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A.A.

BILL.

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

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

Reading, Thursday, 12th March,

Hon. Mr. LACOSTE.

QUEBEC:

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

ILL.

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

WHEREAS several notaries have died without having caused all the Preamble. 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 5 Deeds: Therefore Her Majesty, &c.,-

Every Notarial Deed found in the graffe of any Notary deceased Certain Deeds before the passing of this Act, purporting to have been made before two in greffer of Notaries, but not countersigned by the second Notary, shall be as valid deceased Notaries to all intents and purposes whatsoever, as if it had been countersigned valid al-10 by the second Notary during the life of such deceased Notary: Provided though not always that nothing herein contained shall prejudicially affect any rights counter-already acquired by third persons in virtue of the laws in force of the 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 Deeds now in 15 this Act, any minutes of a Deed purporting to have been made before greffer of two Notaries, but not countersigned by the second Notary, shall cause ies and Deeds the same to be so countersigned within thirty days from and after the made in fupassing of this Act, on pain of a fine of

2. Every Notary shall cause every Deed made before him, and pursigned and 20 porting to have been made before two Notaries, to be countersigned by under what the second Notary within eight days after its date, on pain of a fine of-penalties.

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 25 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 of all damages suffered by parties interested in such Deed in conse-30 quence 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

Every Notary before whom any Deed is made of which he keeps 35 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 Section 12 of 40 the Notarial Profession, forming the Seventy-third chapter of the Con- C. S. L. C., solidated Statutes for Lower Canada, shall be repealed, and the follow-cap. 73, ing 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,

" 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-"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 "visit, respectively, within a year from the day of their election, the " offices, records, minutes, repertories and indexes of all Notaries resid-10 " ing in the County or part of a County assigned by the Board of Nota-"ries 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 Notorial Profession and of this Act, and to " obtain information on all matters and things mentioned in the in-15" 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 20 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."

3. All the words in the said paragraph from the word "proper" in 25 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 extension of three years next following that in which they shall have discharged that duty.

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