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No. 39.

2d Session, 7th Parliament, 26 Victoria, 1863

BILL.

An Act to render Wills, made in conformity with the laws of either Upper or Lower Canada, effectual to pass Real Estate in the other section of the Province.

Received and Read 1st time, Friday, 27th
February, 1863.

Second Reading, Monday, 2nd March, 1863.

Mr. MORRIS.

QUEBEC:

PRINTED FOR THE CONTRACTOR SBY HUNTER,
ROSE AND LEMIEUX, ST. URSULE STREET.

An Act to render Wills, made in conformity with the laws of either Upper or Lower Canada, effectual to pass Real Estate in the other section of the Province.

WHEREAS, owing to the intimacy of the existing relations between 1863.
Upper and Lower Canada, persons domiciled or temporarily resi-
dent in one section of the Province, frequently die possessed of Real
Estate in the other section, and greater facilities ought to be afforded
5 for the easy transmission of such property by Will, and a remedy
ought to be provided for inconveniences that are of frequent occurrence,
arising from the absence of such provisions :

Therefore, Her Majesty, &c., enacts as follows :

1. In case of the death of any person in either Upper or Lower Wills suffi-
Canada, after the passing of this Act, having regularly and legally cient to pass
made a Will according to the forms and solemnities required to pass real estate in
Real Estate (*immeubles*) by the law of that section of the Province in the section of
which the Will is made, such Will shall be held and taken to be, and the Province
shall be effectual and sufficient to pass Real Estate, (*immeubles*) situate where they
15 in the other section of the Province, in accordance with the true intent are made to
and meaning of such Will. be also suffi-
cient in the
other.

2. Wills made and executed in Lower Canada, in the customary Registration
manner, may be registered in Upper Canada in the same manner that in U. C. of
other Wills made and executed or published out of Upper Canada, may wills made in
20 be registered; and a notarial or other authentic copy of such Will L. C.
shall, for the purpose of registration thereof, have the same force and
effect as a probate of Will now has.