
on, 7th Parliament, 26 Victoria, 1863.



BILL.

to render valid certain Deeds
before Notaries now deceased, and
to amend the Seventy-third chap-
ter of the Consolidated Statutes for
Canada.

and read, first time, Thursday 5th
March, 1863.

Reading, Thursday, 12th March,

Hon. Mr. LACOSTE.

QUEBEC :

FOR THE CONTRACTORS BY HUNTER,
& LEMIEUX, ST. URSULE STREET.

III.

An Act to render valid certain Deeds passed before Notaries now deceased, and further to amend the Seventy-third Chapter of the Consolidated Statutes for Lower Canada.

WHEREAS several Notaries have died without having caused all the minutes of Deeds made before them to be countersigned by the second Notaries therein named, and great inconvenience and damage may be thereby occasioned to persons and families interested in such Deeds: Therefore Her Majesty, &c.,—

1. Every Notarial Deed found in the *greffe* of any Notary deceased before the passing of this Act, purporting to have been made before two Notaries, but not countersigned by the second Notary, shall be as valid to all intents and purposes whatsoever, as if it had been countersigned by the second Notary during the life of such deceased Notary: Provided always that nothing herein contained shall prejudicially affect any rights already acquired by third persons, in virtue of the laws in force at the time of the passing of this Act.

2. Every Notary having in his *greffe* at the time of the passing of this Act, any minutes of a Deed purporting to have been made before two Notaries, but not countersigned by the second Notary, shall cause the same to be so countersigned within thirty days from and after the passing of this Act, on pain of a fine of

2. Every Notary shall cause every Deed made before him, and purporting to have been made before two Notaries, to be countersigned by the second Notary within eight days after its date, on pain of a fine of

3. Any Notarial Deed purporting to have been made before two Notaries which shall be found after the death of the Notary who kept the minute of it, not to have been countersigned by the second Notary may be countersigned by him within thirty days after the death of the Notary who kept the minute, on being thereunto required by the widow or the heirs or other representatives of such deceased Notary, who shall be bound to make such requisition on pain of a fine of and of all damages suffered by parties interested in such Deed in consequence of their default so to do

4. Every Notary who shall countersign any Deed as above mentioned after the periods above prescribed in this section, shall be liable to a fine of

5. Every Notary before whom any Deed is made of which he keeps the minute as aforesaid, besides being liable to the penalties above imposed for non-observance of the formalities mentioned in this section, shall be answerable for all damages, costs and expenses occasioned to the parties interested in such Deed by his negligence in that behalf.

3. The first paragraph of the twelfth section of the Act respecting the Notarial Profession, forming the Seventy-third chapter of the Consolidated Statutes for Lower Canada, shall be repealed, and the following paragraph shall be substituted for it and shall bear the same number.

“Every Board of Notaries shall elect annually, from among the members thereof, or from among the Notaries within its jurisdiction,

Preamble.

Certain Deeds in greffes of deceased Notaries to be valid although not countersigned.

Deeds now in greffes of living Notaries and Deeds made in future, when to be countersigned and under what penalties.

Section 12 of C. S. L. C., cap. 73, amended.

5 “ as many Notaries as there are counties or parts of counties in the
 “ Judicial District or Districts the Notaries residing in which are within
 “ its jurisdiction, who after having received sufficient notice, and having
 “ been sworn at some sitting of a Court of Civil Jurisdiction, to the faith-
 10 “ ful and impartial discharge of the duties imposed upon them by the
 “ aforesaid Act respecting the Notarial Profession and by this Act, and
 “ which they shall be bound to perform under a penalty of shall
 “ visit, respectively, within a year from the day of their election, the
 “ offices, records, minutes, repertories and indexes of all Notaries resid-
 15 “ ing in the County or part of a County assigned by the Board of Nota-
 “ raries to each of them, and establish whether all such Notaries have
 “ conformed to the laws of this Province, and the requirements of the
 “ said Act respecting the Notarial Profession and of this Act, and to
 “ obtain information on all matters and things mentioned in the in-
 20 “ structions which they shall receive from the Board of Notaries, to
 “ whom they shall make a faithful and circumstantial report, in order
 “ to make known to the Board of Notaries what Notaries are in default,
 “ and whether or not any of them have been guilty of faults so serious
 “ as to deserve to be punished by fine, or by suspension or removal, in
 25 cases of forgery, fraud or corruption.”

2. The words “ three years” in the second line of the third paragraph of the same section of the said Act shall be repealed, and the words “ one year” shall be substituted in lieu thereof.”

25 3. All the words in the said paragraph from the word “ proper” in
 the fifth line thereof to the end of the same shall be repealed, and the
 following words shall be substituted in lieu thereof—“ to cover merely
 “ the expenses and disbursements of such Notaries so delegated, in
 “ making their visits”; and the Notaries so delegated, who shall have
 discharged their duties in that respect during the year next succeeding
 30 the date of their nomination shall not be liable to be again appointed
 and delegated for the above purposes without their consent before the ex-
 piration of three years next following that in which they shall have
 discharged that duty.

35 4. This Act shall be deemed to form part of the aforesaid Act re- Limitation.
 specting the Notarial Profession, and shall apply to Lower Canada only.