

CAP. XXXVI.

An act to render valid certain notarial deeds.

[Assented to 31st October, 1879.]

Preamble.

WHEREAS a considerable number of authentic wills have been passed before a notary and two witnesses, one only of whom could sign his name, or have been passed without the mention of the condition respecting the reading and signature, required by article 843 of the Civil Code, the great damage of the parties interested; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain wills,
declared valid

1. Every authentic will, passed before a notary and two witnesses, of whom one only can sign his name, from the coming into force of the Act 38 Vict., chap. 23, up to the coming into force of the present act, shall be considered as valid and as proof of its own contents, notwithstanding such error of form, just as if such error did not exist, provided it contains no other cause of nullity than such error of form.

Idem.

2. Every authentic will passed before two notaries, or before one notary and two witnesses, without mention having been made in the deed, that the testator signed in presence of the notaries or of the notary and witnesses, and with them, or of his having declared that he was unable to sign after the document had been read to him, by one of the notaries in presence of the other, or by the notary in presence of the witnesses, up to the coming into force of the present act, shall be considered authentic and valid, notwithstanding the omission of such mention, just as if such mention had been made in the deed, provided always that the formalities, the observance of which should have been mentioned, have in reality been observed.

Pending
cases.

3. The provisions of this act shall not affect pending cases.

Act in force.

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