

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2, repealed for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 Sub-section two, of section thirteen, of chapter thirty-eight, of the Consolidated Statutes for Lower Canada, is repealed in so far as respects the county of Gaspé, but it shall in future retain full effect, in respect of the county of Bonaventure.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

provided always, that the formalities, the observance of which should have been mentioned, had been really observed.

3. Every notarial act or instrument executed by a notary holding the office of registrar or deputy-registrar at the time the act 33 Victoria, chapter 28, came into force, or of cashier or assistant cashier, or clerk in any bank or monetary or commercial institution whatsoever, until this act shall come into force, shall be held to have been and to be authentic and valid, any provisions of the law contrary notwithstanding.

Acts executed by notaries, holding offices as registrars, cashiers, &c., held valid.

4. All inventories made since the civil code came into force, in presence of the tutor and subrogate tutor, but without the presence of a tutor *ad hoc*, in conformity with article 1336 of the civil code, shall be deemed good and valid; without prejudice to pending causes.

Certain inventories deemed valid.

5. Sections five, six and seven of chapter thirteen of the act of this province, thirty-fourth Victoria, shall not heretoforth apply to notaries who are treasurers or cashiers of any building society, provided said notaries shall not have the right to pass any deed affecting such societies.

Notaries may be treasurers or cashiers of any building society. Proviso :

6. Section fifty-one of the act to consolidate and amend the acts respecting the notarial profession, is hereby repealed, and the section fifty of the same act is amended so as not to apply to registrars and deputy-registrars actually in office and who have been appointed to such offices before the first day of January, 1874.

33 V., c. 28, s. 51 repealed, and s. 50, amended.

7. The section fifteen of said act 34 Victoria, chapter 13, is amended in striking out all the words after the words "following words" in line two, and inserting in their stead the following words: "All indentures and transfers thereof shall be enregistered at the office of the secretary of the board of notaries, within thirty days at least, before the candidate presents himself before the said board to be admitted to practice as a notary."

34 V., c. 13, s. 15, amended.

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

Coming into force of this act.

C A P . X X I V .

An Act to amend article 718 of the Municipal Code.

* [Assented to 23rd February, 1875.]

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