-payment of subscriptions. R. S. (1925), c. 211, s. 296.

*"§ 7.—Readmission of a notary removed from office*

**"296.** If, after a final decision removing a notary from <sup>Petition for</sup> office, other conclusive proof has been discovered and it is <sup>readmission</sup> such that, if it had been made in time, the result would <sup>upon dis-</sup>

covery of  
further  
proof.

probably have been different, in order to repair the injustice which may have been committed, the Board or its council may consider a petition from the notary who has been removed from office, setting forth such injustice and praying to be readmitted to the profession. Such petition must be supported by affidavits. The Board or its council may, in its discretion, reopen the inquiry which resulted in such removal, examine the new facts submitted by the petitioner, and, if the conclusions therefrom are satisfactory, may change the penalty of removal to another or readmit such notary to the practice of the profession, the whole upon the conditions which the Board or its council may deem fit to impose.

Unanimous  
decision of  
council.

The decision of the council modifying or setting aside a sentence of removal must be the unanimous decision of the members present.

When deci-  
sion given  
by Board.

When such a decision is given by the Board, it must obtain the favourable vote of at least two-thirds of the members of the Board.

No appeal to  
Board.

Notwithstanding any provisions of this code to the contrary, no appeal shall lie to the Board from the decision of the council on any such petition. In addition, the notary who presented such petition to the Board cannot, after a decision of the latter, apply to the council. The petitioner must, therefore, choose between the two authorities, and the decision upon such petition shall be final.

Readmit-  
tance to  
practice.

Any notary readmitted to the practice of the profession in virtue of this section shall resume enjoyment of all his rights from the date fixed in the judgment of reinstatement.

*“§ 8.—Execution of the Decisions of the Board and of the  
Council and Recovery of Costs*

Service of  
copy of  
decision.

**“297.** After the expiration of the delay to appeal, or upon the final decision, a copy of the decision of the Board or the council, as the case may be, bearing the certificate of the secretary-treasurer, shall be served by a bailiff, within thirty days, upon the notary who is suspended or removed from office or upon any other unsuccessful party. R. S. (1925), c. 211, s. 297.

Execution  
for recovery  
of costs and  
fines.

**“298.** The prothonotary of the Superior Court of the district in which the party condemned resides shall, upon production of a copy of the decision of the Board or of the council, issue a writ of execution for the recovery of the

costs and fines fixed by the tariffs or taxed by the council or the Board, as well before as after the decision, in the same way as for a judgment of the Superior Court. R. S. (1925), c. 211, s. 298.

**"299.** The practising notary who is condemned to the <sup>Suspension</sup> payment of a fine to the Board of Notaries is suspended <sup>pending</sup> *pleno jure* until he has paid the costs and fines to which he is <sup>payment of</sup> condemned. R. S. (1925), c. 211, s. 299. <sup>costs, etc.</sup>

**"300.** In all cases in which a decision of the Board or <sup>Taking poss-</sup> of the council pronounces the suspension or removal of a <sup>ession of</sup> notary, an order of the syndic shall be served upon the <sup>records of</sup> prothonotary of the district wherein the condemned notary <sup>condemned</sup> resides, ordering him, in the name of the Board, to take possession of the records of the condemned notary, and retain them permanently if the latter be removed, or for the period of his suspension if he be merely suspended. <sup>notary.</sup> (Form 12). R. S. (1925), c. 211, s. 300.

**"301.** The bailiff shall make a return of the service of <sup>Return of</sup> the copy of the decision and of such order, upon the original <sup>service.</sup> of such order. R. S. (1925), c. 211, s. 301.

**"302.** The prothonotary shall take proceedings to ob- <sup>Proceedings</sup> tain possession of the records of the condemned notary, as <sup>to obtain</sup> in the ordinary cases provided for by section 98, and with <sup>possession</sup> the same penalties. R. S. (1925), c. 211, s. 302. <sup>of records.</sup>

**"303.** The prothonotary shall report his proceedings <sup>Report of</sup> to the secretary-treasurer of the Board. R. S. (1925), c. <sup>proceedings.</sup> 211, s. 303.

**"304.** In every case of suspension or removal from <sup>Transmis-</sup> office of a notary, as soon as the service prescribed by <sup>sion of</sup> section 297 has been made, the secretary-treasurer shall <sup>notice of</sup> send a notice by registered letter to the registrar of each <sup>suspension.</sup> registration division and to the office of the prothonotary for each judicial district.

The provisions of section 252 shall apply to the notice <sup>Provisions</sup> required by this section. (Form 25). R. S. (1925), c. 211, <sup>applicable.</sup> c. 304.

**"305.** The suspension or removal from office shall <sup>When sus-</sup> take effect only after fifteen clear days from the date of <sup>pension, etc.,</sup> the service prescribed by section 297 of this code, the date <sup>to take</sup> of the service being included in such delay. <sup>effect.</sup>

**Recognition of suspended person.** From and after the date on which the suspension or removal is in force, the registrars, prothonotaries and clerks of all courts of the Province shall refuse to recognize as a practising notary the person so suspended or removed. The registrars, prothonotaries and clerks must, however, accept the copies or proceedings the date whereof is anterior to that of the coming into force of the suspension or removal.

**Notice of readmission.** A similar notice must also, on payment of the costs and fees for such notice, be sent by the secretary-treasurer whenever a notary suspended or removed from office is readmitted to the practice of his profession.

**List of removals, etc.** A list of the removals, suspensions and readmissions shall be sent to the practising notaries at the times determined by the council. R. S. (1925), c. 211, s. 305.

**Loss of privileges and rights.** “**306.** A notary, who has been removed from office shall lose all the rights and privileges conferred upon notaries by this code or by any other law, and the deeds which he may thereafter execute shall be in no way authentic, and shall be considered private writings.

**Proviso.** He may, however, recover such fees as may be due him at the time of his removal, and shall enjoy professional privileges with regard to such fees only. R. S. (1925), c. 211, s. 308.

**During suspension.** “**307.** The same shall apply to notaries who have been suspended, while such suspension lasts. R. S. (1925), c. 211, s. 309.

“§ 9.—*Recovery of Rights by Notaries Suspended or Removed from Office.*

**Restoration of rights and privileges.** “**308.** The notary, who has been simply suspended, shall have a right to take back his records as soon as such suspension ceases; and he shall then regain the rights and privileges attached to his office, if there be then no legal impediment.

**Idem.** The same shall apply when there is occasion to apply section 296 of this code. R. S. (1925), c. 211, s. 310.

**Certificate that suspension, etc., has ceased.** “**309.** Nevertheless, before obtaining his records from the prothonotary, he shall furnish him with a certificate from the secretary-treasurer of the Board of Notaries establishing that the suspension, or the removal from office, as the case may be, has ceased, that he has paid all the expenses occasioned by his suspension or removal and those of the notice required by section 304, and that he has

the right to have his records returned to him, which certificate shall be granted to him, gratuitously, by the secretary-treasurer of the Board, when he is entitled thereto. R. S. (1925), c. 211, s. 311.

**"310.** A notary, who has been relieved from suspension, or removal from office, may, on payment of the fees fixed by the tariffs, obtain from the officers of the Board such certificates and notices as he is entitled to, and, at his own cost, may give them such publicity as he may deem proper. R. S. (1925), c. 211, s. 312. Publicity of certificates and notices.

#### "DIVISION XI

#### "MISCELLANEOUS

**"311.** The Canadian Notarial Association and its General Council, as well as the district associations and their councils, are recognized as such and are subject to the authority of the laws and by-laws of the Board. Each of such bodies shall have the power to make by-laws for its internal government, and also to acquire, hold and alienate moveable and immoveable property, the yearly revenue wherefrom shall not exceed fifty thousand dollars. R. S. (1925), c. 211, s. 182. Auxiliary bodies.

**"312.** The arrears of subscriptions, to be paid into the common funds of the late District Board of Notaries and the Provincial Board of Notaries and of the Board of Notaries, shall be the property of the Board of Notaries, and be payable at the office of its secretary-treasurer. R. S. (1925), c. 211, s. 185. Arrears of subscriptions.

**"313.** All tariffs, by-laws, and resolutions governing the former Provincial Board of Notaries and the former Board of Notaries, shall also apply to the Board of Notaries constituted by this code, until repealed or amended by the said Board. R. S. (1925), c. 211, s. 313. Tariffs, etc., governing former Boards.

**"314.** If there is a difference between the provisions of this code and those of the by-laws, the provisions of this code shall prevail. Discrepancy.

The tariffs, rules, by-laws, resolutions and ordinances existing at the date of the coming into force of this act shall remain in force until their amendment or repeal and shall apply, *mutatis mutandis*. Tariffs, etc., to remain in force.

Remaining  
in force of  
certain  
tariff.

**"315.** The tariff approved by the Lieutenant-Governor in council on the 25th of June, 1920, shall remain in force until replaced in conformity with the provisions of this code. R. S. (1925), c. 211, s. 314.

Validity of  
certain  
deeds.

**"316.** Any notarial deed which has not been read to the parties or to one of them, in accordance with the provisions of articles 4612 and 4619 of the Revised Statutes, 1909, as they existed before the date of the coming into force of the act 14 George V, chapter 53, or in which the place where the deed was closed has not been indicated in accordance with article 4614 of the said statutes, as it existed before the date of the coming into force of the said act 14 George V, chapter 53, or which contains both of such informalities, shall be considered as authentic and valid, notwithstanding such want of the reading or of the indication of place, in the same manner as if such reading had been effected or the place where closed indicated, or both, provided, however, that it contain no other cause of nullity.

Pending  
suits.

This provision shall apply to suits pending on the 15th of March, 1924, save as to costs. R. S. (1925), c. 211, s. 315.

Validation  
of certain  
powers of  
attorney.

**"317.** The powers of attorney mentioned in section 78, and given since the beginning of the war (1914) up to the 17th of March, 1919, (the date of the coming into force of the act 9 George V, chapter 54), which were not in accordance with the formalities of section 78, are and shall be as valid as if made in accordance with the said section, provided, as regards those by private writing, that they have been or be deposited among the minutes of a notary.

Authenti-  
city of cer-  
tain copies,  
etc.

The copies and extracts certified by a notary empowered in virtue of section 78, before the coming into force of this act, but who does not reside in the district of the mandator, are authentic, notwithstanding any provision to the contrary, provided that the mandatory has a residence temporarily or at intervals in such district. R. S. (1925), c. 211, s. 316.

Proviso.

Designation.

**318.** Notwithstanding the provisions of section 4 of this code, any notary enrolled before the coming into force of this act may continue to entitle himself "notary" or "notary public".

Use of  
surname,  
etc.

**"319.** Except as to the provisions of section 228, when a section of this code uses the word "names", "name in full", or "surname and Christian names" of the executing

or the assisting notary, of the parties to the deeds, of the witnesses or of any other person, the Christian name or names by which such notary, party, witness or other person is usually described is to be understood, and not necessarily all the names entered in his act of birth.

The provisions of this section shall apply both for the Application. future and for the past.

**"320.** Although the minutes must be numbered consecutively, if, through error, a notary gives the same number to two minutes, or if he omits to number a minute consecutively to the previous one, such minutes shall be valid. The notary must, nevertheless, write thereon after the signatures, and at any time, a declaration under his professional oath stating the mistake made. He must also enter in the repertory the numbering as it appears on the minute.

Error in numbering minutes.

All minutes in which one of the errors contemplated by the foregoing section has been committed before the coming into force of this act are valid for all lawful purposes, notwithstanding any provision to the contrary, and no declaration is necessary.

Validation of certain minutes.

The Board or the council retains however the right to apply the penalties prescribed in this code for infringements of section 59, according to circumstances, notwithstanding the declaration made in accordance with the first paragraph of this section.

Rights safeguarded.

From and after the coming into force of this act, every notary admitted to the practice of the profession must number his minutes beginning with the number one.

Initial number on minutes.

**"321.** The provisions of section 236 shall not apply to candidates for the practice of the notarial profession before the coming into force of this act, as regards the examination on the general elements of accountancy.

Candidates and application of certain provisions.

**"322.** The duties, attributes and functions heretofore assigned to the treasurer and to the secretaries of the Board, shall devolve upon the secretary-treasurer appointed under section 147, unless it be otherwise provided.

Duties of secretary-treasurer.

In this code, and in the by-laws of the Board, so long as the provisions of the latter are not changed, the words "secretary", "secretaries" or "treasurer", employed alone or with other words, shall mean the secretary-treasurer appointed in accordance with section 147.

"Secretary", etc., defined.

Authenti-  
city of cer-  
tain notarial  
deeds.

**"323.** Every notarial deed, *en minute* or *en brevet*, received by a notary before the coming into force of this act, or within the twelve months following, and which does not bear the official signature of such notary, as deposited in accordance with the law, shall nevertheless be authentic and shall have the same effect as if it had been signed with the official signature of such notary, provided however that it contains no other cause of nullity.

Proviso.

Authenti-  
city of cer-  
tain copies  
and extracts

The copies of and extracts from the minutes received by a notary, and the copies of and extracts from the minutes of which he is assignee or for which he was empowered to certify in accordance with section 79 of the Revised Statutes, 1925, chapter 211, certified as true to the original and signed by him by a signature different from his official signature, are authentic and shall have the same effect as if they had been signed with his official signature, provided that no other cause affects their authenticity.

Proviso.

Authenti-  
city of  
notarial  
deeds in  
certain case.

Notwithstanding any other provisions to the contrary in this code, the notarial deed, *en minute* or *en brevet*, the copies or extracts, signed by any notary with a signature other than his official signature deposited in accordance with section 240 of the Revised Statutes, 1925, chapter 211, shall nevertheless be authentic; the offending notary is only liable to the fine provided for in paragraph 3 of section 242 of this code or to any other fine which the Board may impose in the future.

Depositing  
of signature.

Any notary who has so used a signature other than his official signature, to certify and sign notarial deeds, copies or extracts, must, within the twelve months of the coming into force of this act, deposit in the office of the secretary-treasurer of the Board the signature which he has so used or that already deposited.

In the case of deposit in virtue of this section, the authorization of the Board is unnecessary.

Forms.

**"324.** The forms appended to this code shall be sufficient for all purposes, but others to the same effect may also be used." R. S. (1925), c. 211, s. 317.



## F O R M S

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### “1.—(Sections 32, 110)

*Notice by a Notary who wishes to resume the Practice of his  
Profession, after having held a Position incompatible  
with such Practice or after voluntarily ceasing to  
practise or after having resigned (1)*

To

Esq., N. P.,  
Secretary-treasurer of the Board of Notaries.

Sir,

I have the honour to inform you, that, I have ceased to  
hold the position of *(indicate the position),*  
since

I am not undergoing any disciplinary penalty and am  
not indebted to the Board.

It is my intention to resume the practice of the notarial  
profession.

I have the honour to be,

Your obedient servant.

C. F.

R. S. (1925), Form 1.

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(1) It is sufficient to alter the form in the case of a notary who has  
voluntarily ceased to practise or has resigned and wishes to be readmitted  
to practise the profession, by stating in each case that such notary has  
fulfilled the conditions required by the Notarial Code.

### “2.—(Section 78)

*Certificate by a Notary who holds a power of attorney (1)*

True copy of the minute forming part of the record  
of *(mandator's name, residence and district)*, *(state whether  
a set of records is concerned of which the mandator is assignee)*  
of , whose mandatary I am for the period  
of , beginning on the and  
terminating on the , as appears by a  
power of attorney received before Notary ,  
under number , of his minutes .  
Certified this .

---

(1) State military service if such is the case; and if the mandate is  
in private writing, the notary with whom it has been deposited and the  
date.

“3.—(Section 80)

*Certificate by a Notary who is Assignee of a set of Records*

True copy of the minute forming part of the set of records of (state whether the notary is dead, unable to practise, or has resigned, and his residence and district before the transfer), made by the undersigned notary, residing at , and practising at , assignee in virtue of an order of the Lieutenant-Governor in Council, dated the day of .

Copy made this .

(Signature)

Assignee under order-in-council of the published in the *Quebec Official Gazette* (year, volume and page).

R. S. (1925), Form 2.

“4.—(Section 83)

*Petition to the Lieutenant-Governor in Council to obtain the Transfer or Transmission of the Records of a Notary*

CANADA, }  
PROVINCE OF QUEBEC, }  
Judicial district of , }

To His Honour , Lieutenant-Governor of the Province of Quebec, in Council.

Mr. , notary, residing at , and practising at , (judicial district of ), has the honour to set forth the following:

1. That as he is the assignee of the records of , (state whether the assigning notary is dead or has ceased to practise and the cause, or has resigned) , a notary practising in , in the judicial district of , (state if records

are concerned to which the assignee or deceased notary has succeeded) in virtue of

(state title of the transfer or transmission: donation, agreement, will; by whom: the notary, his heirs or representatives);

2. And this petition is accompanied by the documents in support thereof required by section 85 of the Notarial Code;

3. And considering sections 82, 83, 84 and 85 of the Notarial Code;

Your Honour will be pleased to grant the transfer to your petitioner of such minutes, repertory and index for the purpose of executing copies or extracts of same.

At \_\_\_\_\_, this \_\_\_\_\_, 19 \_\_\_\_.

(Signature)  
Notary.

R. S. (1925), Form 3.

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“5.—(Section 85)

*Certificate of the Secretary-treasurer of the Board of Notaries  
that the Assignee of a set of Records is not under Penalty*

OFFICE OF THE SECRETARY-TREASURER OF THE BOARD OF  
NOTARIES

Mr. \_\_\_\_\_, notary, residing at,  
judicial district of \_\_\_\_\_, is a practising notary  
and is not undergoing any disciplinary penalty imposed by  
the Board of Notaries.

Given under my signature at \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_,  
nine hundred and \_\_\_\_\_.

(Signature)

Secretary-treasurer of the Board of Notaries  
of the Province of Quebec.

R. S. (1925), Form 5.

“6.—(Section 85)

*Official Report of the state of the Records, the Transfer of  
which is prayed for*

Report establishing the number and state of the minutes  
found in the records of .

CANADA, {  
PROVINCE OF QUEBEC, {

I, the undersigned, assignee of the records of , a  
notary practising in the district of , certify:

1. That the minutes found in the said records are in  
a perfect state of preservation (or as the case may be);

2. That the number of the said minutes is numbered  
from to and executed from the  
date of the first minute and that the number of  
the last minute is and it is dated ;

3. That the number of minutes missing is  
(stating the numbers of the missing minutes).

In witness whereof, I have signed the present report at  
of , this day  
, one thousand nine hundred and .

(Signature)

N. P.,  
Assignee.

R. S. (1925), Form 6.

“7.—(Section 85)

*Certificate of an Expert as to State of the Vault or Safe belong-  
ing to the Assignee of a set of Records*

CANADA, {  
PROVINCE OF QUEBEC, {

I, the undersigned, (occupation  
of the expert employed) certify after examination that the  
vault (or safe, stating the maker and class), belonging to

, notary public, of  
, is sufficient and proof against fire and damp.

And I have signed, at , this day of  
19 .

(Signature)

R. S. (1925), Form 7.

"8.—(Section 88)

*Notice to Secretary-treasurer by the Assignee of a Set of  
Records*

Mr. \_\_\_\_\_, Secretary-treasurer of the Board  
of Notaries.

Sir,

By an Order of the Lieutenant-Governor in Council,  
dated the \_\_\_\_\_ and published in the *Quebec Official  
Gazette* (year, volume, page) I became the legal assignee of  
the set (or sets) of records of Notary \_\_\_\_\_ practising  
at \_\_\_\_\_ (deceased, disqualified or resigned).

In testimony whereof I have signed this  
day of \_\_\_\_\_ one thousand nine hundred and

(Signature)

Notary.

R. S. (1925), Form 8.

"9.—(Section 95)

*Appointment of provisional custodian of records, files and  
other documents by the Council (1)*

CANADA, { OFFICE OF THE PRESIDENT OF  
PROVINCE OF QUEBEC, { THE BOARD OF NOTARIES.

To

Notary

Notice is given you that at a sitting of the Council of the  
Board of Notaries, held at \_\_\_\_\_ on the \_\_\_\_\_  
you were appointed provisional cus-  
todian of the sets of records, files, titles and other docu-  
ments of \_\_\_\_\_, notary, residing at  
\_\_\_\_\_ and practising at

(state cause for provisional custody)

In view of section 95 of the Notarial Code, your custo-  
dianship will begin forthwith (or at such a date) and will  
terminate on the \_\_\_\_\_, except it be renewed.

You will hand over the files, titles and other documents committed to your custody to their respective owners, on demand. (*Or state manner of disposing of them*).

In witness whereof, I have signed this  
day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_.

(*Signature*)

President of the Board of Notaries.

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(1) Change form if the order is given by the president instead of the council.

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“10.—(*Section 95*)

*Council's Order for provisional custody of Records, Files and other Documents*

CANADA, { OFFICE OF THE PRESIDENT OF  
PROVINCE OF QUEBEC, { THE BOARD OF NOTARIES.

To

( \_\_\_\_\_ , \_\_\_\_\_ )

Take notice that \_\_\_\_\_, a notary residing at \_\_\_\_\_ and practising at \_\_\_\_\_, has been appointed provisional custodian of the records, files and other documents of \_\_\_\_\_, notary, as appears by the order, a true copy whereof is herewith served upon you.

Upon your failure to comply with such order, you will incur, under section 96 of the Notarial Code, a fine of ten dollars for each day's delay, and, in default of payment of the fine, imprisonment for not more than one month.

In witness whereof, I have signed at  
this \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

(*Signature*)

President of the Board of Notaries.



(If the notary was assignee of records, state from which notary such records came).

In witness whereof, I have signed at this  
day of \_\_\_\_\_, nineteen  
hundred and \_\_\_\_\_

(Signature)

Syndic of the Board of Notaries.

R. S. (1925), Form 9.

“13.—(Section 206)

*Notice to the Secretary of Change of Domicile by  
Practising Notary*

CANADA,  
PROVINCE OF QUEBEC, }  
District of . }

To  
Secretary-treasurer of the Board of Notaries.

Sir,

I, the undersigned, (*name in full, residence and district*).  
beg to advise you that I was admitted to the practice of the  
notarial profession on the

That since such date I have resided and practised:

1. At \_\_\_\_\_ during (*state number of years*);
2. At \_\_\_\_\_ during ( “ “ “ ” ;)

That since (*state date*) I reside and practise at  
\_\_\_\_\_, where I propose to continue for the future to  
practise.

This notice is given to you in compliance with section  
206 of the Notarial Code.

In witness whereof, I have signed at  
this \_\_\_\_\_ day of \_\_\_\_\_, nineteen  
hundred and \_\_\_\_\_

(Signature)

N. P.

R. S. (1925), Form 10.



"14.—(Sections 213 and 214)

*Notice by Candidate for Admission to Study (1)*

To

Secretary-treasurer of the Board of Notaries.

Sir,

I, the undersigned, have the honour to inform you that I will present myself at the next session of the Board of Notaries to undergo examination for admission to the study of the notarial profession.

1. I am a British subject,                      years of age;

2. I completed my classical and scientific studies at  
(*name of the institution or institutions, and of the place where  
the candidate has studied*);

3. I have not been employed in any calling, trade, business or industry, or held any employment or office whatsoever (*or if the contrary be the case, the place and time*).

I have the honour to be,

Your humble servant,

(*Signature*)

R. S. (1925), Form 12.

(1) The candidate must attach to this notice a list of the documents transmitted in support of it.

"15.—(Section 216)

*Certificate of Admission to the Study of the Notarial Profession*

CANADA,	{	BOARD OF NOTARIES.
PROVINCE OF QUEBEC,		

To ALL WHOM these Presents May Concern:

Mr.    of

, in the electoral district of                      , has  
passed his qualifying examination before the Board of  
Notaries, at the  
meeting of the                      triennial term, and has been found  
duly qualified, according to the requirements of sections  
208 and 209 of the Notarial Code.



“17.—(Section 237)

*Commission of Notary*

CANADA, PROVINCE OF QUEBEC,	{	BOARD OF NOTARIES.  <i>Triennial Term</i>
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TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING:

Know that \_\_\_\_\_, of \_\_\_\_\_, in the district of \_\_\_\_\_, has undergone the examination for admission to the notarial profession of the Province of Quebec, at the \_\_\_\_\_ meeting of the \_\_\_\_\_ triennial term; and that he is entitled to fulfill the office and duties of a notary.

In witness whereof, we have signed this diploma, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand nine hundred and \_\_\_\_\_.

(Signature)

President of the Board of Notaries.

(Signature)

Secretary-treasurer of the Board of Notaries.

R. S. (1925), Form 15.

“18.—(Section 251)

*Notice previous to suspension for non-payment of subscription*

CANADA, PROVINCE OF QUEBEC,	{	Secretary-Treasurer's Office.
To _____		Notary.

Sir,

I beg to remind you that you have not yet paid your subscription for the fiscal year ended on the 1st of March (*state the years for which arrears are due*), amounting in all to the sum of \_\_\_\_\_ including the costs of this notice.

In default of your payment of this amount (\$ \_\_\_\_\_) before the next meeting of the Board, in \_\_\_\_\_ next,

the Syndic will have to apply for your suspension and the omission of your name from the roll of notaries, in accordance with section 251 of the Notarial Code.

Given under my hand at \_\_\_\_\_, this  
day of \_\_\_\_\_ nineteen hundred  
and \_\_\_\_\_  
(Signature)

Secretary-treasurer of the Board of Notaries.  
R. S. (1925), Form 16.

“19.—(Section 253)

*Decree of Suspension for non-payment of Subscription*

CANADA, { BOARD OF NOTARIES.  
PROVINCE OF QUEBEC, {

Considering the application for the suspension of \_\_\_\_\_, made by the Syndic of the Board of Notaries, Mr. \_\_\_\_\_, on account of non-payment of his subscription as per the account furnished by the secretary-treasurer, forming in all the sum of \_\_\_\_\_;

Considering that the formalities required by sections 250, 251 and 252 of the Notarial Code have been complied with;

Considering that \_\_\_\_\_ has not complied with the notice sent him by paying his arrears of subscription;

The Board of Notaries, in accordance with section 253 of the Notarial Code, orders the suspension of \_\_\_\_\_ as a practising notary, and decrees that the present order shall remain in force until the said \_\_\_\_\_ shall have paid to the secretary-treasurer the arrears of subscriptions, the costs of the notice and the expenses occasioned by his suspension as well as the costs of his reinstatement, which are taxed at the sum of \_\_\_\_\_.

In witness whereof we have signed the present decree at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_

(Signature)

President of the Board of Notaries.

(Signature)

Secretary-treasurer of the Board of Notaries.  
R. S. (1925), Form 17.

“20.—(*Section 256*)

### *Complaint to obtain the Inspection of a Set of Records*

CANADA,  
PROVINCE OF QUEBEC, {

Complaint of *(name in full and residence)*, who declares that he has good reason to suspect and believe, and in fact does suspect and believe, that *(name in full)*, notary, *(residence, district in which practising)*, *(state upon what infringements mentioned in section 256 the complaint is based)*.

In witness whereof I have signed at  
this                                  day                                  nineteen hundred  
and                                  .

(Signature)

Sworn to before me,  
at \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_

(Signature of complainant)

(Signature of any person authorized to administer oaths.)

R. S. (1925), Form 18.

“21.—(Section 261)

### *Advance Notice of Inspection by the Inspector (1)*

CANADA,  
PROVINCE OF QUEBEC,

To (name of notary.)

Sir,

Take notice that on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, I will proceed to inspect your office, your records and your accounts, in accordance with an order of the Board (or Council or President, *as the case may be*).

In witness whereof I have signed at  
this                      day of                      , nineteen hundred and

(Signature)

Inspector of Records (or Inspector deputed).

R. S. (1925), Form 19.

(1) N. B. The notice must be accompanied by a true copy of the resolution and of the complaint.



suspension as a practising notary, unless, before the application for suspension, you permit the inspection and pay the costs prescribed by section 270 of the said Code.

Witness my hand at \_\_\_\_\_ this  
day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

(Signature)

Syndic of the Board of Notaries.

R. S. (1925), Form 21.

“24.—(Section 272)

*Decree of Suspension of a Notary for refusing to allow his  
Records to be inspected*

CANADA, { BOARD OF NOTARIES.  
PROVINCE OF QUEBEC,

The Syndic of the Board of Notaries,

*vs.*

of the  
in the district of  
notary.

Whereas Mr. \_\_\_\_\_, inspector of records (or  
Deputed inspector), was commissioned to inspect the office,  
minutes, repertory, index and accounts of the aforesaid  
Mr. \_\_\_\_\_;

Whereas it appears by the report of the said inspector  
that the said inspection was refused by the said  
\_\_\_\_\_, after being duly notified thereof;

Whereas all the formalities for the application of the  
penalties prescribed by section 272 have been complied  
with;

Considering sections 261, 268, 269, 271 and 272 of the  
Notarial Code;

Therefore, the Board of Notaries (or Council of the  
Board) decrees the suspension of \_\_\_\_\_, notary,  
practising at \_\_\_\_\_, and orders that the pre-  
sent decree shall remain in force until the said  
shall have complied with the law and shall have paid the  
costs occasioned by his suspension and to relieve him there-  
from as well as all the costs contemplated by section 270  
of the said Code.

