



1950

## c 254 Notaries Act

Ontario

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## CHAPTER 254

## The Notaries Act

**1.** Subject to section 5, the Lieutenant-Governor may by <sup>Appointment.</sup> commission appoint such persons as he thinks fit as notaries public for Ontario. R.S.O. 1937, c. 224, s. 1.

**2.** A notary shall during pleasure have, use and exercise <sup>Powers.</sup> the power of drawing, passing, keeping and issuing all deeds and contracts, charterparties and other mercantile transactions in Ontario, and also of attesting all commercial instruments that may be brought before him for public protestation, and otherwise of acting as is usual in the office of notary, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the calling of a notary public. R.S.O. 1937, c. 224, s. 2.

**3.** A notary public shall be *ex officio* a commissioner for <sup>Power to take affidavits.</sup> taking affidavits in Ontario. R.S.O. 1937, c. 224, s. 3.

**4.** A notary public shall be deemed to be an officer of the <sup>Officers of court.</sup> Supreme Court. R.S.O. 1937, c. 224, s. 4.

**5.**—(1) Any person, other than a barrister or solicitor, <sup>Examination.</sup> desirous of being appointed a notary public, shall be subject to examination in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as may be appointed in that behalf by the Lieutenant-Governor, and no such person shall be appointed a notary public without a certificate from such judge, or such other person, that he has examined the applicant and finds him qualified for the office, and that in his opinion a notary public is needed for the public convenience in the place where the applicant resides and intends to carry on business.

(2) The Lieutenant-Governor in Council may make regula- <sup>Idem.</sup> tions for such examination and certificate, and the judge or other person examining shall be entitled to receive from the person examined a fee of \$5 for the examination. R.S.O. 1937, c. 224, s. 5.

**6.** Where a person, other than a barrister or solicitor, is <sup>Restrictions in case of lay</sup> appointed a notary public, restrictions may be imposed in the <sup>appointees.</sup>

commission limiting the territory and cases in which such person may use and exercise his powers. R.S.O. 1937, c. 224, s. 6.

Notary  
public need  
not affix seal  
on affidavits,  
etc.

**7.** Where, under the authority of any Act of Ontario, a notary public is authorized to administer oaths or to take affidavits or declarations within Ontario it shall not be necessary to the validity of any such oath, affidavit or declaration that he shall affix his seal thereto. R.S.O. 1937, c. 224, s. 7.

Revocation  
of appoint-  
ment in cer-  
tain cases.

**8.** The disbarment of a barrister or the striking off the roll of a solicitor who holds an appointment as a notary public shall have the effect of revoking such appointment. 1948, c. 63, s. 1.

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