

## C H A P . 51

An Act to amend the act respecting the observance of Sunday

[Assented to 1st April, 1909]

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

1. Section 3 of the act 7 Edward VII, chapter 42, is 7 Ed. VII, c. amended by adding after the word : " days ", in the fourth <sup>42, s. 3,</sup> line, the words: " for a first offence, and for every subsequent <sup>amended.</sup> offence to a fine of not more than one hundred dollars, and <sup>Fines, &c.</sup> in default of payment, to imprisonment for not more than sixty days."

2. This act shall come into force on the day of its sanction. <sup>Coming into force.</sup>

## C H A P . 52

An Act to amend the Bar Act of the Province of Quebec

[Assented to 29th May, 1909]

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

1. Article 3523 of the Revised Statutes, as amended by the R.S.Q., 3523, acts 52 Victoria, chapter 37, section 1 ; 58 Victoria, chapter 36, <sup>amended.</sup> section 2 ; and 61 Victoria, chapter 27, section 1, is further amended by adding thereto after the word " section ", in the fourth line, the words : " of whom at least one shall be chosen from among the advocates residing and practising in the country districts comprised in such section."

2. Article 3532 of the Revised Statutes is amended by <sup>Id., 3532,</sup> replacing the third paragraph by the following : <sup>amended.</sup>  
" The quorum at any meeting shall consist of one-third of <sup>Quorum.</sup> the members of the association qualified to vote."

3. Article 3546 of the Revised Statutes, as amended by the <sup>Id., 3546,</sup> act 3 Edward VII, chapter 34, section 3, is further <sup>amended.</sup> amended by adding after the word " writing ", in the first line, the words : " in duplicate ".

Id., 3548a,  
amended

**4.** The following article is inserted in the Revised Statutes after article 3548, as amended by the act 3 Edward VII, chapter 34, section 4 :

Payment of  
certain fees  
by certain  
candidates.

“ **3548a.** Every candidate for admission to practice as an advocate, who has not passed his examination for admission to study, but who has been relieved from the consequences of this irregularity by an act of the Legislature, shall, over and above the fees required for admission to practice, pay the fees required for admission to study.”

Id., 3561,  
amended.

**5.** Article 3561 of the Revised Statutes, as amended by the acts 61 Victoria, chapter 27, section 4, and 3 Edward VII, chapter 34, section 7, is further amended by adding thereto the following paragraph :

Where cer-  
tain agree-  
ment made  
in any judi-  
cial proceed-  
ing.

“ **6.** If in any judicial proceeding whatever, the party whom he represents, has made to his knowledge, directly or indirectly, with any person, firm, association or corporation, any written or verbal agreement by which such person, firm, association or corporation have instructed the said advocate to represent him or it in such proceeding at the risk and expense, wholly or in part of such person, firm, association or corporation.”

Id., 3562a,  
replaced.

**6.** Articles 3562a of the Revised Statutes, as enacted by the act 54 Victoria, chapter 32, section 1, and amended by the act 61 Victoria, chapter 27, section 5, is replaced by the following :

Penalty in  
certain cases.

“ **3562a.** Whoever, without holding a diploma as advocate, solicitor, or attorney under the laws of Lower Canada or of this Province :

(a) Practises as an advocate, solicitor or attorney ;

(b) Usurps the functions of the profession, or

(c) Does or claims to do any act connected therewith, or

(d) Assumes verbally or otherwise the title of advocate, solicitor or attorney ;

(e) Advertises himself as such in any way or by any means, or

(f) Acts in such manner as to lead to the belief that he is authorized to fulfil the office of or to act as an advocate, shall be liable to a fine of not less than fifty and not more than one hundred dollars.”

Id., 3562b,  
replaced.

**7.** Article 3562b of the Revised Statutes, as enacted by the act 2 Edward VII, chapter 23, section 3, is replaced by the following :

Who deemed  
to be illegally  
practicing.

“ **3562b.** Every person who, under the laws governing the Bar of this Province, has become disqualified from practicing, or not entitled to practice the profession of an advocate, as well

as any person who is the holder of an advocate's diploma, shall be deemed to illegally practice the profession of an advocate, within the meaning of and in contravention of paragraph *a* of article 3562*a*, who associates himself with a practicing advocate, for the practice of his profession, or shares in any way or by any means in the fees or professional earnings of the latter, or causes such fees or earnings or any part thereof to be transferred to himself or to any other person, in consideration of his having given or promised to such practicing advocate cases or law business of any kind, or having paid him or promised to pay him a salary or other remuneration, or for any other consideration whatsoever ; and every association, firm, company or corporation that associates itself with a practicing advocate in the practice of his profession, and shares in any way or by any means whatever in the fees or professional earnings of the latter, or causes such fees or earnings or any part thereof to be transferred to itself or to any other person, association, firm, company or corporation, in consideration of he or it having given or promised such practising advocate cases or law business of any kind, or of he or it having paid or promised him a salary or other remuneration, or for any other consideration whatsoever ; is likewise deemed to be illegally practising within the meaning and in contravention of clause (*a*) of article 3562*a*.

“ **3562c.** Any person, (not being an advocate), and any association, partnership, company or corporation who acts as intermediary between any other person, association, partnership, company or corporation and an advocate, and who makes or promises, or causes or procures to be made or promised to such other person, association, partnership, company or corporation, any reduction or rebate in or from the advocate's fees or professional charges, or procures or causes the advocate to forego any part of his fees or professional charges, or procures or obtains or promises or agrees to procure or obtain, for such other person, association, partnership, company or corporation the doing or rendering of any professional services by or in the name of the advocate without any direct payment by or any direct liability on the part of such other person, association, partnership, company or corporation, to or towards the advocate for his fees or professional charges or any portion thereof, shall be deemed to usurp the functions of the profession. Who deemed to usurp functions of profession.

“ **3562d.** Each of the following persons shall be deemed to be acting in such a manner as to lead to the belief that he is authorized to fulfil the office of and to act as an advocate, to wit : Who deemed to represent himself as advocate.

1. Every person not holding a diploma as aforesaid and every Certain per-

sons writing  
&c., certain  
letters, &c.

association, partnership, company or corporation who writes or sends, or causes to be written or sent by a person not holding a diploma, in his name or its name, or in the name of and by arrangement in that behalf with a practising advocate, any card, letter or circular demanding or asking for payment of any sum of money with costs, or with an intimation to the effect that legal proceedings will be taken to recover the same, provided this provision shall not apply to a creditor who writes to his debtor ;

Persons pub-  
lishing cer-  
tain adver-  
tisements,  
&c.

2. Every person not holding a diploma as aforesaid and every association, partnership, company or corporation, who advertizes, announces or proclaims, by means of pamphlets, booklets or circulars, or by and through the newspapers or other publications or by and through the verbal statements of canvassers or by any other means, that he or it undertakes or will undertake to institute or cause to be instituted legal proceedings against debtors, or that he or it obtains or causes to be obtained or will obtain or cause to be obtained judgments against the debtors, or that he or it executes or causes to be executed or will execute or cause to be executed judgments against debtors, or that he or it undertakes or causes to be undertaken or will undertake or cause to be undertaken any other legal business ;

Certain per-  
sons making  
agreements,  
&c.

3. Every person not holding a diploma as aforesaid, and every association, partnership, company or corporation who agrees with any other person, association, partnership, company or corporation that for and in consideration of an annual or other periodical monetary payment or subscription, he or it will place at the disposal of such other person, association, partnership, company or corporation, his or its advocate, solicitor or attorney.

Fines how  
recovered.

“ **3562e.** In any of the foregoing cases the fine shall be recoverable with costs by summary process either before the Superior or Circuit Court, according to the amount of the condemnation demanded, or before two justices of the peace or any other officer having the same power, of the district where the offence was committed.

Imprison-  
ment in de-  
fault of pay-  
ment.

“ **3562f.** In default of immediate payment of the fine and costs, the party condemned shall be imprisoned for three months. Such imprisonment shall cease, however, upon payment of the fine and costs and of all the expenses occasioned by the imprisonment.

Execution  
against asso-  
ciations, &c.

“ **3562g.** If the condemnation be pronounced against any association, company or corporation, the fine with costs shall be recoverable by the seizure and sale of its moveables and

immovables according to the usual rules for the execution of judgments of the court pronouncing the condemnation.

“ **3562h.** Every fine imposed belongs wholly to the section To whom the Bar within the territory of which the offence has been com-<sup>fine belongs.</sup>mitted, and shall be remitted without delay to its treasurer by the officer who collects the same.

“ **3562i.** Every prosecution under this section must be taken Prosecution by the section of the Bar within the territory of which the <sup>by whom</sup> offence was committed, under the direction and upon a resolu-<sup>taken.</sup>tion of its council, without its being necessary to have a sworn information or complaint.

“ **3562j.** When the proceedings for the recovery of the fine Procedure in are taken before two justices of the peace, or any other official <sup>certain cases.</sup> having the same powers, all the provisions (excepting subsection 3 of section 710) of part XV of the Criminal Code, respecting summary convictions and appeals, shall apply, in so far as the same are consistent with this section ; provided, however, that Proviso. in such proceedings the information or complaint need not be confined to one offence or subject matter, but may be for or in respect of one or more offences or matters.

“ **3562k.** This section shall not deprive any person of the Commis- sioner's court right to conduct proceedings before commissioners for the <sup>cases not</sup> summary trial of small cases, in accordance with articles 1273 <sup>effected.</sup> and 1274 of the Code of Civil Procedure.”

**8.** This act shall come into force on the day of its sanction. <sup>Coming into force.</sup>

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## C H A P . 53

An Act to amend article 3824 of the Revised Statutes respecting admission to practice the notarial profession

[Assented to 7th May, 1909]

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

1. Article 3824 of the Revised Statutes, is repealed. R.S.Q., 3824 repealed.
  2. This act shall come into force on the day of its sanction. Coming into force.
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