

twelfth line thereof, by the words: "advocate, counsel, attorney, solicitor and barrister".

3. This act shall come into force on the day of its sanction. Coming into force.

C H A P . 52

An Act to amend article 4497 of the Revised Statutes, 1909.

[Assented to, the 15th of March, 1924]

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

1. Article 4497 of the Revised Statutes, 1909, is amended R. S., 4497, by adding thereto, after the word: "year", in the fourth ^{am.} line of the first paragraph thereof, the following words: "provided, however, that the Montreal section of the Bar ^{Proviso.} may by ballot enact that all or some of the members of its council shall be elected for more than one year but for not more than two years".

2. This act shall come into force on the day of its sanction. Coming into force.

C H A P . 53

An Act to amend the Notarial Code

[Assented to, the 15th of March, 1924]

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

1. Article 4575 of the Revised Statutes, 1909, is amended R. S. 4575, by adding thereto, the following paragraph: am.

"A deed received by a notary of the Province of Quebec, outside of the Province, is authentic when the object of the deed is an immovable or real rights within the Province, or when the domicile of the party or parties, or any one of them, is in the Province." Authenticity of deed received by Quebec notary outside Province.

2. The Revised Statutes, 1909, are amended, by inserting therein, after article 4575, the following: R. S., 4575a, added.

- Rights of notaries with respect to certain proceedings. **“4575a.** 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., 4589, am. **3.** Article 4589 of the Revised Statutes, 1909, as amended by the act 9 George V, chapter 54, section 2, is again amended by adding thereto the following paragraph:
 “11. To keep a regular account of all sums of money received or collected by him for others.”
- R. S., 4611, am. **4.** Article 4611 of the Revised Statutes, 1909, is amended by adding thereto the following paragraph:
 Carbon copy excluded. “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., 4611a, added. **5.** The Revised Statutes, 1909, are amended by inserting therein, after article 4611, the following:
 Power of Board of notaries in certain event. **“4611a.** In the event of its being ordered by competent authority that registration of deeds at length in the books of the registration offices shall be replaced by the deposit of a copy to be kept in such offices, the Board of Notaries, notwithstanding the first paragraph of article 4611, shall have the right to adopt by-laws respecting the establishing of uniform paper, the quality of such paper and the conditions of the sale thereof, and to impose its use upon all notaries under the punishment and penalties which it has the right to impose by this code for infringement of any provision of such code or of any of the by-laws of the Board.”
- R. S., 4612, am. **6.** Article 4612 of the Revised Statutes, 1909, is amended by inserting therein, after the word: “parties”, in the tenth line thereof, the words: “or the declaration that the notary has been exempted from reading or causing to be read a trust deed, in accordance with article 4619”.
- R. S., 4614, am. **7.** Article 4614 of the Revised Statutes, 1909, is amended by adding thereto, after the word: “thereon”, in the ninth line thereof, the words: “and the place where it is declared to have been passed and closed may be that where one of the parties has signed”.

8. Article 4619 of the Revised Statutes, 1909, is replaced by the following: R. S., 4619, replaced.

“4619. 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 exemption in the deed or at the foot of the deed before the signature of the party so exempting, or, if such party cannot or does not know how to sign, the declaration shall be made before a witness, in accordance with the provisions of article 1208 of the Civil Code. Reading of deed.
Formalities respecting trust deed.

These provisions shall not apply to authentic wills.” Authentic wills.

9. Article 4624 of the Revised Statutes, 1909, is amended: R. S., 4624, am.

a. By inserting therein the following items in the table showing the parties entitled to choose the notary to pass the deed in the absence of special agreement between them:

“Sale:

- | | | |
|---|---|----------------|
| 1. When the purchaser pays the purchase 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 vendors' discharge of a sum due by him. | } | The vendor.” |

b. By adding thereto the following paragraph:

“When a loan is repaid with the monies realised from a fresh loan, the new creditor has the choosing of the notary for drawing up and executing the discharge, notwithstanding 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 and subrogation examined by a notary chosen by him, at the debtor's expense.” Choice of notary in certain event.

10. Article 4678 of the Revised Statutes, 1909, as amended by the act 9 George V, chapter 54, section 6, is again amended, by adding thereto, after the third paragraph thereof, the following paragraph: R. S., 4678, am.

Charlevoix as part of judicial district of Quebec. "Notaries practising in the electoral district of Charlevoix shall, for the purposes of this article only, form part of the judicial district of Quebec."

R. S., 4703, replaced. **11.** Article 4703 of the Revised Statutes, 1909, is replaced by the following:

Quorum. "**4703.** 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 article 4731 has entrusted such examination to one or more standing or select committees."

R. S., 4728, am. **12.** Article 4728 of the Revised Statutes, 1909, is amended by adding the following paragraph:

Property rights. "It has specially the power to acquire, hold and alienate moveable and immoveable property, the annual revenue whereof shall not exceed fifty thousand dollars."

R. S., 4730, am. **13.** Article 4730 of the Revised Statutes, 1909, is amended by adding thereto the following paragraph:

Regulations as to "regular account". Penalties. "It may also make regulations to define the meaning of the words: "regular account" mentioned in paragraph 11 of article 4589, and impose the penalties it may see fit to fix for infringements."

R. S., 4731, replaced. **14.** Article 4731 of the Revised Statutes, 1909, is replaced by the following:

Delegation of powers. "**4731.** It may delegate its powers to any standing or select committee and determine the quorum thereof."

R. S., 4731a, replaced. **15.** Article 4731a of the Revised Statutes, 1909, as enacted by the act 9 George V, chapter 54, section 8, is replaced by the following:

Auxiliary bodies. "**4731a.** The Canadian Notarial Association and its General Council, as well as the district associations and their councils, are recognized as auxiliary bodies to the Board of Notaries, subject to the authority of its laws and regulations, and as having besides the power to make regulations for their internal government. Each of these auxiliary bodies shall have the power to acquire, hold and alienate moveable and immoveable property, the yearly revenue wherefrom shall not exceed fifty thousand dollars."

R. S., 4745, am. **16.** Article 4745 of the Revised Statutes, 1909, as amended by the acts 6 George V, chapter 28, section 2, and 9 George V, chapter 54, section 9, is again amended by replacing the words: "fifteen dollars", in the sixth line thereof, by the words: "twenty-five dollars".

17. Article 4819 of the Revised Statutes, 1909, as R. S., 4819, amended by the act 4 George V, chapter 44, section 2, is ^{am.} again amended by adding thereto the following paragraph:

“7. Or does not seem to keep regular accounts in accordance with paragraph 11 of article 4589.”

18. Article 4820 of the Revised Statutes, 1909, is R. S., 4820, amended by replacing the words and number: “by article ^{am.} 4819”, in the fourth line thereof, by the words and numbers: “by articles 4818 and 4819”.

19. Article 4822 of the Revised Statutes, 1909, is R. S., 4822, amended by adding thereto, after the third paragraph ^{am.} thereof, the following paragraphs:

“If the Board prefers, it may, however, appoint only ^{One in-}one inspector, whose salary it shall fix and who shall in ^{pector, at} addition be entitled to his travelling and hotel expenses. ^{option of} Board.

Such inspector, instead of being appointed at each ^{Duration of} triennial meeting, shall hold office during good conduct and ^{office, etc.} capacity to act. He cannot practise as a notary, but may nevertheless keep his minutes, repertory and index, and those of which he may be the transferee, and give authentic copies and extracts therefrom.

In the event of the appointment of a single permanent ^{Provisions} inspector, articles 4823 and 4830 shall not apply, but all ^{applicable.} other articles of this chapter relating to the inspectors and inspection of notaries' records shall apply, *mutatis mutandis*, to such sole permanent inspector. Any provision con- ^{Power of} trary to this article notwithstanding, the president may ^{president.} always appoint a practising notary to inspect a specified set of records, and, in such case, articles 4824 and following shall apply, *mutatis mutandis*.”

20. Article 4828 of the Revised Statutes, 1909, is R. S., 4828, amended by replacing the words: “to the Board”, in the ^{am.} first line thereof, by the words: “to the president”.

21. Article 4858 of the Revised Statutes, 1909, is R. S., 4858, amended by replacing the words: “Such appeal cannot be ^{am.} taken into consideration except at a regular session of the Board”, in the sixth and seventh lines thereof, by the words: “Such appeal is taken into consideration at a general, ordinary or special session of the Board.”

22. Article 4859 of the Revised Statutes, 1909, is R. S., 4859, amended by replacing the word: “fifty”, in the second line ^{am.} thereof, by the words: “three hundred”.

R. S., 4860, replaced. **23.** Article 4860 of the Revised Statutes, 1909, is replaced by the following:

Forfeiture in event of not proceeding. **“4860.** If the appellant does not proceed with his appeal at the next ordinary or special session, he shall only be entitled to a reimbursement of half of the deposit made under article 4859, the other half remaining the property of the Board.

Effect of successful appeal. If he succeeds in his appeal, this sum shall be returned to him, and the unsuccessful party shall be condemned to pay it to the Board of Notaries with the other costs occasioned by the appeal.”

Notarial deed valid notwithstanding want of reading or of indication of place. **24.** 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 this act, 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 this act, or which contains these two 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.

Proviso.

Pending suits. This provision shall apply to pending suits, save as to costs.

Coming into force. **25.** This act shall come into force on the day of its sanction.

CHAP. 54

An Act to amend the Revised Statutes, 1909, respecting dentists

[Assented to, the 15th of March, 1924]

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

R. S., 5030 to 5084, replaced. **1.** Section fifth of chapter fifth of title tenth of the Revised Statutes, 1909, (comprising articles 5030 to 5084), is replaced by the following section: