

"The witnesses must be males, not less than twenty years of age, of sound mind, not related to either of the parties within the degree of *cousin germain*, without interest in the instrument, not civilly dead, not deemed infamous by law."

The Commissioners suggest that the witnesses be *twenty-one* years of age. The article has been so drawn as to make the actual presence of two notaries, or a notary and two witnesses, absolutely necessary. It is well known that the most solemn acts are now passed before one notary, and afterwards countersigned by another notary who has no knowledge whatever of the instrument or the parties to it. A stop ought to be put to this abuse, but perhaps it would be well to require the actual presence of two notaries, or a notary and *one witness* instead of two witnesses.

"230. An authentic writing may be contradicted, and set aside as false, in whole or in part, by inscribing *en faux* in the manner provided in the Code of Procedure, and in no other manner."

Instead of the words "by inscribing *en faux*," read "upon an *inscription de faux*."

"231. Counter letters have effect between the parties to them only: they do not make proof against third parties."

Instead of "do not make proof," read "have no effect." (C. N., 1321.)

"234. Copies of notarial instruments, certified to be true copies of the original by the notary or other public officer who has the legal custody of such original, are authentic, and make proof of what is contained in the original," *of which the production may always be demanded.*

The words italicized ought to be ~~added~~ added to the article.

Articles 237 and 238, should be amended so as to include original instruments *destroyed*.

"239. Paragraph 2. Exemplifications of any will executed out of Lower Canada, under the seal of the Court wherein the original will is of record, or under the signature of the Judge or other officer having the legal custody of such will, and the probate of such will under the seal of the Court."

Add the following clause: "Such probate is also received as *prima facie* evidence of the death of the testator."

"3. Copies of the exemplification of such will, and of the probate thereof certified by the Prothonotary of any Court in Lower Canada, in whose office the exemplification and probate have been recorded, at the instance of an interested party, and by the order of a judge of such Court."

Omit the words italicized.

"4th. Certificates of marriage, baptism, or birth and burial of persons (*married, baptized, or interred*) out of Lower Canada, under the hand of the clergyman or public officer who officiated, and extracts from any register of such marriage, baptism, or birth and burial, certified by the clergyman or public officer having the legal custody thereof."

Add the words in italics.