to change the clause so as to provide that, in the case of the notorial will received before two notaries, or before one notary and two witnesses, the formality required should be that the testator in their presence should sign or declare that he could not sign it, and that the will should be read in the presence of the other notary or in presence of the two witnesses.

Hon. Mr. DORION contended that there was a gross contradiction. Why should a notary and two witnesses be needed to the notarial or authentic form of will when two witnesses only were required for the English or holograph form?

Hon. Mr. CARTIER said there was no contradiction at all. If a will was not clothed with the character of validity, according to the authentic form, it would possess authenticity by the other form as soon as it was verified. At the same time he desired to remark that the notarial form had many very great advantages which should not be overlooked. The will drawn by the testator himself in the presence of two witnesses might be lost or mislaid, and might not be found after the death of the testator. It occurred not unfrequently that wills of this kind were discovered long after the division of the property; but, with regard to the notarial wills he did not recollect having heard of any case in which the will, according to that form, had been lost. There was certainly a very great advantage in having an *acte* of so much importance deposited in the hands of a third party.

Hon. Mr. DORION said that the hon. gentleman was mistaken if he fancied that he [Mr. Dorion] had any desire to deprecate the notarial form of will. On the contrary, he wished to facilitate that form, by ridding it of those formalities which did not attach to wills made according to the other form. He failed, however, entirely to see why a will should not be made before a notary and one witness. [Hear, hear.]

Mr. DUNKIN said that the will before two notaries or before a notary and two witnesses was an authentic *acte* of itself. The will made according to the other form would be valid on being verified. He did think, however, that the hon. gentleman would see, on consideration, that it was necessary that the will—which only came into question after the death of the party by whom it was made—should be hedged around with a little more formality than an ordinary deed.

The proposed amendment was carried.

Mr. GEOFFRION, referring to resolution 148, said he did not see that it was correct in principle that the relationship of the witnesses of the testament should, in itself, be an absolute case of nullity.

Hon. Mr. CARTIER said that the hon. gentleman could propose an amendment to-morrow on the third reading.

On the discusion of the next article to which objection was taken—

Hon. Mr. DORION suggested to strike out that section of the provision which tended to disqualify aliens from being witnesses to notarial deeds. He could not understand why a difference had been made, in this respect, between wills and notarial deeds.

Mr. DUNKIN said that this was a very important matter indeed. There was a very large number of people, indeed in the country who were aliens in the eye of the law, and who really did not know it. Some of these people had been many years in this country, and had not the slightest idea that they were in reality aliens. Indeed he could not state positively, but it was possible that there might be some notaries who were open to this objection.

Hon. Mr. CARTIER said that in permitting aliens to witness wills regard was had to any emergency which might arise in which it might, perhaps, be impossible to procure other than aliens as witnesses. For instance, suppose a person travelling in some remote part of the country, was taken suddenly and dangerously ill. He might find none around him except Americans, Frenchmen or Germans, or some other foreigners. In view of the possibility of such circumstances, it was necessary that aliens should be qualified as witnesses in respect to wills. He had no objection whatever to extend this privilege to aliens so far as ordinary notarial deeds were concerned. The hon. gentleman, [Mr. Dorion] however, would not attain his object by striking out the word "alien" in the clause he indicated, as he proposed to do. The proper view in order to accomplish his object would be to make an addition to a clause elsewhere.

Hon. Mr. DORION asked whether the hon. Attorney General East was willing that this should be done.

Hon. Mr. CARTIER was understood to reply in the affirmative.

On the next resolution—

Hon. Mr. CARTIER said that with regard to wills drawn according to the English form, he desired as he had stated at the outset, to move an amendment to the effect, that females should be held as qualified to act as witnesses.

The amendment was carried.

On the next resolution—

Mr. GEOFFRION said, that with respect to the registration of hypothecs, he was of opinion that the hypothec, resulting from mutual assurance liabilities should be registered. The fact of a hypothec arising from such a cause being in existence could not be ascertained, inasmuch as its origin was not, so to speak, a public transaction. As a matter of information, charges of this nature should be registered. There was no other way of being able to discover their existence. It was the same with regard to the charge arising from the shares due toward the construction or repairs of churches or parsonage-houses. How was the purchaser to know of the existence of such a charge?

AN HON. MEMBER—From the curé who is the custodian of the *role de repartition*.

Mr. GEOFFRION—But the property might have passed out of the hands of the proprietor during whose possession the liability had originated, into the hands of a person of another faith, so that the purchaser might never for a moment imagine there was such a charge on it. Or the intending purchaser being of a different faith might not perhaps care to seek infor-