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No. 236.

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to establish a Board of Notaries for the Districts of Kamouraska and Gaspé, and further to amend the Act for the organization of the Notarial Profession in Lower Canada.

Received and read a first time, Monday, 21st
February, 1853.

Second reading, Monday, 7th March, 1853.

MR. CHAPAIS.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

BILL.

An Act to establish a Board of Notaries for the Districts of Kamouraska and Gaspé, and further to amend the Act for the organization of the Notarial Profession in Lower Canada.

WHEREAS, from the distance between the Districts of Kamouraska and Gaspé, and the City of Quebec, where the meetings of the Quebec Board of Notaries are held; and the increasing importance of the said Districts, it is expedient to constitute a separate Board of Notaries for the same; Be it therefore enacted, &c.,

Preamble.

That from and after the day of next, all Notaries residing in the said District of Kamouraska and Gaspé shall cease to be subject to the control and jurisdiction of the Quebec Board of Notaries, and all such Notaries as may be then members of the said Board shall thereafter cease to form part thereof, and a separate Board shall be established in and for the said Districts, to be called "The Kamouraska Board of Notaries," which shall consist of eight members who shall be elected by the Notaries residing in the said Districts; and the meetings of the said Board shall be held at the chief place of the said District of Kamouraska.

Kamouraska Board of Notaries established.

II. And be it enacted, That the *quorum* of the said Board, for the despatch of Business, shall consist of five, and the first election of the members of the said Board shall take place at a general meeting of the Notaries of the said Districts, to be held within three months after the passing of this Act, such meeting having been previously called by the Prothonotary of the Superior Court in the District of Kamouraska, by advertisements published in two newspapers, printed in the District of Quebec, one in the French and the other in the English language.

Quorum to be five. First election provided for.

III. And be it enacted, That the said Board shall be governed in every respect by the provisions of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and

10 and 11 Vic. c. 21, to apply to Board when not inconsistent with this Act.

intituled, “ *An Act for the organization of the Notarial Profession in that part of the Province called Lower Canada,*” as amended by any other Act of this Province, except in so far as the same may be inconsistent with this Act, as if the said Board had been specially named in and created by the said Act.

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Quebec Board to transmit certain repertories, &c., to Kamouraska Board after a certain time.

IV. And be it enacted, That it shall be the duty of the Quebec Board of Notaries, after suitable vaults shall have been provided by the Kamouraska Board of Notaries, and within one month after notice in writing to that effect shall have been given to them through their Secretary by the Secretary of the said last mentioned Board, 10 to transmit to the said Board, all the minutes and repertories of Notaries who shall at the time of their decease or of their ceasing of practise, have resided in the said District of Kamouraska or of Gaspé, or within the limits of the territory now comprised in the said Districts, and which may be in the possession of the said 15 Quebec Board of Notaries ; and in the event of the refusal or neglect of the said Quebec Board of Notaries to transmit such minutes and repertories within the said period, they shall forfeit and incur a penalty not exceeding *one hundred* pounds currency, for each and every portion thereof which they shall so refuse or neglect 20 to transmit, which penalty shall be recoverable by the said Kamouraska Board of Notaries for their own use, from the said Quebec Board of Notaries before any Court of competent jurisdiction.

Penalty for refusal.

Part of Section 27 of 10 and 11 Vic., chap. 21, repealed.

V. And whereas the provision contained in the Act above cited, requiring that no Notary shall act as such, while carrying on 25 business as a merchant, trader, or manufacturer is fraught with serious inconvenience, especially to Notaries residing in the country parts; Be it enacted, that so much of the twenty-seventh Section of the said Act as prohibits any Notary from carrying on business as a merchant, trader or manufacturer, shall be, and is hereby 30 repealed.