

manufacturing or industrial undertaking whatsoever, within the limits of such municipality, and commute, for the payment annually of a certain determinate sum of money, for a number of years, not in any case to exceed ten, all school assessments and rates, that might be imposed on the buildings, land and property occupied by such person, partnership or company for the purposes of such industry.

For a certain term of years. "Provided such agreement or commutation so to be made be afterwards confirmed and ratified by said trustees or commissioners as aforesaid."

Proviso as to confirmation by commissioners or trustees.

## C A P . X X X .

An Act to amend the acts respecting the notarial profession.

[Assented to 27th May, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

39 Vict., chap. 33, sec. 35, replaced. **1.** Section 35 of the act 39 Vict, chap. 33, intituled: "An Act to amend and consolidate the various acts respecting the notarial profession in this province," is replaced by the following:

Notice by notary discontinuing practice. Effect of such notice. "35. Any notary, duly qualified to practice his profession, who wishes to permanently or temporarily discontinue such practice, may give notice in writing of his intention to one of the secretaries of the board of notaries; and from and after the delivery of such notice to the said secretary, he shall cease to act as a practising notary, his name shall be struck from the roll and he shall forfeit all the rights and privileges, and shall be exempt from the duties, contributions and restrictions established either by common law or by this act or any other act respecting the notarial profession.

He may retain his *greffe* if notice contains declaration to that effect. "2. He may, nevertheless, if such notice contains a declaration to that effect, retain the possession of his *greffe*, including his minutes, repertory and index, with power to deliver copies, extracts or notes thereof.

Power after notice to resume practise. "3. It shall also be lawful for any such notary, at any time, to resume the practice of his profession, after giving another notice of his intention so to do, to one of the secretaries of the board of notaries, as aforesaid."

Id. Sec. 36 replaced. **2.** Section 36 of the same act is repealed and replaced by the following:

"36. Every notary, who has not already transmitted to one of the secretaries of the board, the declaration required by the acts of 1870 and 1875, signed by him and containing his surname, christian names, residence and the date of his admission to the practice of the notarial profession, and the names of the various towns, parishes, townships, counties and districts where he has practised since such admission, (mentioning also the period during which he practised in each place), shall, in virtue of the present act, transmit the same within three months from the coming into force of this act."

Declaration required must be transmitted within three months after passing of this act.

3. Section 37 of the same act is replaced by the following:

Id. Sec. 37 replaced.

"37. It shall be, after the coming into force of this act, as it was in virtue of the act of 1875 above-mentioned (39 Vict., chap. 33), obligatory for every notary, who leaves the place where he has practised, mentioned in his last declaration which he is obliged to make, both in virtue of the former acts above-mentioned and of this act, to practice in another locality, to transmit to one of such secretaries, within fifteen days from such change of domicile, a new declaration containing, as regards such new locality, a mention of the facts required by section 36 hereinabove.

Declaration required of notary changing his domicile.

"Every notary, who shall not have made the new declaration required by the present section, shall do so within three months from the coming into force of this act.

Notaries who have not already filed such declaration must do so within three months. General table to be made every three years, &c.

"Instead of being made every year, as prescribed by section 41 of the said act 39 Vict., chap. 33, the general table mentioned in the said section 41 and in sections 42, 43, 44 and 45 of the said act, shall be made every three years, during the month following the first general meeting, prescribed by section 91, which shall be held after the triennial election of the members of the board in accordance with section 85, the first table to be made after the election following the coming into force of this act.

"Such triennial table shall be in accordance with the requirements of the aforesaid sections 41 and following of the said act 39 Vict., chap. 33, and all the provisions of the said act and of any other act now in force, relating to the annual table shall, *mutatis mutandis*, apply to such triennial table.

How such table is made.

4. Section 76 of the same act is repealed and replaced by the following:

Id. Sec. 76 replaced.

"76. The minutes, repertory and index of any notary deceased since the twenty fourth of February, one thou-

Transfer of minutes, &c., to another

notary, on observance of certain formalities.

sand eight hundred and sixty-eight, or who may die after the passing of this act, and of any notary who has ceased to practise in virtue of section 35, as amended, or of section 10 of the act 39 Vict., chap. 33, may, under the conditions and formalities hereinafter established by sections 77, 78, 79, 80 and following, requiring the authorization of the lieutenant-governor, be assigned and transferred to another notary who either resides or will fix his residence in the district of the professional domicile of the notary whom he represents.

Power of notary or his heirs to transfer such minutes, &c.

"Subject to the observance of the same conditions and formalities, every notary to whom an assignment is made or his heirs, may transfer such minutes, repertory and index to another notary equally qualified as to residence, and every re-transfer to a notary who has resumed the practice of his profession, in virtue of section 10, as amended, is valid, without its being necessary that such conditions and formalities be observed by the re-assigning notary or by him to whom the re-assignment is made, provided that notice of such re-assignment be given by two insertions during the space of two months, in a newspaper published in the district in which resides the notary to whom the re-assignment is made."

42-43 Vict., cap. 35, sec. 12, amended.

5. Section 12 of the act of this province, 42-43 Vict., chap. 35, is amended by striking out the words: "by the president and countersigned," in the second line of the third sub-section.

Id. Sec. 13 repealed, 40 Vict., cap. 24, sec. 3 replaced.

6. Section 13 of the said act 42-43 Vict., chap. 35, is repealed and section 3 of the act 40 Vict., chap. 24 which, by such repeal, comes again into force, is replaced by the following:

Deeds executed by notaries, not on list but who have not been suspended deemed valid.

"3. All deeds, which shall be executed by notaries, whose suspension shall not have been ordered by the board of notaries and officially published according to law, but whose names are not or shall not be entered on the list of practising notaries, owing to non-payment of their contribution and of the arrears thereof, shall be deemed to be valid, all provisions to the contrary notwithstanding contained in sections 13, 156 and 177 of the act of this province 39 Vict. chap. 33; provided that nothing contained in the present section shall have the effect of rendering valid any deed executed by notaries disqualified in virtue of sections 9 and 10 of the said act 39 Vict., chap. 33."

Proviso as to notaries disqualified under 39 Vict., cap. 33, ss. 9 and 10.

43-44 Vict., cap. 32, sec. 4, repealed and 39 Vict., cap. 33, sec. 83 amended.

7. Section 4 of the act 43-44 Vict., chap. 32, is repealed and section 83 of the act 39 Vict., chap. 33, is restored and shall read as follows:

" 83. 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 Terrebonne, Ottawa, Montmagny, Beauce, Arthabaska, St. Francis, Bedford, Beauharnois, Rimouski and Gaspé, and one for the united districts of Chicoutimi and Saguenay."

Constitution of  
board of nota-  
ries.

8. Section 5 of the said act 43-44 Vict., chap. 32, is repealed, and section 85 of the act 33 Vict., chap. 33, is replaced by the following :

33-44 Vict.,  
cap. 32, sec. 5,  
repealed and  
39 Vict., cap.  
43, sec. 85,  
replaced.

" 85. The members of the board shall be elected by the practising notaries, residing in the above named districts respectively, at general meetings held at the chef-lieu of each of the said districts, but at Chicoutimi, in the district of Chicoutimi, as regards the united districts of Chicoutimi and Saguenay and at New-Carlisle, in the county of Bonaventure, as regards the district of Gaspé, at the times and places hereafter prescribed ; the election shall be held in the court house, at one o'clock in the afternoon, on the first Wednesday of June, by the majority of votes of the notaries present and by ballot, and the sheriff of every district shall be bound to point out a fit and proper room for every such meeting."

Election of  
members of  
the board.

9. Section 9 of the said act 43-44 Vict., chap. 32, is amended by inserting in the French version, the word : "*substituant*," instead of the word : "*remplaçant*."

43-44 Vict.,  
cap. 32, sec.  
9, amended  
in french ver-  
sion.

10. Section 10 of the aforesaid act 43-44 Vict., chap. 32, is repealed and replaced by the following :

Id. sec. 10 re-  
placed.

" 10. The treasurer of the board of notaries shall, before acting as such, furnish one or more sureties, whose names shall have been previously approved by the board of notaries, to the amount of one thousand dollars.

Sureties of  
treasurer of  
board.

" 1. The treasurer of the board of notaries shall deposit, in the name of the latter, in some banking institution approved by it, after each general meeting of the board, the amount received by him during the interval between the meetings, after deducting the expenses and disbursements of the board.

Deposit of  
moneys re-  
ceived during  
intervals be-  
tween meet-  
ings of board.

2. Within the fifteen days following the sanction of this act, the treasurer of the board of notaries shall deposit to the credit of the said board, in one or more Government

Deposits of  
monies now in  
treasurer's  
hands.

Savings Banks, the monies belonging to the said board, which he may then have on hand or which may be deposited in some banking institution to his own credit.

How monies  
may be drawn  
out.

“ 3. None of the monies, so deposited in the name of the board of notaries, can be withdrawn, except upon a cheque or order signed by the president or vice-president and countersigned by the treasurer.”

Pending cases  
not affected  
and coming  
into force of  
act.

11. This act shall not affect pending cases and shall come into force on the thirty-first day of May, 1882.

## C A P. X X X I .

An Act to render valid certain Notarial deeds.

[Assented to 1st May, 1882.]

Preamble.

**W**HEREAS by sections 42, 46, 156 and 177 of the notarial act (39 Victoria, chapter 33) combined, it is enacted that a notary, who has not paid the arrears of his contribution, shall not be inscribed upon the roll of notaries and that the consequence of this want of inscription renders the notary in default liable to disciplinary punishments, one of which causes his suspension from office ;

Whereas by section 3 of the statute of this province 40 Victoria, chapter 24, the suspension pronounced by the notarial act is repealed, and such section declares that the deeds passed by notaries not entered upon the roll shall be valid, and that this latter provision was repealed by section 13 of the statute 42-43 Victoria, chapter 35 ;

Whereas, notwithstanding such repeal certain notaries, led into error by the changes in the law in this matter, have continued, although not upon the roll, the exercise of their profession and have passed certain deeds as notaries, in certain parts of the country, and that under the circumstances it is expedient, in the interest of the public at large and in the private interest of the parties to the said deeds and of their representatives, to declare the said deeds valid ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain deeds  
declared valid.

1. Deeds, so passed since the coming into force of the said statute 42-43 Victoria, chapter 35, up to this day, in any part of the province, are, to all intents and purposes, declared valid, provided that the notaries passing such deeds, were not incapacitated otherwise than above mentioned, that this act shall not have the effect of shielding them from