

## CAP. XXXIX.

An Act to amend article 1208 of the Civil Code, respecting notarial instruments.

[Assented to 27th February, 1893.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 1208 of the Civil Code, as it is contained in C. C., art. 1208 and R.S., art. 5806, replaced. article 5806 of the Revised Statutes, is replaced by the following :

“**1208.** A notarial instrument received before one notary is authentic if signed by all the parties. Formalities required for authenticity of notarial deeds.”

If the parties or any of them be unable to sign, it is necessary, to the authenticity of the instrument, that the consent given to the instrument by the party thereto who does or cannot sign be received in the presence of a subscribing witness.

The witnesses may be of either sex and must be not less than twenty-one years of age, of sound mind, without interest in the instrument, not civilly dead, and not deemed infamous by law. Aliens and married women (except the wife of the notary receiving the instrument) may act as witnesses.

This article is subject to the provisions contained in the next following article, and to those relating to wills. It does not apply to the cases mentioned in article 2380, when a notary alone is sufficient.”

2. Article 3645 of the said Revised Statutes is repealed R. S., art. 3645, replaced. and replaced by the following :

“**3645.** Every notarial instrument must specify the name, official quality and place of business and contain the signature of the notary who executes it ; the names, qualities and residence of the parties, with a description of the procurations or authorities produced ; the presence, the name, official quality and place of business of the assisting notary ; the presence, the names, quality and residence of the requisite witnesses ; the place where the deed is passed ; the number of the minute ; the date of the deed ; the fact of the reading of the deed ; the signature of the notary, or notaries and witnesses and of the parties, or their declaration that they are unable to sign and the cause thereof.” Further formalities required in a notarial deed.

3. Article 3652 of the said Revised Statutes is repealed. R. S., art. 3652, repealed.