



ANNO NONO  
VICTORIÆ REGINÆ.

CAP. XXVI.

An Act to remove all doubts as to the validity of certain Deeds, Instruments and Documents executed before Notaries in Lower Canada, and to secure the rights, titles and interests of all persons concerned therein.

[23rd May, 1846.]

**W**HEREAS since the re-union of the late Provinces of Upper and Lower Canada, Notarial Deeds and other Instruments and Documents have been executed in that part of this Province formerly the Province of Lower Canada, in which the Notaries before whom the same were executed have styled themselves Notaries of and for the Province of Canada, or have committed other errors of style, of a like nature; And whereas doubts have existed as to the validity and legal sufficiency of such Notarial Deeds and other Instruments and Documents, and it becomes necessary to remove all doubts as to the validity of the same, and to secure the rights, titles and interests of all persons concerned therein: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That all Deeds, Instruments and Documents whatsoever, which, since the re-union of the said late Provinces, have been executed before two Notaries, or before one Notary and Witnesses, in that part of this Province which formerly constituted the Province of Lower Canada, and in which the Notaries before whom the same were respectively executed, being Notaries Public for that part of this Province last aforesaid, have styled themselves Notaries Public of and for the Province of Canada, or have omitted to state, or have incorrectly stated, for what portion of this Province they were authorized to act as Notaries Public, shall, nevertheless, be held to be as valid and binding in law, to all intents and purposes whatsoever, as if such Notaries had styled themselves Notaries Public of and for that part of this Province which formerly constituted the Province of Lower Canada, and notwithstanding such Deeds, Instruments or Documents, shall have already been declared not to be authentic or valid, and to be of non-effect, by reason of the informalities aforesaid, by any judgment rendered or pronounced before the passing of this Act in any of Her Majesty's Courts of Law, or in any other

Preamble.

Deeds, &c.,  
executed before  
Notaries  
in Lower  
Canada, since  
the reunion of  
the Provinces,  
to be valid in  
law, although  
informal.

No exception of *chose jugée* shall be pleaded on such Deeds.

other Court or Courts in and for that part of this Province which formerly constituted the Province of Lower Canada, in any cause or action brought before the said Courts with reference to such Deeds, Instruments or Documents, or on any opposition, intervention, exception, or other proceeding, founded on such Deeds, Instruments or Documents; and that no exception *de chose jugée*, or (*res judicata*) shall in any case be pleaded against any party bringing any action after the passing of this Act, on such Deeds, Instruments or Documents, so declared not to be authentic or valid by any judgment already rendered in any of the said Courts, with respect to such Deeds, Instruments or Documents.

Parties may petition the Court and obtain a reversal of judgment.

II. And be it enacted, That it shall be lawful for the parties against whom such judgment shall have been rendered, and for their heirs or legal representatives, to present a Petition to the Court by which the same shall have been so rendered, pleading this Act, and praying that the benefit thereof be allowed to such parties; whereupon, after due notice given to all parties interested of the presenting of such Petition, the said judgment shall be held to be null and void and of no effect whatsoever, and the same hereby is annulled, set aside and vacated, and the said parties shall be and are hereby re-instated in all their rights, actions and legal remedies, as if such judgment had never been rendered: Provided always, that nothing in this Act contained shall in any wise prejudice, affect or alter the rights of any party or parties other than the party or parties to such Deeds, Instruments or Documents, his, her or their heirs or legal representatives, in all and every the cases in which such rights may have become vested in any such third party or parties, by reason of any judgment already rendered in and by any of the said Courts, and not otherwise; nor shall any thing in this Act contained be held to affect any condemnation to pay costs in and by virtue of any judgment rendered by reason of such informalities in any of the cases in this Act mentioned.

Proviso. Saving the rights of third parties.

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