

Warrant of imprisonment in default of payment

The warrant of imprisonment, in such case, shall issue, under the hand of the clerk of the said Court, on a written application of the attorney *ad litem* of the prosecution, and may, *mutatis mutandis*, be according to form (O1), in the schedule to the Federal Act, 32-33 Victoria, chapter 31, and shall be executed in the usual way.

Penalties recoverable with costs and belong to association.

6. The penalties, imposed by this act, shall be recoverable with costs, and the same may be sued for and recovered by the said "Montreal Homœopathic Association," by its corporate name, and being recovered, shall belong to the said Corporation, for the use thereof.

Member of association competent as witness.

And neither in any such suit nor in any other civil action, to or in which the said Corporation may be a party or interested, shall any member of the Corporation be deemed incompetent as a witness by reason of his being such member.

## CAP. XXXII.

An act to amend the various acts respecting the Notarial profession and to consolidate them into one act under the name of the "Notarial Code."

[Assented to 30th March, 1883.]

Preamble.

WHEREAS serious inconvenience results from the multiplicity of the acts respecting the Notarial profession, and it is expedient to amend and consolidate the same; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows;

### PRELIMINARY PROVISION.

Declaratory as to text.

1. When there is any difference between the French and English texts of this act, the French text shall prevail.

### FIRST PART.

OF NOTARIES AND NOTARIAL DEEDS.

#### CHAPTER FIRST.

OF NOTARIES, THEIR FUNCTIONS, RIGHTS, PRIVILEGES AND DUTIES, DISABILITIES AND INCOMPATIBILITIES.

#### SECTION FIRST.

OF NOTARIES AND THEIR FUNCTIONS.

Duties, &c., of Notaries.

2. 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, or authentic extracts therefrom.

3. Notaries are appointed for life, with concurrent jurisdiction throughout the Province of Quebec. Duration in office.

## SECTION SECOND.

### RIGHTS AND PRIVILEGES OF NOTARIES.

4. Notaries are under the safe-guard of the law and protected in the performance of their professional duties. (\*) Protection of notaries.

5. Article 275 of the Code of Civil Procedure applies to notaries. Professional secrets not to be divulged.

6. Notaries are not bound to accept any municipal office, nor any office under a school corporation, nor to serve as petit jurors. Privileges of notaries.

7. In addition to the exemption mentioned in article 556 of the Code of Civil Procedure, the *greffes* of notaries, the *greffes* which have been transferred to them, their safes and law-books are not liable to seizure, except in the cases provided for by this Code. Certain property of notaries exempt from seizure.

8. A notary, who passes a deed, is not obliged to inform the contracting parties of any fact within his knowledge. With the exception of his own acts, he is not the warrantor of anything recited in the deed passed before him: he is not even bound to declare the debts, the titles of which were previously passed before him. Notary not obliged to inform contracting parties of any fact within his knowledge, &c.

9. Notaries may prepare the proceedings specified in the third part of the Code of Civil Procedure, and submit the same to the judge or to the prothonotary; and may even sign, in the name of the petitioners, all petitions necessary for such proceedings. Notaries may prepare proceedings specified in third part of code of civil procedure.

10. Notaries are entitled to emoluments or fees for the deeds which they execute, and the professional services they render, over and above their costs and expenses. Emoluments and fees of notaries.

(\*) Section 34 of chap. 73, C. S. L. C., reads as follows:

“ Any person, assaulting or otherwise obstructing a notary in the due execution of his duty as such, shall be guilty of a misdemeanor, and may on conviction thereof be sentenced to the same punishment as if he had been convicted of an assault on a peace officer or a revenue officer, in the execution of his duty.”

How fees are regulated.

**11.** These fees are regulated by the tariffs, made in accordance with the provision of this Code, and in default of such tariffs, by a valuation before the court, by one or more members of the profession.

What are included in class of professional services.

**12.** In the class of professional services, susceptible of emoluments or fees, are included, amongst others, travelling expenses, vacations, written or verbal consultations, and examination of deeds and papers.

Oath of notary as to services.

**10.** The oath of the notary is admitted as to the notarial services having been required, and the nature and duration of the services rendered ; but such oath may be refuted in the same manner as any other testimony.

Only practising notary can sue for fees for preparing writings affecting immoveables.

**14.** No person, other than a practising notary public, can sue for any fees for drawing up and preparing writings under private signature (*sous seing privé*), affecting immoveables and requiring to be registered, and passed in a municipality in which there is a practising notary, resident therein during the preceding six months.

Liability of parties to deeds executed before a notary for cost thereof.

**15.** Parties to deeds, executed before a notary, are jointly and severally liable for his disbursements and fees.

This provision, in cases of deeds of composition and discharge, applies only to the parties who have given instructions to have them prepared.

Furnishing of copies, &c., not considered presumption of payment of fees, &c.

**16.** The furnishing of copies, extracts, title-deeds or deeds of any nature whatsoever, is not to be considered a presumption of the payment of the costs and fees of a notary.

Notary not bound to furnish copies, &c., if not paid for original.

**17.** Notwithstanding article 67 of this Code, so long as the first copy of a deed has not been delivered, no notary is bound to furnish copies or extracts, to the parties, or even to third parties, if he has not been paid the original cost of the minute, if at the time prescription has not been acquired.

## SECTION THIRD.

### DUTIES OF NOTARIES.

#### I.

#### *General Duties.*

General duties of notaries.

**18.** The chief duties of notaries, in addition to those above mentioned, or which may be contained in any other provisions of the Code, are :

1. To have a suitable place in which to hold their offices and to keep their originals, repertories and indices in a proper state of preservation ;
2. To keep exposed in their office the table of interdicted persons and the general table of Notaries ;
3. To make the declarations required by-law ;
4. To keep their repertories and indices in the form hereinafter prescribed ;
5. To pay the annual subscription ;
6. To submit to the orders and regulations of the Board ;
7. To accept the office of member or officer of the Board of Notaries ;
8. To avoid all occasions of dispute and maintain the most perfect courtesy in their relations to each other ;
9. To keep secret the confidences made to them professionally ;
10. To observe, in the practice of their profession, the rules of the most scrupulous honesty and impartiality.

## II.

### *Table of interdicted persons.*

19. Every notary is bound to keep, exposed in his office, a Table of interdicted persons. roll in which shall be entered the names, qualifications and places of residence, of all persons, within the limits of the district in which he resides, who are either interdicted, or to whom a judicial adviser has been appointed, and also the names of the curators or judicial advisers given to such persons, together with mention of the date of the judgments relating thereto, after the notice which the clerk or prothonotary of the district, wherein he keeps his office, is bound to give him without delay, gratuitously.

## III.

### *Repertories and indices.*

20. Notaries are obliged to have and to keep in good order and in a proper state of preservation, a repertory of all deeds passed by them *en minute*, in which to enter, consecutively, their dates and numbers, their nature or kind, and the names of the parties. Repertories and indices.

Accessory instrument, how entered in repertory.

**21.** Accessory instruments, executed at the end of the principal deed, are entered in the repertory by order of date with the other minutes, by merely indicating the number of the principal deed, after entering such accessory instruments.

Index to repertory.

**22.** With the same care, and they must make and preserve an index, to the repertory.

Notaries may keep special repertory for notes and protests, &c.

**23.** Notaries may keep a special repertory, with or without an index, as they choose, for notes and protests of bills of exchange and bills and other papers of a commercial nature.

Deeds therein entered bear different numbers.

**24.** The deeds, entered in such repertory, bear a series of numbers different from those which are to be entered in the ordinary repertory and index.

#### SECTION FOURTH.

##### DISABILITIES AND INCOMPATIBILITIES

Places where a notary may not keep his office.

**25.** A notary cannot keep his office in the offices of prothonotaries, sheriffs or registrars.

This provision shall not apply to the registrars appointed before the first of January 1874, nor to those appointed before that date, who have since been made joint-registrars.

Incompatibility of certain professions

**26.** The profession of a notary is incompatible with that of an advocate, physician, or surveyor.

Deposit of *greffes* by certain notaries.

**27.** Notaries, who become advocates, physicians or surveyors, can no longer practise the profession of notary, and must deposit or transfer their *greffes* without delay.

Certain notaries prohibited from practising.

**28.** Notaries, who are appointed sheriffs, deputy-sheriffs, prothonotaries, deputy-prothonotaries, registrars, or deputy-registrars, are forbidden to practise the profession of notary.

Not applicable to notaries appointed registrars before 1st January, 1874.

This provision does not apply to notaries appointed registrars before the first of January one thousand eight hundred and seventy four, nor to those afterwards made joint-registrars.

Notary, appointed to one of such offices may keep minutes, &c.

**29.** Nevertheless any notary appointed to one of the offices, mentioned in the preceding article, whatever may be the date of his appointment, may keep his minutes, repertory and index and deliver copies or authentic extracts therefrom.

**30.** A notary, who has been admitted to the profession of advocate, physician or surveyor or appointed to one of the offices mentioned in article 28, continues to be liable to pay the subscription to the Board of Notaries, until he has given notice to one of the secretaries of the Board of his admission or appointment, together with a certificate of the deposit or transfer of his *greffe*. Notary, admitted to other profession, continues liable to pay subscription to Board of notaries.

**31.** Any notary, appointed to one of the offices mentioned in article 28, may, if he comply with the conditions required by article 102, re-enter upon the practice of his profession as a notary, so soon as he has ceased to fill the office of prothonotary, deputy prothonotary, sheriff, deputy-sheriff, registrar or deputy-registrar, upon transmitting a notice to that effect to one of the secretaries of the Board. (Schedule No. 1). On ceasing to fill certain offices, notary may re-enter upon notarial practice.

**32.** The same rule applies when a notary, who has voluntarily ceased to practise, wishes to resume the exercise of his profession. Idem.

## CHAPTER SECOND.

OF NOTARIAL DEEDS, MINUTES, COPIES AND EXTRACTS AND OF THE PRESERVATION, DEPOSIT OR TRANSFER THEREOF.

### SECTION FIRST.

OF NOTARIAL DEEDS IN GENERAL.

**33.** Notarial deeds are such as are executed before one or more notaries public. They are considered authentic and of themselves make proof of their contents in law. Notarial deeds.

**34.** Notaries may lawfully, if they so wish, draw deeds, make and date acts of voluntary jurisdiction on Sundays, *fêtes d'obligation* and legal holidays; they may not do so in acts of contentious jurisdiction. Notaries may draw certain deeds, &c., on Sundays, &c.

**35.** Deeds, passed by a notary who is related or allied to either of the parties in any degree, are none the less authentic, saving the provisions of article 845 of the Civil Code, with respect to wills. Except wills deeds authentic passed by a notary allied to parties.

**36.** A notary cannot execute a deed or contract to which he is a contracting party. Deed cannot be executed by a notary who is a contracting party.

**37.** Notaries themselves are not bound to write the deeds which they receive; they may use printed or written blanks. Blanks may be used.

**38.** Commercial firms, whose declaration has been deposited at the place prescribed by law, are sufficiently designated by the name of the firm, and may act in any notarial deed, under the name of such firm, mentioning in the deed the place where they carry on business, and the names, additions and residence of such of the partners as represent them.

**39.** The names, calling 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, and is able to write.

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

**41.** Every notarial deed must specify the name, official quality and place of residence, and contain the signature of the notary who executes it; the names, qualities and domiciles of the parties; with a description of the procurations, or powers and authorizations produced; the presence, the name, official quality, residence, and signature of the assisting notary; the presence, the names, quality, and residences, of the requisite witnesses; the place where the deed is passed, and the date of the deed; the number of the minute; the fact of the reading of the deed; the signature of the notary or notaries and witness, and of the parties, or their declaration that they are unable to sign, and the cause.

**42.** The locality, where the deed is passed, is sufficiently indicated by specifying the city, town, parish or other place.

**43.** Whenever a deed, to which several persons are parties, has been signed or executed by each of them on different days and at different places, it shall be lawful for the notary to 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. And the deed shall not be closed and signed by the notary, save on the day of the last signature thereto.

**44.** There must not be, in the body of the deed, or in the marginal or foot notes, any words written-over, or any inter-

lineations or additions ; and the words written-over, interlined, or added, are null. Erasures are made in such manner that the words erased or struck out may be counted.

45. Notes, additions and lengthened lines, must be written in the margin only ; they are signed by the *paraphes* or initials of the subscribers to the deed, under pain of the nullity of such notes, additions and lengthened lines.

Notes, additions, &c., where written.

46. Nevertheless, if the length of the note or the narrowness of the margin, require it to be placed at or carried to the end of the deed, it must also be signed by the *paraphes* or 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 ; 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.

Certain notes must be initialed by subscribers.

47. In the deed must be mentioned 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 lengthened lines.

Number and approval of marginal notes, &c., must be mentioned.

48. Notwithstanding the provisions of article 1208 of the Civil Code, the presence and signature of a second notary or of a witness, when the parties to a deed are unable to sign, shall not be requisite to complete and make authentic a deed passed before any notary, save in the case of wills.

Presence and signature of second notary or witness not requisite.

Exception.

49. It is immaterial whether the deed be read by the notary or by another person in the presence of the notary. This provision does not apply to wills.

Reading of deed.

50. The deed is concluded by the signatures of the parties, of the assisting notary or the witness, and by that of the notary receiving the deed.

Deed, how concluded.

51. Two or more Notaries, practising their profession together, cannot sign deeds or contracts passed before them, in the name of their firm. They may however, use the signature of their firm in advertisements, notices, petitions and other documents not being notarial deeds.

Notaries, in partnership, cannot sign deeds in name of firm.

52. Procurations or other documents, of which there are minutes, and in virtue of which the principal deed is executed, if sufficiently described, need not be annexed. Procurations or other documents *en brevet* or *sous seing*

Procurations or other documents, how treated.

*privé* must be, when produced, also sufficiently described, and then annexed to the minute or to the deed *en brevet*. Documents *sous seing privé* so annexed must be acknowledged as true, and be signed by the parties who produce them in the presence of the notaries and the subscribing witnesses.

Other formalities.

53. Other formalities for notarial deeds are prescribed in the Civil Code and in the Code of Civil Procedure and are to be followed in so far as they are not contrary to the formalities specified in this Code.

Choice of notary to pass certain deeds.

54. The following table shows the parties who are entitled to choose the notary to pass the deed in the absence of special agreement.

NATURE OF DEED.	PARTIES.
Contract of marriage.....	The future wife.
Deed of composition.....	The debtor.
Donation.....	The donor.
Discharge, when it contains no obligation for the sum which is applied to the payment.....	The debtor.
Discharge with subrogation.....	The new creditor.
Inventory.....	The person obliged to make it.
Lease.....	The lessor.
Obligations, sureties, <i>titre-nouvel</i> , <i>constitution de rente</i> and other similar deeds.....	The creditor.
Rendering of account.....	The person who renders it.
Transfer of rents, debts, &c.....	The transferee.

If there are several persons obliged to make an inventory.

If there are several persons obliged to make an inventory and they do not agree upon the choice of a Notary, he shall be appointed by a Judge in Chambers on the application of one of the parties interested.

Second notary.

55. Any party to a deed may have a second notary to appear, but at his own expense, saving the case provided for by article 1306 of the Code of the Civil Procedure.

## SECTION SECOND.

OF DEEDS *en minute*.

## I.

*Of the minutes.*

**56.** A deed *en minute* is that which a notary executes and retains in his office to deliver copies or extracts thereof.

Deed *en minute*.

**57.** 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.

Notaries bound to keep minutes of certain deeds.

**58.** The minutes of deeds are numbered consecutively.

Minutes how numbered.

**59.** Notaries must receive and inscribe the minutes of their deeds separately.

Notaries must receive and inscribe minutes of deeds separately.

Nevertheless, they may receive and inscribe at the end of the principal deed, as relating thereto and forming part thereof, any discharge, ratification, notification or other accessory instrument.

Exception.

**60.** Notaries must, in no case, suppress, destroy or alter any minute when once signed by them, nor deliver it to the parties or to any of them.

Notaries must not suppress or destroy any minute.

If it be necessary to make changes, the parties can do so by another deed, and not otherwise.

Changes in deed.

**61.** Notaries shall not allow any minutes or papers annexed thereto to go out of their possession except in the cases provided by law.

Notaries shall not allow minutes or papers to go out of their possession.

Before allowing any original out of their possession, they shall draw up and sign an exact 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.

## II.

*Of the replacing of lost, destroyed or stolen deeds.*

**62.** When the original of any notarial instrument has been lost by unforeseen accident, a copy of an authentic copy thereof makes proof of the contents of the original, provided that such copy be attested by the notary or other public officer with whom the authentic copy has been de-

When original of any notarial instrument has been lost.

posited by judicial authority, for the purpose of granting copies thereof as hereinafter provided.

The holder of such copy or extract may apply for leave to deposit such copy or extract. **63.** The holder of such copy or 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 will be deemed authentic.

Any party to a deed may make similar application, for what purpose. **64.** 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, to deposit such copy for the same purpose, and such other party is bound to comply with the order of the court or judge in that behalf, under pain of all damages. The whole nevertheless at the cost and charges of the party requiring such deposit, who is obliged to furnish him with a certified copy of the deed and to indemnify him for all travelling and other expenses.

At whose cost.

Petition must be served upon interested parties. **65.** The petition must be served upon all other interested parties mentioned in the deed.

Order of the court.

**66.** Upon satisfactory proof, the court or judge orders the document produced to be deposited in the notary's office, in which the original was, or if the notary be dead or has ceased to practise, then, in the office in which the records of such notary are deposited; and every copy of the document thus deposited avails for proof in the same manner as if such document was the original.

### III.

#### *Of inspection of documents.*

Notaries bound to give extracts from their official records to parties concerned. **67.** Notaries are bound, upon payment of their lawful fees and dues and without any judge's order, to give communication or copies of or extracts from any deed or document forming part of their official records, to the parties thereto or to their heirs or legal representatives.

In the case of others, judge's order necessary. **68.** They are not bound to give such communication, copies or extracts to other parties without an order from a judge, unless the deed is of such nature that it should be registered.

If notary refuses to give extracts, person refused may apply to judge for such order. **69.** If the notary refuses to give such communication, copies, or extracts, as required, the person demanding the same may, by petition duly served upon such notary, apply to a judge for an order for inspection, which is granted upon proof of his right or his interest.

**70.** If communication only be demanded, the order fixes the day and hour when communication of the deed must be given. Order, if communication only demanded.

If a copy or extract be demanded, the order fixes the time at which it must be furnished. Idem, if copy &c., be demanded.

**71.** The service of the order of the judge upon the notary must give a sufficient delay for a compliance with such order. Service of order with sufficient delay.

**72.** The copy or extract must be certified to have been delivered in compliance with the order; and the notary mentions the fact at the foot of the copy of the order that was left with him. Extract must be certified as having been delivered in compliance with order.

**73.** If the notary fails to comply with the order of the judge, he is liable for all consequent damages, and to coercive imprisonment. If notary fails to comply with judge's order.

### SECTION THIRD.

#### OF DEEDS *en brevet*.

**74.** A deed *en brevet* is that of which the notary delivers the original to the parties whether single, in duplicate, or multiple. Deed *en brevet*.

**75.** Declarations, advice of family councils, appointments and reports of experts, life certificates, procurations, powers of attorney, acts of notoriety, discharges for rent, or farm rent, salaries, arrears of rents or pensions, may be executed and delivered *en brevet*, and also all other simple deeds which, by law, may be delivered *en brevet*. What may be executed *en brevet*.

### SECTION FOURTH.

#### OF COPIES AND EXTRACTS.

**76.** The right of furnishing copies of or extracts from a notarial deed vests only in the notary or prothonotary who is custodian of the original. Copies, &c., vest only in notary who is custodian

**77.** Copies are the faithful reproduction of the minute or annex, certified as true copies of such minute or annex. What are copies.  
It is not however necessary to mention therein the number of marginal notes initialed or of words erased in the original minute or annex.

**78.** The notary, to whom a *greffe* is transferred, shall, in the copies and extracts which he delivers, mention the Notary to whom *greffe* is transferred,

on giving  
extracts must  
mention date  
of order in  
council.

What extracts  
must contain.

date of the order in council under which the minutes were placed in his possession. (Schedule 2.)

**79.** Extracts 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 is made, mention whereof must also be made on the minutes.

## SECTION FIFTH.

### TRANSFER AND ASSIGNMENT OF NOTARIAL *greffes*.

Transfer of  
notarial  
*greffes*.

**80.** The minutes, repertory and index of any notary, deceased since the twenty fourth of February, eighteen hundred and sixty-eight, or who dies after the passing of this Code, or of any notary who has resigned, become interdicted, or, for any other reason, is unable to practise his profession, as well as the *greffes* which may have been assigned to him, may, under the conditions and formalities hereinafter set forth, be assigned and transferred to another practising notary, who either resides or will fix his residence, in the district of the professional domicile of the notary deceased, retired or unable to practise.

Lieutenant-  
Governor may  
permit such  
transfer.

**81.** It shall be lawful for the Lieutenant Governor in Council, upon application to him made, to permit such transfer under the conditions hereinafter set forth, with the consent of the transferring notary, and in the case of a deceased notary with the consent of his widow, and if there be none, with the consent of his legal heirs or representatives. (Schedules 3 and 4.)

Provincial Se-  
cretary shall  
publish notice  
of application  
in Gazette.

**82.** Before granting such permission, the provincial secretary shall publish a notice of such application, for one month in the Quebec Official Gazette, and the permission granted shall not take force and effect, until after the publication thereof in the said Quebec Official Gazette.

Application.

**83.** Application for such permission shall be made in the form of a petition, and the Lieutenant Governor in council shall not grant the same unless the notary, to whom the assignment is made :

Certificate.

1. Produces a certificate of the Board of notaries, signed by the president of the said Board, establishing that he is a notary and has a right to practise as such and is not undergoing any censure or punishment on the part of the said Board of notaries ;

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

3. Provides a vault or safe, sufficient as a protection <sup>Vault.</sup> against fire or damp, wherein to deposit the said minutes, repertory and index. (Schedules, Nos. 5, 6 and 7).

§4. The inspection, for the purpose of ascertaining the <sup>Inspection of vault.</sup> condition of the vault, is made at the cost of the applicant, who shall pay the same immediately, and before he can obtain possession of the notarial *greffe*, ceded and transferred to him.

§5. Every notary, to whom a *greffe* is transferred, must <sup>Every notary must permit inspection of vault.</sup> permit such inspection of the vault or safe, as the Board of notaries may, from time to time, require by an order under the signature of the president or vice-president of the said Board, countersigned by one of the secretaries.

§6. Every notary, to whom a *greffe* is transferred, shall <sup>Notice of a greffe being transferred to a notary must be given by him.</sup> within one month from the granting of his application, give notice thereof to one of the secretaries of the Board. (Schedule No. 8.)

§7. The fees paid to a notary to whom a *greffe* is trans- <sup>Fees.</sup>ferred, for searches, copies and extracts are the same as those which he receives for his own deeds.

§8. Every transfer of a *greffe* is made for a period of <sup>Transfer of a greffe only made for period of 50 years.</sup> fifty years only, dating from the order in council granting the first transfer. This provision applies to *greffes* transferred before the passing of this Code.

§9. The transferred *greffe* of any notary who desires to <sup>Transferred greffes of any notary may be re-transferred to him.</sup> discontinue the practice of his profession may, if he be not under disciplinary penalties, be re-transferred to him, without other formality than a notice to that effect published in the Quebec Official Gazette, and a declaration transmitted to one of the secretaries of the Board.

## SECTION SIXTH.

### PRESERVATION OF MINUTES, REPERTORIES AND INDICES AND THE DEPOSIT THEREOF.

§10. When fifty years have elapsed since the date of the <sup>Deposit of greffe after</sup> order in council authorizing the first transfer, the notary,

lapse of 50 years from date of order in council. or other person then in possession of such *greffe*, shall deposit the same in the office of the prothonotary of the district.

Deposit of *greffes* of deceased notaries.

**91.** Except in cases of lawful transfer of notarial *greffes*, as hereinafter provided, and the transfer under the preceding article, the minutes, repertories and index of every practising notary who dies, leaves the Province, or who becomes unable to act as such, on account of his performing functions inconsistent with his practising, or of any notary, interdicted or removed from office, or who voluntarily ceases practising, as well as the *greffes* of which he was the depository, are deposited by him, or by the party to whose care he has left them, or by his curator, his widow, his children, his heirs or legatees, as the case may be, in the office of the prothonotary of the Superior Court for the district in which such notary last practised and resided.

When deposit shall be made.

**92.** Such deposit shall be made within thirty days from the occurrence which renders it necessary, except in case of death when the delay is sixty days ; but such deposit does not prevent the transfer of a *greffe* in accordance with the provisions of the fifth section of this chapter, provided such transfer is made within the year following the deposit.

Penalty for neglecting to do so.

**93.** Every person, obliged to make the deposit, who refuses or neglects to make the same, is liable to a penalty of from fifty dollars to one hundred dollars for each month of delay, counting from the delay specified in the preceding article ; 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.

Syndic shall give notice.

**94.** As soon as the Syndic is informed that a notary's *greffe* should 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 should be made. (Schedule No. 9.)

Duty of prothonotary, &c.,

**95.** Upon the refusal or neglect of any person, obliged thereto, to make such deposit, the prothonotary is bound, within thirty days from the notice which is given to him by the Syndic of the Board of notaries, to proceed, in a summary manner, to recover and obtain possession of such minutes, repertories and index, by an action of revendication, before a judge of the Superior Court of the said district, either in term or vacation. He is also bound to report his proceedings to the president of the Board of

notaries, without unnecessary delay. In default of the prothonotary fulfilling this duty, he is personally liable to a penalty of fifty dollars for each month of delay.

**96.** The minutes, repertories and indices of notaries transferred to the prothonotary of the Superior Court, form part of the records of his office. Minutes, &c., deposited form part of records of prothonotary's office.

**97.** The prothonotary of the Superior Court of any district is entitled to receive for every copy and for every extract by him delivered, 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 hundred words, and fifty cents for the certificate of authenticity; and a further sum of ten cents, for each year searched in the repertory and index collectively. Fees to be received by prothonotary of superior court.

**98.** The prothonotary, with whom has been deposited the *greffe* of a notary who has been interdicted or suspended or who ceases to practise his profession, shall, during 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. Prothonotary shall pay notary whose *greffe* has been deposited with him half fees received during ten years from date of deposit.

**99.** If the notary dies within ten years from the date of the deposit of his *greffe*, his widow and if he leave none, his heirs, shall be entitled to receive one half of the fees until the expiration of the ten years. If notary dies within that time, his widow or heirs receive half fees.

**100.** If the deposit is due to the death of a notary, his widow, whether she be in community with her husband or separated as to property or has accepted or repudiated the community, is entitled to one half of the same fees, during the ten years following his death; if he leave no widow, the heirs of the notary have the same right, even if they renounce the succession. If deposit due to notary's death, widow or heirs entitled to one half the fees.

**101.** The portion of the fees which the prothonotary is to pay over in virtue of the three preceding articles, is not liable to seizure. These fees not liable to seizure.

**102.** Whenever any notary, interdicted or absent, is re-admitted to practise, he shall be entitled again to obtain possession of his minutes, repertory and index deposited, as shall also any notary who has voluntarily ceased to practise, and has transmitted his *greffe* as aforesaid, if he desire again to practise. When notary, interdicted, or absent, is re-admitted to practice.

But in no case shall the prothonotary allow the *greffe* to go out of his possession before the notary delivers to him a Proviso.

certificate from the president of the Board of notaries that he is not under any disciplinary penalty, and that he has a right to practise.

## SECOND PART.

### GOVERNMENT OF THE NOTARIAL PROFESSION.

#### CHAPTER FIRST.

##### BOARD OF NOTARIES.

###### *Composition of the Board of Notaries.*

**Board of Notaries.** **103.** The notarial profession is governed by a single council, known under the name of "The Board of Notaries."

**Board of notaries a body politic.** **104.** The Board of Notaries is a body politic enjoying all the privileges conferred, by law, upon corporations. It may acquire and possess real and personal estate not exceeding in value the sum of fifty thousand dollars. It may also dispose of its property.

**Services upon Board.** **105.** Any service on the Board, made at the office of one of the secretaries, is a good and valid service.

#### I.

##### *General Elections.*

**Composition of Board of notaries.** **106.** The Board of Notaries is constituted or composed of forty-three members, elected in the manner 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, Iberville, 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.

**Elections of members.** **107.** The members of the Board are elected at the *chef-lieu*, in each of the above named districts, by the practising notaries, residing in the said districts, respectively, at general meetings, at which at least five notaries are present, but at Chicoutimi, in the district of Chicoutimi, as regards the united districts of Chicoutimi and Saguenay, at the times and places hereinafter prescribed.

**108.** The election is held at the court house, at one o'clock in the afternoon, on the first Wednesday of the month of June, by the majority of votes of the notaries present, taken by ballot; and the sheriff of every district shall be bound, subject to a penalty of twenty dollars, to provide a fit and proper room for such meetings.

Place and date of election.

**109.** If the day fixed for the holding of the general meetings be a non-judicial day, they shall be held on the first judicial day following.

When held, if day fixed for general meeting be a non-judicial day.

**110.** The next general meeting of notaries for the election of members of the Board shall be held in the year one thousand eight hundred and eighty-five.

Next general meeting held in 1885.

**111.** The subsequent general meetings shall be held every three years, to which period the functions of the members of the Board are limited. Nevertheless they shall remain in office until their successors are elected or appointed and they may be re-elected if they consent thereto.

Subsequent general meetings.

**112.** Each such meeting is presided over by a notary, chosen by the majority of the notaries present, entitled to vote at such meeting.

Each meeting presided by notary chosen by majority.

**113.** Only practising notaries are entitled to vote at meetings of notaries or to be chosen to preside thereat.

Only practising notaries entitled to vote.

**114.** Only practising notaries are eligible as members of the Board of Notaries. They must, in addition, have paid, before the first of April preceding such meetings, the subscription then due.

Only practising notaries eligible as members.

**115.** By "practising notary" within the meaning of this section is meant one, who, having paid his subscription, is not deprived of the right of passing deeds and who has not been appointed to one of the offices mentioned in article 28 of this Code, whether he has been appointed before the first of January eighteen hundred and seventy four or since that date.

What meant by words, "practising notary."

**116.** 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 treasurer of the Board, the secretaries, 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

The treasurer, secretaries, the syndic or president shall forward list of practising notaries to sheriffs.

paid their subscription in accordance with article 174 of this Code.

Sheriff shall give access to list to all notaries who may apply.

**117.** As soon as the list comes into the sheriff's possession, he is bound to give communication thereof, gratis, to all notaries who apply to him, so as to have it corrected by the treasurer, if necessary.

Sheriff shall deliver list to chairman of meeting.

**118.** 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 received by him from the treasurer, and the chairman of the meeting shall not accept votes from any notaries whose names are not on the list.

Where minutes of proceedings are filed.

**119.** The notary, called upon to preside over the meeting, after having drawn up and signed the minutes of the proceedings, files the same, with the list used for the election, in the archives of the Superior Court, sitting in his district, and within a delay of fifteen days, delivers a certified copy of the minutes of the meeting to the president of the Board of Notaries, addressed to one of the secretaries, after having given a written notice of their election to each of the members elected.

Certified copy delivered to president of Board of notaries.

## II.

### VACANCIES IN THE BOARD OF NOTARIES.

Vacancies, how filled.

**120.** If, at the time of the first meeting of the Board, immediately following a triennial election, or, if at the time of any subsequent meeting, it appears that in any district there has been no election, the Board shall, on being informed thereof, appoint from amongst the qualified notaries of the district a member, or the number of members required to represent such district.

Vacancies, how created.

**121.** If it appears that a member elect 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 article 28, or if a notary ceases to be a practising notary, or dies or becomes civilly dead, the Board may declare his seat vacant.

Idem.

**122.** There is a vacancy in the Board of Notaries when one of its members :

1. Refuses to accept or to continue to occupy the office ;
2. Is absent from two consecutive meetings of the Board ;

3. Removes his domicile without the limits of the Province ;

4. Resigns his office with the consent of the Board ;

5. Comes within one of the cases provided for by the preceding article and his seat is declared vacant ;

6. Incurs one of the disciplinary penalties which deprive him of his office.

**123.** Vacancies in the Board of notaries are 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 the meeting at which such vacancy is announced.

Vacancies filled by majority of votes of members present at meeting following occurrence.

**124.** The members, so appointed to fill vacancies, shall be chosen from amongst the practising notaries of the district amongst whose representatives the vacancy occurs.

Vacancies filled from among practising notaries of district.

**125.** Every notary so appointed has the same powers, and rights, and is subject to the same duties, as those who are elected by the notaries at a general meeting.

Powers, &c., of notary so appointed.

## SECTION SECOND.

### INTERNAL MANAGEMENT OF THE BOARD.

#### I.

#### *Sittings of the Board.*

**126.** The general meetings of the Board of Notaries are held at ten o'clock in the forenoon, on the third Wednesday in May, at Quebec, and the first Wednesday in October, at Montreal, in each year ; if the day so fixed be a non-judicial day the meeting is held on the next judicial day.

General meetings of Board, when held.

**127.** 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 twenty members of the Board.

Special meetings.

**128.** Notice of such special meetings shall be sent by mail to all the members of the Board, at least fifteen days before the day fixed for the holding of such meetings.

Notice of such special meetings.

**129.** Extraordinary general meetings may be held whenever the Board deems desirable.

General meetings.

Extraordinary  
general meet-  
ings.

**130.** Other extraordinary general meetings of notaries may also be called by either of the secretaries of the Board, on a written request addressed to such secretary and signed by ten members of the Board of Notaries, or twenty-five practising notaries, qualified to vote at meetings for the election of members of the Board.

Meetings, how  
summoned.

**131.** All such meetings, asked for in either manner, are summoned by notice inserted, in the French and English languages, in two newspapers published in each of the districts of Quebec and Montreal, at least fifteen days before such meeting.

What makes a  
quorum.

**132.** The quorum for despatch of business is twelve and eight for the examination of candidates for the study or practice of the Notarial profession.

Continuation  
of meetings.

**133.** 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, is continued from one juridical 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.

Minutes of  
board, how  
authenticated.

**134.** The minutes of every sitting of the Board are signed on the minute book of the proceedings by the president of the meeting, and countersigned by the secretary, and are authentic. Nevertheless the omission of the signature of the president does not invalidate the authenticity of the minutes, when signed solely by the secretary.

## II.

### *Indemnity to members.*

Travelling ex-  
penses of  
members of  
board.

**135.** The members of the Board are entitled to be indemnified for the travelling expenses they incur in proceeding to attend meetings of the Board and of standing and select committees, sitting in vacation and in returning therefrom,

Indemnity for  
attending  
meetings of  
Board.

**136.** The members of the Board are further entitled to an indemnity which the Board determines, from time to time by by-law, but which must not exceed six dollars for every day they attend the meetings of the board or of the committees sitting in vacation, for the time absolutely required to take them to the place of meeting and return, counting the day of their leaving their residences and the day of their return.

**137.** The indemnity and travelling expenses are paid <sup>How paid.</sup> by the treasurer upon a certificate from the president, vice-president or president *pro-tempore* of the Board and the secretary.

In the case of a committee sitting in vacation, the certificate shall be given by the chairman and secretary of the committee, the whole nevertheless subject to the formalities, requirements, and forfeitures which by-law the Board may enact.

## SECTION THIRD.

### OFFICERS OF THE BOARD AND THEIR DUTIES

#### I.

#### *Officers of the Board.*

**138.** At the first session of each triennial Board, the board elects for such period the following officers who are <sup>When officers of board are elected.</sup> all eligible for re-election :

1. A president,
2. A vice-president,
3. A syndic,
4. Two secretaries, one of whom must reside in the city of Quebec and the other in the city of Montreal,
5. A treasurer,
6. All the other officers required for the carrying out of the law or the orders of the Board.

**139.** The president and vice president, or *pro-tempore* <sup>Choice of president, &c.</sup> president, and the syndic are always chosen from among the members of the Board ; the other officers may also be chosen from among practising notaries.

**140.** The Board may remove any officer at pleasure, and appoint another in his stead ; but no officer can be so removed <sup>Any officer can be removed at pleasure.</sup> except by the vote of the absolute majority of the members of the Board.

**141.** In case of any of the officers aforesaid being absent, <sup>In case of absence of officers.</sup> or prevented from acting, their places may be supplied by the appointment of others, *pro tempore*, by the majority of the members present, at any meeting at which there is a quorum.

**Officers, members of the Board, may vote as such.** **142.** The officers, who are members of the Board, may vote as such with the other members at all the meetings of the Board.

## II.

### *Duties of the officers.*

**Principal duties of officers.** **143.** The principal duties of the officers of the Board are set forth in the sub-section, but others are incidentally included in other provisions of this Code.

**President's duties.** **144.** The president calls the special meetings of the Board, preserves order at all meetings, and votes only when the votes are equally divided, or when an absolute majority of the Board is required.

**Retiring president presents report at first session of each period of three years.** **145.** The retiring president presents a report at the first session of each triennial period, of the principal proceedings of the previous period, and of all the important events which have happened and are of interest to the profession.

**Vice-president.** **146.** The vice-president replaces the president in case of illness, absence or other cause.

**In the event of absence, president and vice., how replaced.** **147.** The president and vice-president are replaced, in the event of the absence of both, by a president *pro tempore*, appointed by the members present, and the provisions of article 144 apply to the vice-president and president *pro tempore* when they replace the president.

**Syndic acts as prosecutor.** **148.** The Syndic acts as prosecutor, in the name of the Board, to recover the subscriptions and also when notaries are accused before the Board or before the committee on discipline.

**In case of trial of notary, syndic forms part of quorum, but cannot vote.** **149.** In the case of an accusation brought against a notary, the Syndic forms part of the quorum, takes part in the proceedings, but has no right to vote on any decision of the Board on the accusation or proceedings in connection, therewith.

**Secretaries' duties.** **150.** The secretaries draw up the minutes and keep the records of the Board, are custodians of the archives and deliver copies thereof. They receive instructions respecting any charges brought against a notary and report the same to the Board.

**151.** Each of them may appoint a deputy to represent him in case of sickness, absence or other impediment. Each may appoint a deputy.

Such appointment is made over the signature of the secretary and is entered in the minutes of the proceedings of the Board. It is subject to the approval of the Board, or in vacation, that of the president, or vice-president, if the president be absent or unable to act. Such appointment how made and approved.

**152.** The secretary, residing in the city in which the meeting of the Board is held, draws up and keeps the record of the minutes, and within thirty days from the close of the session, he forwards a certified copy to the other secretary who transcribes it in his register. Resident secretary draws up and keeps record of minutes.

**153.** The treasurer has charge of the funds of the Board, receives and pays moneys when authorized, and accounts for the same as the Board directs. Treasurer has charge of funds.

**154.** The treasurer, before acting as such, furnishes one or more sureties whose names are previously approved by the Board, to the amount of one thousand dollars. Treasurer must furnish \$1,000 security.

**155.** After each meeting, the treasurer continues to deposit in the name of the Board, in some banking institution approved by it, the moneys received by him during the vacation, after deducting expenses and disbursements. Treasurer must deposit in bank moneys received by him.

**156.** None of the moneys, deposited in the name of the Board or which may hereafter be deposited, can be withdrawn, except upon a cheque or order signed by the president or vice-president and countersigned by the treasurer. How moneys deposited can be withdrawn.

## CHAPTER SECOND.

### POWERS OF THE BOARD OF NOTARIES.

#### SECTION FIRST.

##### GENERAL POWERS.

**157.** In addition to the powers which are inherent to the Board of Notaries as a corporation, and those which are incidentally included in other provisions of this Code, it also possesses the general powers enumerated in this section. General powers of Board.

**158.** It may, from time to time, increase its quorum for the despatch of business, and restore it to the original number specified by this Code. Board may increase quorum.

**May make and amend tariffs, rules, &c.** **159.** It may make and amend the tariffs, rules and regulations for the management and administration of the matters under its control and for the proper carrying out of the provisions of this Code.

**May delegate powers, except such as relate to examination of candidates for study and practice.** **160.** It may delegate its powers, except such as relate to the examination of candidates for study and practice, to any standing or select committee and determine the quorum thereof.

**Grants or refuses certificates of qualification, &c.** **161.** It grants or refuses, after examination, the certificates of qualification and admission required by applicants for admission to the study or practice of the notarial profession.

**Prevents and reconciles all differences between notaries.** **162.** It prevents and reconciles all differences between notaries, and all complaints and claims by third parties against notaries, concerning their functions. It may simply express an opinion respecting the damages which may thence arise.

**May summon any notary before it.** **163.** It may summon any notary before it or before any of its committees.

**Punishes notary found guilty.** **164.** According to the gravity of the offence and according to the provisions of this Code, it punishes by the committee on discipline, every notary found guilty, by the imposition of the disciplinary penalties defined and enumerated in this Code, without prejudice to the recourse to courts of law, if need be.

It imposes, in its discretion, similar penalties summarily and without recourse to any proceedings, upon any notary, who renders himself amenable thereto in the meeting-room of the Board during its sittings.

**Maintains internal discipline among notaries.** **165.** It maintains internal discipline, among notaries, and finally awards censure or enforces other disciplinary penalties.

## SECTION SECOND.

### SEAL.

**Board may adopt seal.** **166.** 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.

**Use of such seal.** **167.** The use of such seal, upon deeds *en brevet*, copies of and extracts from notarial deeds, shall be obligatory

upon notaries who become such, after the Board shall have ordered the same by by-law and optional for those who were admitted before that time.

### SECTION THIRD.

#### TARIFFS.

**168.** The Board of notaries may make, increase, reduce or otherwise alter, from time to time, the tariffs of the fees which notaries may exact for their professional services. Board may make, &c., tariffs of fees.

**169.** Such tariffs and the amendments thereto enter into force after having been approved by the Lieutenant-Governor in council, only fifteen days after the last publication thereof in four consecutive numbers of the "Quebec Official Gazette." Tariffs and amendments, when they enter into force.

**170.** The Board of notaries is bound to print each tariff, alteration or amendment for the use of practising notaries, 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 one of the secretaries. The prothonotaries must exhibit the same in a conspicuous place in their offices. Board of notaries bound to print, &c., each tariff.

**171.** The Board may by-law make and modify the tariff of fees to be paid to its officers and to those of the standing committees, for all the services required of them in the performance of the duties of their office. Board may make and modify tariff of fees.

**172.** The Board is authorized to make and modify tariffs of fees, both for the cost of proceedings in the first instance, before the committee on discipline, and for the costs in appeal, before the Board. Board authorized to make and modify tariffs of fees.

**173.** Copies of the tariffs and amendments, mentioned in this section, as well as the extracts therefrom, certified to be true and purporting to be signed by one of the secretaries of the Board, are authentic and are evidence of their contents before all Courts of Justice. Copies of tariffs and amendments, when authentic.

### SECTION FOURTH.

#### SUBSCRIPTION TO THE BOARD OF NOTARIES AND FINANCES OF THE BOARD

**174.** 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 article 30 of this Code, shall pay, in advance, Notaries' annual subscription.

each year, on the first of March, at the office of the treasurer of the board an annual subscription of four dollars.

By-law may diminish or restore amount.

**175.** The subscription may be diminished or restored to the original amount by a by-law adopted by an absolute majority of the Board.

Arrears of subscriptions.

**176.** The arrears of subscriptions, to be paid into the common funds of the late district board of notaries and the Board of notaries are the property of the Board of notaries and are payable at the office of its treasurer.

Subscriptions, arrears, &c., how recoverable.

**177.** The subscription, fixed or diminished as provided for in articles 174 and 175 and the arrears of former subscriptions mentioned in the preceding article, are recoverable, both from the notary in arrear and from his heirs and representatives, by the syndic, in the name of the Board of notaries, before the Circuit Court, sitting at Quebec or at Montreal.

Initials of defendant's Christian names sufficient.

**178.** In every such action it is sufficient to give the initials of the defendant's Christian names as they appear on the table of Notaries.

Allegation that notary is indebted to board, also sufficient.

**179.** It is likewise sufficient to allege that the notary, who is the defendant, or his heirs or representatives are indebted towards the Board of Notaries for the year's subscriptions demanded of them.

Statement of account of notary, bearing seal of board, &c., receivable as *prima facie* evidence.

**180.** The statement of account of a notary, whose subscription or arrears are so demanded (from him or from his heirs) bearing the seal of the Board and appearing to be signed by its treasurer, shall be received in all courts of justice as *prima facie* evidence of its contents and may be filed at any stage of the cause before the proof is closed.

Fiscal year.

**181.** The fiscal year for the Board of Notaries commences on the first of March.

Treasurer shall render yearly account.

**182.** At and after the sitting in May, 1884, the treasurer shall render an account yearly at the same date for the past fiscal year.

Statement of receipts and expenditure.

**183.** A statement of the receipts and expenditure is afterwards transmitted by the treasurer, during the course of the month of May in each year, to every practising notary entered on the table.

## SECTION FIFTH.

## GENERAL TABLE OF NOTARIES.

**184.** The two secretaries jointly prepare, during the month of October, every three years, commencing in the year one thousand eight hundred and eighty five, a general table of all the notaries of the Province.

Secretaries jointly prepare general table.

**185.** This table contains :

Contents.

1. The names and surnames of all practising notaries ;
2. The names and surnames of all notaries not then entitled to practise their profession ;
3. The names and surnames of the notaries deceased since the preparation of the previous table ;
4. The list of *greffes* deposited with the various prothonotaries of the province.

**186.** The first part, containing the names of the practising notaries, is 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 *greffes* of which he is the depositary.

First part.

**187.** The second part, containing the names of the non-practising notaries, is also made in alphabetical order, by districts and by names, and mentions the date of the commission, and the residence of all the notaries who, at the time of the preparation of the list, do not practise, either voluntarily or because they are suspended or interdicted or exercise one of the offices mentioned in article 28 of this Code or because they have embraced one of the professions mentioned in article 27, and opposite their names, the reason for which they do not practise, and the name of the person with whom their *greffes* are deposited.

Second part.

**188.** The third part, containing the names of the notaries deceased since the preparation of the previous table, is also made in alphabetical order, by districts and by names, and mentions the date of the commission, and the place of the last residence of all the notaries so deceased, and the name of the persons with whom their *greffes* are deposited.

Third part.

**189.** The fourth part, containing the list of all the *greffes* deposited with all the various prothonotaries of the Pro-

Fourth part.

vince, is also made in alphabetical order, by districts and by names, and mentions the years during which the notaries whose *greffes* have been deposited have practised.

Other information may be inserted by order of Board.

**190.** The Board of Notaries may order, by by-law that such other information and details of interest to the profession be inserted in the table.

Secretaries must transmit copy of such table to all practising notaries.

Errors and omissions in table, how corrected.

**191.** The secretaries transmit, without delay, by mail a copy of such table to all the practising notaries, as well as to the prothonotaries and registrars.

**192.** The errors and omissions in the table are corrected by means of circulars, indicating the changes and additions to be made, prepared by the secretaries and addressed by mail to all those who are entitled to receive the table, who shall correct the table accordingly.

Secretaries, each October, transmit supplementary table to those entitled.

**193.** In the interval between the preparation of the tables, the secretaries transmit, during the month of October in every year, to all who are entitled to receive the same, a supplementary table, showing the additions and changes which have occurred since the preparation of the last table or supplementary table.

Tables, where placed.

**194.** The tables are placed by those who receive them in a conspicuous place in their office.

Every notary, changing his domicile, must notify secretary.

**195.** Every notary who, after the coming into force of this Code, changes his domicile to another locality, shall, within thirty days from such change, transmit to one of the secretaries of the board a declaration mentioning such change. (Schedule No. 10).

Secretaries must transmit certified list of declarations to treasurer.

**196.** The secretaries, on or before the first of March in each year, are bound to transmit to the treasurer a list, certified by them, of the declarations they have received during the course of the year.

Officers of board must give all information in their power to secretaries.

**197.** The treasurer is bound to assist the secretaries in preparing the tables, and all the members and officers of the Board, when called upon to do so, must give them all the information in their power.

## CHAPTER THIRD.

ADMISSION TO THE STUDY AND TO THE PRACTICE OF THE NOTARIAL  
PROFESSION.

## SECTION FIRST.

## ADMISSION TO STUDY.

**198.** British subjects only, of the male sex, shall be admitted to the study of the Notarial profession.

Persons admitted to study.

**199.** In order to be admitted to the study of the Notarial profession, the candidate must also have received or concluded a complete course of classic and scientific studies, in French or in English, in an incorporated public institution, within or without the Province, in which a complete course of classic and scientific studies is taught.

Condition of being admitted.

**200.** The production before the board of Notaries of a certificate from the principal or superior of the institution, wherein the candidate has studied, is proof of his having completed the course of studies required by the preceding section. (Schedule No. 11).

Proof of having completed required course of studies.

**201.** The certificate shall enumerate all the classical and scientific subjects taught in the institution, and shall bear its seal.

Certificate to enumerate all classical and scientific subjects taught in institution.

If the institution does not possess a seal, the signature of the principal or superior shall be authenticated by a Notary. (Schedule No. 11.)

**202.** The candidate, having the qualifications required by the four preceding sections, must also undergo a public examination before the Board upon his knowledge of classics and sciences, and upon his knowledge of the French and English languages.

Other conditions.

**203.** Before being allowed to go up for his examination the candidate must give notice in writing to one of the secretaries of the board, thirty days at least before the sitting at which he intends to present himself. (Schedule No. 12.)

Before going up for examination, candidate must give thirty days' notice in writing.

**204.** Such notice must state the names, surname, age, and residence of the candidate for study, and the institution and place where he has been educated; if he has held any office or exercised any function, trade, industry, business or calling whatsoever he shall also state it. (Schedule No. 12.)

What notice must state.

**Examinations, how held.** **205.** The examinations are held publicly, at any ordinary sitting of the Board, in writing and *viva voce* according to the by-laws and regulations of the board. The written examination must be considered satisfactory before the candidate can be allowed to go up for the oral examination.

**Certificate of admission to study.** **206.** If the oral examination is also satisfactory, the Board grants to the candidate a certificate of admission to study, but his clerkship shall not begin to run until he has executed an indenture before a notary giving the date of his admission to study. (Schedule No. 13.)

**ee payable.** **207.** Before obtaining his certificate of admission to study, the candidate must pay to the Board a fee of twenty dollars over and above the secretaries' fees.

## SECTION SECOND.

### ADMISSION TO PRACTISE.

**Registration of articles.** **208.** Notarial students must cause all articles and transfers of articles to be enregistered within thirty days from their date, under pain of nullity.

**Board may allow registration of deed after certain delay.** **209.** Nevertheless the Board may, upon special application and upon payment of a fee of ten dollars, allow the registration of any such deed after such delay, but such enregistration must be made at least three months before such candidate can undergo his examination.

**Duration of study.** **210.** In future notarial students shall study for five entire and consecutive years.

**For those who have followed regular courses of law in a university.** **211.** Nevertheless, a student, who shall have followed a regular course of law in a university of this Province, during two years, may be admitted after four consecutive years of clerkship, and, if he has followed a complete and regular course of law during three years and obtained a degree in law in such university, he may be admitted at the end of the three years.

**Board may order one or more examinations during clerkship.** **212.** The Board may, by by-law, order that notarial students shall undergo one or more examinations during their clerkship.

**Interpretation of word "consecutive."** **213.** The word "consecutive," in articles 210 and 211, signifies that all the interruptions united, during his clerkship, shall not exceed three months.

**214.** The vacation, from 9th July to 1st September, is not an interruption. Vacation not an interruption.

**215.** If the interruption exceed three months the Board may by by-law cover such irregularity, upon the candidate paying to the Treasurer of the board a sum of twenty-five dollars, without prejudice to the payment of the other sums, which each candidate is obliged to pay before obtaining his commission. If interruption exceed three months, Board may cover irregularity on payment.

**216.** The candidate for admission to practise as Notary, who wishes to undergo his examination, shall give to one of the secretaries of the board a notice in writing to that effect, at least one month before the sitting at which he intends presenting himself. (Schedule No. 14). Candidate must give notice of intention to present himself.

**217.** Such notice shall state the name and surname of the candidate as given in his certificate of birth. It must be accompanied by a sum of seven dollars to cover the cost of the advertisement required by the following article, also by his indentures, transfers of indentures, certificate of birth, and the certificates and other documents required by this code. (Schedule No. 14). What notice shall state

**218.** The secretary of the place where the Board is to meet, must give during three weeks a notice, in the French and English languages posted up in the offices of the two secretaries and published in the newspapers according to the by-laws of the Board, of the day and hour at which the examination shall take place, as well as of the name, surname and residence of each candidate. Secretary must give notice of holding of examination.

**219.** To be entitled to undergo his examination for admission to practise as a notary, the candidate must prove before the Board of Notaries: What candidate must prove before being entitled to undergo examination.

1. That he is still a British subject;
2. That he resides in the Province;
3. His good conduct during his clerkship;

4. That he has *bonâ fide* served under a practising notary, during the time required by either of the articles 210 and 211 of this Code, according to the course of legal studies he has followed.

**220.** If he has not presented himself for examination during the twelve months following the expiration of his clerkship, the candidate cannot be admitted to prove be- What required, if candidate has not presented himself within

twelve months following expiration of clerkship. fore the Board what is required of him by the preceding article, unless he has :

1. Obtained from the Board a by-law permitting him to proceed to such proof ;
2. Paid to the treasurer a sum of twenty five dollars.

A candidate, three times rejected, cannot again present himself

**221.** A candidate or notarial student, who has been three times rejected on account of incapacity, shall not again be permitted to undergo an examination.

Power of the Board to summon witnesses.

**222.** The Board of notaries may summon before it, by an order under the hand and seal of the president or vice-president and the counter-signature of one of the secretaries, any person whom the candidate or those opposing his admission wish to call in opposition to or in support of the allegations concerning his mode of life and qualification. The oath is administered to the witness by the chairman of the meeting.

Candidate of minor age may be examined for practice.

**223.** A candidate, of minor age, may be examined for practice, but his commission shall only be granted to him when he attains his majority.

Notarial students may pass exam. at meeting nearest to termination of clerkship.

**224.** Notarial students may pass their examination at the meeting which is the nearest to the termination of their clerkship ; but their commission as notary is only granted at the expiration of their clerkship.

Examination held publicly

**225.** The examination is held publicly at any ordinary session of the Board, in writing and *viva voce*, in accordance with the rules and regulations of the Board ; but in order to be admitted to the oral examination the written examination must be deemed satisfactory.

What examination includes.

**226.** The examination includes the science of law, the practice of the notarial profession and the drawing up of notarial deeds.

Commission granted, if oral exam. satisfactory on payment of fifty dollars.

**227.** If the oral examination be also satisfactory, the Board grants him his commission as notary, on payment of the sum of fifty dollars. (Schedule No 15).

Notary must take oath of office, before commencing to practise.

**228.** Before commencing to practice, every notary must take the oaths of office and of allegiance before a judge of the Superior Court, and a certificate to that effect is entered on his commission.

Commission, &c., must be registered.

**229.** The commission, with the certificate of his having taken the oaths of office and of allegiance, must be registered.

tered in the office of one of the secretaries of the Board of notaries and in the office of the Provincial Registrar.

**230.** On registering his commission in the office of one of the secretaries of the Board he 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 cannot change without the authority of the board.

On registering commission, Notary must also register declaration as to residence and deposit signature.

### THIRD PART.

#### DISCIPLINE.

#### CHAPTER FIRST.

##### PENALTIES AND THEIR RECOVERY.

**231.** Every notary who is guilty of any infraction of the provisions of the articles hereinafter specified is amenable to the penalties enumerated in this and the following article, irrespective of the damages to the parties.

Penalties for infraction of provisions.

For every infraction of the provisions :

1. Of article 18, paragraph 2, ten dollars ;
2. Of articles 36, 40, 41, 44, 45, 46, 47, 51, 52, 57, 58, 59, 85, 86, 119 and 195, fifteen dollars ;
3. Of articles 20, 21 and 22, relating to the keeping of repertories and indices and of articles 76, 228, 229 and 230, twenty-five dollars ;
4. Of article 25, fifty dollars ;
5. Of articles 27, 28, 60 and 61, one hundred dollars.

This penalty is also incurred by any one who has been removed, under articles 27 and 28, and who has also any share or pecuniary interest in the practice of another notary, as well as by the latter.

**232.** The following penalties are also incurred :

Other penalties.

1. By a notary for refusing to accept the office of member of the Board of Notaries or neglecting to fulfil the duties when he is not exempted, twenty-five dollars ;
2. By any officer of the Board, who refuses or neglects to fulfil the duties imposed upon him by this Code, ten dollars ;

3. By any sheriff, who refuses or neglects to fulfil the duties imposed upon him by articles 108, 117 and 118, fifty dollars ;

4. By every notary, who has been removed or suspended, who exposes a sign or other notice, which may lead the public into ignorance of his removal or suspension or who shall give a notarial form to any deed passed by him, for every infraction, one hundred dollars.

Fines and penalties, how recoverable.

**233.** All fines or penalties, imposed by the present Code, are sued for and are recoverable by the Syndic, in the name and with the previous authorization of the Board, or of its president or vice-president, before the Circuit Court, sitting at Quebec or at Montreal ; and when recovered, are paid by the Syndic into the hands of the treasurer of the Board, to from part of the common fund. If the Syndic be the person to be proceeded against, the treasurer shall act *ex-officio* in the name of the Board.

Application of article 178.

**234.** The provisions of article 178 also apply to suits for the recovery of penalties.

## CHAPTER SECOND.

### SUSPENSION FOR REFUSAL TO PAY SUBSCRIPTIONS.

Suspension of notaries, whose subscriptions not paid.

**235.** In addition to the action under articles 177, 178, 179 and 180 of this code, the Board of notaries may also proceed to summarily suspend notaries who do not pay their subscriptions.

List delivered to the syndic of notaries who owe subscriptions.

**236.** During the course of the month of July in each year, the treasurer of the Board of Notaries delivers to the Syndic, the list of all the notaries, who, in addition to the subscription for the current year, also owe the subscription for the fiscal year ending on the first of March preceding, or any other arrears due for previous years.

Syndic shall transmit to those whose names are on list notice that their suspension will be applied for.

**237.** On receiving such list the Syndic transmits with due diligence, by registered letter, to all the notaries whose names are entered upon it, a notice that, at the first ensuing meeting of the Board, he will apply for their suspension. Such notice shall be posted at least thirty days before the meeting at which the suspension is to be asked for. (Schedule No. 16.)

Proof of notice being sent.

**238.** The certificate, under the Syndic's oath of office, that he has caused such notice to be sent, in accordance

with the preceding article, is sufficient proof of its having been sent.

**239.** The Board of notaries may, at any ordinary meeting, without other formality, by an order, decree the suspension of each and every notary, so in arrear for the payment of his subscription beyond the current year. (Schedule No. 17.)

Board may decree suspension of every notary in arrear.

**240.** The effects of such suspension last until the suspended notary relieves himself therefrom by the payment :

Effects of the suspension.

1. Of his arrears ;
2. Of the costs incurred in suspending him, as taxed by the Board in the order of suspension ;
3. Of the costs of publishing such order.

### CHAPTER THIRD.

#### INSPECTION OF NOTARIES' *Greffes*.

**241.** The Board of notaries shall order the inspection of a notary's *greffe*, in the cases specified in the following article.

Board of notaries shall order inspection of notary's *greffe*.

**242.** Such inspection is only ordered if a complaint, sworn to before a justice of the peace, is filed before the Board, alleging that the complainant has reason to believe and suspect and does in fact believe and suspect that a notary :

Such inspection ordered only if sworn complaint is filed.

1. Does not keep a repertory or index, or
2. That he 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 or study in which to preserve his minutes. (Schedule 18.)

**243.** Such inspection is made by one or more practising notaries, not exceeding three, selected by the Board from amongst the notaries who do not belong to the Board.

Inspection made by one to three practising notaries, selected by Board.

Notary appointed cannot be compelled to inspect more than one *greffe*. **244.** The notary or notaries so appointed to inspect a *greffe* cannot be compelled to inspect more than one *greffe* during any one triennial term of office of the Board.

Thirty days notice must be given to notary whose *greffe* is to be inspected. **245.** The inspector or inspectors, before proceeding to inspect a *greffe*, shall give notice by registered letter, posted at least thirty days beforehand, to the notary whose *greffe* is to be inspected, of the day and hour at which such inspection shall be made. (Schedule No. 19.)

Official notice to notary whose *greffe* is to be inspected must be delivered. **246.** Before being permitted to make their inspection the inspectors shall deliver to the notary whose *greffe* is to be inspected, an official notice to that effect, from the Syndic. (Schedule No. 20.)

What inspection and report shall cover. **247.** The inspection and report of the inspector or inspectors shall cover everything which may give rise to the inspection of a *greffe* under article 242 ; but shall not go beyond that. At the time of the inspection, and at the time of taking into consideration the report of the inspector or inspectors by the Board, the complainant is allowed to prove that at the time he brought the complaint it was well grounded.

Report made under oath of office of inspecting notary. **248.** The report is made to the Board under the oath of office of the inspecting notary or notaries.

Action of Board thereon. **249.** The Board shall on such report adopt such proceedings as may be necessary.

Indemnity to notary inspecting *greffe*. **250.** The notary inspecting a *greffe* is entitled to recover from the Board, upon a certificate of the secretary, to whom he has transmitted his report, the same indemnity and travelling expenses as members of the Board.

If right to inspect be wholly or partially refused. **251.** At the day and hour indicated for the inspection, if the door of the domicile of the notary whose *greffe* is to be inspected, is closed, or if entrance thereto is refused, or, if his office be apart from his domicile and the door thereof be closed or entrance thereto be refused, or, if the inspection be otherwise either wholly or partially refused, the inspectors at once report the same to the Syndic.

Suspension of notary refusing to be applied for. **252.** On such report the Syndic immediately gives, notice to the notary who has refused the inspection, by registered letter, that he will apply for his suspension at the next ensuing meeting of the Board, unless in the interval he submits to such inspection and pays the cost thereof.

**253.** Such costs include the fees of the Syndic and the indemnity and travelling expenses for the second journey made by the inspectors. Costs.

**254.** The provisions of article 238 apply to the notice required by article 252. Provisions article 238, apply to 252.

**255.** The Board, at the meeting following such notice or at any subsequent meeting, 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 article 253, as well as all the costs incurred for his suspension and in relieving him therefrom. (Schedule No. 22.) Suspension of notary refusing to allow inspection.

## CHAPTER FOURTH.

### COMMITTEE ON DISCIPLINE, PROCEDURE, DISCIPLINARY PENALTIES.

#### SECTION FIRST.

##### COMMITTEE ON DISCIPLINE, ITS COMPOSITION AND POWERS.

**256.** At the meeting held in October in each year the Board of notaries appoints five of its members to constitute a committee to investigate, hear and decide, in the manner and form hereinafter provided, all accusations or complaints against any notary for breach of his professional duties or for acts derogatory to the honor of the profession. Committee on discipline.

**257.** The committee is known under the name of "Committee on discipline." Its quorum is three and the secretaries of the board or their deputies, as the case may be, act as clerks *ex-officio*. Quorum.

**258.** The powers of such committee lapse at the annual meeting which follows its appointment; the members who compose it are, however, eligible for re-election, if they are qualified and consent thereto. When powers of said committee lapse.

Nevertheless the committee, which has heard an accusation on the merits, must render judgment, notwithstanding the expiration of its powers. Committee, having heard an accusation must render judgment.

**259.** The grounds of recusation against judges set forth in articles 176 and 177 of the Code of Civil Procedure apply to the members of the committee on discipline, and if the recusation be admitted by the committee, it replaces the recused member under the provisions of article 264 of this Code. Grounds if recusation that apply to members of committee on discipline.

Member ab-  
senting him-  
self of board  
of notaries.

**260.** Any member, who, without valid reason, absents himself from the meetings of the Board of notaries or of the committee on discipline, is liable to disciplinary penalties.

How absence  
established.

**261.** The absence of a member of the committee on discipline is established by the minutes of the meetings of such committee, in which are entered the names and surnames of the members present at each meeting.

Absence of  
member of  
committee, so  
established is  
the only proof  
required.

**262.** The absence of a member of the committee, so established, is the only proof required to authorize the committee of which such member forms part, to impose disciplinary penalties upon him, the latter having been previously heard or duly summoned, according to the rules which the Board may make, from time to time, in reference thereto, saving an appeal to the Board by the member condemned.

Appeal.

**263.** In the event of appeal by the latter, the appeal is proceeded with as hereinafter prescribed for the ordinary appeal from a judgment of the committee on discipline.

If suspension  
be decreed.

**264.** If suspension be decreed and the committee still forms a quorum, it appoints *ex-officio* a substitute duly qualified in this respect, so as not to retard the trial and decision in any case then pending ; if otherwise, it is necessary to wait till the Board appoints such substitute at its first meeting after the vacancy has occurred, as in the case of an ordinary vacancy in the committee.

Lapse of  
powers of  
members fill-  
ing vacancies.  
Committee  
sits at Quebec  
or Montreal,  
whenever re-  
quired.

**265.** The powers of the members, appointed to fill such vacancies, lapse with those of the committee itself.

**266.** The committee sits at Quebec or Montreal whenever so required by its chairman, by two of its members, by the syndic, or by one of the secretaries of the Board. The secretary of the place in which the sitting is to be held, or his deputy acts *ex-officio* as clerk of the committee.

Board author-  
ized to make  
rules.

**267.** The Board is authorized to make rules for defining the proceedings for convening the committee, and the latter has power to make by-laws to regulate its proceedings and the procedure to be adopted by it.

Acts derogat-  
ory to dignity  
of the profes-  
sion.

**268.** In addition to acts which the Board or the committee on discipline may, as occasion arises, declare derogatory to the honor 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 any reward whatever, by a member of the Board, for contributing or having contributed towards causing any proceeding or decision whatsoever adopted by the Board ;

2. Any agreement or convention made with the object of paying back any portion of the fees to third parties ;

3. Bringing an accusation against a fellow member of having committed an act derogatory to the profession, when such accusation is declared frivolous and vexatious by the committee on discipline ;

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 exercise of his profession or otherwise ;

7. Appropriating moneys deposited with or handed to such notary in the exercise of his profession or otherwise ;

8. The commission of a crime or felony when legally proved and followed by a final sentence of a competent court.

**259.** It is lawful for the committee on discipline to re-<sup>Suspension of</sup> move from office or suspend any notary who is legally <sup>notary.</sup> convicted :

1. Of having illegally joined to the exercise of his profession that of the other public offices, whose exercise is by article 27 declared inconsistent therewith ;

2. Or of having joined with his profession any of the professions declared, by article 28, inconsistent with that of a notary.

**270.** The disciplinary penalties, which may be imposed <sup>Disciplinary</sup> according to the gravity of the breach of discipline or of <sup>penalties.</sup> the act derogatory to the honor of the profession, are :

1. Deprivation of the right of voting at elections of the Board, as also at the general meetings of notaries during a certain period ;

2. Deprivation of eligibility to the office of member of the Board ;

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

4. Censure ;

5. Forfeiture of membership of the Board of Notaries ;

6. Suspension from the right of practising the profession of a notary, which *ipso facto* removes him from membership of the Board ;

7. Removal from the office of a notary.

Imposition of penalties.

271. All penalties, other than removal from the office of notary, are imposed separately or simultaneously.

Deposit unnecessary.

272. In no accusation, made to the Syndic or brought before the committee on discipline, is a deposit necessary ; but the complainant and the accused must, as the case progresses and as they are incurred, disburse the fees and disbursements fixed by the tariff.

Taxing of costs.

273. The costs, incurred in the suit, are taxed in the judgment against the party liable for the same, at the discretion of the committee.

According to tariff established by board.

274. Such costs are taxed according to the tariff established by the Board as well for costs incurred in the first instance as for those of appeal.

What costs so taxable.

275. The costs, taxable according to such tariff, are the travelling expenses of the members of the committee on discipline, of its delegate, of the *commissaire enquêteur*, of the secretaries of the Board or their deputies, acting as such or as clerks of the committee, of the syndic, of the counsel of the parties, of the writers at enquêtes, if any have been employed, of the bailiffs and of the witnesses.

Board may allow a fee for service not provided for in tariff.

276. If a fee is not provided in the tariff for any necessary or useful service rendered in relation to the case, the committee, its delegate or the Board, according to circumstances and the position of the case, may allow a fee for such service and tax the same against such of the parties to the cause as they may deem meet.

## SECTION SECOND.

### PRELIMINARY PROCEEDINGS.

Complaint against a notary.

277. Whenever the Syndic receives, on the oath of one or more credible persons (the oath to be administered by

a justice of the peace) a complaint against a notary, reflecting on the honor, dignity or duties of the profession, he forthwith lays such complaint before a meeting of the committee on discipline, which he calls within a reasonable delay, after receiving the disbursements to be made by the complainant.

**278.** The complaint must briefly mention the time, place and circumstances of the charge. What must be mentioned therein.

**279.** For such preliminary meeting, the members of the committee are only entitled to the fees and disbursements which the Syndic claims in virtue of the following article. Fees, &c., for preliminary meeting.

**280.** In the disbursements which the complainant must make before his complaint is laid before the committee on discipline, the Syndic must include the fees of the members of the committee for one meeting only, and, in addition, a reasonable amount to cover their travelling expenses and indemnity during the time he may deem it necessary to enable them to reach the place of meeting and return. Disbursements.

**291.** The committee on discipline, without further investigating the truth of the charge, simply decides whether the accused notary would be liable to any disciplinary penalty in the event of the charge being proved, and, in such case, it orders his trial. Committee decides whether accused notary liable to any disciplinary penalty.

**281.** At the first or any other meeting of the committee on discipline for the reception of or for the taking into consideration any complaint or accusation against a notary, it shall appoint one of its members as a delegate, and to him it transfers all its powers or a part thereof only, relating to the decision and regulation of any incident which may arise in the procedure and at enquête, from the period of his appointment as delegate, till the case be definitely ready for final hearing on the merits. Committee shall appoint one of its members a delegate.

**283.** If, by his nomination, the powers of such delegate are not defined, they include all those that the committee may itself exercise, from the date of his appointment, till the case be ready for final hearing on the merits. Powers of delegate include powers of committee.

**284.** The committee also appoints a notary or other person as *commissaire enquêteur*, whose powers are indicated and duties prescribed by this Code. Notary or other person appointed as commissaire enquêteur.

**285.** If the *commissaire enquêteur* so appointed be not a member of the profession, he is not obliged to accept the office.

**286.** The order appointing such *commissaire enquêteur* must specify the place where there investigation shall be held, and the delay within which it shall be completed; such delay may be extended for sufficient cause by the delegate of the committee.

**287.** The delegate superintends the proceedings and the investigation, and every decision, rendered by the *commissaire enquêteur* on any objection made during the investigation on any point of procedure, is subject to revision by the delegate, at the instance of either of the parties. The judgment of the delegate is, in such case, final.

**288.** The *commissaire enquêteur*, if he be not a notary, shall, before entering upon his duties, make oath before a Judge or Commissioner of the Superior Court, or one of the secretaries of the Board, that he will, faithfully and impartially, discharge his duties, and such oath shall be in writing and attached to his report.

**289.** In exceptional cases, the gravity and notoriety of which the Board alone shall be judge, it may order the Syndic to bring, in their name, before the committee on discipline, any accusation properly drawn up.

**290.** When the Syndic proceeds *ex-officio* against a notary, at the instance of the Board, the committee on discipline is relieved from deciding whether there be ground for investigation and from ordering that such notary shall be proceeded against.

### SECTION THIRD.

#### PROCEDURE AFTER ACCUSATION BROUGHT.

**291.** When the committee on discipline has ordered an accusation to be brought against a notary, or when the Board has *ex-officio* ordered the same as provided for in article 289, the Syndic then draws up the accusation which should contain the particulars as required for a complaint by article 278. (Schedules 23 and 24.)

**292.** The Syndic shall without delay transmit, to the secretary of the place where the committee shall sit, the complaint, of which the secretary makes a copy which he

certifies and causes to be served on the accused with an order in the name of the president of the Board, enjoining him to appear before the clerk of the committee on the day and hour mentioned in the said order. (Schedule, No. 25).

shall be ordered to appear before clerk of committee.

**293.** There must be a delay of ten days between the service of the order and the appearance of the accused, if the latter has his domicile within five leagues of the place of meeting of the committee, and, if the distance exceeds five leagues, the delay is increased by one day for each additional five leagues.

Delay of ten days between service of order and appearance of accused.

**294.** The service of the complaint and of the order to appear is made by a bailiff of the Superior Court by delivering certified copies, as aforesaid, to the accused in person or to a reasonable person of his domicile.

Service of complaint and of order to appear made by bailiff.

**295.** The bailiff, under his oath of office, makes a return of such service on the original of the said order to appear, which original, with the papers annexed, he transmits to the secretary, on or before the date fixed for the appearance of the accused, but before the hour fixed for such appearance.

Bailiff makes return of service on original of order to appear.

**296.** After service of the complaint, the domicile of the complainant and of the accused, for the proceedings on the accusation, is deemed to be at the office of the secretary of the Board, at the place where the committee is to sit.

Domicile of complainant and of accused is deemed to be at office of secretary.

**297.** The complainant transmits to the secretary, on or before the day of the return of the complaint, the exhibits in support thereof, and the list of witnesses to the charge, stating the domicile of such witnesses.

Complainant transmits to secretary, exhibits, &c.

**298.** The complainant may appear personally or by attorney, on the day of the return of the complaint; if not, the Syndic represents him.

Complainant may appear personally on day of return of complaint.

**299.** The answer to the accusation is made in writing, and is signed by the accused or by his attorney; it may contain a general denial of the accusation or a special answer to all or any part thereof; in any case it is communicated, either personally or through attorney, to the secretary, within the eight days following the return of the complaint, with the exhibits in support thereof, with also a list of the witnesses of the accused, and their respective domiciles. The replication must be filed within eight days after the answer.

Reply, how made.

Issue joined by the complaint, answer of accused.

**300.** Issue is joined, by the complaint, the answer of the accused, and the replication of the complainant, or of the Syndic when he acts *ex-officio*.

Equally joined by foreclosure from pleading.

**301.** It is equally joined by foreclosure from pleading or in the absence of a replication :

Nevertheless, on petition to that effect, the delegate of the committee may grant leave to produce further pleadings.

Papers produced cannot be withdrawn except with written consent of both parties.

**302.** In any case brought before the committee on discipline :

1. The papers produced cannot be withdrawn, except with the written consent of both parties, the written permission of the delegate of the committee, and upon receipt therefor.

2. Each paper filed in a case is common to both parties, in the case, and they may order copies to be forwarded to them by the clerk, so long as he is the custodian thereof.

3. Until the last and final judgment is rendered, every paper filed forms part of the record, and after the cause is definitely concluded it cannot be returned to the party, who filed it, except with the written permission of the delegate, of the committee, or of the president or vice-president of the Board when an appeal has been instituted.

Foreclosure.

**303.** If the accused does not answer the accusation, within the delay established, he is foreclosed from so doing, and the complainant proceeds to proof in the manner hereinafter mentioned.

When complainant may inscribe cause for proof.

**304.** Within six days from the filing of the replication or other pleading authorized by the delegate of the committee or from the foreclosure of the accused, the complainant, or Syndic, when acting, *ex-officio*, or in their default the accused, may inscribe the cause for proof, and the secretary transmits the record to the *commissaire enquêteur*, in order to proceed to proof.

*Commissaire enquêteur* gives at least 8 days notice of time and place of enquête. Summoning of witnesses.

**305.** The *commissaire enquêteur* gives at least eight days' notice to the parties of the time and place where he shall begin the *enquête*.

**306.** The witnesses are summoned by writ of subpoena, in the form of schedule No. 26 of this Code, in the name of the president of the board, and signed by the secretary ; and their refusal to appear before the *commissaire enquêteur*

is equivalent to a refusal to appear before a court of justice, and the *commissaire* has, by this Code, the same powers to compel witnesses to attend and give evidence, as courts of justice.

**307.** Such writ of subpœna, as well as all other proceedings under this Code, are served by a bailiff of the Superior Court Writ of subpœna, &c, served by bailiff.

**308.** The *commissaire enquêteur*, during the investigation, has the same power to fine witnesses for non-attendance, and to imprison for contempt of court, as has any judge sitting in any court of justice, in the Province of Quebec. Commissaire enquêteur has power to fine witnesses, &c.

**309.** The *commissaire-enquêteur* is empowered by this Code to administer the oath to witnesses. Can administer oath.

**310.** The *enquête* before the *commissaire enquêteur* must be taken down at length, in the same manner as that specified in the Code of Civil Procedure, in relation to an *enquête* before the Superior Court. Enquête must be taken down at length.

**311.** The expenses of the witnesses are taxed by the *commissaire enquêteur*, subject to revision by the delegate, if occasion requires. Expenses of witnesses taxed.

**312.** If five days elapse and neither party proceeds with his *enquête*, the *commissaire enquêteur* may declare closed *pleno jure* the *enquête* of the party in default, and may grant a certificate thereof to the opposite party, upon his demand. He may even declare the *enquête* closed generally, if neither party proceed within such delay. Closing of the Enquête

**313.** So soon as the *commissaire enquêteur* has closed the *enquête* generally, he reports his proceedings; and the secretary or his deputy, inscribes the cause on the roll for hearing on the merits, and gives at least ten days' notice to the parties and to the members of the committee, of the day fixed for such hearing. Report of commissaire enquêteur.

**314.** At the hearing of the cause not more than two counsel are heard on either side, and one only in reply. Hearing of cause.

**315.** The committee, after deliberation, must give its judgment in writing, together with the grounds thereof, and if the accused is declared guilty, the judgment at the same time pronounces the punishment which the committee intends to inflict. Judgment must be given in writing.

Decided by  
absolute  
majority of  
committee.

**316.** The accusation is decided *viva voce* by "guilty," or "not guilty," by the absolute majority of the committee all being present, and the infliction of one or more of the disciplinary penalties shall be determined in the same manner.

Judgment  
final, if no  
appeal made.

**317.** If there is no appeal, as provided by the following section, the judgment of the committee is final.

## SECTION FOURTH.

### APPEAL TO THE BOARD.

Appeal to the  
board.

**318.** Any notary accused, who considers himself aggrieved by the final judgment rendered by the committee on the charge brought before it, can only appeal therefrom to the Board of notaries, at an ordinary meeting, in the manner hereinafter prescribed, and no judgment of the committee rendered under this code can be set aside by other means than that of the appeal therein mentioned.

When appeal  
made, deposit  
necessary.

**319.** With the view of obtaining such appeal the notary aggrieved must, within fifteen days after the pronouncing of the judgment, deposit fifty dollars with the treasurer of the Board. Such sum is returned to the appellant, if the judgment of the committee is set aside or altered together with the costs, but, in the contrary case, goes in part payment of the costs of the appeal, and no record or copy of proceedings is transmitted to the board, unless the deposit hereinabove required is made, and the inscription for appeal duly served upon the respondent or his attorney, and no inscription is received previous to such deposit and service.

Effect of ser-  
vice of inscrip-  
tion and depos-  
it.

**320.** The service of the inscription and the deposit have the effect of compelling the secretary to transmit to the Board, the record of the charge against the appellant, together with the inscription and the certificate of deposit, as also the proceedings and copies of all judgments and orders in the cause, and to enter the cause upon the appeal roll.

Secretary  
must notify  
members of the  
board of the  
appeal.

**321.** On the inscription of the cause on the roll of appeals the secretary must lodge in Her Majesty's post office, post paid, and addressed to the appellant, respondent, and the president and members of the Board, a notice of such appeal. Nevertheless there must be an interval of thirty days between the date of the final judgment of the committee and the meeting at which the appeal shall be heard.

**322.** The members of the committee cannot sit on the Board constituting a court of appeal upon the judgment rendered by the committee of which they were members.

Members of committee that tried cannot sit in appeal.

**323.** The causes of recusation of the members of the committee on discipline mentioned in article 259 of this Code apply to the members of the Board sitting in appeal.

Recusation of members of committee on appeal.

**324.** The quorum of the Board sitting in appeal consists of twelve members.

Quorum of board.

**325.** At the time of the hearing in appeal the complainant and accused must file a statement or factum of the case, to the number of fifty copies, which they transmit, at least two days before the hearing, to the secretary of the Board at the place where it is about to sit in appeal.

Complainant and accused must file a factum of the case.

The said secretary or his deputy acts as clerk of the court of appeal and distributes the copies of the factum, to the members of the Board and to the parties interested.

**326.** If such statement or factum is not produced within the said delay, by the appellant, the appeal is held to be abandoned, and the secretary must strike the inscription.

Appeal held to be abandoned, if appellant's factum not produced.

**327.** If such statement or factum is not produced within such delay by the respondent, the appellant is notified thereof by the secretary and the appeal is heard, *ex parte*, without the intervention of the respondent.

If factum not produced within specified delay, appeal heard *ex parte*.

**328.** The record of the proceedings in the first instance before the committee and the factum of the parties shall be the only documents produced in appeal, and :

Documents produced in appeal.

1. On the day fixed for hearing, if neither of the two parties appear before the Board, the case is struck from the roll and cannot be again inscribed except on payment of a further deposit, to the amount and within the delay fixed by the Board in striking the case from the roll, and notice is given to the respondent as soon as the case is re-inscribed.

Inscription struck if neither party appear.

2. If the appellant do not appear the appeal, on the respondent's application, is dismissed with costs ;

Appeal dismissed in certain case.

3. If the respondent do not appear, the appellant on demand, is heard *ex parte* and judgment rendered accordingly.

Appeal heard *ex parte* in certain case.

**329.** In any appeal not more than two counsel may be heard on behalf of each party and one only in reply.

Only two counsel can be heard.

Board confirms, reverses or modifies judgment.

**330.** The Board confirms, reverses, or modifies the final judgment rendered in the case in the first instance, and awards costs as well in the first instance as in appeal.

Judgment must be publicly rendered. &c.

**321.** Judgment must be publicly rendered within the shortest possible delay, recorded in the minutes of the Board and transmitted, as the case may be, to the prothonotary, as hereinafter provided.

## SECTION FIFTH.

### OF THE FINAL JUDGMENT, ITS EFFECT AND PUBLICATION.

Final judgment.

**322.** The judgment of the board sitting in appeal is final. The same applies to the judgment rendered in the first instance upon refusal to allow inspection of *greffes* or for non-payment of subscriptions under article 164.

Judgment pronounced.

**323.** In the event of no appeal, as provided for in the preceding article, or if the appeal be abandoned under article 326, the judgment of the committee is pronounced at the first meeting of the Board following the date of the judgment. If the appeal be struck under article 328, whether it be re-inscribed or not, the judgment is pronounced at the next meeting after that at which the appeal was so struck.

Giving of judgment of Board in appeal.

**324.** In the case of a judgment of the Board sitting in appeal, it is pronounced at the same sitting at which it is rendered or at any subsequent sitting.

Judgment, how given.

**325.** Judgment is pronounced in a loud voice by the chairman of the meeting of the Board.

Provisions of articles 335 & 336 apply to judgments of suspension.

**326.** The provisions of the two preceding articles apply to judgments of suspension rendered by the Board for refusing to allow inspection of *greffes* or non-payment of subscription or under article 164.

Copy of judgment served on prothonotary.

**327.** A copy of the judgment, certified by one of the secretaries of the Board, is served by a bailiff upon the prothonotary of the Superior Court of the district in which the notary condemned resides.

Prothonotary of superior court authorized to issue writ of execution.

**328.** The prothonotary of the Superior Court of the district, where the party condemned resides, is authorized and ordered upon production of a certified copy of the final judgment of the committee or that of the Board sitting in appeal, which then forms part of the archives of the

court and remains of record, to issue a writ of execution for the recovery of the costs of judgment and subsequent costs as in judgments of the Superior Court; and in the case of an opposition, the costs are as in a cause of the lowest class in the Superior Court.

**339.** Whenever the final judgment, either of the Board or of the committee on discipline, pronounces the suspension or removal of a notary, an order of the Syndic is served upon the prothonotary of the district wherein the notary condemned resides, ordering him, in the name of the Board, to take possession of the *greffe* of the notary condemned, and retain it for ever if the latter is removed, or for the period of his suspension, if he is merely suspended. (Schedule No. 9.)

Prothonotary ordered to take possession of *greffe* of notary condemned on final judgment pronouncing suspension or removal of notary.

**340.** The bailiff makes a return of the service of the copy of judgment and order upon the original of such order.

Return of service of judgment.

**341.** The prothonotary is bound to take proceedings to obtain possession of the *greffe* of the condemned notary as in the ordinary cases provided for by article 95 of this Code and under the same penalties.

Prothonotary must take proceedings to obtain possession of *greffe*.

**342.** The prothonotary is bound to report his proceedings to the president of the Board of Notaries.

Prothonotary must report his proceedings.

**343.** In every case of suspension or removal of a notary, a notice is published over the signature of one of the secretaries of the Board in four numbers of the Quebec Official Gazette, as soon as the judgment has been pronounced. (Schedule No. 27).

Notice of suspension or removal of notary published in Quebec Official Gazette.

**344.** The suspension or removal shall take effect only from the date of the last of these four publications.

When suspension or removal takes effect.

**345.** Saving the exception mentioned in the following article, a public notice of such suspension or removal, signed by one of the secretaries of the Board of notaries, shall be read and posted upon two consecutive Sundays, by a bailiff of the Superior Court or by the secretary-treasurer of the council of the municipality, at the church door of the parish or township in which the notary, suspended or removed, has his domicile.

Public notice of suspension or removal read and posted up by bailiff of Superior Court at church door.

**346.** In the cities of Quebec, Montreal, Sherbrooke, Three Rivers, St. Hyacinthe and St. Johns, such notice is only published three times in the French language, in a newspaper published in that language and in the English

Where notice published in newspapers.

language, in a newspaper published in that language ; if there be but one paper in the locality or if they are all published in the same language, then it shall be published in both languages in the same paper.

A notary removed loses all rights and privileges.

**347.** A notary, who has been removed, loses all the rights and privileges conferred upon notaries by this Code or any other law, and the deeds, which he persists in passing, are in no way authentic and are considered deeds *sous seing privé*. He may, however, recover such fees as may be due him at the time of his removal, and enjoys professional privileges only with regard to such fees.

So do notaries suspended, while suspension lasts.

**348.** The same applies to notaries, who have been suspended, while such suspension lasts.

On suspension ceasing, notary regains rights and privileges.

**349.** The notary, who has simply been suspended, has a right to take back his *greffe* as soon as such suspension ceases ; and he then regains the rights and privileges attached to his office, if there be then no legal impediment.

Certificate of president of board of notaries that suspension has ceased, necessary.

**350.** Nevertheless, before obtaining his *greffe* from the Prothonotary he shall furnish him with a certificate from the president of the Board of Notaries establishing that the suspension has ceased, that he has paid all the expenses incurred by his suspension and the publication thereof, and that he has a right to receive his *greffe* ; such certificate shall be granted, gratuitously, by the Board when he is entitled thereto.

A notary relieved from suspension may give what publicity he will to certificates and notices.

**351.** A notary, who has been relieved from his suspension, 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 may give them such publicity as he may deem proper, at his own cost.

## PART FOURTH.

### TEMPORARY AND FINAL PROVISIONS.

#### SECTION FIRST.

##### TEMPORARY PROVISIONS.

Notarial students admitted to practice.

**352.** Notarial students, actually serving under indentures, shall be admitted to the practice of the notarial profession in accordance with the laws in force at the time of their admission to study.

**353.** From the present time till the first Wednesday of June, one thousand eight hundred and eighty five, the notaries who now form the Board of notaries, continue in office until they be replaced under this Code.

Present Board of notaries continue in office till first Wednesday, June, 1885.

**354.** The present officers of the Board of Notaries also remain in office until replaced.

Present officers also remain.

**355.** All tariffs, by-laws, and resolutions governing the former Provincial Board of Notaries and the former Board of Notaries are applicable also to the Board of Notaries constituted by this Act, until repealed or amended by the said Board.

And tariffs, by-laws, &c., governing former Board.

**356.** The tariffs of the several Boards of Notaries, heretofore made according to law, remain in force until the effects thereof shall be fulfilled.

Tariffs remain in force.

**357.** A bound copy of the statutes of the present session shall be furnished, gratuitously, to all notaries whose names are inscribed upon the general table of practising notaries.

Copy of statutes of present session furnished gratuitously to all notaries.

## SECTION SECOND.

### FINAL PROVISIONS.

**358.** All admissions to the study or practice of the notarial profession, heretofore made by the various Boards of Notaries or by the Provincial Board of Notaries or by the Board of Notaries, if they have not been cancelled, are confirmed, notwithstanding any irregularities or illegalities which may have occurred in the proceedings of the said Board or any want of qualification. All certificates of admission or admissibility granted by any of the said Boards, and all commissions granted by the Governors, Lieutenant-Governors or Administrators of this Province, under the seal thereof, appointing a candidate a notary public, and permitting him to practise as such in the said Province, unless the same have been cancelled, are likewise confirmed, subject however to all sentences of suspension, disability or removal.

Certain admissions, notwithstanding any irregularities, if not hitherto revoked, are confirmed.

**359.** The registers, books and archives, which belonged to the former Boards of Notaries, if not already, transferred, shall be transferred to the Board of Notaries, within thirty days from the coming into force of this Code, under a penalty of fifty dollars against the custodian thereof, for each month during which he neglects to fulfil such duty.

Registers, &c., belonging to former Boards must be transferred to present Board within 30 days after coming into force of this act.

**Forms.** **360.** The forms, contained in the appendix to this Code, shall be sufficient for all purposes, but others to the same effect may be used.

**Signification of words "practising notary."** **361.** Saving what is mentioned in article 115, for the purpose of section one of the first chapter of the second part of this Code, the words: "practising notary", made use of in this Code, mean a notary having the right to practise his profession.

**39 Vict., c. 35,** **362.** The acts of the Legislature of this Province, thirty  
**40 Vict., c. 24,** nine Victoria, chapter thirty-three, forty Victoria, chapter  
**40 Vict., c. 27,** twenty-four, forty Victoria chapter twenty-seven, section  
**s. 7, 42-43** seven, and the acts forty-two, forty-three Victoria, chapter  
**Vict., c. 35,** thirty-five, forty-three, forty-four Victoria, chapter thirty-  
**43-44 Vict., c.** two and forty-five Victoria, chapter thirty, are hereby re-  
**32, 45 Vict., c.** pealed; but such repeal shall not revive the acts repealed  
**30, repealed.** by those acts.

**Other acts re-  
pealed.** **363.** All other laws respecting the notarial profession, in force at the time of the coming into force of the present Code, are also repealed, in cases:

1. When this Code contains a provision which has expressly or by implication, such effect;

2. When the provisions of such laws are contrary to or incompatible with some of the provisions contained in this Code;

3. When this Code contains an express provision on the special subject of such laws; save always, in so far as relates to transactions, matters and things anterior to the coming into force of this Code and to which the provisions thereof could not be applied, without giving it a retroactive effect, the provisions of the law which, without the Code, would have been applied to such transactions, matters or things remain in force and are applicable only in so far as they coincide with these provisions.

**Name and  
coming  
into force.** **364.** The present act shall come into force on the day of its sanction, and may be cited as the "Notarial Code."

## APPENDIX.

## SCHEDULES.

## SCHEDULE No. 1.

## ART. 31.

*Notice by a notary who wishes to resume the practice of his profession, after having held a position incompatible with such practice.*

(Residence and date.)

To

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

SIR,

I have the honor to inform you, that, having ceased to hold the position of \_\_\_\_\_ (indicate the position). it is my intention to resume, from this date, the practice of the notarial profession.

I have the honor to be  
Your very humble servant,  
C. F.,

## SCHEDULE No. 2.

## ART. 78.

*Form of certificate to be given by a notary, who is assignee of a greffe, at the end of copies required of and delivered by him, of the desds found in the greffe of which he is assignee.*

True copy of the minute remaining of record in the office of Mr. \_\_\_\_\_, in his lifetime a notary public for the former Province of Canada, now the Province of Quebec, residing at \_\_\_\_\_, in the District of \_\_\_\_\_, compared and collated by the undersigned \_\_\_\_\_, a notary public for the Province of Quebec, residing in the parish of \_\_\_\_\_, district of \_\_\_\_\_, assignee of the minutes, repertory and index of the said late \_\_\_\_\_, in virtue of an order of His Honor the Lieutenant Governor of the Province of Quebec, in council, dated the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_ at \_\_\_\_\_ aforesaid.

N. P.

## SCHEDULE No. 3.

## ART. 81.

*Petition to the Lieutenant Governor to obtain the transfer of the greffe of a deceased notary.*

CANADA, }  
 PROVINCE OF QUEBEC, }  
 District of }  
 County of }

To His Honor \_\_\_\_\_, Lieutenant-Governor of the Province of Quebec, in council.

The petition of the undersigned \_\_\_\_\_, a notary public, practising and residing in the parish of \_\_\_\_\_, in the county of \_\_\_\_\_, district of \_\_\_\_\_,

## HUMBLY REPRESENTS :

That he is the assignee of the minutes, repertory and index of \_\_\_\_\_, in his lifetime a notary public, practising in the parish of \_\_\_\_\_, in the District of \_\_\_\_\_,

That your petitioner, is a practising notary and is not undergoing any censure or other disciplinary penalty imposed by the Board of Notaries, as appears from the annexed certificate of \_\_\_\_\_, president of the said Board of Notaries.

That this petition is accompanied by a report, signed by your petitioner, specifying the number and condition of the said minutes, together with the number of the minutes missing (*if any there be*).

That your petitioner is provided with a suitable vault, proof against fire and damp, which vault he is ready to submit to such inspection as may be ordered.

Wherefore your petitioner humbly prays that Your Honor will be pleased to permit the minutes, repertory, and index of the said \_\_\_\_\_, to be transferred in accordance with the Notarial Code.

At \_\_\_\_\_, this \_\_\_\_\_,

18 \_\_\_\_\_.

N. P.

## SCHEDULE No. 4.

## ART. 81.

*Petition to the Lieutenant Governor to obtain the transfer of the greffe of a notary who has ceased practising.*

*(This petition is similar to the preceding one, with the exception of the first allegation which is as follows) :*

That he is the assignee of the minutes, repertory, and index of \_\_\_\_\_, notary public, of the parish of \_\_\_\_\_, in the district of \_\_\_\_\_, who has ceased practising as a notary public *(voluntarily or for a stated cause.)*

## SCHEDULE No. 5.

## ART. 83.

*Certificate of the President of the Board of Notaries that the assignee of a greffe is not undergoing any censure.*

Province of Quebec. } BOARD OF NOTARIES.

I, the undersigned \_\_\_\_\_, notary public for the Province of Quebec, residing and practising in the parish of \_\_\_\_\_, in the county of \_\_\_\_\_, district of \_\_\_\_\_, in the said Province of Quebec, in my capacity of President of the Board of Notaries, certify by these presents to all whom it may concern :

That \_\_\_\_\_, esquire, notary public, for the Province of Quebec, residing at \_\_\_\_\_, is a practising notary, in the parish of \_\_\_\_\_, in the district of \_\_\_\_\_, and is not undergoing any censure or other disciplinary penalty imposed by the Board of Notaries.

In witness whereof, I have signed the present certificate in the said parish of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

C. N.

President of the Board of Notaries.

## SCHEDULE No. 6.

## ART. 83.

*Official report of the state of the greffe, the transfer of which is prayed for.*

Report establishing the number and state of the minutes found in the *greffe* of

CANADA,  
PROVINCE OF QUEBEC, }  
District of . }

I, the undersigned, assignee of the *greffe* of \_\_\_\_\_ certify :

1. That the minutes found in the said *greffe*, are in a perfect state of preservation.

2. That the number of the said minutes is  
(*and, if such is the case*) executed before the nineteenth of January, eighteen hundred and forty-eight, when the minutes were first numbered ; and the number of the last minute found in the said *greffe* is \_\_\_\_\_, forming a grand total of \_\_\_\_\_ minutes.

3. (*If such is the case*) that the number of minutes missing is \_\_\_\_\_ (stating the numbers of the missing minutes.)

(*Any other necessary information according to the particular case.*)

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

N. P.

*Assignee.*

## SCHEDULE No. 7.

## ART. 83.

*Certificate of an expert as to the state of the vault belonging  
the assignee of a greffe.*

CANADA,  
PROVINCE OF QUEBEC,  
District of  
County of

I, the undersigned, (occupation  
*of the expert employed*) certify after examination that the  
vault, belonging to notary public, of  
the parish of , is sufficient and proof against  
fire and damp.

At this 18 .  
Occupation.

## SCHEDULE No. 8.

## ART. 86.

*Declaration by the assignee of a greffe.*

CANADA,  
PROVINCE OF QUEBEC,  
District of  
County of

To Mr. , notary, secretary of the Board  
of Notaries.

I, the undersigned, , notary public for  
the Province of Quebec, residing in the parish of  
, in the county of , district of

Declare that by an order in council, dated the  
18 , sanctioned by His Honor the Lieu-  
tenant Governor on the 18 , and published  
in the Quebec Official Gazette on the 18 ,  
No. , I became the legal assignee of the *greffe* of  
, notary public, heretofore of the parish of  
, in the district of

Given under my hand, at  
this day of 18 ,

M. P.

## SCHEDULE No. 9.

ARTS. 94 AND 339.

*Notice by the Syndic to the Prothonotary to cause him to take possession of a greffe.*

CANADA, } OFFICE OF THE SYNDIC OF  
PROVINCE OF QUEBEC. } THE BOARD OF NOTARIES.

(*Name of syndic*), Esquire, notary, Syndic of the Board of Notaries.

To the Prothonotary of the District of

GREETING :

Take notice that (*names and surname*), heretofore a notary, practising at \_\_\_\_\_, in the district of \_\_\_\_\_, is no longer within the limits of this Province (*or is dead or has adopted the profession of \_\_\_\_\_, incompatible with the profession of notary, or has been suspended by the board or committee on discipline, or dismissed from office by the Board or the committee on discipline, as the case may be*).

Wherefore, I request you to adopt the proceedings prescribed by law to cause the minutes, repertories, and index of the said \_\_\_\_\_ to be handed over to you (and if the notary was assignee of any *greffe*, the name of the notary from whom it was acquired, must be stated).

In witness whereof, I have signed, at \_\_\_\_\_, this \_\_\_\_\_, day of \_\_\_\_\_ 18 \_\_\_\_\_.

A. B.

Syndic of the Board of Notaries.

## SCHEDULE No. 10.

ART. 195.

*Notice by practising Notary to the Secretary.*

PROVINCE OF QUEBEC, }  
District of \_\_\_\_\_ }

I, the undersigned, declare that my name is (*names, surname and residence*).

That I was admitted to the notarial profession on the \_\_\_\_\_, by the Board of Notaries.

That since that date I have resided and practised :

1. At \_\_\_\_\_ during \_\_\_\_\_
2. At \_\_\_\_\_ during \_\_\_\_\_

That since the said date I reside and practise at \_\_\_\_\_, where I propose to continue for the future to reside and practise.

Given at (*Place and date*).

---

SCHEDULE No. 11.

ARTS. 200 AND 201.

*Certificate of classical and scientific studies of candidate for admission to study.*

I, the undersigned, principal (*or superior*) of (*name of institution*) incorporated (*when and in virtue of what authority*) certify that (*names and residence of candidate*) has made (*or finished*) his complete course of classical and scientific studies in this institution, in French (*or in English*.)

I further certify that the classical and scientific subjects taught in this establishment are the following: (*enumerate the subjects, with the names of the authors*).

In witness whereof, I give the present certificate at (*Place and date*).

[L. S.]

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SCHEDULE No. 12.

ARTS. 203 AND 204.

*Notice of candidate for admission to study.*

CANADA,  
PROVINCE OF QUEBEC,  
District of \_\_\_\_\_

}

To \_\_\_\_\_  
Notaries, at \_\_\_\_\_

N. P., Secretary of the Board of

SIR,

I, the undersigned, of \_\_\_\_\_  
have the honor to inform you that I will present myself at \_\_\_\_\_

the next meeting of the Board of Notaries to undergo the examination for admission to the study of the notarial profession.

I am \_\_\_\_\_ years of age; I completed my classical and scientific studies at (*name of the institution or institutions, and of the place where the candidate has studied*); and until now I have been employed as (*specify the calling, trade, business or employment*),

I have the honor to be,  
Sir,  
Your obedient servant,

*N. B.—The candidate must accompany this notice, with a list of the exhibits transmitted at the same time.*

---

SCHEDULE No. 13.

ART. 206.

*Certificate of admission to the study of the notarial profession.*

Province of Quebec, } BOARD OF NOTARIES.  
TERM OF THREE YEARS.

This is to certify to all whom it may concern, that  
of \_\_\_\_\_, has passed his public examination before the Board of Notaries, at the meeting of the \_\_\_\_\_ term of three years, and has been found duly qualified, according to the requirements of the law in this behalf, to study the profession of Notary in the Province of Quebec.

In witness whereof, we have signed these presents at \_\_\_\_\_, in the district of \_\_\_\_\_, in the Province of Quebec, on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

C. N.,  
President.

C. F.,  
Secretary.

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## SCHEDULE No. 14.

## ARTS. 216 AND 217.

*Notice of candidate for admission to practise.*

CANADA,  
PROVINCE OF QUEBEC, }  
District of

To  
of Notaries, at

N. P., Secretary of the Board

Sir,

I, the undersigned, \_\_\_\_\_, of \_\_\_\_\_, have the honor to inform you that I will present myself at the next meeting of the Board of Notaries, to undergo the examination for admission to practise the profession of notary.

I have the honor to be,  
Sir,  
Your obedient servant,

*N. B.—The candidate must accompany this notice with a list of the exhibits and vouchers transmitted at the same time.*

## SCHEDULE No. 15.

## ART. 227.

*Commission of Notary.*

Province of Quebec. } BOARD OF NOTARIES.  
TERM OF THREE YEARS.

To all to whom these presents shall come.

GREETING:

Know that A. B., of \_\_\_\_\_, in the district of \_\_\_\_\_, esquire, has undergone the public examination before the Board of Notaries, at the meeting of the \_\_\_\_\_ term of three years; that he has complied with the requirements of the law, and that he has been found qualified to fulfil the office and duties of a notary.



## SCHEDULE No. 17.

## ART. 239.

*Decree of suspension for non-payment of subscription.*

CANADA, }  
Province of Quebec. } BOARD OF NOTARIES.

The Syndic of the Board of Notaries demanding suspension

vs.

of the \_\_\_\_\_ in the  
district of \_\_\_\_\_

Whereas \_\_\_\_\_, esquire, notary,  
residing at \_\_\_\_\_, in the district of \_\_\_\_\_,  
is indebted to the Board  
of Notaries for two (or such number of years as he may owe)  
years of subscription, amounting in all to the sum of \_\_\_\_\_

Whereas the said \_\_\_\_\_ has been  
duly notified by the Syndic that his suspension would be  
demanded at the present meeting ;

Whereas, notwithstanding such notice, the said  
has not yet paid his arrears of subscription ;

Whereas, in the interest of the profession, it is urgent  
that the petition of the Syndic be granted ;

Therefore the Board of Notaries, in virtue of the powers  
conferred upon it by law, pronounces and decrees the sus-  
pension of \_\_\_\_\_ Notary, residing and practising  
at \_\_\_\_\_ in the district of \_\_\_\_\_ ; and  
the said Board further orders and decrees that the present  
decree shall remain in force until the said \_\_\_\_\_  
shall have complied with the law, and shall have paid,  
besides his arrears of subscription, the expenses incurred  
for the suspension, taxed at \_\_\_\_\_, as well as  
all subsequent expenses whether for the publication of the  
present decree or in order to relieve him from the effects  
of the present decree.

In witness whereof, we, the president, (vice-president or  
acting president) and one of the secretaries of the said  
Board, have signed the present decree, and have caused  
the seal of the Board to be set thereto, at

this \_\_\_\_\_ day of \_\_\_\_\_ one thousand, eight hundred and \_\_\_\_\_  
and in the \_\_\_\_\_ of the

triennial term.

[L. S.]

E. F.,  
Secretary.

C. N.  
President.

## SCHEDULE No. 18.

## ART. 242.

*Complaint to obtain the inspection of a greffe.*

CANADA,  
PROVINCE OF QUÉBEC, }  
District of }

Complaint of (*name and residence*), who declares that he has good reason to suspect and believe, and in fact does suspect and believe that (*name*) esquire, notary, of (*residence*) does not keep a repertory, (*or*) does not keep an index, (*or*) keep, neither one, nor the other, in conformity with the law, (*or*) does not regularly number his minutes, (*or*) does not regularly sign his minutes, (*or*) does not preserve his minutes in a proper state, (*or*) has no regular study or office, (*as the case may be*).

Taken and sworn to before me, }  
this (*date and place*). } Signature,

Justice of the peace  
*or* Commissioner of the Superior Court for District of

## SCHEDULE No. 19.

## ART. 245.

*Notice by the inspector of a greffe.*

CANADA.  
PROVINCE OF QUÉBEC. }  
District of }

To (*name of notary*).

Take notice that on the \_\_\_\_\_ day of \_\_\_\_\_  
at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon,  
I shall proceed to visit your office, and your *greffe*, repertory, and index, in accordance with a resolution of (*date*) of the Board of Notaries.

At this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight  
hundred \_\_\_\_\_

Inspector specially appointed.

## SCHEDULE No. 20.

## ART. 246.

*Official notice by Syndic to a notary whose greffe is to be inspected.*

CANADA, PROVINCE OF QUEBEC, District of	}	OFFICE OF THE SYNDIC OF THE BOARD OF NOTARIES.
---	---	--

(*Name of syndic*) esquire, notary, Syndic of the Board of Notaries.

To (*name and surname of notary*) esquire, notary, of  
 in the District of

## GREETING :

Take notice that, upon the complaint under oath of (*name, surname and residence of complainant*) alleging that you do not (*as in the complaint*), the Board of Notaries has on the (*date of resolution of Board*) ordered the inspection of your office, and of your *greffe*, repertory and index, and has appointed (*name and residence of inspector*), to make the said inspection, you are therefore ordered to allow (*name of inspector*) to inspect your office, *greffe*, repertory and index, in order that he may report to the Board in accordance to law.

And herein fail not, under penalty of the suspension provided for by the Notarial Code.

Witness my hand, &c., (*date*).

A. B

Syndic of the Board of Notaries

## SCHEDULE No. 21.

## ART. 252.

*Notice by Syndic to a notary, that his suspension will be demanded for refusing to allow his greffe to be inspected.*

CANADA, Province of Quebec.	}	OFFICE OF THE SYNDIC OF THE BOARD OF NOTARIES.
--------------------------------	---	---

(*Name of syndic*) esquire, notary, Syndic of the Board of Notaries.

To (*name of notary*) esquire, notary, of  
in the District of

GREETING.

Take notice that (*name of inspector of greffe*), esquire, notary, appointed by the Board of Notaries on the (*date of the appointment*) to inspect your office and your *greffe*, repertory, and index, reports that you have refused to allow the said inspection, after he had given you notice thereof according to law.

Wherefore take notice that I shall demand your suspension, at the next meeting of the Board of Notaries, unless in the meantime you permit the said inspection, and pay the costs thereof.

Given under my hand at  
this (*date*).

A. B.

Syndic of the Board of Notaries.

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SCHEDULE No. 22.

ART. 255.

*Decree of suspension of a notary for refusing to allow his greffe to be inspected.*

CANADA, }  
Province of Quebec. } BOARD OF NOTARIES.

The Syndic of the Board of Notaries, demanding the  
suspension of

*vs.*

of the  
in the District of  
notary

Whereas  
residing at

, esquire, notary,  
, in the District of  
was appointed to inspect  
the office, *greffe*, repertory, and index of  
esquire, notary, residing at  
in the  
District of

Whereas it appears by the report of the said inspecting notary that the said inspection was refused by the said  
, after being duly notified thereof;

Whereas the said  
was notified  
by the Syndic that his suspension would be demanded  
at the present meeting;

Whereas, notwithstanding such notice, the said  
has not complied with the law ;

Whereas, in the interest as well of the public as of the  
profession, it is urgent that the petition of the Syndic be  
granted.

Therefore, the Board of Notaries, in virtue of the powers  
conferred upon it by law, pronounces and decrees the sus-  
pension of \_\_\_\_\_ notary, residing and  
practising at \_\_\_\_\_, in the District of \_\_\_\_\_ ;

And the said Board further orders and decrees that the  
present decree shall remain in force until the said

\_\_\_\_\_ shall have complied with the law, and shall  
have paid the expenses incurred for his suspension, taxed at  
\_\_\_\_\_ as well as all subsequent expenses, whether  
for the publication of the present decree or for the inspection  
of his *greffe* or in order to relieve him from the effects of  
the present decree.

In witness whereof, we, the president (*vice-president or  
acting president*) and \_\_\_\_\_, one of the secretaries of the  
said Board, have signed the present decree, and have caused  
the seal of the Board to be set thereto, at

this \_\_\_\_\_ day of \_\_\_\_\_  
one thousand eight hundred and \_\_\_\_\_  
and in the \_\_\_\_\_ of the triennial term.

E. F.,  
Secretary.

C. N.,  
President.

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### SCHEDULE No. 23.

#### ART. 291.

#### *Complaint.*

CANADA. }  
PROVINCE OF QUEBEC. } BOARD OF NOTARIES.

To the president and the members of the Board of  
Notaries.

A. B., Syndic of the Board of Notaries, hereby informs  
the said Board that G. H., esquire, residing at  
in the District of \_\_\_\_\_ is accused under oath  
by N. B., of \_\_\_\_\_ as follows, to wit : that  
the said G. H., (*recite the offence*).

Wherefore the said A. B., prays that an order do issue  
from the said Board, calling upon the said G. H., to appear  
before the said Board according to law and justice.

Given at  
day of

this  
one thousand eight hundred and

A. B.  
Syndic.

SCHEDULE No. 24.

ART. 291.

*Complaint by the Syndic, when he proceeds ex officio, under art. 290.*

CANADA. }  
PROVINCE OF QUEBEC. } BOARD OF NOTARIES.

To the president and members of the Board of Notaries.

A. B., Syndic of the Board of Notaries, hereby informs the Board that, having received instructions to proceed *ex-officio* against G. H., esquire, notary, residing at accused of (*here state the offence as described in the order of the Board.*) he prays for an order of the said Board, commanding the said G. H., to appear before it according to law and justice.

Given at  
day of

this  
one thousand, eight hundred and

A. B.  
Syndic.

SCHEDULE No. 25.

ART. 292.

*Summons of accused.*

CANADA : }  
PROVINCE OF QUEBEC. } BOARD OF NOTARIES.

By the president and members of the Board of Notaries.

To G. H., esquire, notary, residing at in the  
district of

GREETING :

You are hereby required to appear in person before us

in our Chambers, in the city of \_\_\_\_\_ of  
 on the \_\_\_\_\_ day of \_\_\_\_\_  
 instant (*or next*) at \_\_\_\_\_ o'clock of the \_\_\_\_\_ noon,  
 then and there to answer the complaint, copy whereof is  
 hereunto annexed, made against you by A. B., esquire,  
 Syndic.

And you are informed that, failing your appearance before  
 us on the day and at the hour and place mentioned, you  
 shall be proceeded against on the said complaint by  
 default.

Given at \_\_\_\_\_, under the seal of the said  
 Board, under the signature of our president and counter-  
 signed by one of our secretaries, this  
 day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

[L. S.]

E. F.

Secretary.

C. N.

President.

N. B.—*If the Syndic proceeds under art. 290, the copy of the  
 resolution of the Board will take the place of the copy of the com-  
 plaint.*

SCHEDULE No. 26.

ART. 306.

*Subpœna.*

CANADA. }  
 PROVINCE OF QUEBEC. } BOARD OF NOTARIES.

By the president and members of the Board of Notaries.

To B. C. (*quality, domicile*).

GREETING :

We hereby command you, and each and every of you,  
 to appear in person before us, in our chambers, in the city  
 of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
 instant (*or next*) at \_\_\_\_\_  
 o'clock of the \_\_\_\_\_ noon, to give testimony and speak  
 the truth on all matters which you know concerning a  
 complaint made before us by \_\_\_\_\_ esquire, Syndic  
 of the said Board, against G. H., esquire, and herein fail  
 not, under all legal penalties.

Given in the city of \_\_\_\_\_, under the seal  
of the said Board, and the signature of one of our secreta-  
ries, this \_\_\_\_\_ day of \_\_\_\_\_  
eight hundred and \_\_\_\_\_ one thousand

[L. S.]

E. F.

Secretary

SCHEDULE No. 27.

ARTS. 343, 345 AND 346.

*Notice of suspension (or removal) of a notary.*

Board of Notaries,                    }  
Office of Secretary for            }

Public notice is hereby given by the undersigned, (*name, surname,*) one of the secretaries of the Board of Notaries, that by a decree of the said Board, dated the \_\_\_\_\_ (*name*) esquire, notary, residing at \_\_\_\_\_ in the district of \_\_\_\_\_ has been removed (*or suspended, stating for what period*) for (*state the cause*).

This removal (*or suspension*) will take effect on the \_\_\_\_\_ and (*in the case of suspension*) will cease on the \_\_\_\_\_, both days included.)

In witness whereof, I have signed these presents at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ one thousand, eight hundred and \_\_\_\_\_

E. F.

Secretary.

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### C A P. XXXIII.

An act to authorize the Board of Notaries to admit Napoléon Theoret to the practice of the Notarial profession.

[Assented to 30th March, 1883.]

**W**HEREAS Napoléon Theoret of the village of St. Jean-Baptiste, in the county of Hochelaga, has successfully completed a course of studies ; whereas the said Napoléon Theoret was admitted to study medicine in September eighteen hundred and seventy two after passing a satisfactory examination ; whereas owing to ill-health and on the advice of his physicians he has been compelled to give up the study of such profession ;

Whereas for more than five years he has studied the notarial profession ; and that Mtre Cléophas E. Leclerc, notary, practising at Montreal, has during that period always considered him as his student ;

And whereas the above allegations are all corroborated by certificates produced in support thereof ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

I. The Board of Notaries and the examiners thereof, at their next meeting or at any other time, may admit the said Napoléon Theoret to the practice of the notarial profession, after the said Napoléon Theoret shall have passed the required examinations, any law to the contrary notwithstanding.

Admission of N. Theoret to practice after examination.

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