

C H A P. 76

An Act to amend the Notarial Code

[Assented to, the 21st of March, 1922]

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

1. The following articles are inserted in the Revised Statutes, 1909, after article 4667:

"4667a. Whenever an accusation or complaint against a notary is before the council, it may instruct the syndic to have the minutes, repertory and index of the accused notary, as well as any minutes, repertory and index transferred to such notary, deposited immediately or at any time during the inquiry, in the office of the prothonotary. Then, notwithstanding any other provisions of the Notarial Code, such minutes, repertory and index shall, upon the order of the syndic to the notary or to any other person who has the custody or possession thereof under any title, 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, even if the court of another district has concurrent jurisdiction.

R. S., 4667a
to 4667d,
enacted.

Minutes,
etc., of
accused
notary may
be ordered
to be de-
posited in
office of
protho-
notary.

"4667b. If any person refuses or neglects to comply with the order mentioned in article 4667a, 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, demand in the name of the Board of Notaries the issuance of an order upon the person in default, to make the deposit in 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.

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, until the final judgment on the petition, notwithstanding any written or oral contestation the defendant may set up.

Order of
court or
judge.

Accused
notary for-
bidden to
transfer
minutes, etc.

"4667c. Notwithstanding any other provision of the Notarial Code, every notary against whom an accusation or complaint has been brought before the council is forbidden to transfer his minutes, repertory and index or the minutes, repertory and index transferred 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.

Decision as
to costs.

"4667d. The council may, after having adjudicated upon the complaint, decide that the costs occasioned by the deposit made under articles 4667a and 4667b be paid by the Board of Notaries or by the notary in question."

R. S., 4719,
replaced.

2. Article 4719 of the Revised Statutes, 1909, is replaced by the following:

Syndic to
supervise
discipline.

"4719. 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 or in his absence or inability to act, the vice-president, of every violation of the by-laws and of all conduct of any of the members, derogatory to the honour of the notarial profession.

To act 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.

Where syn-
dic cannot
act.

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.

Where syn-
dic is the
accused.

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

R. S., 4672a,
replaced.

3. Article 4672a of the Revised Statutes, 1909, as enacted by the act 9 George V, chapter 54, section 5, is replaced by the following:

Certain
costs to be
deducted by
prothono-
tary from
fees payable.

"4672a. The prothonotary may nevertheless deduct from the fees, payable under articles 4670, 4671 and 4672, 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 Board according to article 4667d and remit same to the Treasurer of the Board."

How remit-
ted.

4. Article 4857 of the Revised Statutes, 1909, as amended by the act 4 George V, chapter 44, section 7, is replaced by the following:

“4857. The Board, or its president, or in his absence or inability to act, the vice-president, may order the syndic to bring any accusation, sufficiently set forth, in his own name before the council.”

Syndic may be ordered to bring accusation in his own name.

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

Coming into force.

CHAP. 77

An Act to amend the Quebec Pharmacy Act.

[Assented to, the 21st of March, 1922]

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

1. Article 5023 of the Revised Statutes, 1909, is amended: R. S., 5023, am.

- a. By replacing the word: “twenty-five”, in the third line thereof, by the word: “fifty”;
- b. By replacing the word: “fifty”, in the third line thereof, by the words: “one hundred”.

2. Article 5027c of the Revised Statutes, 1909, as enacted by the act 6 George V, chapter 29, section 15, is amended: R. S., 5027c, am.

- a. By adding thereto after the word: “imprisonment”, in the third line of paragraph c, the words: “or fine”;
- b. By inserting therein, after paragraph c, the following:

“d. Any breach of the Quebec Pharmacy Act by a person, registered in accordance with the provisions of this section.”

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

Coming into force.