

ever affect any cause now pending before any court of justice, in this province.

2. The present act shall come into force at the time of Coming into force of this act. sanction thereof.

C A P . X X I I .

An Act to render valid certain Deeds and Documents executed in the District of Gaspé.

[Assented to 23rd February, 1875.]

WHEREAS various deeds and documents have been Preamble. executed in the district of Gaspé, before a justice of the peace, minister, *curé* or missionary and two subscribing witnesses, or before a prothonotary and two subscribing witnesses, or simply before two subscribing witnesses, subsequently to there being two notaries resident and practising in each of the counties of Gaspé and Bonaventure, deeds and documents, which the parties have executed or desired to execute in good faith, which they have always regarded as obligatory, and by which they have always understood their real and personal property was bound and effected; and whereas, therefore, it is necessary to remedy the great inconvenience and disorder, which would result, were these deeds and documents to be deemed null, from the same not having been executed and passed before notaries; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Every deed, document or agreement in writing, will, Certain deeds declared valid. inventory, *partage*, donation or marriage contract, executed and passed, previous to the coming into force of this act, in any of the counties of Gaspé and Bonaventure, subsequently to there being two notaries resident or practising, in each such county, before any justice of the peace, minister, missionary or *curé*, and two subscribing witnesses, or before a prothonotary and two subscribing witnesses, or simply before two subscribing witnesses, has had and shall have the same effect in law, as it would have had, if subsection two, of the thirteenth section, of chapter thirty-eight, of the Consolidated Statutes for Lower Canada, had never come into force; Proviso: provided that nothing in this act contained shall in any manner affect pending cases, nor rights acquired by third persons not parties to the said deeds.

C. S. L. C., c.
38, s. 13, par.
2, repealed for
Gaspé.

2. Sub-section two, of section thirteen, of chapter thirty-eight, of the Consolidated Statutes for Lower Canada, is repealed in so far as respects the county of Gaspé, but it shall in future retain full effect, in respect of the county of Bonaventure.

C A P . X X I I I .

An Act to render valid certain Notarial Instruments.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS a very considerable number of authentic last wills and testaments have been received by one notary and two witnesses, one only of which witnesses could sign his name, or have been received without the required mention relative to the reading and the signature exacted by article 843 of the civil code, to the great injury of parties interested therein; and whereas doubts have arisen in respect of the validity of instruments or contracts executed by notaries holding the office of registrar or deputy-registrar at the time the act 33 Victoria, chapter 28, came into force, and by notaries employed as cashiers or assistant cashiers, or as clerks in any bank or monetary or commercial institution whatsoever, which endanger the rights and interests of parties to the said acts or contracts; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Last wills
rendered valid.

1. Every authentic last will and testament received before one notary and two witnesses, one only of which witnesses could sign his name, since the civil code of Lower Canada came into force, until this act comes into force, shall be held to be valid, and to prove its contents, notwithstanding the defect of this formality, in like manner as if the defect did not exist, provided it does not contain any ground of nullity, other than such defect of form.

Last wills
rendered valid.

2. Every authentic last will and testament received before two notaries, or one notary and two witnesses, without making mention in the instrument that the testator signed in the presence of the notaries, or of the notary and the witnesses, and together with them or declared that he could not do so after it had been read to him by one of the notaries in presence of the other, or by the notary in presence of the witnesses, until this act comes into force, shall be considered authentic, and valid, notwithstanding this defect of making mention, in the same manner as if mention had been made in the instrument;