

CAP. XIII.

An Act to amend the Act 33 Vict., Chap. 28. respecting the Notarial Profession.

[Assented to 24th December, 1870.]

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

1. The second sub-section of the fourteenth section of the act thirty-third Victoria, chapter twenty-eight of this Province is hereby amended, by adding after the words "approbation of the board," the following words "of the President or Vice-President." § 2 of Sec. 14 33 Vict., Chap. 28 amended.

By striking out in the first line of the fourth section of the said act the word "thirty-nine," and inserting in lieu thereof the word "forty," and in the ninth line of the same section by striking out the word "Iberville" and adding after the word "Rimouski" in the eleventh line the following words "and two for the district of Iberville," and the board of notaries shall at its next meeting, appoint a resident notary in the district of Iberville, to be a member of the said board, who shall hold office and have the same powers and privileges as if he had been elected and appointed at the general meeting of notaries.

2. The third sub-section of the fourteenth section of the said act is amended, by adding to the first paragraph the following words: § 3, sec. 14 amended.

"And all arrears of contributions due to the late boards, are, and shall be the property of the Provincial Board."

3. The forty-first section is amended by adding the following words: Sec. 41 amended.

"Every copy certified by the notary of any document annexed to the minute of one of his acts, shall be *prima facie* proof, and shall be considered as authentic."

4. The forty-eighth section is amended by adding after the words "withdraw from office," in the eighth line, the following words, "or who is incapable of practising, or who is declared or considered as not practising under and by virtue of this act." Sec. 48 amended.

5. The fiftieth section is amended by adding after the word "county" in the fifth line, the following words: "or of cashier or assistant-cashier, or clerk of any bank, monetary or commercial concern whatever." Sec. 50 amended.

6. The fifty-second section is amended by striking out the words "lawfully convicted," in the eleventh line of the said section and substituting the words following, "convicted before it." Sec. 52 amended.

And by striking out in the fifth line the word "clerk," and in the twelfth line of the same section by striking out the word "clerk."

Sec. 32 further amended.

7. The fifty-second section is further amended by adding after the words "as a notary," in the seventh line, the words following, "as also those which may be passed by any notary considered as not practising under this act."

2. The deeds and contracts passed by a notary exercising his profession, contrary to the provisions of this act in the offices of a prothonotary or registrar, shall have no authenticity and shall only have effect as writings under private signature, and the said provincial board of notaries may deprive of office any notary who shall be legally convicted of having exercised his profession in the office of prothonotary or registrar.

Sec. 33 amended.

8. The fifty-third section is amended by adding the following sub-section :

"And all notaries who, within the said delay, shall not have transmitted and caused to be registered such declaration, shall be considered as not practising, and shall be bound to submit to the provisions of section forty-eight of this act."

§ 2, sec. 56 repealed.

9. The second sub-section of the fifty-sixth section is hereby repealed, and the following substituted :

4 "The fixed contribution above mentioned, may be increased or decreased by a by-law of the said board of notaries, if thought expedient or necessary to meet their expenses."

Sec. 56 amended.

10. The fifty-sixth section, is amended by adding the following words which shall form the fourth sub-section thereof :

4. "The financial year of the Provincial Board shall commence on the first of March, and the arrears of contributions due to the late boards, are to be calculated *pro rata* from the date of the formation of each of the late boards to the time when this act shall come into force (1st March, 1870.) from which last day the contributions payable to the Provincial Board shall commence to run."

Sec. 57 amended.

11. The fifty-seventh section is amended by striking out all the words in the said section from the word "Rhetoric" to the end thereof, and substituting the words following, "physics, mathematics and philosophy inclusively." The section fifty-seven is amended by adding after the last word of said section the following words. "Nevertheless any notarial law student having, after examination, obtained a certificate of admission to the study of the profession from one of the late boards of notaries may avail himself of such examination and of such certificate to enter into articles of clerkship and to perform his studies with a practising notary without being bound to undergo another examina-

tion before the Provincial Board of Notaries now in existence.

12. The fifty-ninth section is amended by the addition of a sixth sub-section in the following words : Sec. 59 amended.

6. "Examinations of candidates to study or practise, shall be held either by the board itself or by committees of examination, the chairmen of which shall be appointed by the person who shall preside at the meeting of the board, and each of the chairmen shall select from the members present four persons or more who shall form a committee. But nothing shall prevent any member of the board from attending the meetings of these committees, and of putting questions to the candidates under examination before any of the committees in like manner as if he were member of the same. Every chairman of a Committee shall take notes in writing of the answers whether correct or incorrect of the candidate, and shall report the same to the chairman of the meeting." How examination of candidates shall be held.

13. The fifty-ninth section is further amended by adding the following, which shall form the seventh sub-section. Sec. 59 further amended.

7. "A candidate for admission to the practise of notary who shall be refused three times on account of incapacity, shall not be admissible for further examination nor to be admitted as a notary."

14. The sixty-second section is amended by striking out all the words which follow the words "notarial board," in the eighteenth line of the said section, to the words twenty-five dollars inclusively, and by substituting the following words, "provided that he has conformed in all other respects to the requirements of the law." Sec. 62 amended.

"Every candidate," who was regularly and lawfully indentured on the first March, one thousand eight hundred and seventy, shall pay to the treasurer of the board of notaries, the sum of twenty-five dollars for his certificate of admission to the practise of the profession, besides fulfilling the other formalities required by law." Obligations of students indentured on 1st March, 1870.

"Every candidate who, on the first of March, one thousand eight hundred and seventy, is not a notarial student admitted to study, shall not practise as a notary, unless he shall have obtained, in addition to his certificate of admissibility from the provincial board of notaries, a commission from the lieutenant-governor under the seal of the province, appointing him a notary and permitting him to practise as such in the said province, which commission shall be granted whenever the candidate who demands the same, shall have proved to the lieutenant-governor that he has fulfilled all the conditions required by law, by producing for this purpose his certificate of admissibility from the said provincial board of notaries, and by paying for the said commission to the treasurer of the province and to the treasurer of the said board, the sum of twenty-five dollars each." Commission to be required hereafter to practise as a notary.

Condition required to obtain commission.

Sec. 64 amended.

15. The sixty-fourth section is amended by adding a subsection in the following words :

"All indentures and transfers of indentures shall be enregistered at the office of the secretary of the board, within thirty days of their date, in default of which such indentures or transfers of indentures shall be null and void. It shall, nevertheless, be lawful for the board of notaries, to allow the enregistration of all such acts or instruments, after the expiration of the said delay of thirty days, on petition addressed to the said board by the person in default, who in that case shall pay a fine of ten dollars. Provided always, that such enregistration be made at least six months previous to the expiration of such indenture.

New section added to s. 64.

16. The following section is added after section sixty-four :

"Nothing contained in this act shall prejudice the right of any student, who may have commenced his clerkship before the first day of March, one thousand eight hundred and seventy, in respect to the time or period which he was bound to serve as a notarial clerk."

Sec. 65 amended.

17. The sixty-fifth section is amended by adding the following words :

"For the enregistration of every indenture and transfer one dollar for the first four hundred words, and ten cents for each additional hundred words."

Sec. 66 amended.

18. The sixty-sixth section is amended by striking out all the words after the word "custody" and substituting the following : "one dollar for each copy not exceeding four hundred words, and ten cents for every additional hundred words, and fifty cents for each certificate of a copy or annexed documents,—twenty cents for a search of an act or other document, provided the year in which the same was passed be given, and if the year be not given, fifty cents for each five years through which the search may extend, either in the repertory or in the index. The same fees shall be paid to notaries who have become proprietors of minutes under and by virtue of sections forty-two, forty-four and forty-five of this act."

CAP. XIV.

An Act to amend the Gold Mining Amendment Acts of 1868 and 1870.

[Assented to 24th December, 1870.]

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

Gold mining amendment

1. The second section of the Gold Mining Amendment Act of 1868, is amended by inserting after the words

