with the hon. Attorney General East, if the hon. gentleman would allow him.

Hon. Mr. CARTIER.—I shall be most happy.

Mr. DUNKIN repeated that he would not bring the matter up unless he considered it necessary to do so.

Mr. SCOBLE said that after the remarks made by his hon. friend, the member for Brome, [Mr. Dunkin] he would not trouble the House with any comments on this exceedingly important part of the subject, as he might otherwise have done. He considered it a matter of exceeding great importance, and he was glad to observe from the temper of the house that it was fully appreciated, and would be maturely considered.

Hon. Mr. CARTIER said the course he proposed to pursue was to ask that the concurrence be voted at present without any amendment; and that the third reading should come up on Thursday, when the amendments could be proposed. He would ask any hon. gentleman who intended proposing any amendment to let him have communication of it a day or two before—say on Tuesday or Wednesday. [Hear, hear.]

Hon. Mr. DORION thought that the course proposed would be a most convenient mode of proceeding. At the same time he thought it would be well that hon. gentlemen should now state the nature or purport of any amendments they proposed to make.

Hon. Mr. CARTIER said he concurred in the latter suggestion of the hon. member for Hochelaga.

Hon. Mr. DORION said he did not think he would propose any amendments himself; but he would take this opportunity of urging most earnestly upon the hon. gentlemen the propriety of uniformity between the French and English wills. The formalities, according to the former system, were, in his [Mr. Dorion's] opinion, far too great and cumbrous. The English system was exceedingly simple and devoid of formalities. He did not see why there should be such formalities as to cause difficulty and encumbrance.

Mr. DUNKIN said it was notorious that very many cautious professional men always advised their clients not to go to notaries for the execution of their wills, inasmuch as there was no knowing where the litigation might end in the case of a notarial will. [Hear, hear, and laughter.] He did not see, however, why the matter should not be so placed as to give the notarial system a fair trial.

Mr. JOLY said he would explain as briefly as possible the nature of his objection and the amendment he proposed to make. The point involved therein was not personal to himself but to other parties, friends and clients of his own; and he might add, that in his professional capacity he had become well possessed of the facts of the case. It was an exceedingly important matter in its bearings, and he therefore felt it was but right he should discharge his duty. The case in which the point to which he referred arose, was now pending. The will was contested, and among other grounds alleged by the contesting parties, it was urged that it had not been dictated according to law, in the presence of two notaries. It was, he might here remark,—as had been already stated incidently in the course of the present discussion—very true that notaries were invested with great powers. He did not know of any public officer in England or in Upper Canada who possessed such powers as the Lower Canadian notary. He at once stamped the deed passing through his hands with the cast of authenticity, and no further formality was needed in order to prove its genuine character. A will, according to the French law in Lower Canada, was drawn before two notaries, and did not require to be proved afterwards, as the English system required. Under the latter, all the formalities came after death. But the notarial will came into force at once, after death, without any proof—being of itself authentic. The notarial power being so great, he [Mr. Joly] held it was only right, and he believed the House would agree with him, that the forms required under that system should be accurately defined, clearly understood, and strictly followed—much more so than under the English system, inasmuch as there was formality required after death. Now, what happened in the case to which he adverted to was this,—one of the parties pleaded that the will had not been drawn according to law, and dictated in the presence of two notaries. On the other hand, the universal legatee contended that the legal requirement had been fulfilled. The facts in the case having been established, the issue turned altogether upon the correct legal interpretation of the term "dictate." If the law really meant that two notaries should be present at the dictation of the will, then it was important in the extreme that the fact should be defined and understood beyond the possibility of a doubt. The point, however, upon which the case turned, was the meaning of the word "dictate." Did it mean that the presence of the two persons to whom the will was dictated was absolutely required, or did it not? The Superior Court, by its judgment, answered the question in the affirmative, holding that both notaries must be actually present at the dictation. On the case coming up in appeal before the five judges on the Court of Queen's Bench, it was decided by two against three that the presence of two notaries was not required—thus shewing in the true sense of the expression "the glorious uncertainty of the law." This matter, he repeated, was most important, inasmuch as there was an immense number of people in Lower Canada concerned in it. The position of the question as regarded the decision of the courts of law was just this, that three judges—one in the Superior Court and two in the Court of Queen's Bench—have held that the presence of the two notaries to whom the will is dictated is absolutely necessary, while the other three judges of the Court of Queen's Bench have held that this formality was unnecessary. The case was now before Her Majesty's Privy Council. The Lords of the Privy Council would naturally turn, amid the mass of authorities, to the Civil Code of Lower Canada in order to find the true interpretation of the word "dictate," ac-