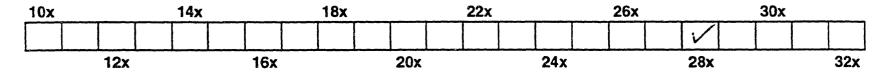
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2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act for the better Protection of the Rights of Property in Lower Canada.

Received and read, first time, Wednesday, 23rd Feb., 1859.

Second reading, Thursday, 24th Feb., 1859.

MR. OUIMET.

TORONTO: PRINTED BY JOHN LOVELL, YONGE STREET. No. 73.]

BILL.

An Act for the better Protection of the Rights of Property in Lower Canada.

HEREAS the period allowed for the bringing of actions for the Preamble. rescision of contracts in cases of dol fraud, violence, lésion, or any other vice whatsoever, either in substance or form, which from time to time occur in contracts, is too extended, and ought to be limited to a 5 term less distant from the date of the sale or of the partition giving rise to such actions; Therefore Her Majesty, &c., enacts as follows:

I. The action for the rescision of contracts on account of dol fraud, vio- The action for lence, lésion, or any other vice whatsoever, either in substance or form, rescision of contracts for which from time to time occur in contracts, in cases of sale, ex. fraud, lesion, 10 change and actes equivalent to sales, donations or any other contracts, &c., limited to and of lésion du tiers au quart in cases of sale or partition between two years. co-heirs, is hereby declared to be prescribed by the lapse of two years to be computed from the date of the contract, the day of such date being included; any law or usage to the contrary notwithstanding.

an aleatory nature; any law to the contrary notwithstanding.

15 II. The action for the rescision of a contract for the causes above Action not to mentioned shall not be maintained in cases in which the purchase be brought in money or consideration of the contract includes any consideration of certain cases.

III. Any party interested may plead this Act in any action pending This Act may 20 at the time of the passing thereof, in case such action was not brought be pleaded in

within two years from the date of the contract; any law or usage to the pending suits. contrary notwithstanding: Provided always, that in the cases mentioned in this section the costs shall be in the discretion of the Court.

IV. And whereas great inconvenience has resulted from the inter- Recital. 25 pretations given by the Courts of Justice to the obligation under which husbands are, to authorize their wives separated from them as to property, so as to enable their said wives to sell, purchase, convey, alienate, or otherwise acquire, sell, or make donations of, moveable or immoveable property, and whereas bona fide creditors are 3) often deceived in respect of sales and transactions to which they are parties with wives, under the control of their husbands, (sous puissance de maris) and separated from them as to -property, from the absence of a special authorization in each case, and it is ex-

- pedient to remedy this inconvenience; The presence of a husband at General autho-35 the execution of any contract or obligation entered into by his wife to rization by or with a third party, shall be sufficient to authorize his said wife to wife to suffice become a party to any contract whatsoever, and any general authori- for every subzation given by her husband to any such wife separated as to proverty, sequent conby or in any acre whatsoever, is declared to be legal, valid and suffi- into by her.
- 40 cient: Provided always, that this provision shall not have the effect of invalidating or modifying in any respect the judgments rendered contrary thereto, but the said judgments shall have the same force and effect as though this Act had never been passed.
 - V. This Act shall apply to Lower Canada only. -83

Act to apply to Lower Canada only.

Г1859.