

contained, the jurisdiction of the said courts and of the said magistrates was and is regulated by the act of this province 35 Vict., cap. 9, and the acts antecedent thereto.

Pending
cases.

2. This act shall not in any manner affect pending suits or judgments heretofore rendered.

Act in force.

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

C A P. XXXII.

An Act to extend the jurisdiction of the fire commissioner for the city of Quebec.

[Assented to 24th December, 1875.]

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

Jurisdiction
extended to
the *banlieue*
and Levis.

1. The jurisdiction of the fire commissioner for the city of Quebec, as defined by the acts of this province, 31 Vict., chap. 32, and 32 Vict., chap. 29, is extended to the *banlieue* of the city of Quebec and to the town of Levis, wherein such commissioner may exercise his powers, in the same manner and to the same effect as in the city of Quebec.

Salary.

2. The annual salary of such commissioner is raised to the sum of fourteen hundred dollars, payable in the same manner and by the same parties as the salary received by him before the passing of this act.

Act in force.

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

C A P. XXXIII.

An Act to amend and consolidate the various acts respecting the notarial profession, in this province.

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[Assented to 24th December, 1875.]

Preamble.

WHEREAS there are a great many laws and statutes relating to the notarial profession, and much inconvenience results from such multiplicity of enactments of different sources; and whereas, for these reasons, it is advisable to amend and consolidate the laws respecting such profession; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

TITLE FIRST.

APPLICATION OF THE ACT,—INTERPRETATIVE AND DECLARATORY PROVISIONS.

Application of the act.

1. This act applies to the province of Quebec.

Interpretation of the texts.

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

Former admissions confirmed.

3. 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 in this province, if they have not been cancelled, are confirmed, notwithstanding any irregularities which may have occurred in the proceedings of the said boards. All certificates of admission or of 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 interdiction.

Old certificates and commissions confirmed.

Proviso.

TITLE SECOND.

ORGANIZATION OF THE NOTARIAL PROFESSION.

CHAPTER FIRST.

OF NOTARIES, THEIR FUNCTIONS, RIGHTS, PRIVILEGES AND DUTIES.— TABLE OF PRACTISING NOTARIES.

Object of the notarial profession.

4. Notaries are public officers, appointed to 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.

5. Notaries are appointed for life, with jurisdiction throughout the province of Quebec, in every part of which they have the exclusive and concurrent privilege and right of practising; they may abandon the practice of their profession, and resume the same whenever they so please. Time and place of practice of notaries.

6. They are bound to give their services on immediate payment of their fees and disbursements, except upon grounds which justify their refusal. Bound to act.

7. They are under the protection of the law, and are protected in the execution of their professional duties; any person assaulting a notary, in the execution of his duty, or opposing him therein, is guilty of a misdemeanor, and may, on conviction be condemned to the same punishment, as if he had been convicted of an assault on a peace or revenue officer, in the execution of his duty. Protection.

8. Notaries are not bound to accept any municipal office under a municipal council, nor any office relating to a municipal or school corporation. Exemption.

9. The profession of a notary is inconsistent with that of a surveyor, physician or advocate; and the exercise of the functions of a notary is inconsistent with the simultaneous exercise of those of a prothonotary, or deputy prothonotary in Her Majesty's superior courts of this province, of a sheriff, or deputy sheriff, or of a registrar, or deputy registrar, saving the reservation hereinafter made. Incompatibility with certain professions and duties.

10. Every notary, appointed prothonotary deputy prothonotary, sheriff, deputy sheriff, registrar or deputy registrar of any county or registration division, since the first day of January eighteen hundred and seventy four, has been bound to select between such occupation, and the practice of his profession of notary, and to transmit his declaration to that effect to the board of notaries, and to the office of the superior court for the district where he last practised as such notary. Selection to make. Declaration required.

But whenever he shall have elected to continue in the discharge of such office of prothonotary, deputy prothonotary, sheriff, deputy sheriff, registrar, or deputy registrar, he may retain his minutes, repertory and index in his possession, and deliver copies or authentic extracts from deeds passed before him, and up to such time deposited in his minutes. Privileges retained.

Re-entering
into practice.

11. He may also re-enter upon the practice of his profession as a notary, so soon as he shall have ceased to fill the office of prothonotary, deputy prothonotary, sheriff, deputy sheriff, registrar, or deputy registrar, upon transmitting a counter declaration to that effect.

Idem.

12. The same rule applies whenever any notary has abandoned the practice of his profession, to follow any other employment, hereinabove declared inconsistent with the exercise of the profession of a notary.

Penalty for
plurality of
offices.

13. Any notary, who continues to practice as a notary, or has any share or pecuniary interest whatever in the practice of another notary, and at the same time holds any of the offices specified in sections 9 and 10 of this act, is liable to a penalty not exceeding two hundred dollars, recoverable in the manner provided by section 181 of the present act; and the deeds or contracts, which he shall have so passed as notary, as also those passed before any notary considered as not practising within the meaning of this act, do not possess any authentic character.

Deeds of no-
taries not
practising.

Removal
from office.

14. It is lawful for the authority to that end constituted by this act, to remove from his office any notary lawfully convicted, under such authority:

1. Of having illegally joined with the exercise of his profession, that of those public offices, the simultaneous exercise of which is herein declared inconsistent therewith;

2. Of having joined with his profession, any of the professions declared inconsistent with that of a notary.

Keeping
office in cer-
tain places
not allowed.

15. No notary can habitually practise his profession, that is to say, keep his office, in the offices of prothonotaries, sheriffs, or registrars, under the penalties and consequences mentioned in the two preceding sections.

Firm of no-
taries; their
signature.

16. 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.

Practice on
Sundays, &c.

17. 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.

If parties are
unknown.

18. The names, calling, residence and identity of the parties, if none of them are known to the notaries, must

be certified to by a witness known to them and possessing the qualities required in an attesting witness to any instrument.

19. A notary cannot execute a deed or contract to which he is a contracting party. Notary is not a party to his deed.

20. Every notary is bound to keep exposed in his office, a roll in which shall be entered the names, additions and places of residence, of all persons, who, within the limits of the district in which he resides, are either interdicted or merely assisted by a judicial adviser, and also the names of curators or judicial advisers given to such persons, together with mention and date of the judgments relating thereto; and this, immediately upon the notification which the clerk or prothonotary of the district, in which the notary keeps his office, is obliged to give him without delay, and gratuitously. Roll of incapable persons, exposed in the office.

21. 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; these fees are regulated by the tariffs made by the board of notaries, or, in default of such tariffs, by a valuation before the court, by one or more members of the profession. Fees and expenses for services.

The tariffs of the several boards of notaries heretofore established according to law, remain in force till the board of notaries has otherwise determined, by the substitution of other tariffs. Old tariffs.

And 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. Other fees included.

The oath of the notary is admitted as to the nature and duration of the services rendered. Oath.

22. Parties to acts executed before a notary are jointly and severally liable for his disbursements and fees. Liability of parties to fees.

23. The furnishing of copies, extracts, title-deeds or deeds of any nature whatsoever, is not to be considered a presumption of payment of the costs and fees of a notary. And no notary is bound to furnish copies or extracts of any deed, to third parties, or even to the parties themselves, if he is not paid the original cost of the minute, if at the time prescription has not been acquired. Previous payment required.

24. Notaries may prepare the non-contentious proceedings specified in the third part of the code of civil procedure, and submit the same to the judge or to the Proceedings which notaries may prepare.

prothonotary; and may especially sign, in the name of the applicants, without any special power, requests or petitions for the summoning of a family council, in relation to tutorships, curatorships, sale or alienation of the property of minors or interdicted persons, partition or licitation, homologation *en justice*, the affixing and the removal of seals, as also all other petitions, or proceedings in which the action of the judicial authority, or of any other public authority whatever, is to be asked for.

Code of procedure.

25. All communications, copies, or extracts of any deed or document, forming part of the *greffe* of a notary, and every deposit of certified copies of *adivés* or lost deeds, are regulated by the code of civil procedure respecting compulsories.

Disposal of deeds.

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

Notary not obliged to guarantee.

27. A notary, who passes a deed, is not obliged to inform the contracting parties of any fact within his knowledge, although such fact may be prejudicial to one of the parties. 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.

Idem.

28. The omission by the acting notary to declare the hypothecs and charges in his own favor, on the immovable property alienated or hypothecated, is not detrimental to him, unless in the deed, the owner declares such immovable free and unencumbered.

Custody; care and alteration of deeds.

29. 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, under penalty of deprivation of office, in addition to the other penalties provided by law. If it be useful or necessary to make changes, the parties can do so by another deed, and not otherwise.

Who may be notaries.

30. The following persons and no others may be admitted as notaries public, in this province; all British subjects either by birth, or effect of law, resident in the province, being of good conduct and morals, lay persons, males, of full age, and ascertained to be of sufficient intelligence, the whole upon examination and certificates as hereinafter provided.

A candidate minor.

31. Upon his term of clerkship being completed, a candidate, of minor age, for the practice of the notarial

profession, may present himself to undergo his examination ; but his certificate of admission is not given to him, nor can he practise, until he attains his majority.

32. On admission to the profession, a notary before practising, must take, before one of the judges of the superior court, the oaths of office and allegiance. The taking of such oaths must be preceded by the production of the certificate of admission, registered in the office of the provincial registrar. He must cause the whole to be enregistered with the board of notaries, together with a deposit of his official signature, which he cannot change, without the authority of the board of notaries.

Oaths of office and allegiance.
Enregistration.

33. Every notary who practises as such before he has fulfilled such provisions, is liable for each offence, to the penalty hereinafter prescribed.

Penalty.

34. Moreover, before having the right of acting and practising as a notary, he is obliged to enregister, in the board of notaries, a declaration as to the locality where he intends to practise. Such declaration must contain his surname, christian names, and that of the parish or township, county and district, where he intends to reside. In default of so doing, he is liable to the same penalty.

Declaration required.
Penalty.

TABLE OF PRACTISING NOTARIES.

35. Any notary, who, at the time of the passing of this act, has not transmitted to one of the secretaries of the provincial board of notaries, a declaration signed by himself, containing his surname, christian names, residence and the date of his admission to the practice of the notarial profession, and the different localities (by parish, township, county and district), where he has practised since such admission (mentioning the time during which he has practised in each locality), must transmit the same to the board of notaries, within three months next after the passing of this act, if he has not done so, under the act of 1870, concerning the profession of notary.

Declaration.

36. Any notary, who, having transmitted such declaration, has, since such transmission, and at the time of the passing of this act, changed his domicile, and removed to another township or parish, must, within the three months next after the passing of this act, transmit to one of the secretaries of the board of notaries, another declaration mentioning such change, and also the county and district, in the same manner as the declaration required by the preceding section.

Change of domicile.
Declaration.

37. Any notary who changes the domicile mentioned in his last declaration, for another, in another parish or

New declaration.

township, is bound to transmit to one of the said secretaries, within fifteen days from such change, a new declaration containing, in addition to the foregoing, the name of the parish, township, county and district, where he intends to reside and practise.

Penalty.

38. Refusal or neglect in transmitting the declarations above mentioned, renders the notary in default amenable to disciplinary penalties.

Delivery of lists by the secretaries.

39. 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 all declarations received by them during the year.

Contents of the first list.

40. The first list, thus transmitted to the treasurer, must contain concisely the surnames, christian names and domiciles of the notaries, which the said secretaries find mentioned in the declarations received by them up to the date of such transmission to the secretaries, together with the declarations of election of domicile, made by recently admitted notaries, immediately upon their admission by the board of notaries.

General roll of notaries practising and not practising.

41. The two secretaries shall jointly prepare for the first of May, in each year, a general table of notaries practising in the province of Quebec, in alphabetical order, by districts and by names, mentioning the date of the commission, the parish or township, county and district where the notaries are practising at the time of the publication of such table. This table must also contain in a special category, and with the same details of residence, the surnames and christian names of non-practising notaries.

Payment required.

42. The table specifies merely the names of such notaries as are not indebted in any arrears of contribution to the said board.

Statement and Treasurer's list.

43. On the first of April of each year, the treasurer of the board transmits to the two secretaries a statement of the receipts and expenditure of the board, and a list certified by him, of the notaries who have paid, at that time, the arrears then due of their contribution up till the last day of the month of February preceding. The table is drawn up according to such list.

Date and distribution of the roll.

44. The table must be prepared and printed by the end of April of each year, and transmitted by the secretaries, post-paid, to each of the notaries entered therein, as also to prothonotaries, clerks and registrars, who are

Exposition.

bound to expose it in a conspicuous place in their office,

to be consulted when required, under pain of disciplinary penalties against notaries, and of a penalty not exceeding Penalty. twenty-five dollars against prothonotaries, clerks and registrars.

45. The first table shall be prepared and printed by First table. the end of April, eighteen hundred and seventy-six.

46. Any practising notary, whose name is not inscribed Penalty for practicing without being inscribed. on the above mentioned table, through non-transmission of his declaration of election or change of domicile, or through non-payment of his arrears of contribution to the common fund of the board of notaries, is liable to disciplinary penalties and fines.

47. Any notary, whose name, through his own neglect, Inscription of notaries in arrears. is not inscribed on the general table of notaries, must, to have it so inscribed, transmit to the treasurer of the board, in addition to the arrears of contribution by him due to the fund of the board, a sum of eight dollars to cover the expenses necessary to forward to notaries, prothonotaries, clerks and registrars, a certificate to avail in lieu of inscription on the table.

48. So soon as the notary newly admitted to the practice of the notarial profession has enregistered his declaration of election of professional domicile, prescribed by the thirty fourth section of this act, the secretary who has received such declaration, must transmit to notaries, prothonotaries, clerks and registrars, the surname, christian name, and elected domicile of the recently admitted notary. On reception of such notice, the notaries, prothonotaries, clerks and registrars, enter the name of the new notary upon the table exhibited in their office. Inscription of the new notaries.

49. The board is authorized to draw up rules, from time to time, in relation to the preparation, publication, distribution and modification of the general table of notaries, and even to alter the periods of its annual preparation and publication. Rules relating to table of notaries.

CHAPTER SECOND.

OF NOTARIAL DEEDS, OF THEIR FORMS OR FORMALITIES, AND THEIR EFFECT—OF MINUTES, BREVETS, COPIES AND EXTRACTS—OF REPERTORIES AND INDICES—OF THE PRESERVATION, DEPOSIT OR TRANSFER THEREOF.

SECTION FIRST.

Of deeds *en minutes*.

50. Notarial deeds are such as are executed before one or more notaries public; they are considered authentic, Notarial deeds.

and of themselves make proof of their contents in law. They are drawn up *en minutes*, or *en brevets*. A deed *en minute* is that which a notary executes and retains in his office, to deliver copies or extracts thereof, and thus differs from a deed *en brevet*, of which he delivers the original to the parties, whether in single, duplicate or multiple. The formalities required in notarial deeds are prescribed in the civil code and in the code of civil procedure.

Who writes them.

51. Notaries are not bound to write themselves the deeds which they receive; they may employ another person, or use printed or written blanks.

Minutes made separately.

52. Notaries must receive and inscribe the minutes of their deeds separately in such manner as to facilitate their production when legally required.

Specifications required.

53. 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 number of the minute, the place where the deed is passed, the fact of the reading of the deed, the signature of the parties, or their declaration that they do not know how or are unable to sign, and the cause, after being asked to sign; the presence, the name, official quality, residence and signature of the assistant notary, or the presence, the names, quality and residences, of the requisite witnesses, and the date of the deed. It must mention the number, and approval of the marginal notes and foot-notes, the acknowledged number and nullity of words erased or struck out, the number and approval of lengthened lines. The deed is concluded by the signatures of the parties, of the assistant notary or the witnesses, and by that of the acting notary. 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.

Marginal notes, &c.

Closing of the deed.

Exemption of a witness or a second notary.

Notwithstanding the provisions of the second paragraph 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.

54. Commercial firms, which have filed their declarations, where the law requires, are sufficiently designated by the name of the firm, and may act in any notarial deed under such name of the 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.

Designation
of com-
mercial firms.

55. Notarial deeds must be written without abbreviations, blanks or spaces; they may, however, be prepared on printed or written blanks, on filling up the blank spaces by a heavy stroke of the pen. Sums, dates and numbers, which are other than simple indications or references not absolutely essential, must be written in full.

No spaces,
abbreviations,
&c.

Blanks.

Dates, &c.

56. 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 and other documents *en brevets* or *sous seing privé* must be when produced also sufficiently described, and then annexed to the minute. The latter only must be admitted as true, and be signed by the parties in the presence of the notaries and the subscribing witnesses.

Procurations,
etc.

57. Notes, additions and lengthened lines, with the exception hereinafter mentioned, 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 and lengthened lines; and 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 be also 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.

Notes, addi-
tions, &c.

58. There must not be in the body of the deed, or in the marginal or foot notes, any words written over, interlineations 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.

Words writ-
ten over.

Interlinea-
tions, &c.

Erasures.

59. The reading of a will or codicil is performed by the acting notary; as respects ordinary deeds, it is indifferent whether they are read by the notary, or by any other person.

Reading.

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

Locality in-
dicated.

Number. **61.** The minutes of deeds are numbered consecutively.

Minutes kept. **62.** Notaries are bound to keep the minutes of all acts which they receive, except those hereinafter mentioned, which they may execute and deliver *en brevets*, if the parties so require.

SECTION SECOND.

OF DEEDS *en brevet*.

Deeds which may be executed *en brevets*. **63.** There may be executed and delivered, on demand of the parties, *en brevets*, singly, in duplicate, or in multiple, life certificates, partial releases, procurations, powers of attorney, acts of notoriety, discharges of rent or farm rent, of salaries, of arrears of rents or pension, obligations or agreements purely personal, unless their effect is to be perpetual and pass from the contracting parties to their heirs or representatives, declarations, notices of family councils, appointments and reports of experts, attestations, disavowals, releases, discharges in respect of papers and moveables, and other documents the effect whereof must not be perpetual, or which do not confirm or discharge the effect of a deed executed *en minute*.

SECTION THIRD.

OF COPIES AND EXTRACTS.

Copies. **64.** Copies are the faithful reproduction of the minute, or annex made according to the provisions prescribed by the civil code; extracts are also made in accordance with the provisions of the same code.

Extracts. The right of furnishing such copy or extract vests only in the notary or prothonotary who is the custodian of the original.

SECTION FOURTH.

REPERTORIES AND INDICES.

Repertory. **65.** Every notary is obliged, under disciplinary penalties and fine, to have and to keep in good order and proper state of preservation, a repertory of all deeds passed by him *en minutes*, in which he enters consecutively, their dates and numbers, their nature or kind, and the names of the parties.

Index. **66.** With the same care, and under the same penalties, he must make and preserve an index to the repertory.

Special repertory. **67.** Every notary may keep a special repertory, with or without an index, as he chooses, for notes, protests of

bills of exchange and bills and other papers of the same nature.

SECTION FIFTH.

PRESERVATION OF MINUTES, REPERTORIES AND INDICES ; THEIR DEPOSIT.

68. Except in cases of lawful transfer of notarial *greffes*, as hereinafter provided, and the transfer under section ten, the minutes, repertories and index of every practising notary who leaves the province, or who becomes unable to act as such, on account of performing functions inconsistent with practice, which places him on the list of non-practising notaries, or of any notary interdicted or removed from office, or who dies, or voluntarily ceases practising, the whole under the restrictions set forth in this act, 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.

Deposit of the minutes, index, &c., in the office of prothonotary.

69. 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 in revendication, before a judge of the superior court of the said district, either in term or vacation ; and he is also bound to report the proceedings to the president of the board of notaries. In default of the prothonotary fulfilling this duty, he is personally liable to a penalty of fifty dollars for each month of delay, counting from the day of the service of notice of the syndic.

The prothonotary must recover them on refusal.

Penalty.

70. Saving the case of the legal transfer of notarial *greffes*, 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 day on which he has been called upon to make such deposit ; the notary himself is further subject to the disciplinary penalties hereinafter mentioned ; the whole without prejudice to any action of damages on the part of the party injured.

Penalty.

Damages.

71. The widow of a notary, whether she be in community with her husband, or separated as to property, or has accepted or repudiated the community,---or the legal representatives of the deceased notary, during the ten years next after his decease, if his

Rights of the widow, &c., to half the fees received by the prothonotary.

widow dies before the expiration of the said ten years, and whether such representatives accept or repudiate the succession of such notary, or the representatives, or assigns of any absent notary,—or the notary himself who does not wish to practise, or refuses to do so, or who is interdicted or suspended,—shall receive, every six months, counting from the day of the deposit of his minutes, repertories and index, from the prothonotary of the superior court in the district where such deposit has been made, half the fees and emoluments which the prothonotary shall have received for searches, copies or extracts of or from any deed out of the *greffe* of such notary, whereof he is the custodian.

Fees which the prothonotary is entitled to receive for copy of deeds deposited.

Searches.

72. The prothonotary of the superior court of any district is entitled to receive for every copy or extract of any notarial or annexed deed, whereof he is custodian, and by him delivered, 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 twenty cents, for each year searched in the repertory and index collectively.

Minutes, &c., deposited, form part of the records of the office.

Greffe deposited can be retaken.

73. The minutes, repertories and indices of notaries transferred to the prothonotary of the superior court, form part of the records of his office.

74. Whenever any notary, interdicted or absent, is anew admitted to practice, 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 within the limits of the district wherein his *greffe* has been deposited.

Greffes and safes not liable to seizure.

75. Notarial *greffes* and the safes in which the deeds are placed are not liable to seizure, except in the cases provided for in this act.

SECTION SIXTH.

TRANSFER AND ASSIGNMENT OF NOTARIAL *greffes*.

Transfer of the *greffes*.

76. 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 act, or of any notary who has resigned and abandoned practice, may, under the conditions and formalities hereinafter set forth, 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 deceased or giving up practice.

77. It shall be lawful for the lieutenant-governor in council, upon application which shall be to him made, to permit or refuse, as he shall deem expedient, and according to the conditions hereinafter set forth, that the minutes and repertories of any notary, deceased since the twenty-fourth day of February, eighteen hundred and sixty-eight, or who shall die after the passing of this act, or of any notary resigning or who is desirous of ceasing to exercise his functions, or who shall have left his judicial district, be, with the consent of such notary, or of his heirs or representatives, transmitted to any other notary who resides, or who shall fix his residence in the district of the professional domicile of the notary deceased or resigning.

Power of the lieutenant-governor in council.

78. Such other notary and every successor thereof, who shall have in the same manner obtained such minutes and repertories, may deliver signed and certified copies thereof, and such copies shall be authentic for all purposes whatsoever; provided that in certifying the same he shall have made mention of the date of the order in council, under which the minutes were placed in his possession.

Copies delivered by the notary assignee.

79. 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 under section 77 shall not take force and effect, until after the publication thereof in the said *Quebec Official Gazette*.

Notice required.

80. 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 assignee has complied with the following conditions :

Petition.

1. To produce a certificate of the board of notaries, signed by the president of the said board, establishing that he is not undergoing any censure or punishment on the part of the said board of notaries;

Certificates.

2. To accompany the said petition by a report signed by the notary assignee, specifying the number and condition of the said minutes, together with the minutes missing, and the provincial secretary shall inform the prothonotary of the district of such transmission ;

Report.*

3. To provide a vault or safe sufficient as a protection against fire or damp, therein to deposit the said minutes, repertory and index ; and so often as he shall be required he must 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. The first inspection is always made at the cost

Vault or safe.

Inspection.

of the applicant who shall pay them immediately and before he is entitled to obtain possession of the notarial *greffe* ceded and transferred to him.

CHAPTER THIRD.

GOVERNMENT OF THE NOTARIAL PROFESSION.

SECTION FIRST.

BOARD OF NOTARIES.

Board of notaries.

81. There exists in the province of Quebec a board of notaries, designated as "The board of notaries."

Powers.

It is a corporation, and as such, enjoys all the privileges conferred by law upon such bodies; it may acquire, possess and enjoy real and personal estate, provided the same do not exceed in value the sum of fifty thousand dollars.

Services.

82. Any service on the said board made at the office of one of the secretaries is a good and valid service.

Formation of the board.

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

Quorum.

84. Twelve form a *quorum* for the despatch of business, and eight for the examination of candidates for the study of, or admission to, the notarial profession.

Election of the members of the board.

85. The members of the board are elected by the practising notaries residing in the above named districts respectively, at general meetings in each of the said districts, 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 hereinafter prescribed; 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, and by ballot; and the prothonotary of every district shall be bound, subject to a penalty of twenty dollars, to point out a fit and proper room for every such meeting.

Time, place, mode.

86. Such general meetings are held every three years, Every three years. to which period the functions of the members of the said board are limited ; nevertheless, the same members may be re-elected, with their own consent ; the elected members remain in office until their successors are elected or appointed in their place. Re-eligibility.

87. Each such meeting is presided over by a notary, Meetings. chosen by the majority of the notaries present, entitled to vote at such meeting. The notary chosen to preside President. at the meeting, after drawing up and signing the minutes of the proceedings, files the same in the records Minutes. of the superior court for the district, and at once or within fifteen days, delivers a certified copy thereof to Copies to members elected. the president of the board of notaries, addressed to one of the secretaries, after giving notice of their election to each of the members elected ; under a penalty of twenty Penalty. dollars, against any one of the officers mentioned in this section for refusal or neglect, in respect of the duties imposed on him by this section.

88. The next general meeting of notaries for the election of members of the board, shall take place on the first Years in which meetings are to be held. Wednesday of the month of June, eighteen hundred and seventy-six, and the subsequent triennial meetings for the election of members of the board, shall be held at the same places, at the same time, and in the same manner as the first ; and if such day be a holiday, such meetings shall be held on the next following juridical day.

From this present time, till the first Wednesday in June, Former members, continued. eighteen hundred and seventy-six, the notaries of this province who now form the provincial board of notaries, shall be members of the board of notaries established by this act, and shall exercise and perform all powers and duties thereunder, as if they had been elected under its provisions, and shall continue in office till they be replaced under this act.

89. The existing officers of the provincial board of Existing officers. notaries also remain in office, as officers of the board of notaries hereby established, till their replacement by such latter board.

90. All the by-laws, and regulating resolutions of the By-laws, &c., in force. provincial board of notaries shall be also those of the board of notaries now constituted, till their revocation or modification by the latter.

91. The general meetings of the board of notaries are held, alternately, at Quebec, on the third Wednesday in May, at ten o'clock in the forenoon, and at Montreal, on Meetings are held in Quebec and Montreal, alternately. the first Wednesday in October, at ten o'clock in the

forenoon, in each year ; if such day be a holiday, the meeting is held on the next juridical day.

If in a district there has been no election of members.

92. 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 or territory there has been no election of a member to represent such district or territory in the board, the board may, on information thereof, appoint a member, or the number of members required to represent such district or territory ; every member so appointed has the same powers, privileges and duties as those elected by notaries at a general meeting.

Extraordinary meetings of notaries.

93. Extraordinary general meetings of notaries may take place whenever circumstances require, and the board deems desirable.

Mode of summoning.

Places.

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 twenty-five notaries, qualified to vote at meetings for the election of members of the board. All such meetings, asked for in either manner, are summoned by advertisements 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 ; they are held alternately at Quebec and Montreal.

Adjournment.

94. Every meeting of the board of notaries, and every general meeting of notaries, may be adjourned by consent of those present, to such place, day and hour, as shall be then decided upon.

Officers.

President ; his powers, &c.

Vice-president.

Two secretaries ; their duties, &c.

95. The board elects :

1. A president, who votes only when the votes are equally divided, who calls special meetings of the board when he deems it expedient, or on the justified requisition in writing of two members, or of the syndic hereinafter named, and who preserves order at all meetings ; also a vice-president to represent him, in case of sickness, absence or otherwise ; they may be replaced, in case of the absence of both, by a temporary president, appointed by the members present ;

2. Two secretaries, one of whom must reside in the city of Montreal, and the other in the city of Quebec ; they draw up and preserve the records of the proceedings of the board, have the custody of all archives, and deliver copies thereof ; they collect the facts relative to any charges brought against a notary, and report the same to the board. Each of them may appoint a deputy to represent him in case of illness, absence or detention,

with the approbation of the board, or in vacation with that of the president, or of the vice-president if the president is absent or unable to act; such deputy is so appointed by a certificate signed by the secretary in his own name, and which is recorded in the minutes of the board;

Assistant-secretary.

3. A treasurer, who has charge of the common fund hereinafter established, who receives and pays money upon the order of the board, and accounts for the same as the board directs;

Treasurer.

4. A syndic, who acts as prosecutor in the case of notaries accused before the board, or before the commission of accusations hereinafter established.

Syndic.

96. The out-going president shall also at the meeting held in the month of October following a general election of its members, submit a report of the principal facts and proceedings of the board, during his term of office, and a general statement of the affairs under the control of the board up to that date.

Report of the out-going president.

97. The *procès-verbal* of every meeting of the board is signed on the minute book of the proceedings by the president of the meeting, and countersigned by the secretary. Nevertheless the omission, for any reason whatsoever, of the signature of the president of the meeting, does not invalidate the authenticity of the *procès-verbal* when signed solely by the secretary.

Entry of the *procès-verbal* of the meetings.

98. When the board of notaries holds its meetings in either of the cities of Montreal or Quebec, the secretary residing in such locality, or his deputy, draws up minutes of the proceedings and keeps the register thereof; but each of the secretaries is bound, as soon as possible, to transmit to the other a certified copy of the proceedings, and it shall be the latter's duty to enter such copy in his register.

Which secretary is bound to act.

99. In addition to the special powers assigned to the officers aforesaid, each of them, if he is a member of the board, may vote as such with the other members, at all meetings thereof; except that with regard to any matter relating to any charge against a notary, the syndic, who conducts the prosecution, if he is a member of the board, forms one of the *quorum*, and takes part in the proceedings, but has not the right to vote on any decision taken by the board, on the matter of the accusation and the procedure consequent thereon.

Other powers of the officers.

100. In case of any of the officers aforesaid being absent, or prevented from acting, their places may be supplied by the appointment of others, *pro tempore*, by the majority of

Case of absence, &c.

the members present, at any meeting at which there is a *quorum*.

Who may be officers.

101. The president and vice-president, or *pro tempore* president, are always chosen from among the members of the board; the other officers may be chosen either from among the members of the board or from among other notaries practising within its jurisdiction.

Removal of the officers.

102. The board may remove any officer at pleasure, and appoint another in his stead; but no officer is so removed except by the vote of the absolute majority of the members of the board.

Time of the election of the officers.

103. The election of the president and other officers is made by the members of the board every three years; the same persons being capable of re-election, and the senior in age having the preference, in case of equality of votes.

Penalty for refusal.

104. Any notary refusing to accept the office of member of the board, or to perform the duties of president, vice-president, *pro tempore* president, secretary-treasurer, or syndic, is liable to the disciplinary penalties and fines hereinafter mentioned, unless he has already filled one of such offices, or has attained the age of sixty years.

Penalty for absence, &c.

105. Any notary elected or appointed a member or an officer of the board, who does not attend regularly at the meetings of the board, or who neglects to fulfil the duties of his office, after accepting the same, is liable to the disciplinary penalties and fines hereinafter provided, unless he has been prevented from attending through illness or other serious cause, and any member or officer of the board, who after having been elected, or re-elected with his own consent, refuses to act, is liable to the same penalties.

Vacancies.

106. If any vacancy occurs in the board of notaries, by the death of one of the members thereof, or by absence from the meetings for any time not less than one year, or by resignation, or otherwise, the board may fill such vacancy by the majority of votes of the members present forming a *quorum*. The same rule applies in relation to any officer who is not a member of the board.

SECTION SECOND.

POWERS OF THE BOARD OF NOTARIES; MODE OF PROCEDURE ON ACCUSATIONS.

Functions of the board.

107. The functions of the board of notaries are:

1. To maintain internal discipline among notaries within its jurisdiction, and finally to award censure, and enforce other disciplinary provisions; Discipline.

2. To prevent and reconcile all differences between notaries, and all complaints and claims by third persons against notaries, concerning their functions; to express an opinion respecting the damages which may thence arise, and to repress by censure or other means of discipline, even including suspension and removal, whatever offence may be the subject thereof, without prejudice to any right of action before a court of justice, if any such there be; Differences, complaints, &c. Repression.

3. To grant or refuse, after examination, all certificates of qualification and admission required by applicants for admission, either as students or notaries, and to take full cognizance thereof; Certificates.

4. To summon before it when necessary, any notary within its jurisdiction; Summons.

5. To alter from time to time, if it thinks proper, its *quorum* for the dispatch of routine business, but such *quorum* shall not be less than five members present; and whenever any decision is required to be taken on any matter brought before the board, the *quorum* shall consist of twelve members present for the despatch of business, and eight for the examination of candidates for admission to the study or practice of the profession; Quorum.

6. According to the gravity of the offence and according to the provisions of this act, to punish by itself or through the action of the commission of accusations, any notary within its jurisdiction, by the imposition of all or any of the disciplinary penalties defined and enumerated in section 177 of this act, and of the several fines prescribed by this act in the various sections thereof; Punishments.

7. To make such by-laws and orders as from time to time are found requisite for the administration and regulation of all matters under its control, and for the due execution of this act. By-laws.

108. In the case of accusations brought against notaries and for the mode of procedure therein, there is appointed, at the ordinary meeting of the board of notaries, held in October of each year, a commission of five members chosen from among the members of the board itself, of which three are a *quorum*, which commission has by the present act, power to investigate, hear and decide, in the manner and form hereinafter provided, any accusation against a notary for breach of his professional duties or for all acts derogatory to the honor of the profession. The secretary of the board, or his deputy, as the case may be acts as its clerk *ex-officio*. Accusations. Commission of 5 members. Secretary.

109. The powers of such commission expire at the annual meeting which follows its nomination; the members Commission is for a year.

- Proviso. who compose it are however, eligible to re-election, if they are qualified and consent.
- The commission which has heard an accusation on the merits, must render judgment, notwithstanding the expiration of its powers.
- Place of its sitting. The commission must sit at Montreal or Quebec, whenever so required by its chairman, by two members, or by one of the secretaries of the board.
- Rules. The board is authorized to make rules to define the proceedings for convening the commission, and the latter has power to make by-laws to regulate its proceedings, and the procedure to be adopted before it.
- Complaints admitted by the board. The board of notaries may, by resolution, cause to be brought before the commission of accusations, any complaints and accusations received and admitted by the provincial board of notaries up to the time of the coming into force of the present act. From such time, the commission, its officers, and the officers of the board, each in so far as concerned, take up the proceedings on such accusation, in the state in which it is, and continues them in the manner prescribed by this act, till final judgment; without prejudice, however, to the right of appeal herein-after provided.
- Decision. **110.** In every case where a notary is accused before the commission of accusations of any offence or of any action derogatory to the dignity, and honor of the profession, or of any contravention of the provisions of the present act, the accusation is decided *vivâ voce*, "guilty" or "not guilty," by the absolute majority of the commission appointed by the board.
- Absolute majority.
- Power of the syndic. **111.** The syndic may, *ex-officio* and on the sole authority of the board, bring, in the name of the board, before the commission, an accusation against any notary who violates any one or more provisions of this act, which violation entails the infliction of disciplinary penalties, and he may conduct in his own name as complainant all the proceedings according to the procedure prescribed by this act.
- Mode of proceeding. **112.** The mode of proceeding on all accusations brought by the syndic is as follows:—whenever the syndic receives, on the oath of one or more credible persons, (the oath to be administered by any justice of the peace,) a complaint against a notary, reflecting on the honor, dignity or duties of the profession, he, without delay, lays such complaint before a meeting of the commission of accusations, called for that purpose, by its chairman, two of its members, or one of the secretaries of the board, on the demand of the syndic; and if the commission deem that there is matter for investigation, it orders the trial of such notary.

113. When the syndic *ex-officio*, takes proceedings against a notary, on the sole authority of the board, the commission of accusations is relieved from deciding whether there be matter for investigation, and from ordering the trial of such notary. Idem.

114. The complaint must briefly mention the time, place and circumstances of the charge. Allegations of the complaint.

115. The syndic then draws up the act of accusation in the form of schedule No. 3, of the present act. Act of accusation.

Such act of accusation is transmitted to the secretary of the place where the commission must sit, which 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 in person or by attorney before the clerk of the commission, on the day and hour mentioned in the said order, which is drawn up in the form of schedule No. 4 to this act. Order to the accused.

116. 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 elected domicile within five leagues of the place of meeting of the commission; and if the distance exceeds five leagues, the delay is increased by one day for each additional five leagues. Delay.

117. The service of the act of accusation 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, and the said 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 at least two days before the date fixed for the appearance of the accused. Service made by a bailiff of the S. C.

118. The complainant transmits to the secretary, on or before the day of return of the act of accusation, the exhibits in support of his complaint, and the list of witnesses to the charge, stating the domicile of his witnesses. Exhibits and list of the witnesses filed.

119. The complainant may appear personally or by attorney, on the day of the return of the act of accusation, if not, the syndic represents him. Appearance.

120. The reply 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 Reply.
Delay.

Exhibits and list of the witnesses filed. the act of accusation, together with the exhibits in support thereof, and also a list of the witnesses of the accused, with their respective domiciles.

Issue joined.

121. Issue is joined,

1. By the act of accusation, the answer of the accused, and the replication of the complainant, or of the syndic when he acts *ex officio* ;

2. It is equally so by foreclosure from pleading or in the absence of a replication ;

3. Nevertheless on petition justified to that end, the delegate of the commission may accord leave to produce further pleadings.

Record ; communication thereof ; exception.

122. In any case brought before the commission of accusations :

1. The list of witnesses produced by either side, must not be communicated to the other party ;

2. The papers produced cannot be withdrawn except with the written consent of both parties, the written permission of the delegate of the commission, and upon receipts therefor ;

3. Each paper filed in a case (excepting the lists of witnesses,) 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 ;

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

Presumed domicile of the parties.

123. 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 commission is to sit.

Foreclosure.

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

Inscription for proof.

125. Within six days from the filing of the replication or other pleading authorized by the delegate of the commission or from the foreclosure of the accused, the complainant or syndic, when acting *ex officio*, or on their default the accused may inscribe the cause for proof, mentioning the place where the evidence on either side is to be taken, and the secretary transmits the record to the commission, in order to proceed to proof.

126 At the first or any other meeting of the commission of accusations, for the reception of, or for taking into consideration, any complaint or accusation against a notary, it may appoint one of its members as a delegate, and to him it may transfer all its powers, or a part thereof only, moment to the decision and regulating 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.

Delegate of the commission: his powers.

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

Idem.

128. The commission also appoints at its first meeting a *commissaire-enquêteur*, whose powers are indicated and duties prescribed by the sections of this act.

Commissaire-enquêteur.

129. The order appointing such commissioner must specify the place where the investigation shall be held, and the delay within which it shall be completed. Such delay may be extended, on sufficient cause, by the delegate of the commission.

Mention required in the order.

130. The delegate superintends the proceedings and the investigation, and any 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 and conclusive.

Duty of the delegate.

131. Paragraph 6 of section 3 of chapter 6 of the first title of the first book of the second part of the code of civil procedure, and the amendments to such portion of the code apply to the duties of the *commissaire-enquêteur* under this act, and to the procedure at the investigation before him, in so far as other provisions are not laid down in respect thereof by this act.

Para: 6, s. 3, c. 6, T. I. B. I. part 2 of the c. c. p. shall apply.

132. The witnesses are summoned by writ of *subpœnâ* in the form of schedule No. 5 of this act, 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 commissioner has, by this act, the same powers to compel witnesses to attend and give evidence, as courts of justice.

Witnesses.

Such writ of *subpœnâ*, as are all other pieces of procedure under this act, is served by a bailiff of the superior court.

Subpœnâ.

Powers of the *commissaire-enquêteur*.

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

Commissaire-enquêteur administers the oath to witnesses.

133. The *commissaire-enquêteur* is empowered by this act to administer the oath to the witnesses; and any person guilty of any false declaration, in any oath required, is guilty of perjury, and punished by the penalties by law inflicted, in cases of perjury.

Enquête taken at length.

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.

Expenses of the witnesses.

The expenses of the witnesses are taxed by the *commissaire-enquêteur*, subject to revision by the delegate, if occasion require.

Enquête declared closed.

134. If five days elapse, and neither party proceeds with his *enquête*, the *commissaire-enquêteur* may *pleno jure* declare closed the *enquête* of the party in default, and may grant act thereof to the other party, upon his demand. He may also declare the *enquête* closed generally, if neither party proceed within such delay.

Report of the *commissaire-enquêteur*.

135. So soon as the *commissaire-enquêteur* has closed the *enquête* generally, he reports his proceedings, the secretary inscribes the cause on the roll for hearing on the merits, and gives notice to the parties, and to the members of the commission, at least ten days previously, of the day fixed for such hearing.

Inscription for hearing on the merits.

Counsel heard.

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

Judgment rendered, with grounds thereof.

137. The commission, 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 commission intends to inflict.

Its effect.

The judgment of the commission pronouncing sentence of suspension or removal only takes effect on the day after the expiration of the delay to appeal therefrom.

Costs in the proceedings.

138. The costs incurred in the proceedings are taxed in the judgment against the party liable for the same, at the discretion of the commission.

Taxation.

2. 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.

Tariff.

3. Such tariff may be modified by the board when it deems it expedient.

4. The costs taxable according to such tariff, are the travelling expenses of the members of the commission of accusations, of their delegate, of the *commissaire-enquêteur*, of the secretaries of the board acting as such or as clerks of the commission, of the syndic, of the counsel of the parties, of the writers at *enquêtes* if any are employed, of the bailiffs and of the witnesses.

Taxable costs.

5. If a fee is not provided in the tariff for any necessary or useful service rendered in relation to the case, the commission, the delegate thereof 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.

Fees not provided for.

139. The prothonotary of the superior court of the district where the party condemned resides is authorized and enjoined, on production of a certified copy of the judgment, 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; in the case of an opposition, the costs are as in a cause of the lowest class in the superior court. The same proceedings are had in relation to the costs of the judgment in appeal, before the assembled board.

Execution issued by the prothonotary.

140. The commission is hereby authorized, and according to the gravity of an offence against discipline, or of any action derogatory to the honor of the profession, to impose :

Powers of the commission.

1. Censure, deprivation of the right to vote at any meeting of notaries, ineligibility to the board of notaries for a period more or less extended, at the discretion of the commission, removal as a member of the board of notaries, if the party found guilty is then a member thereof, suspension for any time not exceeding five years, or absolute removal.

Censure.

2. The judgment inflicting such penalties is given at the first ordinary meeting, following the date of the judgment, which imposes the same. It is pronounced in a loud voice by the chairman of the meeting, the offender having been previously summoned to appear for that purpose by the clerk

Judgment.

3. At the expiration of fifteen days after the judgment pronouncing censure, suspension or removal, if the party condemned has not appealed therefrom, execution follows. In the case of a judgment pronouncing sentence of suspension or removal, a copy thereof, 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 is resident.

Execution.

Service in certain cases.

- Service to the prothonotary. 4. Together with such copy of judgment, an order is served upon the prothonotary, enjoining him in the name of the board to take possession of the *greffe* of the notary condemned, and retain it for the future if the latter is removed, or for the whole period of his suspension, if he is merely suspended.
- Return. 5. The bailiff makes a return of the service of such copy of judgment and of such order upon the original of the said order.
- Duties of the prothonotary. 6. And to the end hereof, 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 section 69 of this act.
- Idem. 7. The prothonotary is bound to report his proceedings to the president of the board of notaries.
- Publication in the Official Gazette. 8. The suspension or removal of a notary, is published for one month in the *Quebec Official Gazette*, immediately after the expiration of the delay to appeal, if no appeal is instituted, and immediately after the judgment of the board sitting as a court of appeal, if the judgment originally rendered is confirmed.
9. The notary who after suspension or removal, during such suspension, or after his removal, takes fees as a notary, for any deed executed after his suspension, is deemed to have taken them under false pretences, and is punishable in the same manner as persons obtaining money under false pretences.
- Appeal to the board of notaries. **141.** Any notary accused, who considers himself aggrieved by the final judgment rendered by the commission on the charge brought against him, can only appeal therefrom to the board of notaries, in the manner herein-after set forth, and no judgment of the commission rendered under this act can be set aside by other means than that of the appeal therein mentioned.
- Deposit of \$50.00. 2. 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 commission 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. In the event of no appeal having been instituted, within fifteen days after the rendering of the judgment, such judgment is final and executory without delay.
- Service. Delay. 3. The service of the inscription and the deposit have the effect of compelling the secretary to transmit to the
- Duties of the secretary.

board, the record of the charge instituted 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.

4. On the inscription of the cause on the roll of appeal, the secretary must lodge in Her Majesty's post office, post-paid, a notice of such appeal and of the day fixed by him for the hearing thereof, which hearing shall not take place before the expiration of fifteen days after the deposit of the notice in the post office; such notice is addressed to the appellant, to the respondent, to the president, and to the members of the board, requiring their attendance at the day, place and hour specified.

Notice to the members of the board.

5. The members of the commission cannot sit in the board constituted into a court of appeal.

Inability of cert. members.

6. The *quorum* of the board sitting as a court of appeal consists of twelve members present.

Quorum.

7. At the time of the hearing in appeal, the complainant and accused must file statements or *factums* to the number of fifty copies, which they transmit at least eight days before the hearing to the secretary of the board, at the place where it is about to sit as a court of appeal. The said secretary, (who acts as clerk of the court of appeal), distributes copies of the *factum* to the members of the board who are to constitute the court of appeal, and to the parties interested.

Factum.

8. If such statement or *factum* is not produced within the said delay, on the part of the appellant, the appeal is held to be abandoned, and the secretary must strike the inscription, and notify the members of the board not to assemble, in relation to the said cause.

Default of factum.

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

142. The record of the proceedings in the first instance before the commission, and the *factum* of the parties shall be the only documents produced in appeal, or

Documents to be submitted.

1. On the day fixed for hearing, if neither of the two parties appear before the assembled board, the case is struck from the roll, and cannot be again inscribed except on payment of a further deposit, if the first is not sufficient to cover the expenses incurred and to be incurred for another meeting of the board; which costs the latter must tax in striking the case from the roll;

Default to appear.

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

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

Counsel
heard.

143. In any appeal, not more than two counsel may be heard on the side of each party, and one only in reply.

Judgment.

144. Judgment must be rendered within the shortest delay possible ; it is publicly rendered, and is recorded in the minutes of the board, and transmitted, as the case may be, as aforesaid, to the prothonotary.

Judgment.

145. The board confirms, disaffirms, or modifies the final judgment rendered in the first instance, and pronounces the judgment which should have been rendered by the commission, and adjudges costs, as well in the first instance, as in appeal.

If the judgment decree suspension, it must fix the days on which such suspension commences and ends.

If the judgment decree removal, it takes immediate effect.

Tariff of fees.

146. The board is authorized to prepare and establish a tariff of fees, as well in respect of proceedings in the first instance, as in appeal.

Punishment
in case of ab-
sence.

147. Any member, who without valid reason absents himself from the meetings of the board of notaries or of the commission of accusations, is liable to the disciplinary penalties hereinafter mentioned, in section 177 of the present act.

2. In regard to members of the commission of accusations, such absence is established by the *procès-verbal* of the meetings of the commission, in which must be entered the names and surnames of the members present at each sitting.

3. The absence of a member of the commission, established by the *procès verbal* of the meetings and proceedings thereof, is the only proof required to authorize the commission of which such member formed part, to impose disciplinary penalties on such absent member, the latter being previously heard or duly summoned according to rules which the board may make from time to time, in reference thereto; saving an appeal to the board by the commissioner condemned.

Appeal.

Proceedings.

4. In the event of appeal by the latter, the appeal will be proceeded with as hereinbefore prescribed in relation to any appeal from a judgment of the commission of accusations, in an ordinary case.

Substitute.

5. If suspension be decreed, the commission (of which three form then a quorum) appoint *ex-officio* a substitute duly qualified in this respect, to replace the absent member, so as not to retard the trial and decision, in an action then pending ; if otherwise it is necessary to wait till the board appoint one to replace such member, at its first meeting after the vacancy has occurred.

148. The board of notaries may, as often as it deems fit, choose amongst its members, or amongst other notaries under its jurisdiction, one or more practising notaries not exceeding three, to inspect the offices or *greffes*, minutes, repertories and indices of one, or more or all the notaries, with the view of establishing whether they conform to the laws of this province, and to the provisions of the present act, and to collect information on all matters and things, contained in the instructions they receive from the board of notaries, to which they report under their oath of office. Inspectors of greffes, appointed by the board.

The inspectors thus appointed cannot be compelled to act as such, if they fall within the class exempted from accepting office by this act. Case of exemption.

149. Any notary who refuses either to receive the visit of the notary or notaries thus appointed, or to grant communication of his official papers and registers, incurs for each refusal or neglect, the pains and penalties imposed by this act. Penalty for refusal.

150. Any notary thus appointed to make such inspection, cannot be compelled to make more than one visit during three years; and he is entitled to receive from the common fund of the board of notaries, any remuneration deemed sufficient by the board. Exception. Costs.

SECTION THIRD.

TARIFF OF NOTARIAL FEES.

151. The board of notaries may make one or more tariffs of fees, which may be exacted by notaries for professional services, and it may increase, diminish or otherwise modify them from time to time. Tariff of fees exacted by notaries.

152. Such tariffs, so made or modified, enter into force only after they are published in the *Quebec Official Gazette* for four consecutive weeks, and fifteen days after the last publication; any notary contravening them, by exceeding such tariff, is subject to the disciplinary penalties and fines hereinafter prescribed. Published in the Official Gazette.

The board of notaries is bound to print copies for the use of notaries inscribed as practising, and address to each a copy authenticated by one of the secretaries of the board, as also to each prothonotary of the superior court, who must exhibit it in a prominent place in his office. Penalty for contravention.

SECTION FOURTH.

COMMON FUND OF THE BOARD OF NOTARIES.

153. The board of notaries may establish a common fund, which is formed by subscriptions from the several Common fund.

Annual
contribution.

practising notaries of the province. In order to assist in forming this common fund, and to meet the annual and extraordinary expenses of the board, there shall be paid, in advance, each year, on the first of March, by each practising notary, at the office of the treasurer of the board, a fixed subscription of four dollars. This subscription may be augmented or decreased by by-law of the board, as it deems advisable.

Arrears due
to the old
boards.

154. The arrears of subscriptions established by former laws, to be paid into the common fund of the notaries of the heretofore district boards of notaries or into the common fund of the provincial board of notaries, in this province, if they have not already been paid and discharged, are the property of the board of notaries created by this act, and are payable at the office of its treasurer in office for the time being.

Recovery of
the contribu-
tion and ar-
rears.

155. The fixed subscription, increased or diminished as provided for in section 153 of this act, and the arrears of former subscriptions mentioned in the preceding section, are, in default of payment, recoverable by the syndic, by action in the name of the board of notaries before any competent court of the place where the treasurer of the board in office for the time being may reside.

Penalty for
refusing to
pay.

156. Any notary who refuses or neglects to pay, at the times or places hereinabove mentioned, the subscription and arrears mentioned in the three preceding sections is subject to the disciplinary penalties hereinafter mentioned, in the section 177 of this act.

Annual state-
ment of re-
ceipts and ex-
penditure.

157. A statement of receipts and expenditure is, each year, submitted to the board by the treasurer, at its first meeting, under the pains and penalties hereinafter provided.

Fiscal year.

158. The fiscal year of the board of notaries dates from the first of March.

By a by-law of the board the commencement of the fiscal year may be altered from time to time.

If the board makes such change, the subscription of the year commencing at the newly-established date, is payable in advance.

SECTION FIFTH.

EXAMINATION AND ADMISSION OF CANDIDATES TO STUDY AND PRACTISE AS NOTARIES.--FEES.

Admission as
a student.

159. No person shall be admitted as a student with any notary unless he has previously undergone a public

examination before the board of notaries, in relation to his qualifications and capacity, nor unless he establishes that he has received a liberal education, which must include a complete course of classical studies, that is to say: latin elements, syntax, method, versification, belles-lettres, rhetoric and philosophy inclusive, or any other complete course of classical studies taught in colleges, seminaries, or any incorporated university, nor unless he produces a certificate to such effect, nor unless he has given the notice required by section 164 hereinafter specified.

Knowledge required.

Notice required.

160. Any candidate may undergo an examination to be admitted as a student of the profession, at any ordinary and regular meeting of the board of notaries, and, if it consent, at any extraordinary or special meeting.

Meetings.

161. After the examination of the candidate, and the production of the requisite certificates, if the board deem him sufficiently qualified and capable, he is admitted to the study of the notarial profession.

Examination.

A certificate thereof is delivered to such candidate in the form of schedule No. 1, of this act or in any other analogous form.

Certificate.

Such certificate must be annexed to the minute of the deed or articles of clerkship, in which mention must be thereof made, as also of the date of such certificate, and of that of the board's admission of the candidate to the study of the profession.

162. To be entitled to the certificate of admission to practise as a notary, the candidate must prove before the board :

Conditions required for a certificate to the admission as a student.

1. That he possesses the qualities required by the thirtieth section of this act ;

2. That he has been regularly admitted to study as a notary ;

3. That he has *bonâ fide* served a regular clerkship under a practising notary, during four consecutive years ; or during three years, if he has at the same time, and to the satisfaction of the board, followed an university course ;

4. That he has thus served during such time of his clerkship, under a notarial deed or *brevet portant minute* ;

5. His good moral conduct during such clerkship ;

6. His knowledge of law and notarial practice, in an examination before the board ;

7. His practical knowledge of the drawing up of notarial deeds, by drawing up at once any part of a deed which the board may direct him.

If a candidate has terminated his time of clerkship since twelve months.

163. Twelve months after the expiration of his clerkship, the candidate cannot be admitted to prove before the board what is required of him by the preceding section, unless upon :

1. Obtaining from it a by-law permitting him to proceed to such proof ;
2. Paying to its treasurer and for the use of the board, as special compensation, the sum of twenty-five dollars ;
3. Fulfilling the conditions and defraying the expenses which the board, according to the circumstances, may ordain by such by-law.

Notice required from the candidate to the practice.

164. The candidate for admission to practise as a notary must give to the secretary of the board, at the place where it is to hold its next meeting, a written notice, at least one month in advance, containing :

1. His name and surname, as entered in his certificate of baptism or birth ;
2. Mention of his intention of submitting to the examination required in a candidate for practice.

This notice must be signed by the candidate, and be accompanied by a sum of fifteen dollars to cover the expense of the publication of the notice prescribed by the following section.

Notice to be given by the Secretary.

165. The secretary of the board, at the place where it is to hold its next meeting, must give notice for three weeks, of the day and hour at which the examination will take place, and of the name, surname and residence of each candidate.

This notice must be drawn in the French and English languages, and be posted up as notices in the offices of the two secretaries of the board, and then published in one or more newspapers, in the manner prescribed by the rules of the board.

Meetings.

166. Each candidate may obtain a certificate of admission to practise as a notary, at the ordinary meeting of the board nearest to the date of the expiration of his articles of clerkship, whether such meeting be held before or after such expiration ; nevertheless the certificate is not given before the expiration of such articles.

Power of the board to summon witnesses.

167. The board of notaries may summon before it, by an order under the hand and seal of the president, or on his default, of the vice-president, and the countersignature of one of its secretaries, any person, whom the candidate or those opposing his admission, wish to call in support of or in opposition to the allegations concerning his mode of life and qualification. The oath is administered to the witness in this case by the person presiding at the board, when such oath is required.

Oath.

168. If the candidate has complied with all the conditions required by law, is found capable and qualified by the board of notaries, and has paid to the treasurer of the board a sum of fifty dollars, he is entitled to obtain a commission to practise as a notary, in the form of schedule No. 2 of this act, or in any form having the same effect. He is bound to enregister such commission, in the office of the registrar of the province.

Certificate of admission.

Payment of \$50.

Registration.

169. The word "consecutive," in paragraph 3, of section 162 of this act, and applying to the length of clerkship required, signifies that there has not been any interruption throughout longer than three months in the studies of the candidate, and an interruption of not more than three months in all, in the studies of a candidate to practise as a notary, does not prevent his admission to examination, and is not in any manner injurious to him, at whatever time the interruption may have taken place.

Interpretation of the word "consecutive."

If the interruption be more than three months, the board may use its discretion as to what it is best to do.

Case of interruption of more than three months.

To do away with the necessity of the candidate applying to the legislature for relief, the board may make a by-law to do away with such default, the candidate who wishes to benefit by it, paying to the treasurer of the board a sum of twenty-five dollars to the profit of the common fund, without prejudice to the payment of the other sums which each candidate is obliged to pay before obtaining his commission.

170. The examinations of candidates for study or practice as notaries, are held at a meeting of the board in *quorum*, and are conducted as well in writing, as publicly and *vis à voce*.

Examinations.

171. A candidate to practise as a notary who, after examination, has been thrice refused on account of incapacity, is not again permitted to undergo an examination or to be admitted as a notary.

If candidate is thrice refused.

172. In addition to the examinations hereinabove required the board of notaries may, by regulations made from time to time, subject the candidates for admission to the practice of the notarial profession, to one or more examinations on the study and practice of law, during their time of clerkship.

The board may order several examinations.

173. The three or four years of clerkship required shall be computed from the date of the articles, and not from the date of the admission to the study of the profession by the board of notaries.

When clerkship begins.

Registration
of articles and
transfers.

174. All articles and transfers of articles must be enregistered in the office of one of the secretaries of the board of notaries, within a delay of thirty days from their date, under pain of the nullity of such articles or transfers; nevertheless the board of notaries may allow the registration of any such deed after such delay, on the special application of the person in default, on condition of his paying a sum not exceeding ten dollars; but such enregistration must be made at least within six months before the expiration of such articles.

Secretaries'
fees.

175. The secretaries of the board of notaries, or their deputies, shall be entitled to demand and receive the following fees, which the board may, from time to time, modify :

1. For the certificate of capacity and admission to the profession, delivered to the candidate, five dollars, over and above the cost of publication of the advertisement ;
2. For the entry of any declaration in the cases provided for by the present act, fifty cents ;
3. For every summons, twenty-five cents ;
4. For enregistering any articles, or transfer of articles, and the certificate substantiating it, one dollar for the first four hundred words or under, and ten cents for every additional hundred words ;
5. For a certificate of any copy asked for and certified, fifty cents.

Tariff of fees
payable to
officers.

176. The board may also, from time to time, by by-law make and modify as it pleases, a tariff of fees to be paid to any of its officers, or officers of the commission of accusations, for any papers and other acts required of them, in the performance of their respective duties, and in respect of which this act does not otherwise provide.

Disciplinary
penalties.

177. The disciplinary penalties mentioned in the several sections of this act, are the following :

1. Deprivation of the right of voting at elections of members 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. Calling to order a member of the board, which prevents him attending the meeting in which he is called to order, unless he apologizes to the board ;
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 notary.

178. All these disciplinary penalties are imposed at the discretion of the board, or the commission of accusations, according to their powers. And they are imposed separately or simultaneously. Penalties imposed.

179. Any notary who is guilty of any infraction of the provisions of the sections hereinafter specified of this act, incurs one, or more, or all of the disciplinary penalties mentioned in section 177 aforesaid, and is at the same time amenable to the following pecuniary penalties : Penalties.

SECTION SIXTH

IMPOSITION AND RECOVERY OF PENALTIES ; MISCELLANEOUS PROVISIONS.

180. 1. For contravening section twenty, in reference to the list of interdicted persons, curators or judicial advisers, a penalty of from ten to twenty dollars ; Fines for contravening sections 20.

2. For contravening the provisions of sections 32, 33 and 34, respecting the taking of the oath of office, and the other things to be performed before commencing practice, a penalty of from twenty to one hundred dollars ; 32, 33 and 34.

3. For contravening sections 53 and 55 referring to the drawing up of deeds, a penalty of from ten to twenty dollars ; 53 and 55.

4. For contravening sections 65 and 66 referring to the keeping of repertories and indices, a penalty of from twenty to fifty dollars ; 65 and 66.

5. For contravening the provisions of sections 104 and 105, referring to the refusal of accepting the office of member of the board of notaries, or of officer thereof, or negligence after accepting in fulfilling the duties, without sufficient cause, a penalty of from ten to twenty dollars ; 104 and 105.

6. For contravening section 148 in relation to the inspection of notarial *greffes*, a penalty not exceeding twenty-five dollars ; 148.

7. For contravening section 149 respecting the refusal to receive such visit and to communicate official papers and registers, a penalty not exceeding forty dollars ; 149.

8. For contravening the provisions of section 152, relative to the tariff of fees of notaries a penalty of from twenty to thirty dollars ; 152.

9. For contravening section 157 respecting the annual account to be rendered by the treasurer, a penalty of from ten to twenty dollars, for each week during which he neglects to make the same. 157.

181. Any fine or penalty imposed by the present act is sued for and is recoverable by the syndic, in the name and with the previous authorization of the board, or of its Fines recovered by law-suit.

Use.

president or vice-president, before any competent civil court; and when recovered, it is paid by the syndic into the hands of the treasurer of the board, to form part of the common fund.

Archives of old boards.

182. The registers, books and archives which belonged to the former boards of notaries if not heretofore transferred, shall be transferred to the board of notaries, within thirty days from the coming into force of this act, under a penalty of fifty dollars against the custodian for each month during which he neglects to fulfil such duty.

Indemnity to members of the board.

183. The members of the board of notaries are entitled to be indemnified for their costs and travelling expenses during the whole period of their attendance at its meetings, or at those of special committees sitting in vacation; which expenses in the first instance must not exceed two dollars, and in the second four dollars a day, computing from the day of departure from their residence to that of return, over and above travelling expenses, which are also to be repaid.

These costs and expenses are paid by the treasurer from the common fund, on a certificate taxing the said costs and expenses, given and signed by the president, in his absence by the vice-president, or in their absence by the *pro tempore* president of the meeting, and as regards a special committee sitting in vacation, by the chairman of the committee. The board may, by by-law, increase the indemnity.

Idem.

184. Saving the exception hereinafter made, all the members of the board of notaries, over and above necessary disbursements really paid for expenses and travelling, and which shall be refunded to them, are entitled to an indemnity of two dollars *per diem*, for all the time absolutely required to take them to the place of meetings of the board, give their attendance and return; the day of leaving their residence and the day of return count as two whole days.

Exception.

The following persons are exempted from benefiting by the preceding provision: 1. the members of the board who reside in the town where the meeting is held; 2. those who reside in suburban municipalities and in the immediate vicinity of the town.

Special committees.

The members of the board of notaries who attend, when it is not in session, according to its instructions at meetings of special committees appointed by it, are also entitled to travelling expenses and an indemnity, to be fixed by the board, at the time of the appointment of the committees, or later at its discretion.

Accounts attested.

Such expenses and indemnity are paid by the treasurer, from the common fund of the board, on a detailed

account, attested by the declaration prescribed by the statute of Canada, 37 Vict., chap. 37, of the member who produces it, before the treasurer, and on receipt to the satisfaction of the latter.

The treasurer is himself sworn as to his account, before one of the secretaries of the board, or his deputy.

185. Practising notaries have alone the right of voting ^{Voters at meetings.} at meetings of notaries, and at meetings for the election of members of the board, and further practising notaries are alone eligible as members of the board of notaries, ^{Eligibility.} provided always, that in either case, they have before the first of April preceding such meetings, paid their subscription to the common fund of the board, to the last day of the month of February preceding.

FINAL PROVISIONS ; LAWS REPEALED.

186. The acts of the legislature of this province, thirty-third Victoria, chapter twenty-eight, and thirty-fourth Victoria, chapter thirteen, as also chapter seventy-three of the consolidated statutes for Lower Canada, as amended by the act twenty-seven and twenty-eight Victoria, chapter forty-five, are hereby repealed. ^{33 v., c. 28 ; 34 v., c. 13 ; C. S. L. C. c., 73 and 27-28 v., c. 45, repealed.}

187. All other laws in force respecting the notarial profession, at the time of the coming into force of the present act, are also repealed in cases : ^{Other laws repealed in certain cases.}

1. Where it contains a provision which has expressly or impliedly such effect ;
2. Where they are contrary to or inconsistent with the provisions it contains ;
3. Where it contains an express provision on the special subject of such laws.

188. This act shall come into force on the day of its sanction. ^{Act in force.}

SCHEDULE No. 1.

Schedule 1.

CERTIFICATE OF ADMISSION TO THE STUDY OF THE NOTARIAL PROFESSION.

Province of Quebec. } BOARD OF NOTARIES.

This is to certify to all whom it may concern, that
of _____ in the district
of _____ hath passed his public examination before the board of notaries, and hath 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, the _____
day of the month of _____ eighteen hundred
and sixty _____

President.

Secretary.

Schedule 2.

SCHEDULE No. 2.

CERTIFICATE OF ADMISSION TO PRACTISE AS A
NOTARY.

FORM OF CERTIFICATE OR COMMISSION.

Province of Quebec, Board of Notaries.

This is to certify to all whom it may concern, that A. B. of _____ in the district of _____ Esquire, hath duly passed his examination before the board of notaries, and hath been found qualified to fulfil the office and duties of a notary, he having complied with all the requirements of the law in that behalf.

Wherefore the said A. B. is admitted by the board to the profession of a notary, and is in virtue of the law authorized to practise the profession of a notary in this province, and to enjoy all the rights and privileges attached to such office.

In witness whereof, we have signed these presents, at
the day of
in the year eighteen hundred and
have thereto set the seal of the board.

(L. S.)

C. D.

President.

E. F.

Secretary.

Schedule 3

SCHEDULE No. 3.

ACT OF ACCUSATION.

Province of Quebec, Board of Notaries.

To the president and members of the Board of Notaries.

A. B., Syndic of the board of notaries, informs, by these presents, the said board, that G. H. Esquire, residing at _____ in the district of _____ is accused under oath of N. B.

as follows, to wit: that the said G. H. (*here set forth the offence.*)

Wherefore the said A. B. prays that there issue an order from the said board, enjoining the said G. H. to appear before it, in due course of law and justice.

Done at this day of
 eighteen hundred A. B.
 Syndic.

SCHEDULE No. 4.

SUMMONS OF THE ACCUSED.

Province of Quebec, Board of Notaries.

By the president and members of the board of notaries,
to G. H., Esquire, residing at _____ in the district of _____
greeting :

You are by these presents required to appear in person before us at our board, in the city of _____ on the _____ day of _____ instant (or next), at _____ o'clock of the _____ noon then and there to answer to the complaint, a copy of which is annexed, brought against you by A. B., Esquire, syndic.

And you are informed that, in default of appearing before us, at the day, hour and place mentioned, proceedings will be had by default on the said complaint.

Given at _____ under the seal of the said board, the
signature of our president and the counter-signature of
one of our secretaries, this _____ day of _____ eighteen hundred _____

(E. F.)
Secretary.

C. D.
President.

SCHEDULE No. 5.

SUBPŒNA.

Province of Quebec, Board of notaries:

By the president, &c., (as in the preceding form.)

A. B. C., (*addition, residence*) greeting:

We enjoin you by these presents, that you and each of you, do appear in person before us, at our board, in the city of _____ on the _____ day of _____

instant (or next,) at o'clock in the
noon, to give your evidence and notify the truth of all
you know of a complaint brought before us by
Esquire, syndic of the said board, against G. H., Esquire,
and therein fail not under penalty of law.