

incompetency of witnesses by reason of relationship or alliance, and restricting the prohibition, as regards notaries, to those who are related or allied to the testator, or to each other, in the direct line, or in the degree of uncle, brother, or nephew.

Hitherto legacies made in favor of the notaries or witnesses before whom a will was executed, or of their relations or connections to the degree of consins-german inclusively, were not only null, but had the effect of annulling the whole will. Under article **846**, this nullity is limited, as regards the legacies, to those made in favor of the notaries or witnesses, of the wife of any such notary or witness, or of any relation of his in the first degree, and, as regards the remainder of the will, is done away with; the nullity of the legacy no longer entailing that of the whole will.

Article **853** contains similar provisions respecting wills in the English form, except that, as females may be witnesses to these wills, husbands of witnesses are added to the category of those to whom legacies cannot validly be made.

Article **847** provides a mode by which deaf mutes, and others who cannot speak, may make wills in the authentic or French form. The amendment was only needed for wills in this form, as the existing law already afforded these persons the means of making wills in the holograph form, (art. 850), or according to the form derived from the laws of England (art. 852.)

Article **851** enacts that, in wills in the English form, the two witnesses must attest the signature at the same time, and the testator must produce the will, and acknowledge his signature to it, in their presence. Under the old law the witnesses did not require to attest the will at the same time, nor was the same acknowledgment necessary. This article moreover subjects moveable property to the same formalities as immoveable property, though formerly it might, according to the English form, be willed by means of any writing of a nature to indicate the intentions of the testator. These provisions, viewed in relation to wills in the English form only, are certainly restrictive, but considered in relation to the subject of wills generally, and as an approximation to the authentic form, they contribute to simplify our double system, and by this means indirectly facilitate the disposal of property. For these reasons they have been mentioned under their present head.