

The second Notary to sign the *Acte* in presence of the parties. If passed before witnesses such witnesses must sign in presence of parties.

Authentic *Acte*, being assisted by a second Notary, shall cause the said *Acte* to be signed by the said second Notary in presence of the said parties, and if such *Acte* be passed or received in the presence of witnesses, he shall cause the said witnesses to sign in presence of the parties, and in case one of the said witnesses cannot write and sign his name, the Notary shall cause him to make his usual mark also in presence of the parties.

Nullity of *Actes* not executed as above ordained

Every *Acte* passed or received, which shall not have been executed with the formalities herein-before prescribed, shall be null and of none effect.

Proviso—may have effect nevertheless as a private writing, *écriture privée*

Provided that nothing herein-before enacted shall prevent such *Acte* from producing such legal effect, as it may be capable of producing as a private writing, (*écriture privée*), according to the law, usages and customs of this Province.

Proviso—other legal formalities not dispensed with by reason of any thing in this *Acte*.

Provided that nothing in this Act contained shall extend to exempt the Notaries from any other of the formalities prescribed by the Laws at present in force in this Province.

Notaries contravening this Act liable to a penalty,

That every Notary who shall contravene the obligations imposed upon him by this act, shall, for the first offence, be liable to a penalty which shall not exceed currency, and for the second or other subsequent offence, to a penalty which shall not exceed currency, which may be sued for by action in a court of competent jurisdiction, and that one half of the penalty shall belong to the Prosecutor or Informer, and that such Notary, so offending, and who shall have been so convicted, may be committed (*contraint par corps*), until payment of the amount adjudged, and shall remain in custody until he shall have entirely paid and satisfied the amount of the judgment against him, and of the costs thereon.

And may be committed until satisfaction thereof.

Notaries who shall have been twice convicted, on a repetition of the offence, may be sued and interdicted.

That every Notary who shall have been twice prosecuted and condemned to pay the fine mentioned in the foregoing Sections, shall, in case of a further repetition of the offence, be liable, in addition to the penalty herein before mentioned, to be prosecuted by action in the Superior Term of the Civil Court of King's Bench, by the Attorney General or his Deputy, in the District in which the offence may have been committed; and that the said Court, upon proof of the said anterior convictions, may, in addition