

# Leadership

Dr. Bernard Hoeter

## A Retrospective View of Critical Times

Leadership is the ability to lead, to guide, to inspire—the ability to set goals and have the vision and the talent to inspire peers to reach set objectives.

Without such leadership, The Society of Notaries Public of British Columbia would not be where it is today.

Who were our leaders, the men and women of foresight, personalities who planned ahead, who dreamed of what The Society would be in 20 or 30 years to come?

### History

In 1858, when the Hudson’s Bay Territories, on the North West Pacific known as New Caledonia, became the Crown Colony of British Columbia, the *English Law Act* provided that the law of the new colony be that of England. Thus, Notaries became officers of the new courts.

Section 4 of Chapter 73 of the *Law Ordinance of 1867* expressly gave non-lawyer Notaries the right to practise in British Columbia.

In July of 1871, when the Crown Colony became a Canadian Province, the Provincial Legislature passed the *Notaries Public Appointment Act*. The future of the BC Notary seemed secure. But as early as 1911, some lawyers tried to convince the government that the legal profession was now firmly established in the Province and that there was no longer any need for sole-Notaries. Their attempts failed.

### Competition Battle

The situation worsened when after WWI, many returning veterans became students at the newly established UBC

Law Faculty and subsequently, lawyers. On the other hand, quite a number of retired British Army Officers, who had settled with their “demob pay” in British Columbia, applied at that time for Notarial commissions. Some of the new BC lawyers believed that Notaries who had not studied Law or “slave articulated” for (then) five years, interfered with their ideas of making a decent living.

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A “competition battle” (so named by SFU Professor Joanne Brockman in an academic publication) started between lawyers and Notaries. This led to the *Notaries Act* of 1924. The rights and duties of BC Notaries were now legally defined. This Act provided for life commissions.

To make the commissioning of BC Notaries a “non-political” affair, the Supreme Court of BC would now, if there was need, and after the Law Society had recommended such an appointment, order an applicant to be examined.

Notary Jack Loutet recognized that the new “need” clause of the Act might be the rope with which non-solicitor Notaries might be hanged. He urged his unorganized fellow Notaries (allegedly about 1000) to organize. In 1926 his leadership led to the incorporation of The Society under the *Societies Act*.

With the exception of the Province of Quebec, British Columbia is the only province where the Notarial profession is

protected under a statute. Incorporation saved the BC Notaries from the anti-Notary bias of Alexander M. Manson, a former British barrister, later Liberal Member of the BC Legislative Assembly, Attorney General, and finally a BC Supreme Court Judge. Manson did not succeed in his efforts to extinguish BC Notaries.

After the 1926 incorporation, membership was still voluntary. Annual dues were set at \$3.00. During the “Dirty Thirties,” annual fees were decreased to \$2.00. During the war, in 1943, when The Society was more or less dormant, President Harry Hargreaves raised the dues to \$2.50, and in 1949 to \$10.00. In 1959, then President Arthur Jacobson decided the fee should be \$20.00. After long discussions with his Board of Directors, who were horrified about such a tremendous increase, he won.

Mind you, the 1968 Schedule of Minimum Fees of The Society suggested a minimum hourly fee of only \$10.00 for general Notarial work. Concerning affidavits, it was suggested that a Notary should charge \$7.50 for attending, drawing, and executing. The sole administration of an oath would bring in \$2.50. *Tempi passati*.

### Art Jacobson: First Notaries’ Conference



Art Jacobson—President for four terms from September 1959 to September 1963—was a true leader. Together with his Secretary, Alec

Matthew, he recognized the value of general meetings and conventions as bonding agents. In 1959, these two men organized the first Notaries Conference at Harrison Hot Springs Hotel.

**Alex Matthew, the Politician**



Back to the end of WWII: again, lawyers thought the time ripe to eliminate Notaries who, by now, had become a thorn in their flesh.

Alex [pronounced Alec] Matthew now became leader in the defence battle. The old Scotsman, an insurance agent who came to British Columbia in 1919, had been a Notary since 1935. In 1952 he became a politician under W. A. C. Bennett. Matthew was elected member of the Legislative Assembly and in 1954, its Deputy Speaker. Matthew, Secretary of The Society of Notaries Public of British Columbia, thus was a political power to be reckoned with.

Alec's leadership led to the famous Gentlemen's Agreement—the unwritten "Contract" of 1955. This handshake agreement provided that the Law Society would not oppose the installation of a new Notary as long as he or she would replace a vacancy.

Twenty years later, a new generation of lawyers felt they were not obliged to obey the "Grandfather Agreement," as they called the Contract of 1955. They revolted against their elders.

Another deadly crisis had approached. If the lawyers were right in their assumption that there was no longer need for sole-Notaries in BC—all over Canada, lawyers had already succeeded in emasculating traditional Notaries, making them only glorified Commissioners of Oath—then the "Society of Notaries" would slowly but certainly die.

President Roy Bishop, together with Dr. Hoeter (then Secretary of The



Society), took the challenge; they went into action, mobilizing a strong public outcry. Bishop was a smooth political

operator, Hoeter a tough media-wise guy. They complemented each other very well.

**Roy Bishop, a Distinguished Leader**



During the 17 years that Hoeter served The Society as Secretary, he saw Presidents come and go. He considers President Roy an

outstanding and a true leader.

Roy, a well-to-do Realtor, became President in September 1979. During the previous year, a court in Victoria, in the matter of the contested application of Douglas V. Drew, had ruled that the letter of the Statute should be strictly applied and that "need" must be proven beyond any doubt before the Court would order the examination of a Notarial candidate. The Gentlemen's Agreement of 1955, in the opinion of the court, was a private affair and not binding the judges. Drew's application was dismissed. The BC Court of Appeal upheld the decision of the Lower Court and the Supreme Court of Canada refused to hear the appeal of The Society. From a threatened Society, The Society became an endangered one.

Without new blood, The Society would die of old age and perish.

In 1980 Roy Bishop left his lucrative business to a partner and for an entire year, dedicated his full time and talent to lobby Parliament for a new Act. He rightfully believed the only salvation for The Society would be an appeal to the population of British Columbia to

pressure their elected representatives, the law-makers in Victoria, to change the Act by eliminating the "need" clause. Past President Bill Brendon helped collect 35,000 signatures under a petition "Save our Notaries," which was presented to the Government in Victoria. Roy the politician, Bill the orator, and their "Doctor" succeeded.

On Friday, June 26, 1981, at 11:45 in the morning, the new *Notaries Act* passed in third reading. The old 1954 Statute was replaced in its entirety. Roy, having been introduced to the House, watched—as an invited guest—the promulgation from the gallery.

**Stanley J. Nicol: Secretariat Computerized**



Stanley J. Nicol (Stan), Hoeter's successor, realized now that as the Act had been amended, it became imperative to

modernize the administration of The Society. He brought computers into the Secretariat. Thanks to Stan, and with the co-operation of the Board, this was done. Also, it was due to his leadership that The Notary Foundation was established.

Looking back, true leaders were Jack Loutet; Terry Carlow (the only BC Registrar of Titles without a law degree and a true friend and mentor of The Society); Arthur Jacobson; Alec Matthew; Bill Brendon; Roy Bishop; and Dr. Hoeter. His goal—independent and full-time Notaries—was reached by the time of his retirement.

The Society honours their leaders by making them Honourary Life Members. At present, they are Frank J. McKinnon, Arthur Jacobson, Roy A. Bishop, Vernon Hargreaves, Lois M. S. Lambert, Jack Evans, and Bernard Hoeter. ▲