

C H A P . 82

An Act to amend the Code of Civil Procedure respecting
Letters of Verification

[Assented to, the 15th of March, 1924]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. The Code of Civil Procedure is amended by replacing C. C. P.,
the title of section fourth of chapter seventy-second by ^{Ch. LXXII,}
the following: "*Letters of Verification in Abintestate Succes-* ^{S. IV, title}
sions". ^{replaced.}

2. Article 1414 of the said code is amended by adding, C. C. P.,
at the end of the second paragraph, the following: "If no ^{art. 1414,}
newspaper is published in the district, the notice must be ^{am.}
inserted in the Quebec or Montreal newspapers, according
as the district in which the petition has to be presented
belongs to the appellate division of Quebec or of Montreal."

3. The following section and articles are inserted in the C. C. P.,
Code of Civil Procedure after article 1421: ^{arts. 1421a}
^{to 1421k,}
^{enacted.}

"SECTION IVA

*"Letters of Verification in Successions Transmitted by Will
in Authentic Form"*

"1421a. Whenever, in this Province, a succession de- ^{Letters of}
velopes in which is bequeathed, by will in authentic form, ^{verification}
property situate outside of its limits, or debts due by per- ^{in the case}
sons not residing therein, the testamentary executor or one ^{of a succes-}
or more legatees of the deceased may apply to the judge in ^{sion con-}
the district in which the deceased had his domicile, or ^{taining}
if he had no domicile in the Province to the judge in the ^{property}
district where he died, for letters of verification establishing ^{situate out-}
that the testator is deceased and that it has been proved ^{side of the}
that the will in question is his sole and only will or the last ^{Province.}
will made by him revoking in whole or in part any previous
will.

"1421b. If the testator has expressed his last wishes ^{Production}
in an authentic will and codiciles, or in several authentic ^{of wills and}
wills, the last of which modifying or revoking certain pro- ^{codiciles.}
visions only of the previous ones, all such wills and codiciles
must be produced with the petition.

Contents of petition. **"1421c.** The petition for this purpose sets forth that the person, whose succession has devolved, has bequeathed, by authentic will, property situate outside of the Province or debts due by persons not residing therein, and that the will produced is the only or last will left by the testator, and asks that the petitioners be granted letters of verification establishing that the testator is deceased and that the document annexed to said letters of verification is a true and exact copy of the only or last will left by him at his death.

Service of petition and notice. **"1421d.** The petition, with a notice of the time when it will be presented, must be served upon the testamentary executors and legatees who reside in the Province and who are not petitioners.

Notice of application in newspapers. A summary notice of the intended application and of the time when it will be made must be inserted once a week during four consecutive weeks in one newspaper published in the French language, and in one published in the English language, in the district. If no newspaper is published in the district, the notice must be inserted in the Quebec or Montreal newspapers, according as the district in which the petition has to be presented belongs to the appellate division of Quebec or of Montreal.

Delay between service and presentation. The delay between the service of the petition and its presentation is six days whenever the distance does not exceed fifty miles, with an additional day for each additional fifty miles, and at least thirty days between such presentation and the last insertion of the notice in the newspapers.

Letters of verification granted under certain conditions. **"1421e.** Upon fying the certificate of burial of the testator and an authentic copy of the will, purporting to be the sole and only will of the testator or the last will which he has made revoking all previous wills, the judge shall grant the letters of verification asked for, if no other will or authentic copy of a will by the same testator be then produced, bearing a later date to that of the will produced by the petitioners.

Production of another will. **"1421f.** If another will is produced, the judge shall decide according to the evidence.

Contestation of letters of verification. **"1421g.** Letters of verification may be contested by action, brought in the district where they were granted, by any person interested who fyles a will of the same testator bearing a later date than that of the will for which the said letters of verification were granted and revoking or modifying the former will, whether such second will is

in authentic form, or in some other form duly probated according to law.

"1421h. All legatees mentioned in the first will, or their representatives, must be impleaded. Those impleaded.

If the second will simply revokes the first, or if it revokes it by disposing of the property of the deceased in favour of new legatees, notice of the action must be given, in the first instance, to the legatees residing in the Province and to the heirs, and in the second instance, to the legatees residing in the Province. Notice of contestation.

"1421i. A summary notice of the contestation, signed by the prothonotary, shall be published in the same manner as the notice of application for letters of verification. Notice of contestation in newspapers.

"1421j. When the action in contestation of letters of verification is maintained, the judgment either corrects them, or revokes them and grants new ones, if there is occasion for it and if the plaintiff has asked for them in his action. Judgment.

The corrected letters of verification or the new letters of verification have the same effect as the original letters. Corrected or new letters.

"1421k. Except during the pendency of an action of contestation, authentic copies of the will and of the letters of verification are delivered, under the seal of the court, to all persons requiring the same, for use outside the Province, in all proceedings and circumstances where it is required to prove who are the legatees of the deceased or to obtain ancillary letters of administration." Authentic copies.

4. This act shall come into force on the day of its sanction. Coming into force.

CHAP. 83

An Act to amend the Municipal Code respecting the Magistrate's Court

[Assented to, the 15th of March, 1924]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Paragraph 10 of article 16 of the Municipal Code, as Mun. Code, art. 16, am.